

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 27 May 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

18th 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

THE FOLLOWING ALSO ATTENDED :

Mairi Gibson (Legal Adviser)
Colin Gilchrist (Legal Adviser)
Judith Morrison (Legal Adviser)
Annalee Murphy (Legal Adviser)

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 6

Scottish Parliament

Subordinate Legislation Committee

Tuesday 27 May 2008

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

Scottish Government Response

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

The Convener (Jamie Stone): I welcome everyone to the 18th meeting this year of the Subordinate Legislation Committee. We have apologies from Helen Eadie. I ask everyone to turn off their mobiles, BlackBerrys and such like.

After last week's meeting on 19 May we wrote to the Government about one Scottish statutory instrument and we have received the response.

Are we content with the response from the Scottish Government on the use of the enabling powers and, if so, to draw the regulations to the attention of the lead committee and Parliament on that basis?

Members *indicated agreement.*

Draft Instruments Subject to Approval

Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2008 (Draft)

14:15

The Convener: Are we content to ask the Scottish Government two questions, as set out in the summary of recommendations?

Members *indicated agreement.*

Charity Test (Specified Bodies) (Scotland) Order 2008 (Draft)

Human Tissue (Scotland) Act 2006 (Consequential Amendment) Order 2008 (Draft)

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

The committee agreed that no points arose on the instruments.

Instruments Subject to Annulment

Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187)

14:16

The Convener: As members will have seen from the legal brief, points arise on the regulations.

John Park (Mid Scotland and Fife) (Lab): The regulations replace the Mobility and Access Committee for Scotland. Is that something that we would look at or consider?

The Convener: No. As you will see from the committee papers, I have received representations on the issue. Other members will have, too. The rightness or wrongness of the instrument is the issue for us. My understanding is that the regulations will go to the Equal Opportunities Committee and to the Transport, Infrastructure and Climate Change Committee.

John Park: So it would be better to encourage MSPs to raise the issues through those committees.

The Convener: The policy issues are not part of this committee's deliberations. The answer is to encourage anyone who has made representations to you to go to the Equal Opportunities Committee or the Transport, Infrastructure and Climate Change Committee.

Are we content to ask the Scottish Government the question as set out in our summary of recommendations?

Members indicated agreement.

Public Transport Users' Committee for Scotland Amendment Order 2008 (SSI 2008/186)

The committee agreed that no points arose on the instrument.

Instruments Not Laid Before the Parliament

Planning etc (Scotland) Act 2006 (Commencement No 4) Order 2008 (SSI 2008/191)

Criminal Proceedings etc (Reform) (Scotland) Act 2007 (Commencement No 4) Order 2008 (SSI 2008/192)

Nature Conservation (Scotland) Act 2004 (Commencement No 3) Order 2008 (SSI 2008/193)

14:18

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 on the draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2008, the draft Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008, the draft Human Tissue (Scotland) Act 2006 (Consequential Amendment) Order 2008 and SSI 2008/191. Those points will be raised informally with the Scottish Government.

Before I close the meeting, it is right and proper to note, on behalf of the committee, that this is Gillian Baxendine's last meeting with us and, if it is all right with everyone, to thank her for all that she has done for us. [*Applause.*]

I wish you every success with your new committee, which is the Standards, Procedures and Public Appointments Committee. We look forward to seeing you there; we will raise points with you informally.

The next meeting will be on 3 June at 2.15.

Meeting closed at 14:19.

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