

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 24 June 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

22nd 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

Shelagh McKinlay

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 6

Scottish Parliament

Subordinate Legislation Committee

Tuesday 24 June 2008

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 14:20*]

Temporary Convener

Ian McKee (Oldest Committee Member): I welcome members to the Subordinate Legislation Committee's 22nd meeting in 2008. We have apologies from Jamie Stone and Gil Paterson—who is being substituted for by Chris Harvie—as well as from Jackie Baillie and Helen Eadie. John Park has said that he will be late. I ask members to turn off any mobile phones and BlackBerrys.

As both the convener and the deputy convener are not present, under rule 12.1 of the standing orders the committee must choose a temporary convener for today's meeting. I am content to act in that capacity today. Are members content for me to act as temporary convener?

Members *indicated agreement.*

Scottish Government Responses

14:20

The Temporary Convener (Ian McKee): We move to agenda item 1. After our meeting on 17 June, the committee wrote to the Scottish Government about 12 Scottish statutory instruments. Members have seen the responses.

National Health Service Pension Scheme (Scotland) Regulations 2008 (SSI 2008/224)

The Temporary Convener: I declare an interest in that I am a recipient of a pension under the national health service pension scheme and my wife, who retired from the NHS three weeks ago, is about to be a recipient of a pension under the scheme.

Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations?

Members *indicated agreement.*

National Health Service Superannuation Scheme (Additional Voluntary Contributions, Injury Benefits and Compensation for Premature Retirement) (Scotland) Amendment Regulations 2008 (SSI 2008/225)

The Temporary Convener: Are members satisfied with the Scottish Government's response to our questions (a) and (b)? If so, do members agree that we should draw the regulations to the attention of the lead committee and Parliament on that basis?

Members *indicated agreement.*

National Health Service Superannuation Scheme (Scotland) Amendment Regulations 2008 (SSI 2008/226)

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations in relation to questions (a) and (b)? Given the retrospective operation of the regulations, are members content to draw to the attention of the lead committee the situation of staff who joined the scheme between 1 April 2008 and 4 June 2008 and the question of how they are to be made aware of the contents of the scheme? Finally, are members content to refer the principal regulations—the National Health Service Superannuation Scheme (Scotland) Regulations 1995 (SI 1995/365)—to the consolidation working

group as a possible candidate for consolidation, given that this will be the 17th occasion on which they have been amended?

Members indicated agreement.

**Teachers' Superannuation (Scotland)
Amendment Regulations 2008
(SSI 2008/227)**

The Temporary Convener: Are members satisfied with the Scottish Government's response? If so, do members agree that we should draw the regulations to the attention of the lead committee and Parliament on that basis?

Members indicated agreement.

**Local Government Pension Scheme
(Administration) (Scotland) Regulations
2008 (SSI 2008/228)**

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations? Members should note that the Scottish Government has agreed to correct the error prior to the regulations coming into force.

Members indicated agreement.

**Local Government Pension Scheme
(Transitional Provisions) (Scotland)
Regulations 2008 (SSI 2008/229)**

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations? Members should note that the Scottish Government has undertaken to correct the errors prior to the regulations coming into force.

Members indicated agreement.

**Local Government Pension Scheme
(Benefits, Membership and Contributions)
(Scotland) Regulations 2008 (SSI 2008/230)**

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the ground that the definition of "pension member" in regulation 2 should be a definition of "pensioner member", but that the error is unlikely to affect the operation of the regulations? Members should note that the Scottish Government has agreed to correct the error prior to the regulations coming into force.

Members indicated agreement.

**Rural Development Contracts (Rural
Priorities) (Scotland) Amendment
Regulations 2008 (SSI 2008/233)**

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations?

Members indicated agreement.

**Bluetongue (Scotland) Amendment Order
2008 (SSI 2008/234)**

The Temporary Convener: Are members satisfied with the Scottish Government's response to questions (a), (b) and (c), in light of its undertaking to clarify the matters raised by the committee and, if so, to draw the order to the attention of the lead committee and the Parliament on that basis?

Members indicated agreement.

**Court of Session etc Fees Amendment
Order 2008 (SSI 2008/236)**

The Temporary Convener: Are members content to draw the order to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations, and to note that the Scottish Government has undertaken to delete the references to paragraph G9 in the schedules to the order when the Court of Session etc Fees Order 1997 (SSI 1997/688) is next amended?

Members indicated agreement.

**Sheriff Court Fees Amendment Order 2008
(SSI 2008/239)**

The Temporary Convener: Are members content to draw the order to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations, and to note that the Scottish Government has undertaken to correct the error by future amendment and before the relevant provision comes into force?

Members indicated agreement.

**Criminal Legal Assistance (Fees and
Information etc) (Scotland) Regulations
2008 (SSI 2008/240)**

The Temporary Convener: Are members content to draw the regulations to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations?

Members indicated agreement.

Draft Instruments Subject to Approval

Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008 (Draft)

14:26

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

Members *indicated agreement.*

Mental Health (Absconding patients from other jurisdictions) (Scotland) Regulations 2008 (Draft)

The committee agreed that no points arose on the instrument.

Instruments Subject to Annulment

Mobility and Access Committee for Scotland Revocation Regulations 2008 Revocation Regulations 2008 (SSI 2008/247)

Public Transport Users' Committee for Scotland Amendment Order 2008 Revocation Order 2008 (SSI 2008/248)

14:27

The Temporary Convener: Are members satisfied with the explanation provided by the Scottish Government for breaching the 21-day rule and, if so, do they agree to draw that to the attention of the lead committee and Parliament?

Members *indicated agreement.*

Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2008 (SSI 2008/246)

The committee agreed that no points arose on the instrument.

The Temporary Convener: I invite members to note from the annex to the summary of recommendations that minor points arise in relation to the draft Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional, Savings and Consequential Provisions) Order 2008, the draft Mental Health (Absconding patients from other jurisdictions) (Scotland) Regulations 2008 and SSI 2008/246. Those points will be raised with the Scottish Government informally. Are members content for us to proceed in that way?

Members *indicated agreement.*

Transposition of European Union Directives Inquiry

14:28

The Temporary Convener: Members will be aware that the European and External Relations Committee undertook an inquiry into the transposition of European directives that stemmed from concerns about the effectiveness of the Scottish Government's procedures for such transposition.

The European and External Relations Committee wrote to us at the conclusion of its inquiry to seek our views on three issues, which are set out in its letter, a copy of which members have in front of them.

Members also have, for their consideration, a copy of a draft response to the European and External Relations Committee. If members have no comments on the draft letter, are they content with its contents?

Members *indicated agreement.*

The Temporary Convener: That concludes today's business. The committee's next meeting will be held on Tuesday 2 September at 2.15. I thank members for their attendance and wish members and staff a happy and enjoyable recess.

Meeting closed at 14:30.

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