The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 28 May 2013

Session 4

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SUBORDINATE LEGISLATION COMMITTEE
17th Meeting 2013, Session 4

CONVENER

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

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)
*Mike MacKenzie (Highlands and Islands) (SNP)
*Hanzala Malik (Glasgow) (Lab)
*John Pentland (Motherwell and Wishaw) (Lab)
*John Scott (Ayr) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Joe Brown (Scottish Government)
George Burgess (Scottish Government)
Roddy Flinn (Scottish Government)
Stuart Foubister (Scottish Government)
Daniel Kleinberg (Scottish Government)
John McCutcheon (Scottish Government)
Gordon McNicoll (Scottish Government)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

Committee Room 5

Scottish Parliament

Subordinate Legislation Committee

Tuesday 28 May 2013

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Nigel Don): I welcome members to the 17th meeting in 2013 of the Subordinate Legislation Committee. As always, I ask members to turn off mobile phones.

Under agenda item 1, it is proposed that the committee take items 6 and 7 in private. Item 6 is consideration of the evidence that we are about to take on the Regulatory Reform (Scotland) Bill and item 7 is consideration of the evidence that we will take later in the meeting on the Children's Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013 (SSI 2013/146). Do members agree to take those items in private?

Members *indicated agreement.*

Regulatory Reform (Scotland) Bill: Stage 1

10:01

The Convener: Item 2 is an opportunity for us to question Scottish Government officials on the Regulatory Reform (Scotland) Bill. I welcome from the Scottish Government George Burgess, who is deputy director for environmental quality in the environmental quality division; Joe Brown, who is the head of better regulation and industry engagement in the enterprise and cities division; and Stuart Foubister, who is a divisional solicitor in the directorate for legal services.

Can you give us the background to parts 1 and 2 of the bill? In particular, can you explain, in broad terms, how the bill will change the powers—in comparison with those that are currently available—to make subordinate legislation on regulatory and environmental matters?

Joe Brown (Scottish Government): In broad terms, the background to part 1 of the bill is to promote consistency in regulation across Scotland and to empower regulators to take into account, in the performance of their duties, economic considerations, in addition to their other statutory functions, so that there is an element of equity.

We propose to take powers to make regulations that would represent national standards of regulatory practice in areas that are yet to be identified.

The Convener: Would the national standards displace all other standards at that level?

Joe Brown: At this stage, it is hard to say. There is one proposed national standard elsewhere in the bill, where it is suggested that we will introduce a national standard for the licensing arrangements for mobile food vans. We are working on the food-safety element of that with the Food Standards Agency. That is quite a narrowly focused example.

We are also working with the Convention of Scottish Local Authorities to identify a range of regulatory functions in which it believes national standards could be introduced, and to bring forward proposals on those. I do not yet have those examples to present to the committee.

Other examples that came out during the consultation relate largely to aspects of licensing by local authorities in relation to alcohol and a range of other things.

The Convener: You suggested in your opening sentence that part 1 of the bill will provide consistency. Is that consistency for a particular area of business across the country or is it

consistency for all areas of regulation within Scottish law?

Joe Brown: It will be more the former; we would look to address issues that particular sectors of the business community raise with us about their regulatory experience. Sometimes that will be about regulation as a truly national standard and sometimes it will be about underpinning processes.

The example that was highlighted frequently in the consultation was alcohol licensing, in respect of which local authorities impose different forms and requirements. When we looked back at the original legislation, we could not find a particularly good explanation for that approach. As a result, what could emerge from the bill is a consistent process for businesses to go through.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): On your opening remarks, Mr Brown, I seek clarity on the bill's creation of powers for one or more of the parties that are listed in it—of course, there could be more in the future—to take economic issues into consideration. Are any of the bodies in the current list not permitted to do so or is their not doing so merely for convenience?

Joe Brown: The evidence that has been presented to us suggests that although there have been great strides in how the listed public bodies align themselves with the Scottish Government's economic purpose of promoting economic development, the approach is not consistently applied—

Stewart Stevenson: I do not mean to speak over you, but I should point out that I am not anxious to explore the policy issues; that is not the committee's remit. Instead, our approach this morning will be quite technical. If I heard you correctly, you seemed to say that the bill would for the first time enable bodies to take economic factors into consideration when making decisions, but can you point to a body that is at present inhibited from taking economic issues into consideration in decision-making processes? I ask the question simply to understand the scope of the technical detail, particularly in relation to the subordinate legislation—which is, after all, our particular interest—that will be covered.

Joe Brown: My understanding is that with regard to all the bodies that are listed, individual regulators have discretion to take economic factors into consideration in their decision making. Equally, however, they have the discretion not to do so. The intention behind the bill is to provide equity and parity to allow regulators to undertake balanced consideration of economic and other relevant factors in determining their decisions, and be held accountable for that.

Stewart Stevenson: Okay. That covers economic factors. What other things are we trying to standardise?

Joe Brown: The answer relates to the regulators' specific functions. A regulator that deals with environmental, heritage, food safety or other issues would normally have a statutory requirement to consider those factors.

Stewart Stevenson: Do you mean under the bill?

Joe Brown: I mean under the existing legislation that covers regulators' roles and functions.

Stewart Stevenson: You must forgive me; it is early in the day and my brain might not have woken itself up yet. It seems that the bill boils down to the very slight thing of enabling ministers to apply a national standard to a range of bodies in their decision making. Is that the sum and substance of what looks like a rather bigger bill than such an aim might suggest?

Joe Brown: Section 1 addresses the economic considerations and national standards. As you will appreciate, the bill is a composite one, so I would not necessarily endorse that description of it.

Stewart Stevenson: I invite you to express it in another way, then.

Joe Brown: Certainly, the bill is intended to allow us to deliver greater consistency through national standards where appropriate, and to empower regulators to take economic factors into the decision-making process.

Stewart Stevenson: But we have already established that they can do so.

Joe Brown: Yes, but to do so—

The Convener: Forgive me, but I want to move on. I am sure that we can return to the issue, but I think that we have got the point.

John Scott (Ayr) (Con): I have what is perhaps a more straightforward question, which is on consistency. Taking the bill's policy objectives into account, how has the Scottish Government ensured that an appropriate balance has been struck between primary legislation and the powers to make subordinate legislation?

