



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 11 May 2010

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

15th Meeting 2010, 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

Irene Fleming

LOCATION

Committee Room 4

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 11 May 2010

[The Convener *opened the meeting at 14:15*]

Decision on Taking Business in
Private

The Convener (Jamie Stone): Let us make a start. We have received apologies from Helen Eadie. We will see who else arrives.

I welcome everyone to the 15th meeting in 2010 of the Subordinate Legislation Committee. Can everyone turn off their mobile phones and BlackBerrys, please?

The first item is to decide whether, under agenda item 5, we discuss the content of our draft report on the Patient Rights (Scotland) Bill in private. Is that agreed?

Members *indicated agreement.*

Draft Instruments subject to
Approval

Advice and Assistance and Civil Legal Aid
(Transfer of Tribunal Functions) (No 2)
(Scotland) Regulations 2010 (Draft)

Arbitration (Scotland) Act 2010
(Consequential Amendments) Order 2010
(Draft)

Protection of Vulnerable Groups
(Scotland) Act 2007 (Removal of Barred
Individuals from Regulated Work)
Regulations 2010 (Draft)

Rehabilitation of Offenders Act 1974
(Exclusions and Exceptions) (Scotland)
Amendment Order 2010 (Draft)

14:15

The committee agreed that no points arose on the instruments.

Instruments subject to Annulment

**Protection of Vulnerable Groups
(Scotland) Act 2007 (Prescribed Services)
(Protected Adults) Regulations 2010 (SSI
2010/161)**

**Protection of Vulnerable Groups
(Scotland) Act 2007 (Fees for Scheme
Membership and Disclosure Requests)
Regulations 2010 (SSI 2010/167)**

14:17

The Convener: We have two instruments subject to annulment. In relation to Scottish statutory instrument 2010/161, the committee might wish to report to the Parliament that the regulations could be clearer, in that the word “and” before

“provision of advice and assistance”

is intended to be “or”. Do we agree to report that?

Members indicated agreement.

The Convener: The next question refers to both SSI 2010/161 and SSI 2010/167. The committee might wish to express the view that the Scottish Government should give the public 21 days’ notice in advance of section 44 of the 2007 act, and consequently the regulations, coming into force. Can we agree that?

Members indicated agreement.

**Advice and Assistance and Civil Legal Aid
(Transfer of Tribunal Functions) (No 1)
(Scotland) Regulations 2010 (SSI 2010/166)**

**Adoption Agencies (Scotland) Amendment
Regulations 2010 (SSI 2010/172)**

**Adoptions with a Foreign Element
(Scotland) Amendment Regulations 2010
(SSI 2010/173)**

The committee agreed that no points arose on the instruments.

Guidance not subject to Parliamentary Procedure

**Supporting Children’s Learning Code of
Practice (Revised Edition) 2010 (SG
2010/63)**

14:18

The Convener: We might want to report that an explanation was sought from and provided by the Scottish Government as to how the consultation requirements on the draft code in section 27 of the Education (Additional Support for Learning) (Scotland) Act 2004 have been implemented. Do we agree to report that?

Members indicated agreement.

The Convener: Are we happy with the explanation that has been provided?

Members indicated agreement.

14:18

Meeting continued in private until 14:22.

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