

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 4 March 2008

Session 3

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# **SUBORDINATE LEGISLATION COMMITTEE**

## **8<sup>th</sup> Meeting 2008, Session 3**

### **CONVENER**

\*Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

### **DEPUTY CONVENER**

\*Gil Paterson (West of Scotland) (SNP)

### **COMMITTEE MEMBERS**

\*Richard Baker (North East Scotland) (Lab)

\*Jackson Carlaw (West of Scotland) (Con)

\*Helen Eadie (Dunfermline East) (Lab)

Ian McKee (Lothians) (SNP)

John Park (Mid Scotland and Fife) (Lab)

### **COMMITTEE SUBSTITUTES**

Bill Aitken (Glasgow) (Con)

Christopher Harvie (Mid Scotland and Fife) (SNP)

Elaine Smith (Coatbridge and Chryston) (Lab)

Margaret Smith (Edinburgh West) (LD)

\*attended

### **CLERK TO THE COMMITTEE**

Gillian Baxendine

### **SENIOR ASSISTANT CLERK**

David McLaren

### **ASSISTANT CLERK**

Jake Thomas

### **LOCATION**

Committee Room 1

## Scottish Parliament

### Subordinate Legislation Committee

*Tuesday 4 March 2008*

[THE CONVENER *opened the meeting at 14:15*]

## Scottish Government Responses

**The Convener (Jamie Stone):** I welcome members to the eighth meeting in 2008 of the Subordinate Legislation Committee. We have apologies from John Park. I ask everyone to turn off their mobile phones and BlackBerrys.

**Gil Paterson (West of Scotland) (SNP):** Ian McKee also sends his apologies.

**The Convener:** Thank you.

After our meeting on 26 February, we wrote to the Scottish Government about six Scottish statutory instruments; we have seen the Government's responses.

### **Advice and Assistance (Financial Conditions) (Scotland) Regulations 2008 (Draft)**

### **Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2008 (Draft)**

### **Protected Trust Deeds (Scotland) Regulations 2008 (Draft)**

### **Water and Sewerage Services Undertaking (Lending by the Scottish Ministers) Order 2008 (SSI 2008/44)**

**The Convener:** Are we content with the Scottish Government's responses and, if so, are we content to draw the instruments to the attention of the lead committee and Parliament?

**Members indicated agreement.**

### **Adult Support and Protection (Scotland) Act 2007 (Commencement No 2 and Transitional Provisions) Order 2008 (SSI 2008/49)**

**The Convener:** Are we content to draw the order to the attention of the Parliament on the grounds that the meaning of article 2(2) of the order, in so far as it brings into force section 74 of the enabling act, could have been clearer; and that the Scottish Government intends to introduce an

amending order to clarify the matter prior to 1 April 2008?

**Members indicated agreement.**

### **Water Environment (Diffuse Pollution) (Scotland) Regulations 2008 (SSI 2008/54)**

**The Convener:** Are we content to draw the regulations to the attention of the Parliament and the lead committee on the grounds that a response, with which we are partially satisfied, was sought from and provided by the Scottish Government?

**Members indicated agreement.**

## Instruments Subject to Annulment

### **Adults with Incapacity (Recall of Guardians' Powers) (Scotland) Amendment Regulations 2008 (SSI 2008/53)**

14:17

**The Convener:** Are we content to ask the Scottish Government for an explanation of the issue as set out in the summary of recommendations? I will not read it out; members have the summary in front of them.

**Members indicated agreement.**

### **Adults with Incapacity (Reports in Relation to Guardianship and Intervention Orders) (Scotland) Amendment Regulations 2008 (SSI 2008/55)**

**The Convener:** Are we content to ask the Scottish Government for an explanation of the issue as set out in the summary of recommendations?

**Members indicated agreement.**

### **Crofting Counties Agricultural Grants (Scotland) Amendment Scheme 2008 (SSI 2008/58)**

**The Convener:** Are we content to ask the Scottish Government questions (a) and (b) as set out in the summary of recommendations?

**Members indicated agreement.**

**Agricultural Processing, Marketing and  
Co-operation Grants (Scotland)  
Regulations 2008 (SSI 2008/64)**

**The Convener:** Are we content to seek an explanation from the Scottish Government on the issues as set out in the summary of recommendations?

**Members indicated agreement.**

**Adults with Incapacity (Accounts and  
Funds) (Scotland) Regulations 2008  
(SSI 2008/51)**

**Adults with Incapacity (Public Guardian's  
Fees) (Scotland) Regulations 2008  
(SSI 2008/52)**

**Charities References in Documents  
(Scotland) Amendment Regulations 2008  
(SSI 2008/59)**

**National Health Service (Clinical  
Negligence and Other Risks Indemnity  
Scheme) (Scotland) Amendment  
Regulations 2008 (SSI 2008/60)**

*The committee agreed that no points arose on the instruments.*

**Instruments Not Laid Before  
the Parliament**

**Act of Adjournal (Criminal Procedure  
Rules Amendment) (Criminal Proceedings  
etc (Reform) (Scotland) Act 2007) 2008  
(SSI 2008/61)**

14:19

**The Convener:** Are we content to ask the Lord President's office questions (a) and (b) as set out in the summary of recommendations?

**Members indicated agreement.**

**Vulnerable Witnesses (Scotland) Act 2004  
(Commencement No 7, Savings and  
Transitional Provisions) Order 2008  
(SSI 2008/57)**

**Act of Adjournal (Criminal Procedure  
Rules Amendment No 2) (Miscellaneous)  
2008 (SSI 2008/62)**

*The committee agreed that no points arose on the instruments.*

**Instrument Not Subject to  
Parliamentary Procedure**

**Food Protection (Emergency Prohibitions)  
(Radioactivity in Sheep) Partial Revocation  
(Scotland) Order 2008 (SSI 2008/63)**

14:21

**The Convener:** Despite its frightening title, are we content with the order?

**Members indicated agreement.**

**The Convener:** Finally, the annex to the summary of recommendations shows that minor points arise on SSI 2008/44, SSI 2008/51, SSI 2008/52, SSI 2008/53, SSI 2008/55, SSI 2008/57, SSI 2008/58, SSI 2008/61, SSI 2008/62, and SSI 2008/64. The points will be raised with the Scottish Government through our usual informal procedure.

14:21

*Meeting continued in private until 14:43.*

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**Wednesday 12 March 2008**

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