

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 3 February 2009

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

5th 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 6

Scottish Parliament

Subordinate Legislation Committee

Tuesday 3 February 2009

[THE CONVENER *opened the meeting at 14:21*]

Budget (Scotland) (No 3) Bill: Stage 1

The Convener (Jamie Stone): Welcome, everyone, to the fifth meeting in 2009. We have a full house. Could everyone turn off their mobile phones and so on?

As with the previous budget bill, which we considered on 13 January, a single delegated power is granted to the Scottish ministers at section 7, which confers the power to make delegated legislation to amend the amounts specified in certain provisions. As is customary with budget bills, any such order will be subject to affirmative procedure. Are we agreed that the delegated power is acceptable and, if so, do we agree to report to the Parliament on that basis?

Members indicated agreement.

Instruments Subject to Annulment

Protection of Vulnerable Groups (Scotland) Act 2007 (Transitory Provisions in Consequence of the Safeguarding Vulnerable Groups Act 2006) Order 2009 (SSI 2009/4)

14:22

The Convener: Are we agreed that the reasons supplied by the Scottish Government for the failure to comply with the 21-day rule, which is set out in article 10(2) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (SI 1999/1096), are satisfactory, and to report accordingly?

Members indicated agreement.

The Convener: It is proposed that we report the order to the lead committee and to the Parliament on the following grounds: that the Scottish Government has admitted that there was a failure to expedite the publication of the order, which was not published until after it came into force, and has

indicated that it will work with the office of the Queen's printer for Scotland to ensure that that does not happen again; that the Committee's view is that it would have been possible to specify the date that the order comes into force on the face of the order rather than by referring to the related English order, and that we consider that that approach would have been more transparent and accessible for the reader; and that article 5(2) contains a drafting error that has been acknowledged by the Scottish Government but which is not thought to affect the legal operation or effect of the instrument. Are we agreed?

Members indicated agreement.

Scottish Register of Tartans Fees Order 2009 (SSI 2009/6)

The Convener: Are we agreed that the explanation provided by the Government is only partially satisfactory and, if so, do we agree to report the order to the lead committee and the Parliament on the basis that an explanation was obtained from the Scottish Government with which the committee is only partly satisfied, but that we do not wish to draw attention to the order in relation to any ground within our remit?

Members indicated agreement.

Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional Provision) Order 2009 (SSI 2009/17)

Planning etc (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Amendment Order 2009 (SSI 2009/18)

Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 (SSI 2009/20)

Feeding Stuffs (Scotland) Amendment Regulations 2009 (SSI 2009/21)

Scottish Road Works Register (Prescribed Fees) Regulations 2009 (SSI 2009/26)

The committee agreed that no points arose on the instruments.

The Convener: I thank you. Today's has been one of our shorter meetings. We meet next week on 10 February at 2.15, in a room to be advised.

Meeting closed at 14:25.

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Wednesday 11 February 2009

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