

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 17 March 2009

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

10th 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 17 March 2009

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

Instruments subject to Approval

The Convener (Jamie Stone): I welcome everyone to the 10th meeting this year of the Subordinate Legislation Committee. We have received apologies from Jackson Carlaw and Bob Doris, and I welcome to the meeting Mr Doris's substitute, Christopher Harvie. Finally, I ask everyone to turn off their mobile phones.

Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (Draft)

Local Government Finance Act 1992 (Scotland) Amendment Order 2009

The committee agreed that no points arose on the instruments.

Instruments subject to Annulment

14:15

The Convener: Item 2 is consideration of instruments subject to annulment. [*Interruption.*] I thank the public for attending.

That must be a record for conveners clearing out the gallery.

Helen Eadie (Dunfermline East) (Lab): Fifty-four seconds.

The Convener: Indeed. I welcome Mr McCabe to the meeting.

Financial Assistance for Environmental Purposes (Scotland) Order 2009 (SSI 2009/75)

The Convener: Are members content with the Scottish Government's response and to report to the lead committee and Parliament accordingly?

Members indicated agreement.

High Court of Justiciary Fees Amendment Order 2009 (SSI 2009/87)

Court of Session etc Fees Amendment Order 2009 (SSI 2009/88)

Sheriff Court Fees Amendment Order 2009 (SSI 2009/89)

The Convener: Are members content to report that they are satisfied with the orders as far as this committee's interests are concerned? In doing so, are we also content to draw the lead committee's attention to the statement, made in the Executive notes to the orders, that steps have been taken to ensure that those in receipt of the new benefit that was brought into force on 27 October 2008 under the Welfare Reform Act 2007,

"would have the benefit of the fee exemption from that date",

in other words,

"prior to making the amendment by this instrument"?

Members indicated agreement.

Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2009 (SSI 2009/81)

The Convener: Are members content with the act of sederunt?

Members indicated agreement.

The Convener: Are members also content to note that the explanatory note is not accurate in stating, without qualification, that the hourly rate is increased to £142? The issue could be addressed in our planned annual report on Government commitments.

Members indicated agreement.

National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2009 (SSI 2009/86)

The Convener: Are members content with the amendment regulations?

Members indicated agreement.

The Convener: Are members also content to note that the principal regulations—the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (SI 1998/642)—have now been amended several times and that we might wish to report on the matter in the planned review of issues such as—guess what—the consolidation of instruments?

Members indicated agreement.

Local Government Pension Scheme Amendment (Scotland) Regulations 2009 (SSI 2009/93)

The Convener: Are members content with the regulations?

Members indicated agreement.

Helen Eadie: We should, however, point out that the title of the regulations does not follow the usual drafting practice of putting the word “Amendment” after the word “(Scotland)” where the principal instrument being amended is a Scottish statutory instrument.

The Convener: Do members agree?

Members indicated agreement.

Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Order 2009 (SSI 2009/94)

The Convener: As members will have noted, there is a bit more meat to this order. Do members agree that, although no points arise on the order with regard to the committee’s formal reporting grounds, our report should draw the attention of the lead committee and Parliament to our earlier comments on the scheduling of instruments made in relation to the Absent Voting at Scottish Local Government Elections (Provision of Personal Identifiers) Regulations 2009 (SSI 2009/35), to which this order also relates?

Members indicated agreement.

National Health Service (General Dental Services) (Scotland) Amendment Regulations 2009 (SSI 2009/96)

Diligence against Earnings (Variation) (Scotland) Regulations 2009 (SSI 2009/98)

Planning etc (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2009 (SSI 2009/101)

The committee agreed that no points arose on the instruments.

Instruments not laid before the Parliament

**Planning etc (Scotland) Act 2006
(Commencement No 6) Order 2009
(SSI 2009/70)**

14:19

The Convener: Are members content to report the order for a failure to follow proper legislative practice, given that in its response the Government has acknowledged that, due to inadvertence, the order was not made earlier than 24 February to allow us to scrutinise it before the provisions were commenced on 28 February?

Members *indicated agreement.*

The Convener: We should also note the Government's comment that it will endeavour to ensure that proper time for committee scrutiny will be available in relation to future commencement orders to be made under the Planning etc (Scotland) Act 2006. That is good news and we will hold the Government to that.

Act of Sederunt (Rules of the Court of Session Amendment No 2) (Fees of Solicitors) 2009 (SSI 2009/82)

**Judiciary and Courts (Scotland) Act 2008
(Commencement No 1) Order 2009 (SSI
2009/83)**

**Planning etc (Scotland) Act 2006
(Commencement No 7) Order 2009
(SSI 2009/100)**

The committee agreed that no points arose on the instruments.

The Convener: I point out that the issue with the explanatory note that arose in relation to SSI 2009/81 also arises in relation to SSI 2009/82.

Our next meeting will take place on 24 March at 2.15 pm. I thank everyone for attending.

Meeting closed at 14:21.

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Wednesday 25 March 2009

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