



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 6 May 2014



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**Tuesday 6 May 2014**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**15<sup>th</sup> 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**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 6 May 2014*

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

### Decisions on Taking Business in Private

**The Convener (Nigel Don):** I welcome members to the 15th meeting in 2014 of the Delegated Powers and Law Reform Committee and ask them to switch off any mobile phones. We have received apologies from Richard Baker.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes in private item 6, which will allow us to consider further the delegated powers provisions in the Food (Scotland) Bill.

Does the committee agree to take item 6 in private?

**Members** *indicated agreement.*

**The Convener:** Does the committee also agree to take future consideration of its stage 1 report on the bill in private?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

**Judicial Pensions and Retirement Act 1993  
(Part-time Sheriff, Stipendiary Magistrate  
and Justice of the Peace) Order 2014  
[Draft]**

11:30

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

## Instruments subject to Negative Procedure

**Additional Support for Learning (Sources  
of Information) (Scotland) Amendment  
Order 2014 (SSI 2014/103)**

11:31

**The Convener:** We come to agenda item 3. No points have been raised by our legal advisers on the order, but the committee may wish to note that the Scottish Government intends to bring forward a further amending instrument at the next available opportunity. Such an instrument would make provision to correct the error in the Additional Support for Learning (Sources of Information) (Scotland) Amendment Order 2011 (SSI 2011/102), as the undertaking that was given previously in relation to that order has, unfortunately, been overlooked.

Is the committee otherwise content with the order?

**Members** *indicated agreement.*

**Marketing of Vegetable Plant Material  
Amendment (Scotland) Regulations 2014  
(SSI 2014/111)**

**Adoption and Children (Scotland) Act 2007  
(Compulsory Supervision Order Reports in  
Applications for Permanence Orders)  
Regulations 2014 (SSI 2014/113)**

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

## Instrument not subject to Parliamentary Procedure

### National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2014 (SSI 2014/100)

11:32

**The Convener:** We come to agenda item 4. The meaning of article 2(e) of the order, which inserts article 2(la) into the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 (SSI 2008/312), could be clearer in the respect that it specifies, as a further function of the Common Services Agency, the exercise of “the power” of the Scottish ministers under section 47 of the National Health Service (Scotland) Act 1978. The provision could be clearer, in so far as it is intended to confer on the CSA both the power of the ministers to act in accordance with the duty specified in section 47(1) of the 1978 act, although not the duty itself, which is exercised by each health board on behalf of the ministers in accordance with the Functions of Health Boards (Scotland) Order 1991 (SI 1991/570); and the powers of the ministers that are specified in section 47(2).

Does the committee therefore agree to draw the order to the attention of the Parliament on reporting ground (h), as the meaning of article 2(e) could be clearer?

**Members indicated agreement.**

## Procurement Reform (Scotland) Bill: After Stage 2

11:33

**The Convener:** We come to agenda item 5, which is consideration of the delegated powers provisions in the 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 Tuesday 13 May. The deadline for lodging amendments is 4.30 pm on 7 May, which is tomorrow, so the committee may wish to agree on its conclusions today.

The committee may wish to note that the amendments that have been made to the powers in sections 7, 16, 21 and 24 implement recommendations in the committee's stage 1 report.

Does the committee agree to report that it is content with the provisions in the bill that have been amended at stage 2 to insert or substantially alter provisions conferring powers to make subordinate legislation and other delegated powers?

**Members indicated agreement.**

**John Scott (Ayr) (Con):** I welcome the fact that the Government has amended the bill in response to our recommendations.

**The Convener:** If members have no other comments, that brings us to the end of this item and I move the meeting into private.

11:34

*Meeting continued in private until 11:42.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

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