



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 18 January 2011

Session 3

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SUBORDINATE LEGISLATION COMMITTEE

1st Meeting 2011, 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 18 January 2011

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

Decision on Taking Business in Private

The Convener (Jamie Stone): Welcome to the Subordinate Legislation Committee's first meeting of 2011. I wish everyone a happy new year and all the best for the year to come. Thanks to Elaine Smith, we have received apologies from Rhoda Grant. I ask everyone to turn off mobile phones, BlackBerrys and so on.

Agenda item 1 is a decision on taking business in private. Do colleagues agree to take agenda items 8 and 9 in private?

Members *indicated agreement.*

Draft Instrument subject to Approval

Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2011 (Draft)

14:15

The committee agreed that no points arose on the instrument.

Instruments subject to Annulment

Eggs and Chicks (Scotland) Amendment Regulations 2010 (SSI 2010/450)

Non-Domestic Rate (Scotland) (No 2) Order 2010 (SSI 2010/457)

Civil Legal Aid (Scotland) Amendment Regulations 2010 (SSI 2010/461)

Advice and Assistance (Scotland) Amendment Regulations 2010 (SSI 2010/462)

Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010 (SSI 2010/467)

Limitation on Right to Purchase (Form of Notice) (Scotland) Regulations 2010 (SSI 2010/468)

Housing (Scotland) Act 2010 (Consequential Amendment) Order 2010 (SSI 2010/469)

14:15

The committee agreed that no points arose on the instruments.

The Convener: Although no points have been raised on either SSI 2010/461 or SSI 2010/462, the original regulations to which the instruments relate have been amended a good number of times—16, in fact. Do we therefore agree to write to the Scottish Government, in particular to Bruce Crawford, to ask for an indication of the Government's intentions with respect to consolidation of both sets of regulations, because they are rather glaringly obvious examples of regulations that require that?

Members *indicated agreement.*

The Convener: We will definitely include those two examples in our annual report. It would be wise to do so, not least for our successors in the next parliamentary session.

Instruments not laid before the Parliament

Act of Sederunt (Rules of the Court of Session Amendment No 6) (Terrorist Asset-Freezing etc Act 2010) 2010 (SSI 2010/459)

Wild Birds (Special Protection in Severe Weather) (Scotland) (No 3) Order 2010 (SSI 2010/470)

14:16

The committee agreed that no points arose on the instruments.

Guidance subject to Approval

Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes December 2010 (SG 2010/275)

14:17

The committee agreed that no points arose on the guidance.

Energy Bill

14:17

The Convener: Under the sixth agenda item, we will consider for our interest the legislative consent memorandum that has been lodged in relation to the Energy Bill, which is United Kingdom Parliament legislation. There are 11 powers on which we need to report and which are detailed in the summary of recommendations paper, which is paper SL/S3/11/1/2. Are members content to report to the lead committee and to the Parliament as per the summary of recommendations paper on the powers in subsection (2) of clause 10, "Confirmation of plan: supplementary provision for Scotland"; subsection (6) of clause 11, "Updating information produced under section 8"; subsection (7) of clause 13, "Acknowledgement of green deal plan on sale or letting out"; clause 13(8), on cases or circumstances in which clause 13(2) will not apply; clause 50(7), amending the definition of "energy performance certificate"; clause 56(6), amending the definition of "energy performance certificate"; and clause 104, "Commencement"?

Members indicated agreement.

The Convener: Do members also agree to seek further information from the Scottish Government on the following powers, which are also detailed in the summary of recommendations: clause 50, "Power to make domestic energy efficiency regulations: Scotland"; clause 53, "Power to make tenants' energy efficiency improvements regulations: Scotland"; clause 56, "Power to make non-domestic energy efficiency regulations: Scotland"; and clause 71, "Access to register of energy performance certificates etc: Scotland"?

Members indicated agreement.

The Convener: We will consider the Government's response along with our draft report at our meeting on 1 February.

Double Jeopardy (Scotland) Bill: Stage 1

14:18

The Convener: We come to the final agenda item in public. During our consideration of the delegated powers in the bill, we made recommendations relating to section 4(7). The Cabinet Secretary for Justice, Kenny MacAskill, has written to the committee in response to those recommendations. Do members have any comments on the response?

Members: No.

The Convener: Are members content to note the response and reconsider the matter after stage 2, as set out in the paper that the clerk has kindly put before us on the matter?

Members *indicated agreement.*

The Convener: The Justice Committee considered its stage 1 report this morning. The deadline for the completion of stage 1 is 11 February.

As agreed earlier, we will now go into private. I thank the official report staff.

14:19

Meeting continued in private until 14:21.

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