Stuart Foubister (Scottish Government): Part 1 relates almost wholly to subordinate legislation because, as Joe Brown mentioned, it gives us powers to set national standards. There is nothing definite in that field yet to put down in primary legislation, so we have proceeded entirely by powers.

The Convener: We have divided up our questions into those on part 1 and those on

following parts. We are on part 1 at the moment, so if we could be clear about that, that might help the discussion.

John Scott: I was referring to part 1. Paragraph 19 of the delegated powers memorandum states that the reason for the power to make regulations in connection with regulatory functions is that it will

"provide sufficient flexibility to enable measures to encourage or improve regulatory consistency to be taken quickly and efficiently in response to changing circumstances without having to resort to primary legislation."

However, the memorandum does not seem to explain, or give examples of, how the power might be used in relation to the regulators that are listed in schedule 1. Will you explain the intended effects of the power on those regulators and perhaps give us some examples, in as much as you have not already done so for Stewart Stevenson?

Joe Brown: Perhaps the best example is the national standard in relation to mobile food vans, which is in the bill and to which I have already referred. We are introducing a different protocol on that. I will explain the policy background, where the problem came from and how we are attempting to address it.

Through business representation, we established that, across the local authorities in Scotland, two different approaches are being taken to examination of mobile food vans to assess whether the equipment in them is appropriate for food-safety purposes. When we discussed with environmental health officers the two policy approaches that are in place, there was agreement that the situation is not particularly helpful, because it creates issues for food vans that operate in several local authority areas, as they have different requirements imposed on them—seemingly arbitrarily. We also confirmed that such vans have to be inspected by each local authority.

10:15

With the Food Standards Agency, we are working towards the creation of a common and consistent standard of kit, which we expect to be delivered in December this year. Building on that common standard, the bill will allow us to eradicate the practice of multiple examinations and inspections by local authorities. We will put in place a mechanism whereby a mobile food van will be inspected against a common standard by the local authority in which the business is registered. If it passes, it passes; if it fails, it has remedies to go through.

As a result of the bill, the certificate that the food van receives from the local authority in which the business is based will be recognised by all local authorities in Scotland. That means that there will be clarity and consistency about the equipment that is required for food vans and there will no longer be multiple inspections.

The Convener: Forgive me for interrupting. That is fascinating, but I remind you that we are not worried about the policy. I think that we can all see the point, but we are not the lead committee. Our concern is about the balance between primary legislation and subordinate legislation, and the flexibility that is inherent in the proposed approach. We have heard the example and we do not have to worry about whether the system will work, because that is not our problem. Does John Scott want to pursue the issue?

John Scott: I have finished.

Stewart Stevenson: I seek a tiny wee bit of technical clarity. If the company that owns a food van is registered in Carlisle, which council will do the inspection?

Joe Brown: Do you mean if the business is registered in Carlisle?

Stewart Stevenson: Yes. The van could be trading across the border.

Joe Brown: I would have to—

Stewart Stevenson: One argument that is being deployed is that there should be consistency and a national standard. I will perhaps leave that thought with you.

Joe Brown: Yes, absolutely.

The Convener: Let us leave that thought there.

Mike MacKenzie (Highlands and Islands) (SNP): I will pick up on the same theme in broad terms. Has the Scottish Government considered whether there are any legislative provisions that set out significant regulatory functions of a body that is listed in the bill—or any other bodies that might be added in the future—in relation to which it might be more appropriate to retain scrutiny by primary legislation?

There might not be a stampede to answer. Mr Brown does not necessarily have to answer—anybody who wishes to answer can respond.

Joe Brown: As I said, the premise of that provision is to enable us to respond to practical examples of problems that are experienced by either regulators or businesses when national standards may allow a better balance between—

Mike MacKenzie: I say with respect that you have explained that more than adequately. We are talking about the balance between primary legislation, which is subject to full parliamentary scrutiny, and subordinate legislation, in relation to which the level of scrutiny is perhaps not as great.

How did you weigh the issue of scrutiny when you considered the balance between primary and subordinate legislation?

Joe Brown: I think that the balance is down to the fact that we were hearing consistently from business organisations that the way in which regulatory activities have been carried out has not always been supportive enough of businesses and economic growth to be in the best interests of the economy. We had some examples, but not a host, of areas in which national standards could be introduced. The bill allows scope for such examples to emerge organically from the business community and/or regulators.

Mike MacKenzie: I am still not quite with you, in as much as you seem to be talking to a certain extent about policy rather than legislative mechanisms, but I will move on to my next question.

Has the Government considered whether any functions of the regulatory bodies that are listed in the bill, or which could be added in the future, are not appropriate for regulation by the Scottish ministers—for example, where local authorities have a level of independence from the Scottish Government?

Joe Brown: I am not aware of there being any such specific issues. We have spoken at length to COSLA and engaged with it throughout the process of developing the policy. I am sorry to return to that, but COSLA has expressed some support for the bill, albeit particularly for moving forward following consultation, and it has not raised that issue with us.

Mike MacKenzie: The affirmative procedure will apply to the powers to make regulations in section 1. Will you explain why that level of scrutiny is deemed to be appropriate?

Stuart Foubister: That is simply because the powers are wide ranging and they will allow a fair amount to be done by way of setting national standards. Rather than try to separate out more minor matters that could have been covered by negative procedure regulations, we felt that it was better to apply the affirmative procedure to provisions that will be made by way of section 1 regulations.

Mike MacKenzie: That brings me to my next question. Sections 2(1) and 2(2) include the power to create new regulatory requirements. The potential scope of such powers is uncertain, so was consideration given to applying a higher level of scrutiny, such as the super-affirmative procedure?

Stuart Foubister: No.

Mike MacKenzie: You do not feel that, under those circumstances, that procedure might be appropriate.

Stuart Foubister: No.

Mike MacKenzie: Why not?

Stuart Foubister: The super-affirmative procedure is rarely used. I do not see the issues here as being major enough to justify use of that procedure.

Mike MacKenzie: Is that the case even when entirely new regulatory requirements are being created?

Stuart Foubister: They are still regulatory requirements. The power is not at the top end, where we would normally consider use of the super-affirmative procedure to be appropriate.

Mike MacKenzie: Okay. Thank you.

John Scott: Do you want me to go on to section 4, convener?

The Convener: Yes.

