

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 9 December 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

34th Meeting 2008, Session 3

CONVENER

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

DEPUTY CONVENER

*Ian McKee (Lothians) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West of Scotland) (Con)

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

*Bob Doris (Glasgow) (SNP)

Helen Eadie (Dunfermline East) (Lab)

*Tom McCabe (Hamilton South) (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

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 6

Scottish Parliament Subordinate Legislation Committee

Tuesday 9 December 2008

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

Decision on Taking Business in Private

The Convener (Jamie Stone): I welcome everyone to the 34th meeting in 2008 of the Subordinate Legislation Committee. We have received apologies from Helen Eadie. I ask members to turn off their mobile phones and BlackBerrys.

Item 1 is to consider whether item 3, which is about the committee's liaison with the Scottish Government on draft instruments, should be taken in private so that we can discuss issues that might arise if the Scottish Government asks the committee or its advisers to offer views on draft statutory instruments that are not yet made or laid before the Parliament. In order for us to have a full and frank discussion, I propose that we take item 3 in private.

Members indicated agreement.

Instruments Subject to Annulment

Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2008 (SSI 2008/378)

14:15

The Convener: Does the committee want to draw the regulations to the attention of the lead committee and the Parliament on the ground that there appears to be a doubt as to whether they are *intra vires*?

Members indicated agreement.

The Convener: Does the committee want to draw the regulations to the attention of the lead committee and the Parliament on the ground that we sought and received clarification from the Scottish Government on the change in the definition of "official samples", with regard to breeding flocks, with which it is satisfied? We might also wish to add that it would have been helpful of the Government to have clarified that in the explanatory note. Are we agreed?

Members indicated agreement.

Police Pensions (Amendment) (Scotland) Regulations 2008 (SSI 2008/387)

The Convener: First, is the committee happy to report to the lead committee and to the Parliament that it sought and received from the Scottish Government an explanation of the meaning and effect of regulations 1(3)(b) and 19, and that it is satisfied with that explanation?

Members indicated agreement.

The Convener: Secondly, does the Committee wish to note that this is the 21st time that the Police Pensions Regulations 1987 (SI 1987/257) have been amended, and to recommend that the Scottish Government should consider making future amendments by way of a consolidation?

Members indicated agreement.

Edinburgh Napier University Order of Council 2008 (SSI 2008/388)

Energy Performance of Buildings (Scotland) Amendment Regulations 2008 (SSI 2008/389)

**Insolvency (Scotland) Rules 1986
Amendment Rules 2008 (SSI 2008/393)**

14:18

Meeting continued in private until 14:40.

**Mental Health Tribunal for Scotland
(Practice and Procedure) (No 2)
Amendment Rules 2008 (SSI 2008/396)**

**Building (Fees) (Scotland) Amendment
Regulations 2008 (SSI 2008/397)**

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

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Tuesday 16 December 2008

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