



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 21 September 2010

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1097
DRAFT INSTRUMENTS SUBJECT TO APPROVAL	1097
Welfare of Farmed Animals (Scotland) Regulations 2010 (Draft)	1097
Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 (Draft)	1097
Councillors' Code of Conduct—Revised Code of Conduct for Councillors and the Executive Note for the Ethical Standards in Public Life etc (Scotland) Act 2000 (SG 2010/180)	1097
INSTRUMENTS SUBJECT TO ANNULMENT	1098
Knife Dealer's Licence (Miscellaneous) (Scotland) Order 2010 (SSI 2010/311)	1098
Equality Act 2010 (Qualifications Body Regulator and Relevant Qualifications) (Scotland) Regulations 2010 (SSI 2010/315)	1098
National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No 2) Regulations 2010 (SSI 2010/319)	1099
Police Pensions (Additional Voluntary Contributions) Amendment (Scotland) Regulations 2010 (SS1 2010/320)	1099
European Fisheries Fund (Grants) (Scotland) Amendment Regulations 2010 (SSI 2010/323)	1099
Education (Fees and Awards) (Scotland) Amendment Regulations 2010 (SSI 2010/325)	1099
INSTRUMENTS NOT LAID BEFORE THE PARLIAMENT	1100
Public Services Reform (Scotland) Act 2010 (Commencement No 2) Order 2010 (SSI 2010/321)	1100

SUBORDINATE LEGISLATION COMMITTEE

25th 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 6

Scottish Parliament Subordinate Legislation Committee

Tuesday 21 September 2010

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

Decision on Taking Business in Private

The Deputy Convener (Ian McKee): Welcome to the 25th meeting in 2010 of the Subordinate Legislation Committee. We have apologies from Jamie Stone, which is why I am convening the committee. I ask members to turn off any mobile phones, BlackBerrys and so on.

Under agenda item 1, I seek the committee's agreement to consider item 5 in private. Item 5 concerns a discussion of a draft report on the delegated powers in the Legal Services (Scotland) Bill, as amended at stage 2. Do we agree to consider the item in private?

Members *indicated agreement.*

Draft Instruments subject to Approval

**Welfare of Farmed Animals (Scotland)
Regulations 2010 (Draft)**

**Prohibited Procedures on Protected
Animals (Exemptions) (Scotland)
Regulations 2010 (Draft)**

**Councillors' Code of Conduct—Revised
Code of Conduct for Councillors and the
Executive Note for the Ethical Standards
in Public Life etc (Scotland) Act 2000 (SG
2010/180)**

14:16

The committee agreed that no points arose on the instruments.

Instruments subject to Annulment

**Knife Dealer's Licence (Miscellaneous)
(Scotland) Order 2010 (SSI 2010/311)**

14:16

The Deputy Convener: Are we content with the explanation provided by the Scottish Government for the breach of the 21-day rule between the laying of this order and the coming into force of the provisions—apart from articles 2(3) and 3, which comply with the rule?

Members *indicated agreement.*

The Deputy Convener: Do we agree to report that the meaning of articles 2(2)(b) and 2(3)(b) could be clearer in relation to the extent to which persons are to be treated as “qualified to teach” archery and a water sport, respectively? The committee might consider clarity to be particularly important, as only qualified persons who hire out, and so on, an arrow for archery or a knife for a water sport for safety purposes will be exempt from the requirement to hold a licence, and hiring and so on without a licence is a criminal offence. Do we agree to the recommendation?

Members *indicated agreement.*

**Equality Act 2010 (Qualifications Body
Regulator and Relevant Qualifications)
(Scotland) Regulations 2010 (SSI 2010/315)**

The Deputy Convener: It is recommended that we agree to report that the meaning of regulation 3 could have been clearer in the following respects. First, it appears that it would have been possible, in the regulation, to prescribe the particular qualifications, which are relevant qualifications, in a clearer way than by referring to them as those known as

“national qualifications in Scotland”

at the date of making the regulations. Secondly, the regulation could have specified, as explained in the last paragraph of the explanatory note, that the national qualifications to be introduced under the curriculum for excellence are included as prescribed “relevant qualifications”. Do we agree to the recommendation?

Members *indicated agreement.*

**National Health Service (Travelling
Expenses and Remission of Charges)
(Scotland) Amendment (No 2) Regulations
2010 (SSI 2010/319)**

**Police Pensions (Additional Voluntary
Contributions) Amendment (Scotland)
Regulations 2010 (SSI 2010/320)**

**European Fisheries Fund (Grants)
(Scotland) Amendment Regulations 2010
(SSI 2010/323)**

**Education (Fees and Awards) (Scotland)
Amendment Regulations 2010 (SSI
2010/325)**

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

**Instruments not laid before the
Parliament**

**Public Services Reform (Scotland) Act
2010 (Commencement No 2) Order 2010
(SSI 2010/321)**

14:18

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

14:18

Meeting continued in private until 14:19.

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