

SUBORDINATE LEGISLATION COMMITTEE

Monday 19 May 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

17th Meeting 2008, Session 3

CONVENER

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

DEPUTY CONVENER

*Gil Paterson (West of Scotland) (SNP)

COMMITTEE MEMBERS

Jackie Baillie (Dumbarton) (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 6

Scottish Parliament

Subordinate Legislation Committee

Monday 19 May 2008

[THE CONVENER opened the meeting at 14:15]

Legislative Consent Memorandum

Energy Bill

The Convener (Jamie Stone): I welcome everyone to the 17th meeting of the Subordinate Legislation Committee this year. We have received apologies from Jackson Carlaw and Jackie Baillie. I ask everybody to turn off any mobile phones or BlackBerrys that they have with them.

Item 1 is on the legislative consent memorandum for the Energy Bill. We wrote to the Government about some issues in relation to the LCM, and we have seen the responses concerning clause 27, "Inspectors"; clause 30, "Abandonment of installations", which concerns the application of section 39 of the Petroleum Act 1998 to carbon storage; and clause 31, "Termination of licence: regulations". Are members content with the powers?

Members indicated agreement.

The Convener: Clause 34 confers a power on the Scottish ministers to transfer functions and modify the application of section 188 of the Energy Act 2004, referring to the application of that section to carbon storage and the

"power to impose charges to fund energy functions".

Are we content with the power? Given the possible financial implications of its exercise, are we content to draw it to the attention of the lead committee?

Members indicated agreement.

The Convener: The commencement power in clause 99 has not been conferred on the Scottish ministers. Therefore, the committee is not required to report on it. However, do we wish to draw to the attention of the lead committee the fact that the Scottish ministers will not have any formal role in the commencement of the provisions in or as regards Scotland?

Members indicated agreement.

Scottish Government Response

Guar Gum (Restriction on First Placing on the Market) (Scotland) Regulations 2008 (SSI 2008/176)

14:16

The Convener: We have seen the Government's response on the regulations. Are we content to draw the regulations to the attention of the lead committee and Parliament on the grounds that are set out in the summary of recommendations?

Members indicated agreement.

Draft Instruments Subject to Approval

Further and Higher Education (Scotland) Act 1992 Modification Order 2008 (Draft)

Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 (Draft)

Protection of Children (Scotland) Act 2003 (Amendment of the Definition of Child Care Position) Order 2008 (Draft)

14:17

The committee agreed that no points arose on the instruments.

The Convener: The Government has confirmed that it will withdraw the draft Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 and lay a new instrument, which we will have a look at next week.

Instruments Subject to Annulment

Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008 (SSI 2008/180)

14:18

The Convener: Are we content to ask the Scottish Government the question that is set out in the summary of recommendations?

Members *indicated agreement.*

Common Agricultural Policy (Single Farm Payment and Support Schemes and Cross-Compliance) (Scotland) Amendment Regulations 2008 (SSI 2008/184)

The Convener: Are we content with the Government's explanation for the breach of the 21-day rule?

Members *indicated agreement.*

Designation of Institutions of Higher Education (The Scottish Agricultural College) (Scotland) (No 2) Order 2008 (SSI 2008/177)

Central Institutions (Recognition) (Scotland) Revocation Regulations 2008 (SSI 2008/178)

Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Amendment Order 2008 (SSI 2008/179)

The committee agreed that no points arose on the instruments.

The Convener: We note from the annex to the summary of recommendations that minor points arise in relation to the draft Further and Higher Education (Scotland) Act 1992 Modification Order 2008, the draft Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008, and to SSI 2008/180 and SSI 2008/184. Those minor points will be raised informally with the Scottish Government.

I think that we have set a record for the length of a meeting—unless one of us wants to tell a story or something. I remind members that we next meet a week tomorrow, 27 May, at 2.15. We will consider what comes before us.

Meeting closed at 14:19.

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