John Scott: As you will know, section 4 is on the power to give guidance to regulators as to the carrying out of the duty that is described in section 4(1). It provides for ministers to give guidance to regulators in relation to their duty to contribute to achieving sustainable economic growth, as we have discussed. Can you further explain how the Scottish ministers intend to use the power and how it could affect the regulators that are listed in the bill?

Joe Brown: The expectation is that the principal source of guidance will be the code of practice that is identified in sections 5 and 6. However, we were alert to the potential for regulators and others to raise ad hoc issues on which ministers will give guidance, and that expectation led us to include the advice-giving power in the bill.

The expectation is that the code of practice, which we are in the process of developing, will evolve over time and disseminate points that emerge through policy development. We are keen to retain the capacity for ministers to give guidance to regulators on ad hoc issues, when that is required.

John Scott: In the circumstances that you described, why has it been deemed to be appropriate not to apply any procedure to the power?

Stuart Foubister: That is simply for flexibility. As Joe Brown said, the main document will be the code of practice. We expect most things to be in there. It could include the subject matter of what could alternatively have been drafted as guidance. However, we thought that it would be useful to

have the ability to provide regulators with further guidance quickly and without parliamentary procedure when they come to us or the Scottish ministers for such guidance.

John Scott: Is speed entirely of the essence in that circumstance? Scrutiny is also important; it seems to me that you are denying any level of scrutiny.

Stuart Foubister: There is no parliamentary scrutiny on the power. However, the power is fairly limited. It is a power to give guidance as to statutory provision, and we obviously cannot give guidance that in any way falls outside the law. The ambit of what can be done under section 4 is a good deal narrower than what can be done under the code of practice in section 5.

John Scott: So we should be assured that there would be nothing for us to be concerned about in respect of that power being exercised without any parliamentary scrutiny.

Stuart Foubister: Yes—we would take that line.

The Convener: I will follow that up with a rather obvious question: can ministers not do that at the moment anyway? If a body comes to the minister and asks, "What do we do with this, please, sir?" it will listen to the answer, so why does the minister need a power to give that guidance?

Stuart Foubister: The power is in the requirement on the regulator to "have regard to" the guidance. Admittedly, if a body specifically requests some sort of guidance from the Scottish ministers, we can provide it without legislation. The teeth in section 4 are in the fact that the regulator must have regard to any guidance that is given.

John Scott: I am just trying to get it clear in my head. At the moment, what you do in that regard must be done under legislation. Under the bill, it will only be done through guidance. Is that correct?

Stuart Foubister: No. I was saying that, at present, if there is no legislation on a matter and a body wants to know what the Scottish ministers' views are on interpretation of a statutory duty, those can be offered. I suspect that, if the matter came anywhere near lawyers, the Scottish Government would also usually offer its view, but would tell the body that the view carried no particular weight and that the body would have to take its own legal advice.

In the bill, we go a bit wider. We take a power to give guidance and say that the regulator must have regard to it.

John Scott: However, the Parliament will have no input into that.

Stuart Foubister: No, it will not, under the bill as drafted.

The Convener: I quite like that previous answer, if I may say so. Something that saves two groups of people from having to take legal advice seems to me to be an extremely good idea.

We move to part 2, which concerns environmental regulation. Mr Stevenson will take us through it.

Stewart Stevenson: I am sure that this will be an opportunity for Mr Burgess to contribute to our deliberations.

Paragraphs 34 and 35 of the delegated powers memorandum say that the powers to make regulations to protect and improve the environment are a simplification and rationalisation. However, I note that schedule 2 contains a considerable list of matters that could be included in regulations, such as

"Specifying other activities as environmental activities"

for, I think, the first time and then regulating them.

Can you resolve the tension that appears to exist between the claim of simplification in paragraphs 34 and 35 of the memorandum and what is in schedule 2, which gives ministers a pretty wide power to expand the remit of environmental regulation? How can that be seen in any meaningful sense as simplification or rationalisation?

10:30

George Burgess (Scottish Government): I will deal first with the question of simplification. The main environmental regulation regimes, which cover industrial pollution, waste, radioactive substances and the water environment, come from a variety of statutes of different vintages. That is quite a complicated mixture of primary and secondary legislation.

To return to questions that were asked about part 1 of the bill, there is quite a bit of detail on waste in the primary legislation and in the secondary legislation. The provisions on radioactive substances are from an act of 1993, which is essentially a consolidation from the 1960s. Almost all that is set out in primary legislation and causes difficulties for the Scottish Environment Protection Agency and for operators in trying to fit the regulated practices into the framework that the primary legislation sets out. Most of our industrial pollution prevention and control is dealt with under the Pollution Prevention and Control Act 1999, and the water environment is dealt with under the Water Environment and Water Services (Scotland) Act 2003.

The 1999 act has a very broad power, which is not dissimilar to the one that the bill provides, to allow ministers, by regulations, to regulate activities of any nature. A broad power already exists in that act, and our colleagues south of the border have used that power to bring together all their regulatory regimes for industrial pollution, waste and radioactivity. That power, on which the power in the bill is closely modelled, has a fairly detailed schedule of the matters that can be contained in the regulations.

In that sense, what we have provided in the bill is nothing new and is no wider than the existing powers in the 1999 act. What is different is that the 2003 act provides a much more proportionate scheme of regulation for the water environment, so that an activity could—depending on its significance—be regulated at the level of a licence or registration or simply under general binding rules.

Such flexibility and proportionality are absent from the 1999 act. I apologise to the official reporters for waving my hands in the air at this point, but we are taking the broad horizontal approach from the 1999 act, to cover a wide range of environmental activities for which all that can be done is to apply a permit, with the vertical approach from the 2003 act, which allows us to apply a much more proportionate level of regulation but in a narrow area. We are bringing the two together to get the new framework, which I sincerely hope will be quite a bit simpler and more flexible to operate for all concerned.

Stewart Stevenson: That is encouraging as a description, but I wonder whether it meets the test of simplification. If, as you suggest, the 1993 act still draws on a 1960s act in relation to radioactivity, and if the bill does not draw into itself all the powers of the 1999 and 2003 acts, is it possible to argue that you are merely spreading the legislative levers that are available across a further act without dispensing with any previous acts and that the word “simplification” is therefore not the most obvious one to use?

