

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 8 December 2009

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

33rd 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)
Margaret Curran (Glasgow Baillieston) (Lab)
*Bob Doris (Glasgow) (SNP)
*Helen Eadie (Dunfermline East) (Lab)
*Rhoda Grant (Highlands and Islands) (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

Douglas Wands

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 5

Scottish Parliament Subordinate Legislation Committee

Tuesday 8 December 2009

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

Draft Instruments subject to Approval

The Convener (Jamie Stone): I welcome everyone to the 33rd meeting in 2009 of the Subordinate Legislation Committee. We have no apologies. I ask everyone to check and turn off their mobile phones and BlackBerrys.

Adoption and Children (Scotland) Act 2007 (Modification of Enactments) Order 2010 (Draft)

Census (Scotland) Order 2010 (Draft)

The committee agreed that no points arose on the instruments.

Instruments subject to Annulment

Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (SSI 2009/410)

14:16

The Convener: It is suggested that the committee might wish to report, first, that an explanation has been sought from and provided by the Scottish Government about the choice of the negative procedure for the regulations made under the powers in section 2(2) of the European Communities Act 1972, and that the committee is satisfied with that explanation.

Secondly, it is suggested that the committee reiterates that it would be helpful for the Scottish Government's reasons for the choice of procedure that is to be adopted for instruments that are made under section 2(2) and amend primary legislation to be explained in the Executive note that accompanies the instrument. When an instrument affects primary legislation, the committee's starting point is a presumption in favour of affirmative procedure, and in those circumstances it would be for the Scottish Government to explain and justify the use of negative procedure. Are we agreed?

Members *indicated agreement.*

Rural Development Contracts (Rural Priorities) (Scotland) Amendment (No 4) Regulations 2009 (SSI 2009/411)

Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Amendment Order 2009 (SSI 2009/413)

Sheep and Goats (Identification and Traceability) (Scotland) Revocation Regulations 2009 (SSI 2009/415)

Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009 (SSI 2009/416)

Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Scotland) Order 2009 (SSI 2009/418)

Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) (Scotland) Regulations 2009 (SSI 2009/419)

**Materials and Articles in Contact with
Food (Scotland) Amendment Regulations
2009 (SSI 2009/426)**

**Food for Particular Nutritional Uses
(Addition of Substances for Specific
Nutritional Purposes) (Scotland)
Regulations 2009 (SSI 2009/427)**

**Adoption and Children (Scotland) Act 2007
(Modification of Subordinate Legislation)
Order 2009 (SSI 2009/429)**

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

The Convener: We agreed last week that we would take the final agenda item in private. We will pause for a moment while our friends leave us.

14:18

Meeting continued in private until 14:49.

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Wednesday 16 December 2009

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