



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 13 January 2015

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DELEGATED POWERS AND LAW REFORM COMMITTEE

2nd 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 13 January 2015

[The Convener opened the meeting at 11:32]

Instrument subject to Approval

**Scottish Landfill Tax (Prescribed Landfill
Site Activities) Order 2014 (SSI 2014/367)**

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

No points have been raised by our legal advisers on SSI 2014/367. Is the committee content with it?

Members *indicated agreement.*

**Instruments subject to
Affirmative Procedure**

**Land and Buildings Transaction Tax
(Addition and Modification of Reliefs)
(Scotland) Order 2015 [Draft]**

11:32

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

Members *indicated agreement.*

Instruments subject to Negative Procedure

Scottish Tax Tribunals (Eligibility for Appointment) Regulations 2014 (SSI 2014/355)

11:33

The Convener: Regulation 2(3)(g) of the regulations refers to the “Chartered Institute of Public Finance and Accountability” when the correct reference should be to the Chartered Institute of Public Finance and Accountancy. Does the committee therefore agree to draw this instrument to the Parliament’s attention under the general reporting ground as there is an error in regulation 2(3)(g)?

Members *indicated agreement.*

The Convener: Does the committee agree to call on the Scottish Government to correct this error by laying a further instrument?

Members *indicated agreement.*

John Scott (Ayr) (Con): I would say that that is absolutely essential. My understanding is that, without the change, the regulation will not have any meaning in law. It is therefore vitally important that it is changed.

The Convener: Thank you.

Building (Scotland) Act 2003 (Charging Orders) Regulations 2014 (SSI 2014/369)

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

Members *indicated agreement.*

Children (Performances and Activities) (Scotland) Regulations 2014 (SSI 2014/372)

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

Members *indicated agreement.*

Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014 (SSI 2014/373)

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

Members *indicated agreement.*

Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2014 (SSI 2014/374)

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

Members *indicated agreement.*

Land and Buildings Transaction Tax (Ancillary Provision) (Scotland) Order 2014 (SSI 2014/376)

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

Members *indicated agreement.*

Sea Fishing (Points for Masters of Fishing Boats) (Scotland) Regulations 2014 (SSI 2014/379)

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

Victims and Witnesses (Scotland) Act 2014 (Commencement No 3 and Transitional Provision) Order 2014 (SSI 2014/359)

11:35

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

Members *indicated agreement.*

Historic Environment Scotland Act 2014 (Commencement No 1) Order 2014 (SSI 2014/368)

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

Members *indicated agreement.*

The Convener: The committee may wish to note that the order does not observe the convention that two months should pass between an act of Scottish Parliament gaining royal assent and its provisions being commenced. While it is suggested that the committee could be content with the explanation provided by the Scottish Government in response to a question on the matter from our legal advisers, members may consider that it would have been useful for either the policy or the explanatory note to the instrument to have explained why the provisions are being commenced early.

The committee may wish to recommend that, should the issue arise again, it would be useful if the Government provided an explanation at the time the instrument was laid. Does the committee agree to do so?

Members *indicated agreement.*

Revenue Scotland and Tax Powers Act 2014 (Commencement No 2) Order 2014 (SSI 2014/370)

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

Members *indicated agreement.*

Act of Sederunt (Rules of the Court of Session and Sheriff Court Rules Amendment No 3) (Mutual Recognition of Protection Measures) 2014 (SSI 2014/371)

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

Members *indicated agreement.*

The Convener: That completes our agenda. I close the meeting with the news that the next meeting will be next Tuesday.

Meeting closed at 11:36.

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

Members who wish to suggest corrections for the revised e-format edition should e-mail them to official.report@scottish.parliament.uk or send a marked-up printout to the Official Report, Room T2.20.

The deadline for corrections to this edition is:

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