



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 10 June 2014

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DELEGATED POWERS AND LAW REFORM COMMITTEE

20th 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 Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 10 June 2014

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

Instruments subject to Negative Procedure

Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 2014 (SSI 2014/139)

The Convener (Nigel Don): I welcome members to the 20th meeting in 2014 of the Delegated Powers and Law Reform Committee and ask them to switch off any mobile phones.

Agenda item 1 is consideration of Scottish statutory instruments subject to negative procedure. On SSI 2014/139, the meaning of new regulation 26A(2)(d) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (SI 1984/467)—which I will refer to as the 1984 regulations—as inserted by regulation 2(2), could be clearer. New regulation 26A(2)(d) applies, subject to modifications, section 143(5)(a) of the Town and Country Planning (Scotland) Act 1997 in respect of an enforcement notice served under regulation 24 of the 1984 regulations as it applies in respect of an enforcement notice issued under section 127 of the 1997 act.

The meaning of the provision could have been clearer had it initially set out the full text of the reference in section 143(5)(a) of the 1997 act that is modified, including the words

“at any time when the notice is in force”,

and then the full text of the reference that is to be treated as that reference. That approach would also have made it easier for the reader to understand its meaning and effect.

Does the committee therefore agree to draw the regulations to the attention of the Parliament on reporting ground (h), as the meaning of new regulation 26A(2)(d) of the 1984 regulations could be clearer?

Members indicated agreement.

John Scott (Ayr) (Con): Yes, the meaning could be clearer, and I would say that it should be clearer. It is disappointing that the Government is not prepared to correct the relevant regulation along the lines that we have suggested, because, as it stands, it will only create work for the legal

profession. The phrase “should be clearer” might be more appropriate, but there we are.

Plant Health (Scotland) Amendment Order 2014 (SSI 2014/140)

St Mary’s Music School (Aided Places) (Scotland) Amendment Regulations 2014 (SSI 2014/143)

Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2014 (SSI 2014/145)

Assigned Colleges (University of the Highlands and Islands) Order 2014 (SSI 2014/146)

Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2014 (SSI 2014/147)

The Convener: No points have been raised by our legal advisers on these instruments but, in relation to SSI 2014/143, the committee may wish to note that the addition of the appropriate definition of an “EEA Agreement” in regulation 3(2) is a consequence of an undertaking that the Scottish Government gave to the committee following its report on the European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013 (SSI 2013/177).

Is the committee content with the instruments?

Members indicated agreement.

National Health Service (Pharmaceutical Services) (Scotland) (Miscellaneous Amendments) Regulations 2014 (SSI 2014/148)

The Convener: No points have been raised by our legal advisers on the regulations, but the committee may wish to note that the principal regulations—the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (SSI 2009/183)—have, according to footnote (b) on page 1 of the regulations, been amended by 11 instruments prior to this one. Therefore, the committee may wish to write to the Scottish Government to obtain an explanation of whether it has any plans to undertake work on a consolidating set of regulations.

Do members agree to do that?

Members indicated agreement.

The Convener: Is the committee otherwise content with the regulations?

Members *indicated agreement.*

**Firefighters' Pension Scheme (Scotland)
Amendment (No 3) Order 2014 (SSI
2014/149)**

**Specified Diseases (Notification and
Slaughter) (Amendment) and
Compensation (Scotland) Order 2014 (SSI
2014/151)**

The Convener: No points have been raised by our legal advisers on the orders, but the committee may wish to note that SSI 2014/149 corrects various drafting errors that the committee identified in relation to the Firefighters' Pension Scheme (Scotland) Amendment (No 2) Order 2014 (SSI 2014/110), which we considered on 13 May.

Is the committee content with the orders?

Members *indicated agreement.*

**Instruments not subject to
Parliamentary Procedure**

**Registration of Births, Still-births, Deaths
and Marriages (Prescription of Forms)
(Scotland) Amendment Regulations 2014
(SSI 2014/141)**

**Post-16 Education (Scotland) Act 2013
(Commencement No 5) Order 2014 (SSI
2014/144)**

**Act of Sederunt (Rules of the Court of
Session, Ordinary Cause Rules and
Summary Cause Rules Amendment)
(Miscellaneous) 2014 (SSI 2014/152)**

11:36

The committee agreed that no points arose on the instruments.

The Convener: That concludes this morning's proceedings.

Meeting closed at 11:36.

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