George Burgess: An attempt to simplify is certainly being made. The bill removes from the 2003 act the power under which the controlled activities regulations are made. We intend to do away with the power in the 1999 act if at all possible, but there are complications with legislative competence, because the issue is not entirely devolved and the 1999 act is also used to regulate industrial pollution from offshore activities, which is not within the Parliament’s legislative competence. The intention is certainly to replace everything that is regulated under the 1999 and 2003 acts with new regulations under the new power, but our ability to completely sweep away the earlier schemes of regulation is more limited.

We certainly also intend to use the new power to replace the waste regime in the Environmental Protection Act 1990 and the Radioactive Substances Act 1993—the latter is based on a 1960s model, as I mentioned—to ensure that we get a single set of regulatory procedures instead of having appeals procedures scattered across several pieces of legislation that do not all say the same thing.

Stewart Stevenson: Given the vires issues that you have just highlighted and the fact that the Government might seek to draw such matters into Scottish legislation, has the Government had any discussions with the UK Administration to get what I think is called a section 103 order to ensure that the bill can deal with such issues?

George Burgess: I will raise you one—it is actually a section 104 order.

Stewart Stevenson: Ah.

George Burgess: The issue is the regulation of energy efficiency which, as far as it is dealt with under the 1999 act, is already executively devolved. The Scottish ministers can use that power and did so most recently in making the Pollution Prevention and Control (Scotland) Regulations 2012 (SSI 2012/360).

Stewart Stevenson: To make it clear to those who might be reading our discussion, will you confirm that executive devolution means that the Scottish ministers may exercise the power but that Parliament may not legislate in the area?

George Burgess: That is correct, but I point out that what was executively devolved was the power for the Scottish ministers to make regulations. That power was exercised in the 2012 regulations, which came out at the end of last year.

There are complications about what precisely we can regulate. Although the regulation of pollution from offshore activities would probably not come in at any stage, we are as far as possible seeking to simplify matters and to get rid of the earlier regulation schemes.

Stewart Stevenson: I will finish by returning in the context of environmental legislation to the balance between primary and secondary powers with, in essence, everything that matters being delegated to secondary powers, which we raised in relation to part 1 of the bill. Given that secondary powers remove from Parliament the ability to amend proposed legislation—that ability comes only with primary legislation—is the Government making a commitment to being flexible about withdrawing and replacing instruments if Parliament has serious views about the structure and policy scope of secondary legislation? Given that everything will be dealt with in secondary legislation, will we as a legislature be

able to influence adequately the development of environmental legislation through the secondary legislation mechanism?

George Burgess: I am sure that ministers are always cognisant of the views of any parliamentary committee, whether it be this one or a subject committee. However, I would certainly see that as the backstop throughout the whole process, which has been a partnership project between us and SEPA.

As the proposals have been developed, there have been a number of consultations and lots of opportunities for interested parties, regulated businesses, non-governmental organisations and others to get involved in the process. If there was suddenly deep concern about a fundamental aspect of a set of regulations before Parliament, I would see that as a significant failure on our part. I am sure that, were there to be any concerns in Parliament, ministers would deal with those appropriately. The approach is to consult people as we develop the detail of the regulations, so that everyone is content with that.

We can consider the history of scrutiny in the Parliament of regulations under the 1999 act power. I mentioned the set of regulations that was approved at the end of last year. There was a brief debate in the relevant committee, because those regulations were dealt with under the affirmative procedure. However, I happened to look back at the very first set of regulations dealt with under that power, in 2000, and they went through the committee on the nod.

John Scott: Stewart Stevenson raises a valid point. When legislation is introduced by means of subordinate legislation and—most often, I suspect—negative instruments, this committee, at any rate, has little or no ability to scrutinise the policy issues. If the instrument is technically correct, it will go through on the nod here, as you say. The committee that might consider the policy issue just says, "Oh, the Subordinate Legislation Committee is quite happy with it. Next!" I feel that there is a sort of crack in the paving stones and that things could slip through, possibly without adequate parliamentary scrutiny. I want to be further reassured by you that that will not happen and that somehow or other I am being naive.

George Burgess: I am inclined to say, "Trust me, I'm from the Government," but that might not be the answer that you are looking for. I gave the example that the more recent scrutiny of regulations made under the power in the 1999 act was more detailed than the scrutiny back in 2000.

Essentially, we are asking Parliament to give ministers a power. As members have said, the power is broad. However, it is also quite clearly expressed, given the detail that is provided in schedule 2 to the bill on what can be done using that power. It is also in an area that is quite well precedented. We have existing sets of regulations, which use very similar powers, so Parliament has already seen the sort of thing that ministers would do under such powers. I hope that that, combined with adequate consultation with interested parties, is enough to ensure that nothing falls through the cracks.

The Convener: Does Mike MacKenzie have a question on that?

Mike MacKenzie: No. The issues have been explored fairly thoroughly.

Hanzala Malik (Glasgow) (Lab): I return to part 1 of the bill and the earlier discussion about levels of scrutiny. Mr Stevenson raised the point about cross-border legislation and trade and so on, which I will take a stage further. I am not looking for a response today because, if you could not respond to Mr Stevenson's point, you will be unable to answer my question.

I am looking at European legislation and wondering whether we are putting ourselves at risk of somebody taking us to the European Parliament over such issues. How do we protect ourselves against that and allow the scrutiny that is perhaps being missed? I am keen to get a response that addresses not only Mr Stevenson's point but the point about European legislation and how that would affect us.

10:45

The Convener: I am sure that consistency with European legislation is a fair issue to raise, so does Mr Burgess want to address that?

George Burgess: Part 2 deals with environmental matters, on which quite a lot is legislated for at European level. That limits the realisation of our ambitions for a simple and streamlined system because, when we implement European Union legislation, we need to ensure that we have correctly transposed all our EU obligations. We want a flexible system with different tiers of permits, but we are limited by, for example, the industrial emissions directive, which mandates that, for certain industrial activities, there absolutely must be a permit and none of the lower levels will suffice. We do what we can within the framework of European legislation and there are times when that framework is not entirely consistent, which causes us some difficulties.

Mr Brown might be better able to respond on part 1. There are certainly issues in relation to the services directive, which sets up rules on how enterprises from one part of the EU can do business in another.

