



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 1 April 2014

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DELEGATED POWERS AND LAW REFORM COMMITTEE
12th 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

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

Committee Room 3

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 1 April 2014

[The Convener *opened the meeting at 11:32*]

Decision on Taking Business in Private

The Convener (Nigel Don): Good morning. I welcome members to the 12th meeting in 2014 of the Delegated Powers and Law Reform Committee. We have apologies from John Scott. As always, I ask members to please turn off mobile phones.

Agenda item 1 is a decision on taking business in private. It is proposed that we take items 4 and 5 in private. Item 4 will allow us to consider our approach to the delegated powers provisions in the Food (Scotland) Bill at stage 1, and item 5 is further consideration of the delegated powers provisions in the Courts Reform (Scotland) Bill at stage 1. Do members agree to take those items in private?

Members indicated agreement.

Instrument subject to Affirmative Procedure

Valuation and Rating (Exempted Classes) (Scotland) Order 2014 [Draft]

11:32

The committee agreed that no points arose on the instrument.

Housing (Scotland) Bill: Stage 1

11:33

The Convener: Agenda item 3 is consideration of the Scottish Government's response to the committee's stage 1 report on the bill. Members have seen the briefing paper and the response from the Scottish Government. Do members have any questions or comments?

There being none, do members agree to write to the minister to reiterate the committee's view that it is unusual for a bill to confer by subordinate legislation an unrestricted power on the Scottish ministers to vary the maximum fine that may be imposed on conviction for an offence?

Members indicated agreement.

The Convener: Do members agree to reiterate the committee's view that the circumstances in which a maximum fine may be varied are matters for the Parliament to set out in primary legislation? If so, do members also agree to ask the minister to reconsider amending section 32T of the Caravan Sites and Control of Development Act 1960, as inserted by section 63 of the bill, to provide that the power may be exercised only in circumstances to be provided for in the bill?

Members indicated agreement.

The Convener: Are we content to note the response and, if necessary, to reconsider everything else after stage 2?

Members indicated agreement.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I think that this is one of those cases in which, at the very least—this is not what we are asking for—we should have on the parliamentary record the thinking that is behind the Government's current position, if it maintains that position.

The Convener: Thank you. We now move on to item 4, which we will deal with in private.

11:34

Meeting continued in private until 11:55.

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