



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 6 January 2015

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DELEGATED POWERS AND LAW REFORM COMMITTEE

1st Meeting 2015, Session 4

CONVENER

*Nigel Don (Angus North and Mearns) (SNP)

DEPUTY CONVENER

*John Mason (Glasgow Shettleston) (SNP)

COMMITTEE MEMBERS

*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 David Livingstone Room (CR6)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 6 January 2015

[The Convener opened the meeting at 12:30]

Instruments subject to Negative Procedure

Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Amendment Regulations 2014 (SSI 2014/357)

The Convener (Nigel Don): I welcome members to the first meeting in 2015 of the Delegated Powers and Law Reform Committee. As always, I ask everyone to switch off mobile phones.

The purpose of these amendment regulations is to amend an error in the schedule to the Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014 (SSI 2014/327). The error was reported by the committee following its consideration of the instrument on 9 December.

With the laying of these amendment regulations, there has been a failure to observe the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. As the regulations will come into force on 9 January 2015, the requirement to leave a minimum of 28 days, excluding recess dates, between the laying of an instrument and its coming into force has not been complied with. However, the committee might wish to find the breach acceptable in this instance, as the Scottish Government is seeking to make corrections in order to satisfy the committee's report on the previous instrument.

Does the committee therefore agree to draw the instrument to the Parliament's attention on reporting ground (j), as there has been a failure to observe the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010? However, does the committee also agree to report that it finds the breach of the rule to be acceptable?

Members indicated agreement.

Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2014 (SSI 2014/354)

The Convener: No points have been raised by our legal advisers on the instrument.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): On this freedom of information order, I return to a subject that I have commented on before.

This order does something very simple—it updates a list in an act—but it is perfectly clear from reading the updates that the list in question is now in a state of what I might call considerable update. We have only to look at article 2(d), which refers to removing “entry 62ZZA”, to see the state to which the list has been amended over a considerable period of time. Article 2(c), which mentions “entry 94”, indicates how long the list is without our having to go back to look at it.

It would be much more helpful if the list were to be republished in total more often than appears to be the case, because I suspect that it would defy the wit of any layperson to go through the huge number of amendments that have been made to the list and work out what today's list looks like. I simply put that comment on the record in the hope that it might be noticed and responded to.

The Convener: I am going to have to agree with you. This is not about wit; it is just about having to do unnecessary work.

Is the committee content with the instrument?

Members indicated agreement.

Victims and Witnesses (Scotland) Act 2014 (Prescribed Relatives) Order 2014 (SSI 2014/360)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members indicated agreement.

Instruments not subject to Parliamentary Procedure

Children and Young People (Scotland) Act 2014 (Commencement No 5 and Saving Provision) Order 2014 (SSI 2014/353)

12:33

The Convener: This order fails to commence section 81(4) of the Children and Young People (Scotland) Act 2014 for the purpose of bringing section 17A(6) of the Schools (Consultation) (Scotland) Act 2010 fully into force. It also fails to commence section 81(9) of the 2014 act in so far as it is not already in force. Does the committee agree to draw the instrument to the Parliament's attention on the general reporting ground?

Members *indicated agreement.*

The Convener: However, the committee might wish to note that the Scottish Government has laid a further commencement order, which is also before the committee today, that commences both provisions in the required manner. Both commencement orders come into force on 9 January 2015.

Glasgow Commonwealth Games Act 2008 (Repeal Day) Order 2014 (SSI 2014/356)

The Convener: No points have been raised by our legal advisers on the order. Is the committee content with it?

Members *indicated agreement.*

Children and Young People (Scotland) Act 2014 (Commencement No 6) Order 2014 (SSI 2014/365)

The Convener: No points have been raised by our legal advisers on the order. Is the committee content with it?

Members *indicated agreement.*

The Convener: I am sure that the committee will want to note that the latter of the two instruments has been laid to deal with the issue that we have just referred to and that we are grateful that the matter has been rectified timeously.

That concludes our agenda, and I draw the meeting to a close.

Meeting closed at 12:34.

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