Joe Brown: We are not conscious of any issue in relation to the bill and existing European legislation or requirements. We are comfortable that the provisions are compatible with EU legislation.

Hanzala Malik: I am not really comfortable with that response. It does not convince me, but I am happy for you to come back to me with some detail. You are saying that you are comfortable with the position, but I am not, which is why I asked my question.

Joe Brown: I will certainly provide additional material.

Stewart Stevenson: On the back of the discussion that we have had, it has just occurred to me that the guidance has been elevated to being a more significant part of the management framework for the policy, so I take it that a commitment has been made that all the guidance that will be provided under the powers in the bill will be published and made available for Parliament to scrutinise and respond to if it wishes to do so, even if no parliamentary process is identified with that guidance.

Joe Brown: We have not yet considered that level of detail. The code of practice to which part 1 refers will be published. As I said, we envisage that there might be a line of sight or a route for more general ministerial guidance to be absorbed in subsequent versions of that document when it is published.

Stewart Stevenson: Could I suggest—I do so personally, because I have no mandate to speak for the committee, although I see that some people are nodding—that the committee would regard it as advisable for ministers to make such a commitment to publish guidance?

Joe Brown: As I say—

Stewart Stevenson: This is not the place for you as an official to make that commitment, but I suggest that you should engage ministers on that point.

Joe Brown: Yes.

John Pentland (Motherwell and Wishaw) (Lab): I go back to part 2 and environmental regulation. In response to Mr Scott's and Mr Stevenson's questions, Mr Burgess might already have answered my question. The negative procedure applies to powers to make regulations under section 10, unless there is a textual amendment of primary legislation, to which the affirmative procedure applies. Schedule 2 includes some significant powers, such as the powers in paragraphs 28 and 30 to create new offences and to impose new fees and charges. Why is it considered to be appropriate that the negative procedure should apply save when primary legislation is to be amended?

George Burgess: I can explain that by looking at the history of what happened under the 1999 act, which, as I explained to Mr Stevenson, contains the predecessor power for a large part of what is proposed. A mixture of affirmative and negative procedure instruments have been made under that power. As I mentioned, the most recent set of regulations to implement the industrial emissions directive at the end of last year was made under the affirmative procedure.

The Interpretation and Legislative Reform (Scotland) Act 2010 allows the affirmative procedure to be used even if only the negative procedure is mandated. There is flexibility to use either affirmative or negative procedure, depending on the extent of the subject matter.

When we are required to implement European directives on environmental matters, we would do that through the proposed power. To be frank, some of those directives have little or no effect in Scotland—for example, one is coming up shortly in relation to the storage of metallic mercury, but that practice does not happen in Scotland. Legislation is needed to meet the European requirements, but it has no practical effect in Scotland.

In such cases, the negative procedure is perfectly adequate. In others, such as the first time that we use the power—and certainly when we bring in the material from radioactive substances and waste regulation—the affirmative procedure will be entirely appropriate. The affirmative or negative procedure can be used according to the instrument's significance.

John Pentland: Given the scope of the proposed powers, was consideration given to applying a higher level of scrutiny—the affirmative procedure or even the super-affirmative procedure—to the new powers to make environmental regulation that extend beyond the existing powers?

George Burgess: Yes. As I said, we have looked at the existing powers that we have drawn on and the history of parliamentary scrutiny of those powers. We consider that what is provided in the bill is appropriate for that.

John Scott: To return to European issues, paragraph 22 of schedule 2 to the bill allows the regulations to make provisions that,

"subject to any modifications that the Scottish Ministers consider appropriate,"

are similar to any provisions that are

"capable of being made, under ... the European Communities Act 1972 in connection with an EU obligation relating to ... the environment."

Why is that power appropriate, given that the 1972 act is the general enabling provision that allows the implementation of EU obligations by subordinate legislation?

George Burgess: Although that power might look a little unusual, it is nothing new. It has a direct predecessor in paragraph 20(1)(b) of schedule 1 to the 1999 act and there is another similar power in the 2003 act. It is not a new power. Rather than have separate instruments or use the powers from two acts in making the same instrument—which, as the committee knows, is technically possible—it allows a single set of powers to be used.

The Convener: Is the advantage of that the fact that, if you are making a set of regulations, it is easier to have one power that enables you to do them all in a oner rather than to refer to another power for the appropriate bit?

George Burgess: Essentially, yes.

John Scott: Given the width of the proposed substantive powers in the bill, why are further powers required to make supplemental, incidental and consequential provision? Will you give examples of how those ancillary powers might be used?

George Burgess: Which power are you thinking of in particular?

John Scott: The ancillary powers in relation to parts 1 and 2. I would need to ask others about the particular powers.

George Burgess: In relation to part 2, for example, it is very common that regulations that are made under such a power need to make consequential amendments to a variety of other bits of legislation. We might be dealing with environmental protection, but references to environmental protection regulations can frequently be found as far afield as tax legislation, so there is a need to be able to make such consequential provision.

The Convener: Forgive me—I am confused. If you are making regulations that are designed to change things anyway, why do you need the power to make supplemental provisions to the regulations that you have made to change what is there? Is that not the change process? Why do you want to add supplemental stuff to that when your power in the first place is the power to change?

George Burgess: We need to be able to make provisions that extend to other legislation. That might be the case with consequential provisions more than supplemental provisions.

The Convener: If you needed to change another piece of legislation in the process of making your regulations, surely that change should be the next line in the regulations that you make. Why do you want to have a power to do something else afterwards—other than because you forgot it the first time round? That is somewhat unkind, but that may be the point.

George Burgess: That is exactly what section 44 provides: it provides the power—within our regulation-making powers—to make supplemental, incidental or consequential provision. Without section 44, we would not have the vires to do that.

Hanzala Malik: So basically you are not confident of getting it right.

The Convener: I think that I am following you, Mr Burgess. You are saying that you need to be able to change the whole statute book; the power enables you to be quite sure that you can do everything that is necessary.

George Burgess: Yes. Without the power, we could make the environmental regulations, but we would not be able to make the changes elsewhere in the statute book where there are cross-references to the regulations. Without the power, that other legislation would not necessarily work as it was intended to, which is not a good thing to allow.

The Convener: I thank you very much for your extensive evidence. As there are no further questions, I suspend the meeting.

10:57

Meeting suspended.

