



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 27 May 2014

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DELEGATED POWERS AND LAW REFORM COMMITTEE

18th 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:

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

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 27 May 2014

[The Convener *opened the meeting at 11:00*]

Decision on Taking Business in Private

The Convener (Nigel Don): I welcome members to the 18th meeting in 2014 of the Delegated Powers and Law Reform Committee and, as usual, ask them to switch off any mobile phones. We have apologies from John Scott and from Richard Baker, in whose place I welcome Mary Fee.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes items 5 and 6 in private. Item 5 is consideration of a draft of the committee's fourth quarterly report and item 6 will allow us to consider our approach to the Legal Writings (Counterparts and Delivery) (Scotland) Bill.

Does the committee agree to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

HGV Speed Limit (M9/A9 Trunk Road) Regulations 2014 [Draft]

Proceeds of Crime Act 2002 (Amendment of Schedule 4) (Scotland) Order 2014 [Draft]

Land Register of Scotland (Rate of Interest on Compensation) Regulations 2014 [Draft]

Registers of Scotland (Information and Access) Order 2014 [Draft]

Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2014 [Draft]

National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014 [Draft]

Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014 [Draft]

11:01

The committee agreed that no points arose on the instruments.

Instruments subject to Negative Procedure

Adults with Incapacity (Supervision of Welfare Guardians etc by Local Authorities) (Scotland) Amendment Regulations 2014 (SSI 2014/123)

11:02

The Convener: Regulation 5 inserts new regulation 2A(5) in the Adults with Incapacity (Supervision of Welfare Guardians etc by Local Authorities) (Scotland) Regulations 2002 (SSI 2002/95). The cross-reference in regulation 2A(5)(a) to regulation 2(1)(b) of the 2002 regulations is erroneous, as it is too specific. It creates uncertainty about whether the effect is to permit a variation of visits to intervals of not more than 12 months in respect of the adult who is subject to a guardianship order and the welfare guardian, or in respect only of the adult. The policy intention is to allow for such a variation in respect of visits to both the welfare guardian and the adult.

Does the committee therefore agree to draw the regulations to the Parliament's attention under ground (h), as the meaning of the text inserted by regulation 5 could be clearer?

Members *indicated agreement.*

The Convener: Does the committee also agree to note that the Scottish Government has undertaken to bring forward amending regulations to correct the error?

Members *indicated agreement.*

Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2014 (SSI 2014/129)

Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2014 (SSI 2014/130)

Children and Young People (Scotland) Act 2014 (Ancillary Provision) Order 2014 (SSI 2014/132)

The committee agreed that no points arose on the instruments.

Instruments not subject to Parliamentary Procedure

Plant Health (Forestry) (Phytophthora ramorum Management Zone) (Scotland) Order 2014 (SSI 2014/122)

Land Registration etc (Scotland) Act 2012 (Designated Day) Order 2014 (SSI 2014/127)

11:04

The committee agreed that no points arose on the instruments.

The Convener: That completes agenda item 4 and I move the meeting into private.

11:04

Meeting continued in private until 11:24.

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