



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 23 November 2010

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Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1187
DRAFT INSTRUMENT SUBJECT TO APPROVAL	1187
National Scenic Areas (Consequential Modifications) (Scotland) Order 2010 (Draft)	1187
INSTRUMENTS SUBJECT TO ANNULMENT	1188
Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2010 (SSI 2010/392)	1188
Fire Safety (Scotland) Amendment Regulations 2010 (SSI 2010/393)	1188
National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2010 (SSI 2010/394)	1188
National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2010 (SSI 2010/395)	1188
INSTRUMENTS NOT LAID BEFORE THE PARLIAMENT	1188
Act of Adjournal (Criminal Procedure Rules Amendment No 3) (Scottish Criminal Cases Review Commission) 2010 (SSI 2010/386)	1188
Planning etc (Scotland) Act 2006 (Commencement No 10) Order 2010 (SSI 2010/400)	1188
FORCED MARRIAGE ETC (PROTECTION AND JURISDICTION) (SCOTLAND) BILL: STAGE 1	1189
CERTIFICATION OF DEATH (SCOTLAND) BILL: STAGE 1	1190

SUBORDINATE LEGISLATION COMMITTEE

32nd Meeting 2010, Session 3

CONVENER

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

DEPUTY CONVENER

*Bob Doris (Glasgow) (SNP)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)
*Rhoda Grant (Highlands and Islands) (Lab)
*Alex Johnstone (North East Scotland) (Con)
*Ian McKee (Lothians) (SNP)
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 5

Scottish Parliament

Subordinate Legislation Committee

Tuesday 23 November 2010

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

Decision on Taking Business in Private

The Convener (Jamie Stone): I welcome everyone to the 32nd meeting in 2010 of the Subordinate Legislation Committee. We have apologies from Elaine Smith, who is unwell. Let us hope that she recovers soon. I remind everyone present to turn off their mobiles and BlackBerrys.

The first agenda item is to decide whether to take item 7 in private. Is that agreed?

Members *indicated agreement.*

Draft Instrument subject to Approval

National Scenic Areas (Consequential Modifications) (Scotland) Order 2010 (Draft)

14:15

The committee agreed that no points arose on the instrument.

The Convener: We should welcome the Government's quick replacement of the original draft of the order with a corrected version in response to comments from our legal advisers. Well done them, and well done us.

Instruments subject to Annulment

Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2010 (SSI 2010/392)

Fire Safety (Scotland) Amendment Regulations 2010 (SSI 2010/393)

National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2010 (SSI 2010/394)

National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2010 (SSI 2010/395)

14:15

The committee agreed that no points arose on the instruments.

Instruments not laid before the Parliament

Act of Adjournal (Criminal Procedure Rules Amendment No 3) (Scottish Criminal Cases Review Commission) 2010 (SSI 2010/386)

14:16

The Convener: Do we agree to report, under the general reporting ground, that there is a minor drafting error in the act of adjournal that does not impinge on its substance or policy? The Lord President's private office acknowledges the minor error and will correct it as soon as possible.

Members *indicated agreement.*

Planning etc (Scotland) Act 2006 (Commencement No 10) Order 2010 (SSI 2010/400)

The committee agreed that no points arose on the instrument.

Forced Marriage etc (Protection and Jurisdiction) (Scotland) Bill: Stage 1

14:16

The Convener: Our advisers have asked the Scottish Government a couple of questions about the delegated powers in the bill. The first asks for the Government's justification for choosing negative rather than affirmative procedure in relation to the power under section 3(7)(c). The second asks whether the guidance made under section 11 should be laid before the Parliament. Do we agree to ask those two questions, which are in the summary of recommendations?

Members indicated agreement.

The Convener: Are we content with the other proposed powers in the bill?

Members indicated agreement.

The Convener: We will consider the Government's response, along with a draft report, at our meeting in a fortnight's time, on 7 December.

Certification of Death (Scotland) Bill: Stage 1

14:17

The Convener: There are a number of proposed delegated powers in the bill, on some of which our team has again raised a few questions. Do we agree to ask the questions set out in the summary of recommendations?

Members indicated agreement.

The Convener: Are we otherwise content with the powers in the bill?

Members indicated agreement.

The Convener: We will consider the Government's response, along with a draft report, at our meeting in a fortnight's time, on 7 December.

14:17

Meeting continued in private until 14:19.

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