



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 29 June 2010

Session 3

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2010

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@ogps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
RR Donnelley.

Tuesday 29 June 2010

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1061
WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) BILL: STAGE 1	1062
DRAFT INSTRUMENTS SUBJECT TO APPROVAL	1063
Cairngorms National Park Elections (Scotland) Amendment Order 2010 (Draft)	1063
Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order 2010 (Draft)	1063
Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 Modification Order 2010 (Draft)	1063
Scottish Local Government Elections Amendment Order 2010 (Draft).....	1063
INSTRUMENTS SUBJECT TO ANNULMENT	1064
National Health Service (Tribunal) (Scotland) Amendment Regulations 2010 (SSI 2010/227)	1064
National Health Service (Tribunal) (Scotland) Amendment (No 2) Regulations 2010 (SSI 2010/266)	1064
National Health Service (Vocational Training for General Dental Practice) (Scotland) Amendment Regulations 2010 (SSI 2010/229)	1064
Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2010 (SSI 2010/237)	1065
Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No 2) Regulations 2010 (SSI 2010/267)	1065
Rice Products from the United States of America (Restriction on First Placing on the Market) (Scotland) Revocation Regulations 2010 (SSI 2010/248).....	1065
Notice to Local Authorities (Scotland) Amendment Regulations 2010 (SSI 2010/251)	1065
Grampian Joint Fire and Rescue Board (Specified Equipment) (Scotland) Order 2010 (SSI 2010/252)	1065
Lay Representation in Proceedings relating to Residential Property (Scotland) Order 2010 (SSI 2010/264)	1065
INSTRUMENT NOT LAID BEFORE THE PARLIAMENT	1066
Bankruptcy and Diligence etc (Scotland) Act 2007 (Commencement No 6 and Savings) Order 2010 (SSI 2010/249)	1066

SUBORDINATE LEGISLATION COMMITTEE

22nd Meeting 2010, Session 3

CONVENER

*Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

DEPUTY CONVENER

Ian McKee (Lothians) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow) (SNP)

*Helen Eadie (Dunfermline East) (Lab)

*Rhoda Grant (Highlands and Islands) (Lab)

*Alex Johnstone (North East Scotland) (Con)

Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Ross Finnie (West of Scotland) (LD)

Karen Gillon (Clydesdale) (Lab)

Christopher Harvie (Mid Scotland and Fife) (SNP)

*attended

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 3

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 29 June 2010

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

Decision on Taking Business in
Private

The Convener (Jamie Stone): It is the hour to make a start. I welcome everyone to the 22nd meeting in 2010 of the Subordinate Legislation Committee. We have received apologies from Ian McKee and Elaine Smith. I ask everyone to turn off their mobiles and BlackBerrys, please.

Our first item is a decision to take business in private. The proposal is that item 6, under which we will discuss our draft report on the Crofting Reform (Scotland) Bill, should be in private. Are we agreed on that?

Members *indicated agreement.*

The Convener: Thank you.

Wildlife and Natural Environment
(Scotland) Bill: Stage 1

14:15

The Convener: The second item is the delegated powers memorandum on the bill. There are a number of questions in our summary of recommendations. Does the committee agree to put those questions to the Scottish Government?

Members *indicated agreement.*

The Convener: We will consider the Government's response at the committee's first meeting after the recess that we are about to go into, and then conclude our stage 1 report.

Draft Instruments subject to Approval

Cairngorms National Park Elections (Scotland) Amendment Order 2010 (Draft)

Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order 2010 (Draft)

Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 Modification Order 2010 (Draft)

Scottish Local Government Elections Amendment Order 2010 (Draft)

14:16

The committee agreed that no points arose on the instruments.

Instruments subject to Annulment

National Health Service (Tribunal) (Scotland) Amendment Regulations 2010 (SSI 2010/227)

National Health Service (Tribunal) (Scotland) Amendment (No 2) Regulations 2010 (SSI 2010/266)

14:17

The Convener: SSI 2010/227 contains a drafting error. The reference to two copies in forms 1, 2, 3, and 5 in schedule 2 to the National Health Service (Tribunal) (Scotland) Regulations 2004 (SSI 2004/38) has not been amended to refer to five copies, to reflect the new requirement to produce five copies. That inconsistency should not affect the validity or operation of the regulations, but it could confuse applicants.

The Scottish Government has laid SSI 2010/266, which addresses the point. It breaches the 21-day rule, but we should be satisfied that SSI 2010/227 has been corrected so quickly.

Does the committee agree to report accordingly?

Members indicated agreement.

National Health Service (Vocational Training for General Dental Practice) (Scotland) Amendment Regulations 2010 (SSI 2010/229)

The Convener: Regulation 2(6) fails to follow normal drafting practice in that it could have made the consequential amendment to the 2010 regulations directly, which would have been more understandable to the reader, rather than making the amendment indirectly by amending the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004 (SSI 2004/292). Regulation 2(6) also contains a drafting error, as the amendment that it makes refers to the National Health Service (Vocational Training in General Dental Practice) (Scotland) Regulations 2004, rather than using the regulations' correct title.

Neither of those points is likely to affect the operation of the regulations, so can we agree to report on them in those terms?

Members indicated agreement.

**Criminal Legal Aid (Fixed Payments)
(Scotland) Amendment Regulations 2010
(SSI 2010/237)**

**Criminal Legal Aid (Fixed Payments)
(Scotland) Amendment (No 2) Regulations
2010 (SSI 2010/267)**

The Convener: The defective drafting error in regulation 2(2) of SSI 2010/237 is such that, as the Scottish Government acknowledges, the regulations fail to apply, as intended, to proceedings that were commenced after the regulations were made on 10 June 2010 and before they come into force on 5 July 2010.

The Government has already laid a further set of regulations, SSI 2010/267, which address the issue. Again, SSI 2010/267 breaches the 21-day rule, but I hope that the committee will be satisfied with the reasons given for that.

Do we agree to report accordingly?

Members indicated agreement.

**Rice Products from the United States of
America (Restriction on First Placing on
the Market) (Scotland) Revocation
Regulations 2010 (SSI 2010/248)**

The Convener: Goodness me. What different instruments we have to look at.

Are we content with the explanation provided in the letter to the Presiding Officer about the breach of the 21-day rule, and with the regulations themselves?

Members indicated agreement.

**Notice to Local Authorities (Scotland)
Amendment Regulations 2010 (SSI
2010/251)**

**Grampian Joint Fire and Rescue Board
(Specified Equipment) (Scotland) Order
2010 (SSI 2010/252)**

**Lay Representation in Proceedings
relating to Residential Property (Scotland)
Order 2010 (SSI 2010/264)**

The committee agreed that no points arose on the instruments.

**Instrument not laid before the
Parliament**

**Bankruptcy and Diligence etc (Scotland)
Act 2007 (Commencement No 6 and
Savings) Order 2010 (SSI 2010/249)**

14:20

The committee agreed that no points arose on the instrument.

The Convener: Before we move into private, I welcome two guests to the public gallery, both of whom are known to me and one of whom is my aunt.

14:20

Meeting continued in private until 14:23.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

Members who wish to suggest corrections for the archive edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Printed and published in Edinburgh by RR Donnelley and available from:

Scottish Parliament

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille, large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on **0800 092 7100**.

We also welcome calls using the Text Relay service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.

Blackwell's Scottish Parliament Documentation

Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries

0131 622 8283 or

0131 622 8258

Fax orders

0131 557 8149

E-mail orders, subscriptions and standing orders
business.edinburgh@blackwell.co.uk

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:

243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Accredited Agents

(see Yellow Pages)

and through other good booksellers