

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 16 December 2008

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

35th 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 4

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 16 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 35th meeting in 2008 of the Subordinate Legislation Committee.

We have received apologies from Jackson Carlaw.

Everyone should turn off their mobile phones and BlackBerrys.

Agenda item 1 is to consider whether to take item 4 in private. Item 4 is the committee's draft response to the Standards, Procedures and Public Appointments Committee on the Scottish Parliamentary Pensions Bill. To enable a full and frank discussion, I propose that it be considered in private. Are we agreed?

Members indicated agreement.

Instruments Subject
to Annulment

Action Programme for Nitrate Vulnerable
Zones (Scotland) Amendment Regulations
2008 (SSI 2008/394)

14:16

The Convener: Are we content to draw the regulations to the attention of the lead committee and the Parliament on the ground that the meaning of regulations 9 and 10, and the way in which they operate in combination, could be clearer, although the lack of clarity is not considered to be so great as to affect the operation of the regulations?

Members indicated agreement.

The Convener: Thank you. I welcome Malcolm Chisholm.

Are we content to draw the regulations to the attention of the lead committee and the Parliament on the ground that there has been a failure to follow proper legislative process, in that an Executive note, which would have been helpful in explaining the changes made by the regulations, was not provided?

Members indicated agreement.

Eggs and Chicks (Scotland) (No 2)
Regulations 2008 (SSI 2008/395)

The Convener: Are we content to draw the regulations to the attention of the lead committee and the Parliament on the ground that the meaning of regulation 22(1) could be clearer?

Members indicated agreement.

Private Landlord Registration (Advice and
Assistance) (Scotland) Amendment
Regulations 2008 (SSI 2008/402)

Private Landlord Registration (Information
and Fees) (Scotland) Amendment
Regulations 2008 (SSI 2008/403)

The committee agreed that no points arose on the instruments.

Instruments not laid before the Parliament

Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) (No 2) 2008 (SSI 2008/365)

14:17

The Convener: Are we content to draw the act of sederunt to the attention of the Parliament on the ground that there has been a failure to follow normal legislative practice in that there was a delay of 20 days between the act being made and its being forwarded to the Scottish Parliament by the Scottish Government for scrutiny by the Subordinate Legislation Committee?

Members indicated agreement.

Helen Eadie (Dunfermline East) (Lab): Our annual report should highlight some of the comments that have been drawn to our attention about procedure in the Scottish Government.

The Convener: Do members agree?

Members indicated agreement.

The Convener: Fair enough. That will go into our annual report.

Act of Sederunt (Fees of Messengers-at-Arms) (EC Service Regulation) 2008 (SSI 2008/366)

The Convener: Are we content to draw the act of sederunt to the attention of the Parliament on the ground that there has been a failure to follow normal legislative practice in that there was a delay of 20 days between the act being made and its being forwarded to the Scottish Parliament by the Scottish Government for scrutiny by the Subordinate Legislation Committee?

Members indicated agreement.

Helen Eadie: Again, convener, I would like it to be highlighted that that delay was a failure to follow normal legislative practice. The annual report should reflect that we are not happy with that.

The Convener: Are we agreed?

Members indicated agreement.

The Convener: Finally, are members content to draw the act of sederunt to the attention of the Parliament on the ground that the committee sought and received clarification, from the Lord President's private office, on whether the act could competently be made under section 75 of the Debtors (Scotland) Act 1987 and was accordingly *intra vires*, with which it is satisfied?

Members indicated agreement.

Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No 4) Order 2008 (SSI 2008/405)

The committee agreed that no points arose on the instrument.

The Convener: Before we go into private, I would like to put it on the record that I wish our supporting team and all members of the committee a prosperous new year and a happy Christmas.

Helen Eadie: And to you, convener.

14:19

Meeting continued in private until 14:22.

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