



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 3 June 2014

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DELEGATED POWERS AND LAW REFORM COMMITTEE

19th Meeting 2014, 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

THE FOLLOWING ALSO PARTICIPATED:

Bruce Crawford (Stirling) (SNP) (Committee Substitute)

Mary Fee (West Scotland) (Lab) (Committee Substitute)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 3 June 2014

[The Convener *opened the meeting at 11:31*]

Instruments subject to Affirmative Procedure

Registers of Scotland (Fees) Order 2014 [Draft]

Land Registration etc (Scotland) Act 2012 (Incidental, Consequential and Transitional) Order 2014 [Draft]

Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of Revenue Scotland as Specified Authority) Order 2014 [Draft]

The Convener (Nigel Don): I welcome members to the 19th meeting in 2014 of the Delegated Powers and Law Reform Committee and, as always, ask them to turn off their mobile phones. Apologies have been received from Stuart McMillan, in whose place I welcome Bruce Crawford, and from Margaret McCulloch, in whose place I welcome Mary Fee.

Agenda item 1 is consideration of three instruments subject to affirmative procedure. No points have been raised by our legal advisers on the orders, but the committee may wish to note that the Registers of Scotland (Fees) Order 2014 was withdrawn and subsequently relaid by the Scottish Government in order to correct several drafting errors and minor points that were identified by our legal advisers on behalf of the committee.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): In raising this point, I am not addressing policy issues, but the policy note makes the statement that

“The instrument has no financial effects”.

Although the policy—as a brief look at it would confirm—is likely to have very minimal financial effects, I feel uncomfortable about the use of the word “no”. Given that a body has been added to the list of specified authorities that are covered by the Public Appointments and Public Bodies etc (Scotland) Act 2003, although there are unlikely to be any salary implications, travel costs might be

incurred in going to meet candidates for appointment to the new body.

Therefore, I think that a better phrasing would be, “The instrument has minimal financial effects,” or “The new responsibilities can be addressed within existing resources.” It is overegging the pudding to say that the order will have no financial effects. It is likely that the policy committee will consider the financial effects to be extremely small indeed, but I would prefer a more focused wording to be used.

The Convener: Thank you for those comments. For the record, I note that they relate to the draft Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of Revenue Scotland as Specified Authority) Order 2014.

Is the committee otherwise content with the orders?

Members *indicated agreement.*

Instrument subject to Negative Procedure

Children's Hearings (Scotland) Act 2011 (Supplementary Provision) Order 2014 (SSI 2014/137)

11:33

The committee agreed that no points arose on the instrument.

Instrument not subject to Parliamentary Procedure

Children and Young People (Scotland) Act 2014 (Commencement No 1 and Transitory Provisions) Order 2014 (SSI 2014/131)

11:33

The Convener: Article 2(1) of the order commences section 98 of the Children and Young People (Scotland) Act 2014, for the purpose of commencing paragraph 2(1) of schedule 5 to that act, on 28 June 2014. The reference to paragraph 2(1) of schedule 5 should not have been included in column 3 of the table in the schedule to the order. That is a superfluous provision, which purports to commence section 98 again, for the same purpose, with effect from 1 August 2014.

Does the committee therefore agree to draw the order to the attention of the Parliament on the general reporting ground, as it contains a minor drafting error?

Members *indicated agreement.*

The Convener: That completes the agenda.

Meeting closed at 11:34.

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