

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 13 January 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR  
Donnelley.

---

# CONTENTS

Tuesday 13 January 2009

Col.

<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	449
<b>BUDGET (SCOTLAND) (No 2) BILL: STAGE 1</b> .....	449
<b>DRAFT INSTRUMENTS SUBJECT TO APPROVAL</b> .....	450
Private Landlord Registration (Modification) (Scotland) Order 2009 (Draft).....	450
Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 (Draft).....	450
Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (Draft) .....	450
Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009 (Draft) .....	450
<b>INSTRUMENTS SUBJECT TO ANNULMENT</b> .....	451
Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008 (SSI 2008/415) .....	451
Act of Sederunt (Fees of Sheriff Officers) 2008 (SSI 2008/430) .....	451
Conservation (Natural Habitats, &c.) Amendment (No 2) (Scotland) Regulations 2008 (SSI 2008/425) ...	451
Legal Profession and Legal Aid (Scotland) Act 2007 (Handling Complaints and Specification of Interest Rates) Order 2008 (SSI 2008/428) .....	451
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (SSI 2008/432) .....	451
<b>INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE</b> .....	452
Act of Sederunt (Fees of Messengers-at-Arms) 2008 (SSI 2008/431) .....	452
Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 (SSI 2008/435) .....	452
Act of Sederunt (Sheriff Court European Order for Payment Procedure Rules) 2008 (SSI 2008/436) .....	452

---

## SUBORDINATE LEGISLATION COMMITTEE

### 2<sup>nd</sup> Meeting 2009, 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 5



## Scottish Parliament Subordinate Legislation Committee

*Tuesday 13 January 2009*

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

### Decision on Taking Business in Private

**The Convener (Jamie Stone):** I welcome everyone to our second meeting in 2009. We have received apologies from Helen Eadie. Can everyone remember to turn off their mobile phones, please?

Item 1 is to decide whether to take item 6 in private. Doing so will give us the opportunity to discuss our draft response to the Standards, Procedures and Public Appointments Committee and take it from there. Is that agreed?

**Members** *indicated agreement.*

### Budget (Scotland) (No 2) Bill: Stage 1

14:15

**The Convener:** We have done this before. As with previous budget bills, a single delegated power is granted to the Scottish ministers. Section 7 confers on the Scottish ministers the power to make delegated legislation to amend the amount specified in certain provisions. As is customary with budget bills, any such order will be subject to affirmative procedure. The reasons for that are in the legal brief and they seem to be pretty clear. Are we content with that?

**Members** *indicated agreement.*

## Draft Instruments Subject to Approval

### Private Landlord Registration (Modification) (Scotland) Order 2009 (Draft)

14:16

**The Convener:** Is the committee happy to draw the order to the attention of the lead committee and Parliament on the ground that the scope and application of the exemption contained in new section 83(6)(m) of the Antisocial Behaviour (Scotland) Act 2004 are not clear?

**Members** *indicated agreement.*

### Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 (Draft)

### Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (Draft)

### Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009 (Draft)

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

## **Instruments Subject to Annulment**

### **Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2008 (SSI 2008/415)**

14:17

**The Convener:** Are members content that the Scottish Government's response is satisfactory and are we happy to report that to the lead committee and Parliament?

**Members** *indicated agreement.*

### **Act of Sederunt (Fees of Sheriff Officers) 2008 (SSI 2008/430)**

**The Convener:** Members have before them the questions that have been sent to the Lord President's office. The point is that this act of sederunt is subject to a combination of negative procedure and no procedure. Accordingly, can we defer its consideration until our next meeting, so that we can take on board the responses to the questions?

**Members** *indicated agreement.*

### **Conservation (Natural Habitats, &c.) Amendment (No 2) (Scotland) Regulations 2008 (SSI 2008/425)**

### **Legal Profession and Legal Aid (Scotland) Act 2007 (Handling Complaints and Specification of Interest Rates) Order 2008 (SSI 2008/428)**

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

### **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (SSI 2008/432)**

**The Convener:** I have two questions on the regulations. First, are we content with the regulations in relation to the Subordinate Legislation Committee's reporting grounds?

**Members** *indicated agreement.*

**The Convener:** Secondly, do we agree to draw the regulations to the attention of the lead committee in relation to the effect of regulation 7(2) on pre-application consultation requirements? It appears that, while a public event to be held by a prospective applicant must be published in the newspapers that circulate in the locality in which the proposed development will be situated, there is however no requirement for the event to be held

in the area of the planning authority where the development will be situated? That seems to be a little bit strange. Are we agreed?

**Members** *indicated agreement.*

## **Instruments not subject to Parliamentary Procedure**

### **Act of Sederunt (Fees of Messengers-at-Arms) 2008 (SSI 2008/431)**

### **Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 (SSI 2008/435)**

### **Act of Sederunt (Sheriff Court European Order for Payment Procedure Rules) 2008 (SSI 2008/436)**

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

14:19

*Meeting continued in private until 14:21.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Tuesday 20 January 2009**

#### PRICES AND SUBSCRIPTION RATES

##### OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

##### WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

#### **Blackwell's Bookshop**

**53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222**

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

#### **Blackwell's Scottish Parliament Documentation**

Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

#### **Telephone orders and inquiries**

**0131 622 8283 or  
0131 622 8258**

#### **Fax orders**

**0131 557 8149**

#### **E-mail orders**

**business.edinburgh@blackwell.co.uk**

#### **Subscriptions & Standing Orders**

**business.edinburgh@blackwell.co.uk**

#### **Scottish Parliament**

**RNID TYPETALK calls welcome on  
18001 0131 348 5000  
Textphone 0845 270 0152**

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

#### **Accredited Agents**

(see Yellow Pages)

and through good booksellers