

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 16 September 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

25th 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)

Ross Finnie (West of Scotland) (LD)

Christopher Harvie (Mid Scotland and Fife) (SNP)

Elaine Smith (Coatbridge and Chryston) (Lab)

*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 16 September 2008

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

The Convener (Jamie Stone): I welcome everyone to the 25th meeting in 2008 of the Subordinate Legislation Committee. I also welcome the members of the public who have joined us today; it is very nice to see such a crowd in the gallery.

We have received apologies from Jackie Baillie and John Park. I remind everyone to switch off their mobile phones, BlackBerrys and that sort of thing.

Before we go any further, I draw colleagues' attention to the sad fact that Margaret Macdonald, who was the legal adviser to the Subordinate Legislation Committee during previous sessions, passed away at the weekend. Perhaps the committee could send a note of condolence to her family. Is that possible?

Shelagh McKinlay (Clerk): Yes.

The Convener: Thank you. It is very sad indeed.

Scottish Government Responses

14:16

The Convener: After our previous meeting on 9 September, we wrote to the Scottish Government about three Scottish statutory instruments and we have seen the responses.

National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2008 (SSI 2008/290)

The Convener: Are we content with the Scottish Government's response and, if so, that we should draw the regulations to the attention of the lead committee and Parliament?

Members indicated agreement.

Public Contracts and Utilities Contracts (Common Procurement Vocabulary Codes) Amendment (Scotland) Regulations 2008 (SSI 2008/291)

The Convener: Are we content to draw the regulations to the attention of the lead committee and Parliament on the ground that the errors in schedule 1 to the regulations appear to be instances of defective drafting?

Members indicated agreement.

Licensing (Scotland) Act 2005 (Commencement No 5) Order 2008 (SSI 2008/292)

The Convener: Are we content to draw the order to the attention of the lead committee and Parliament on the grounds set out in the summary of recommendations? There was a slight confusion over timings.

Members indicated agreement.

Draft Instruments Subject to Approval

Adults with Incapacity (Electronic Communications) (Scotland) Order 2008 (Draft)

Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008 (Draft)

14:17

The committee agreed that no points arose on the instruments.

Instruments Subject to Annulment

Less Favoured Area Support Scheme (Scotland) Amendment Regulations 2008 (SSI 2008/294)

14:18

The Convener: The regulations are of interest to me as I am a member for a rural constituency. Are we content to ask the Scottish Government questions (a) and (b) as set out in our summary of recommendations?

Members indicated agreement.

Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 (SSI 2008/298)

The Convener: I must point out that I did not know the meaning of one of the words in the legal brief, but it was made clear to me before the meeting.

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

Members indicated agreement.

Potatoes Originating in Poland (Notification) (Scotland) Amendment Order 2008 (SSI 2008/299)

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

Members indicated agreement.

The Convener: How many of you—like me—did not know what a ware potato is?

Gil Paterson (West of Scotland) (SNP): I know what a hot potato is, convener.

The Convener: Well, we do not deal with those at this committee, Mr Deputy Convener.

Plant Health (Scotland) Amendment Order 2008 (SSI 2008/300)

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

Members indicated agreement.

**Dangerous Wild Animals Act 1976
(Modification) (Scotland) Order 2008
(SSI 2008/302)**

The Convener: I bet that everyone read the order with great interest; I did.

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

Members *indicated agreement.*

Ian McKee (Lothians) (SNP): I have what I think is a fairly important point. I realise that, in the past, the habit has been for the meaning of “man” to embrace “woman”. However, in the list of dangerous animals, the exception is made for man only. For the avoidance of any misunderstanding that woman might still be classified as a dangerous wild animal, could we ask the Government to change the word to “human being”?

The Convener: That is a point that you might care to make to the minister. I understood that it was about kept men and all that.

We might reflect on that at our away day later on this afternoon. I was interested to note that one cannot keep an aardvark, but one can keep an aardwolf. However, I would not know either if I met it in the street.

We had better move on. All this hilarity will be too much for us and we will get overexcited before our away day.

**Smoke Control Areas (Authorised Fuels)
(Scotland) (No 2) Regulations 2008
(SSI 2008/295)**

**Smoke Control Areas (Exempt Fireplaces)
(Scotland) (No 2) Order 2008 (SSI
2008/296)**

**Freedom of Information (Scotland) Act
2002 (Scottish Public Authorities)
Amendment Order 2008 (SSI 2008/297)**

The committee agreed that no points arose on the instruments.

The Convener: For the record, I ask members to note from the annex to the summary of recommendations that minor points arise in relation to the draft Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008 and in relation to SSI 2008/290, SSI 2008/294, SSI 2008/297 and SSI 2008/302. Those points will be raised with the Scottish Government informally.

I thank the public for their attendance at this long and gruelling meeting. We will next meet on Tuesday 23 September at 2.15. I remind members that we will see each other shortly at our away day, which starts at 15:00.

Meeting closed at 14:22.

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Wednesday 24 September 2008

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