11:03

On resuming—

Instrument subject to Negative Procedure

Children's Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013 (SSI 2013/146)

The Convener: Item 2 is an opportunity for members to question Scottish Government officials on the Children's Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013. I welcome Daniel Kleinberg, team leader for youth justice and secure care; John McCutcheon, policy officer, from the children and families directorate; and Gordon McNicoll, divisional solicitor, and Roddy Flinn, senior principal legal officer, from the directorate for legal services. Good morning, gentlemen.

Daniel Kleinberg (Scottish Government): I will take three or four minutes to respond to some of the points that the committee suggested we might want to talk about today.

The committee will know that the intention had been to lay the relevant secondary legislation necessary to bring the new disclosure regime that is contained in the Children's Hearings (Scotland) Act 2011 into effect as part of the wider go-live of the new children's hearings system. That was intended to happen on 24 June 2013. However, earlier this year a question emerged about the legislative competence of one of the Scottish statutory instruments that would have achieved that result, as a consequence of officials becoming aware of discussions that had taken place between officials in other parts of the Scottish Government and the Parliament in connection with what is now the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (SSI 2013/50). As a result of that development, the relevant SSIs have not been laid as planned. Instead, we have a transitory order, which is what we are here to talk about today.

The disclosure provisions in the 2011 act reclassify certain children's hearings disposals from convictions to alternatives to prosecution and provide Scottish ministers with the power to make an order under the Police Act 1997 that specifies the offences that Disclosure Scotland can access automatically while discharging its functions of providing criminal record checks for recruitment and other purposes. The police act order needs to be supplemented by an order under the Rehabilitation of Offenders Act 1974 to ensure that only those individuals with a children's hearings alternative to prosecution in respect of offences set out in the police act order—which will be serious sexual and violent offences—are compelled to tell an employer that they have a spent children's hearings alternative to prosecution.

The issue that is raised by the discussions to which I have just referred is a complex one. In essence, whereas we currently have the power to legislate generally for disclosure of children's hearings disposals because they are classed as convictions, the effect of decriminalising those disposals and making them the equivalent of alternatives to prosecution is that we move into territory where we do not have the equivalent competence to act in so far as doing so would impact on reserved areas. The issue here is primarily the regulation of particular professions. That therefore requires us to seek an order from the UK Government under the Scotland Act 1998 to transfer those functions in so far as they will impact on reserved areas. The transitory order under the 2011 act, which you now have before you, is required to carry forward the existing disclosure provisions in respect of the new children's hearings regime until the powers that we need are achieved.

We looked at the alternative option of delaying the new children's hearings system, but that would not be desirable, given that this is only a small part of a significant overhaul of the children's hearings system that is teed up to be operational from 24 June. To delay go-live would not make the process any swifter; it would simply postpone the other improvements that will be achieved under the 2011 act. The option of not providing for disclosure of a new compulsory supervision order is not acceptable either. That would mean that individuals with serious sexual and violent offending behaviour would not be subject to any disclosure.

Finally, we also looked at the option of bringing forward provisions only in so far as they did not impact on reserved areas. We did not do that, for two reasons. First, the criminal history system and disclosure procedures are extremely complex. The lead-in time for making changes and being confident about them is long. Secondly—and more critically, in this instance—it would be all but impossible to explain clearly to a child the potential impact that accepting grounds against them might have on their future need for disclosure and self-disclosure where that depended on the nature and type of job for which they were applying. We needed to keep the system understandable to children as they go through it.

To that end, the intention is to continue with the existing disclosure arrangements and to act as soon as possible after the proposed transfer of powers under the Scotland Act 1998 to allow for

the changes to the disclosure procedure envisaged by the 2011 act. Obviously, the timescales for that depend on scheduling and on parliamentary decisions that will be taken elsewhere, but we hope to move that on as swiftly as possible. Although discussions with Whitehall counterparts are at a very early stage, our preliminary view is that the nature of what we are trying to achieve is unlikely to meet with any resistance from them. The nature of the changes that we are seeking to make were subject to official-level discussions with the Home Office, given that after a recent Court of Appeal decision, it is seeking to achieve something similar down south. That probably means that, although we can be confident about the likely progress of a Scotland Act 1998 order, there will be a wait of six to 12 months until we can bring forward the provisions that we had hoped to have in place in the next couple of months.

The Convener: I am grateful for those comments. Please could you explain what the order is intended to do that gets round the problem?

Daniel Kleinberg: In simple terms, the order keeps the system that we have just now as it relates to disclosure in effect for the new supervision orders that are coming in as part of a children's hearings system. We already have those powers, but we cannot bring the new powers in as we decriminalise the outcome into children's hearings disclosures. In effect, the measure is exactly what it says: a transitory one to hold the system in place until we have the powers that we need.

The Convener: Is the effect of it then to avoid the decriminalisation?

Daniel Kleinberg: In the short term, yes. It keeps the current system—

The Convener: —and therefore retains the disposals in the children's hearings system within the powers of the Scottish Parliament?

Daniel Kleinberg: That is exactly right. It also retains the disclosure principles for both.

The Convener: I am grateful. Thank you.

Stewart Stevenson: We have three regimes: the predecessor regime; the one that is going to be transitory, which is before us today; and the destination that we will reach when all the vires issues are, hopefully, satisfactorily dealt with. I am coming to the very edge of policy, which is not our concern as a committee. I just want to be clear that no individual whatever will be adversely affected by the transition from the existing regime to the transitional regime.

Daniel Kleinberg: To the destination regime?

Stewart Stevenson: No, to the intermediate regime that we are talking about today. No one will be disadvantaged—they will be treated the same.

Daniel Kleinberg: I will look to colleagues to correct me if I am wrong, but in effect the predecessor regime and the transitory regime are one and the same. The intention of the order is to keep it exactly as it is, so nobody ought to be adversely affected.

Stewart Stevenson: The adverse effect is limited simply to the fact that the change is postponed, which is clearly an adverse effect for some people.

Daniel Kleinberg: Precisely right. Delaying the enhanced and better regime—in the view of the Parliament and my ministers—is frustrating but necessary.

Stewart Stevenson: Of course, that is from the point of view of the individuals whose convictions may or may not be disclosed. On the other hand, there are those to whom the disclosure is made. Is there any disadvantage to those to whom disclosure is made as a result of the existence of a transitory regime? Is the answer simply the same?

