



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 12 November 2013

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DELEGATED POWERS AND LAW REFORM COMMITTEE
29th Meeting 2013, Session 4

CONVENER

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

DEPUTY CONVENER

*Stuart McMillan (West Scotland) (SNP)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*Mike MacKenzie (Highlands and Islands) (SNP)

*Margaret McCulloch (Central Scotland) (Lab)

*John Scott (Ayr) (Con)

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

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

Committee Room 3

Scottish Parliament
Delegated Powers and Law
Reform Committee

Tuesday 12 November 2013

[The Convener *opened the meeting at 11:30*]

Interests

The Convener (Nigel Don): I welcome members to the 29th meeting in 2013 of the Delegated Powers and Law Reform Committee and ask them to switch off mobile phones.

Agenda item 1 is a declaration of interests. I welcome Stuart McMillan to the committee and, in accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", invite him to declare any relevant interests.

Stuart McMillan (West Scotland) (SNP): Thank you, convener. I have no relevant interests to declare.

The Convener: Thank you.

Deputy Convener

11:30

The Convener: Agenda item 2 is the choosing of a deputy convener. The Parliament has agreed that members of the Scottish National Party are eligible to be chosen as deputy convener. That being the case, I understand that the party has nominated Stuart McMillan, so I am happy to suggest to the committee that we appoint Stuart as our deputy convener.

Stuart McMillan was chosen as deputy convener.

Instruments subject to
Affirmative Procedure

Scottish Charitable Incorporated
Organisations (Removal from Register and
Dissolution) Amendment Regulations 2013
[Draft]

Register of Young Voters (Anonymous
Entries) (Scotland) Order 2013 [Draft]

11:31

The committee agreed that no points arose on the instruments.

Instruments subject to Negative Procedure

Fruit Juices and Fruit Nectars (Scotland) Regulations 2013 (SSI 2013/305)

11:31

The Convener: There has been a failure to lay the instrument at least 28 days before it comes into force, as is required under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

In addition, the committee may find the explanation that the Food Standards Agency has provided for the failure to lay the instrument in line with the requirements of the 2010 act to be unsatisfactory. The committee may consider that better advance planning of the regulations could have avoided a breach of the 28-day rule, given that directive 2012/12/EU, which the regulations implement in domestic law, was made in April 2012, and that it provided until 28 October 2013 for implementation.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I agree with the recommendation, but it is probably proper to put on record the fact that I am concerned that the legislative date that is required under European law is not being met. I am not sure that that is directly within the purview of the committee to report to the Parliament, but I think that it is appropriate for me to put that on record.

The Convener: Indeed.

Does the committee agree to draw the instrument to the attention of the Parliament under reporting ground (j), as there has been a failure to comply with the 28-day rule?

Members *indicated agreement.*

The Convener: Does the committee also agree to draw the Food Standards Agency's explanation for the breach of the 28-day rule to the attention of the lead committee?

Members *indicated agreement.*

Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 (SSI 2013/286)

Drugs Courts (Scotland) Amendment Order 2013 (SSI 2013/302)

Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (SSI 2013/304)

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The committee agreed that no points arose on the instruments.

Instrument not subject to Parliamentary Procedure

Growth and Infrastructure Act 2013 (Commencement) (Scotland) Order 2013 (SSI 2013/303)

11:34

The committee agreed that no points arose on the instrument.

The Convener: That brings us to the end of our meeting. Our next meeting will be held on Tuesday 19 November.

Meeting closed at 11:34.

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