

# **SUBORDINATE LEGISLATION COMMITTEE**

Tuesday 24 March 2009

Session 3

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## SUBORDINATE LEGISLATION COMMITTEE

11<sup>th</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 24 March 2009*

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

### Arbitration (Scotland) Bill: Stage 1

**The Deputy Convener (Ian McKee):** I welcome members to the 11<sup>th</sup> meeting in 2009 of the Subordinate Legislation Committee. We have received apologies from Jamie Stone, which is why I am convening the meeting. I ask members to turn off any mobile phones, BlackBerrys and so on.

The committee considered the delegated powers of the bill at its meeting on 10 March and was content with all except section 24, "Amendments to UNCITRAL Model Law or New York Convention", on which we asked a question of the Government. Members will have seen the response. Are members content that the proposed power, in so far as it relates to amendments to the United Nations commission on international trade law's model law on international commercial arbitration, is acceptable in principle and that affirmative procedure is appropriate?

**Members indicated agreement.**

## Instruments subject to Annulment

### Aquatic Animal Health (Scotland) Regulations 2009 (SSI 2009/85)

14:16

**The Deputy Convener:** There are a number of points to raise on the regulations. Are members content to report the regulations on the grounds set out in the summary of recommendations?

**Members indicated agreement.**

### Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Amendment Regulations 2009 (SSI 2009/90)

**The Deputy Convener:** Are members content to draw the regulations to the attention of the Parliament on the ground that there has been a failure on the part of the Scottish Government to follow normal drafting practice in that one of the relevant enabling powers—section 8(4) of the Regulation of Care (Scotland) Act 2001—was not referred to in the preamble?

**Members indicated agreement.**

### Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) Regulations 2009 (SSI 2009/91)

**The Deputy Convener:** Our legal advisers have raised a number of points on the regulations. It should be noted that the Scottish Government yesterday laid an instrument to revoke the regulations, which we will consider in due course. Nonetheless, in line with our normal practice, we will report on the regulations. Are members content to report the regulations on the grounds set out in the summary of recommendations?

**Members indicated agreement.**

### Bankruptcy Fees (Scotland) Amendment Regulations 2009 (SSI 2009/97)

**The Deputy Convener:** Are members content to report the regulations to the lead committee and the Parliament in respect of a failure to follow proper drafting practice, on the grounds that the provision for commencement of the regulations is not fully set out within the italic heading, in accordance with the usual formula, and that, in referring in regulation 1(3) to "the Schedule", it would have been proper practice there to specify fully the schedule to which reference was being made?

*Members indicated agreement.*

**Repayment of Student Loans (Scotland)  
Amendment Regulations 2009  
(SSI 2009/102)**

**Act of Sederunt (Fees of Shorthand  
Writers in the Sheriff Court) (Amendment)  
2009 (SSI 2009/103)**

**Crime (International Co-operation) Act  
2003 (Designation of Participating  
Countries) (Scotland) Order 2009  
(SSI 2009/106)**

**Enforcement of Fines etc (Diligence)  
(Scotland) Regulations 2009 (SSI 2009/110)**

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

## **Instruments not laid before the Parliament**

**Act of Sederunt (Rules of the Court of  
Session Amendment No 3) (Diligence)  
2009 (SSI 2009/104)**

**Act of Sederunt (Rules of the Court of  
Session Amendment No 4) (Fees of  
Shorthand Writers) 2009 (SSI 2009/105)**

**Act of Sederunt (Sheriff Court Rules  
Amendment) (Diligence) 2009  
(SSI 2009/107)**

**Act of Adjournal (Amendment of the  
Criminal Procedure (Scotland) Act 1995)  
(Appeals by Stated Case) 2009  
(SSI 2009/108)**

**Act of Sederunt (Summary Applications,  
Statutory Applications and Appeals etc  
Rules) Amendment (Employment  
Tribunals Act 1996) 2009 (SSI 2009/109)**

14:18

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

**The Deputy Convener:** The next meeting of the  
committee will be held on Tuesday 31 March at  
2.15 pm.

*Meeting closed at 14:19.*

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**Wednesday 1 April 2009**

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