Daniel Kleinberg: It ought to be the same. The advantage is that if we did not have this transitory regime, obviously you would not have those disclosures. We would not be able to apply them, so you would have the very negative effect that information on people who as children had criminal convictions that might be relevant, particularly those for serious sexual and violent offending, would not be available to those who were seeking to keep children safe.

Stewart Stevenson: I just want to understand the reason why it has been necessary to postpone things. You said that the vires issue arose earlier this year. You have had preliminary discussions with Westminster. Will you lay out the timescales? What does "earlier this year" mean?

Daniel Kleinberg: It means Easter. Forgive me, but I have forgotten exactly when Easter fell.

Stewart Stevenson: Forgive me, I am not trying to pin you down to an exact date; I am just trying to get a greater degree of clarity.

Daniel Kleinberg: If you forgive me, I forget the date, but it was the day before the Easter weekend. That is why it is burned in my memory; I got the sort of email that you would rather not find on the Thursday afternoon before Easter. That is when it became clear that we had a potential vires issue. Obviously, discussions with colleagues down south have taken place since then, but they had been on-going in any case because, as we were looking to change the system up here, they were similarly considering their own system down south. They had been in touch with us partly

because I think they were thinking about moving in a similar direction themselves.

Stewart Stevenson: Have you a sense of when it might be possible to draw this to a conclusion and be ready to put before Parliament new regulations that will take us to the destination?

Daniel Kleinberg: In effect, that depends on the procedure of the Scotland Act 1998 order, so we are in the hands of this Parliament and the Parliament down south. Typically, I think that it takes six to 12 months. We would have been ready for 24 June with a new regime. The orders that we would have had have been prepared and the practical arrangements have been made. The intention would be to move as quickly as possible when the power is in place.

Stewart Stevenson: Right, so it is a significant transition in terms of the duration for which it will apply. You have taken one particular approach. Did you consider any other approaches to managing the transition?

Daniel Kleinberg: As I said in my opening statement, we looked at the option of carrying forward no disclosure, but that is really not practicable. Delaying the entire system would achieve no positive benefit at all; it would just delay other changes that are associated with the go-live date. As I said, the more complicated approach of operating a mixed economy, with a disclosure regime in which some parts were included, but not those relating to the reserved areas, would have been far too complicated. Frankly, the system is already very complicated to understand, especially for children who are at a difficult point and are considering whether to accept the grounds against them at a children's hearing.

11:15

The Convener: Although we are not here to consider the policy, I must say that leaving the system the way it was is actually a simple policy decision, which makes discussion of how you have done it much easier.

John Scott: At the risk of asking questions that have already been answered in the opening statement and in answer to Stewart Stevenson, just for the record will you explain simply how the Scottish Government intends to resolve the competence problem permanently?

Daniel Kleinberg: We intend to seek an order under the Scotland Act 1998. One of my Scottish Government legal directorate colleagues might want to say a bit more about that.

Roddy Flinn (Scottish Government): I will do my best to answer that. We start with the difficult background of the Rehabilitation of Offenders Act 1974, which is very convoluted. The intention is to seek an order under the Scotland Act 1998 to take powers that the Scottish ministers do not already have. At present, the Rehabilitation of Offenders Act 1974 sets out a scheme whereby convictions are spent after a while. We have the power to make exceptions to that, where that is thought to be prudent and sensible. For example, we want to ensure that exceptions are made regarding entry to a profession that involves the care of children or to the legal or medical professions. We therefore make an exception saying that a conviction might be spent for one purpose but certainly not for another purpose.

That is fine. The difficulty that we faced was that, when we sought to make exceptions that bit into reserved areas, we did not have the power. An example of that is the health professions. Where convictions are concerned, we got that power in 2003 in a Scotland Act 1998 order. In respect of alternatives to prosecution, the intention is to take similar powers by way of another Scotland Act 1998 order. At that point, we will be able to bring into force sections 187 and 188 of the 2011 act, which are the ones that bring in the alternatives to prosecution and, in effect, the decriminalisation so that children will no longer be criminalised by a conviction. Nevertheless, some of those alternatives to prosecution—those involving serious violent and serious sexual offences—will still have to be part of a disclosure. In effect, the current order is a patch until we get those powers.

John Scott: How far progressed are the discussions with the UK Government on the transfer of competence to enable the Scottish Government to make exceptions to the Rehabilitation of Offenders Act 1974? You have probably covered that already—I see Mr Kleinberg nodding.

I think that all my other questions have been asked already, convener.

The Convener: I want to press our witnesses on one issue. I understand that, as we all know, it takes a while to do things, but why will it take a year to do something when we all know precisely what we want to do?

Daniel Kleinberg: That is simply because of the procedures that are required to achieve a Scotland Act 1998 order. Our hope and expectation is that we will talk to the UK Government and ask it to make representations in turn to the Parliament and then schedule the process as quickly as it makes sense to do so. We are dependent on that.

Gordon McNicoll (Scottish Government): Experience tends to show that Scotland Act 1998 orders can appear deceptively simple but

invariably take a long time, or significantly longer than we might hope, to pass through the system.

The Convener: I am grateful for that. There is no point in pretending that something will happen in a hurry if history tells us that it will not.

Gordon McNicoll: Indeed.

The Convener: It is extraordinarily frustrating, however, when we know what we need to do, but we cannot just do it.

Hanzala Malik: On the back of that question, I want to ask whether there is any danger that we might fall foul of European legislation in what we are trying to achieve.

Gordon McNicoll: No. If there were to be an issue—I stress the word "if", because I do not believe that there is an issue—it would be more likely to be under the European convention on human rights. However, there are no ECHR issues here because, as Daniel Kleinberg said, we are seeking to continue the existing regime, which we are satisfied is ECHR compliant, with a view to moving to a regime that decriminalises activity and is therefore, if anything, less challenging in terms of ECHR. Having raised that point, I should say that I am raising it only to say that I do not think that there is a problem.

John Pentland: Forgive me if this question has already been answered, but I want to follow up on what Mr Flinn said. To effect the change in the treatment of disposals from convictions to alternatives to prosecution, devolved matters could have been dealt with separately from reserved matters. Why, therefore, has the Scottish Government elected to postpone the transfer to the new arrangements both for devolved matters and for reserved matters?

