



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 19 February 2013

Session 4

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SUBORDINATE LEGISLATION COMMITTEE

6th Meeting 2013, Session 4

CONVENER

*Nigel Don (Angus North and Mearns) (SNP)

DEPUTY CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

COMMITTEE MEMBERS

*Jim Eadie (Edinburgh Southern) (SNP)

*Mike MacKenzie (Highlands and Islands) (SNP)

*Hanzala Malik (Glasgow) (Lab)

*John Pentland (Motherwell and Wishaw) (Lab)

*John Scott (Ayr) (Con)

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

Committee Room 5

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 19 February 2013

[The Convener *opened the meeting at 10:30*]

Decision on Taking Business in
Private

The Convener (Nigel Don): I welcome members to the sixth meeting in 2013 of the Subordinate Legislation Committee. As always, I ask members to turn off mobile phones.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes items 6 and 7 in private. Item 6 is consideration of a draft report on the Post-16 Education (Scotland) Bill at stage 1 and item 7 is consideration of a draft report on the Land and Buildings Transaction Tax (Scotland) Bill at stage 1. Do members agree to take those items in private?

Members *indicated agreement.*

Instruments subject to
Affirmative Procedure

Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2013 [Draft]

Budget (Scotland) Act 2012 Amendment Order 2013 [Draft]

Valuation (Postponement of Revaluation) (Scotland) Order 2013 [Draft]

Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2013 [Draft]

Tobacco and Primary Medical Services (Scotland) Act 2010 (Incidental Provision and Commencement No 4) Order 2013 [Draft]

10:30

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

John Scott (Ayr) (Con): I particularly welcome the draft Budget (Scotland) Act 2012 Amendment Order 2013, because I note that an extra £451.3 million will take the budget to £34,190 million, which is an increase of 1.3 per cent, or 1.34 per cent to be exact. That is very much to be welcomed. I am content with the draft order.

The Convener: Thank you.

Instruments subject to Negative Procedure

Tenant Information Packs (Assured Tenancies) (Scotland) Order 2013 (SSI 2013/20)

Water Environment (Drinking Water Protected Areas) (Scotland) Order 2013 (SSI 2013/29)

Wildlife and Countryside Act 1981 (Variation of Schedules A1 and 1A) (Scotland) Order 2013 (SSI 2013/31)

Non-Domestic Rates (Levying) (Scotland) Amendment Regulations 2013 (SSI 2013/34)

Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2013 (SSI 2013/36)

Police Service of Scotland (Promotion) Regulations 2013 (SSI 2013/39)

National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2013 (SSI 2013/40)

10:32

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

John Scott: I am content, but I draw attention to the need for consolidation of the National Assistance (Assessment of Resources) Regulations 1992, which have now been amended 15 times, by more than 60 amending instruments. I understand that this is a growing problem year on year and that it is becoming ever more difficult to access information. Also, if people have to access it, I understand that it is at significant expense, which is not as it should be. I put it on the record that the regulations are an excellent case for consolidation and I hope that the Government will consider consolidating them as soon as possible.

National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2013 (SSI 2013/41)

The Convener: Thank you, John. I am delighted with those comments. You were one step ahead of me, because—believe it or not—I

had not called the regulations, which I am now delighted to do.

I note that, although we will not report the regulations, the committee might want to make to the Government precisely the point that John Scott so eloquently made about consolidation.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): It is perfectly proper to make that point to the Government. It is probably important that we make it as a matter of principle, rather than a matter of identifying a solution.

The point is that the public to whom this legislation applies should have access to what it is. There are a variety of ways by which that could be achieved. For example, there could be a list of all amendments associated with a primary instrument or act, so that people could work things out for themselves, or it could be done in the way that Her Majesty's Stationery Office reports things, by showing the effect. Alternatively, the Government could go the full hog and legislate again to make a single instrument. I do not think that we are necessarily in a position to suggest which of those alternatives should be taken or even to say that that is a complete list of the alternatives.

The important thing is to make the point of principle that the public should have ready access to the legislation that affects them in a way that is appropriate in the context.

John Scott made a point of substance, which I support.

The Convener: Subject to those comments, are we content with the instrument as laid?

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

**Private Rented Housing (Scotland) Act
2011 (Commencement No 5 and
Transitional Provision) Order 2013 (SSI
2013/19)**

**Act of Sederunt (Messengers-at-Arms and
Sheriff Officers Rules) (Amendment) 2013
(SSI 2013/23)**

**Tobacco and Primary Medical Services
(Scotland) Act 2010 (Commencement No
3) Order 2013 (SSI 2013/38)**

10:37

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

Water Resources (Scotland) Bill: After Stage 2

10:37

The Convener: Item 5 is consideration of the delegated powers provisions in the Water Resources (Scotland) Bill after stage 2. Members will have noted that the Scottish Government has provided a supplementary delegated powers memorandum and will have seen the briefing paper.

Stage 3 consideration of the bill is due to take place on Wednesday 27 February. The deadline for lodging amendments is 16:30 this Thursday, 21 February. The committee may therefore wish to agree on its conclusions today.

Does the committee agree to report that it is content with the powers in the bill as amended at stage 2?

Members *indicated agreement.*

The Convener: Do members have any comments?

John Scott: I am content and I welcome the fact that the Government has taken notice of our earlier concerns.

The Convener: We agree to report that we are content.

10:38

Meeting continued in private until 11:41.

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e-format first available
ISBN 978-1-78307-393-1

Revised e-format available
ISBN 978-1-78307-409-9

Printed in Scotland by APS Group Scotland