Daniel Kleinberg: Simply on the grounds of simplicity. Technically, that would have been extremely difficult to achieve because of the complexity involved. Doing that would also have led to procedure changes at quite short notice to a system that might not have been able to achieve them. That was one reason.

However, as I said in my opening statement, the primary reason is that we need to be able to explain to children at the time what the arrangements in the future will be and what they will need to disclose in future about their previous behaviour. The complexity of saying, "If you apply for this profession, you will need to say that you did this but not that you did that," is such that it is far preferable to be able just to say, "Here is what you will have to disclose in the future and here is what you will not need to disclose." The approach that we have taken will make things quite clear, as the issue will be determined by the offence rather than by the future context.

Mike MacKenzie: My question is on a slightly different area. In its written reply to the committee, the Scottish Government legal directorate acknowledges that there are errors in article 2(4)(a)(ii) of the order, where certain references to provision in the 2011 act have no effect. Could that cause confusion to readers—it certainly caused confusion to this reader—and to those who will operate the provisions?

Daniel Kleinberg: The technical answer, I think, is that that caused me a bit of confusion for a couple of hours. John McCutcheon may be able to provide some clarity on the issue.

John McCutcheon (Scottish Government): For the two provisions that the committee mentions, there is no acceptance or establishment of offence grounds, so in effect the provisions of the Rehabilitation of Offenders Act 1974 are not engaged and do not apply. At the moment, acceptance or establishment of a referral on offence grounds is classed as a conviction. However, section 94(2)(b) of the 2011 act relates to circumstances where the offence ground was not understood and section 114(3)(b) of the 2011 act relates specifically to circumstances where the offence ground has been discharged, so neither of those instances brings in the Rehabilitation of Offenders Act 1974.

Mike MacKenzie: Do you accept that that could cause confusion?

Daniel Kleinberg: That could be confusing in trying to understand exactly how the order operates and works, which is why we will tidy it up in the future, but in practice, because the 1974 act will not be engaged, no children will find themselves being affected. It is right that the issue should be tidied up, but that is more about neatness than operation.

Mike MacKenzie: So people will be confused but not affected.

That brings me to the next part of my question. The Scottish Government has given an undertaking to amend the order to remove those references

"at the next available opportunity",

which is an often-used phrase. Can you give us an idea of when that might be?

Daniel Kleinberg: I turn to my colleagues from the SGLD.

Gordon McNicoll: As you say, amendment

"at the next available opportunity"

is the standard form of words. Ideally, we would want to tidy it up when we are next making changes anyway, although that might prove to be impossible because no changes are envisaged.

The short answer is that we cannot say when it will be done because, by definition, we do not know when the next available opportunity will be. If the view is taken that concerns or difficulties are being caused, it might be that a bespoke instrument will be required to make the changes, and if it is not clear that there will be a next available opportunity in the reasonably foreseeable future, we might have to take it forward separately.

The short answer, I am afraid, is no. We do not know when the change will be made, but we will keep the matter under review and it will be tidied up as soon as we can reasonably do it.

Mike MacKenzie: Okay. Thank you.

The Convener: Can I just—[*Interruption*.] I think that John Scott wants to comment. Perhaps he is going to express the same view as me.

John Scott: I am probably going to say the same thing. We used to say about discussions, "If you're not confused, you haven't been listening." Given the confusion that already surrounds the legislation, would it not be in everyone's best interests to produce a complete and fully accurate order, which is what you intended to have, in the first instance and at this time?

Daniel Kleinberg: The issue having been raised in the committee's response, very helpfully, I think that we will want to stress test our assumption that nobody could be affected. If that is the truth, I think that the draft order could be tidied up, given that it will have a short life of between six and 12 months. Doing something bespoke and making demands of Government and parliamentary time for that is something that we would think about quite carefully. If people were potentially going to be affected or there is feedback from colleagues—for example, in the Scottish Children's Reporter Administration—that concern could be caused even among those who are not affected, we would probably want to move more quickly.

John Scott: Essentially, over time, the need for this will become redundant anyway.

Gordon McNicoll: Yes, because it is a transitory order, so it is of limited life, depending on the UK Government.

The Convener: Thank you. I think that you will have got the message. One of our main concerns as a committee is that what comes before us should be correct. When we find something that is simply wrong and everybody knows that it is wrong and it should not be there, it is extremely unsatisfactory to us as a parliamentary committee to find that folk are saying, for understandable reasons, "We're not going to change it." If you were able to say that every copy that goes out will have a red pen line through it to say, "This doesn't apply—take it away," that would be fine, but of course you cannot do that. With versions on the net, again, you obviously cannot do it. I think that that is what we really want you to do. We would prefer that the legislation is correct, please, subordinate or otherwise.

With that, we have finished our questions. Thank you for your evidence. I will suspend the meeting briefly to allow you to go.

11:28

Meeting suspended.

11:28

On resuming—

Instruments subject to Affirmative Procedure

Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013 [Draft]

The Convener: Proposed new paragraph 16(19) of schedule 1 to the Mobile Homes Act 1983 is intended to permit a review of the pitch fee for a mobile home after the review date only if no review has taken place at that date. However, it does not restrict subsequent reviews to circumstances in which a review has not taken place at that date. The Government accepts that the provision could be more clearly drafted to reflect its intention.

Does the committee agree to draw the order to the Parliament's attention under reporting ground (h) as the drafting of new paragraph 16(19) could be clearer?

Members *indicated agreement.*

John Scott: I would just say that, from my understanding of the order, people might eventually be required to go to court to seek and find clarification. I am not certain, therefore, that it is sufficient for the Government to say that the provision could be more clearly drafted to reflect its intention and that the matter will be resolvable in court. I would prefer it if the order was drafted in such a way that people were not put to that expense.

The Convener: Okay. Nonetheless, we are agreed to draw the order to the Parliament's attention. Thank you.

Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2013 [Draft]

The Convener: The legal advisers raised no points about the instrument. Is the committee content?

Members *indicated agreement.*

Instrument subject to Negative Procedure

Home Energy Assistance Scheme (Scotland) Regulations 2013 (SSI 2013/148)

11:30

The Convener: The legal advisers raised no points about the instrument. Is the committee content?

Members *indicated agreement.*

The Convener: We will move into private for item 6.

11:31

Meeting continued in private until 11:54.

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