

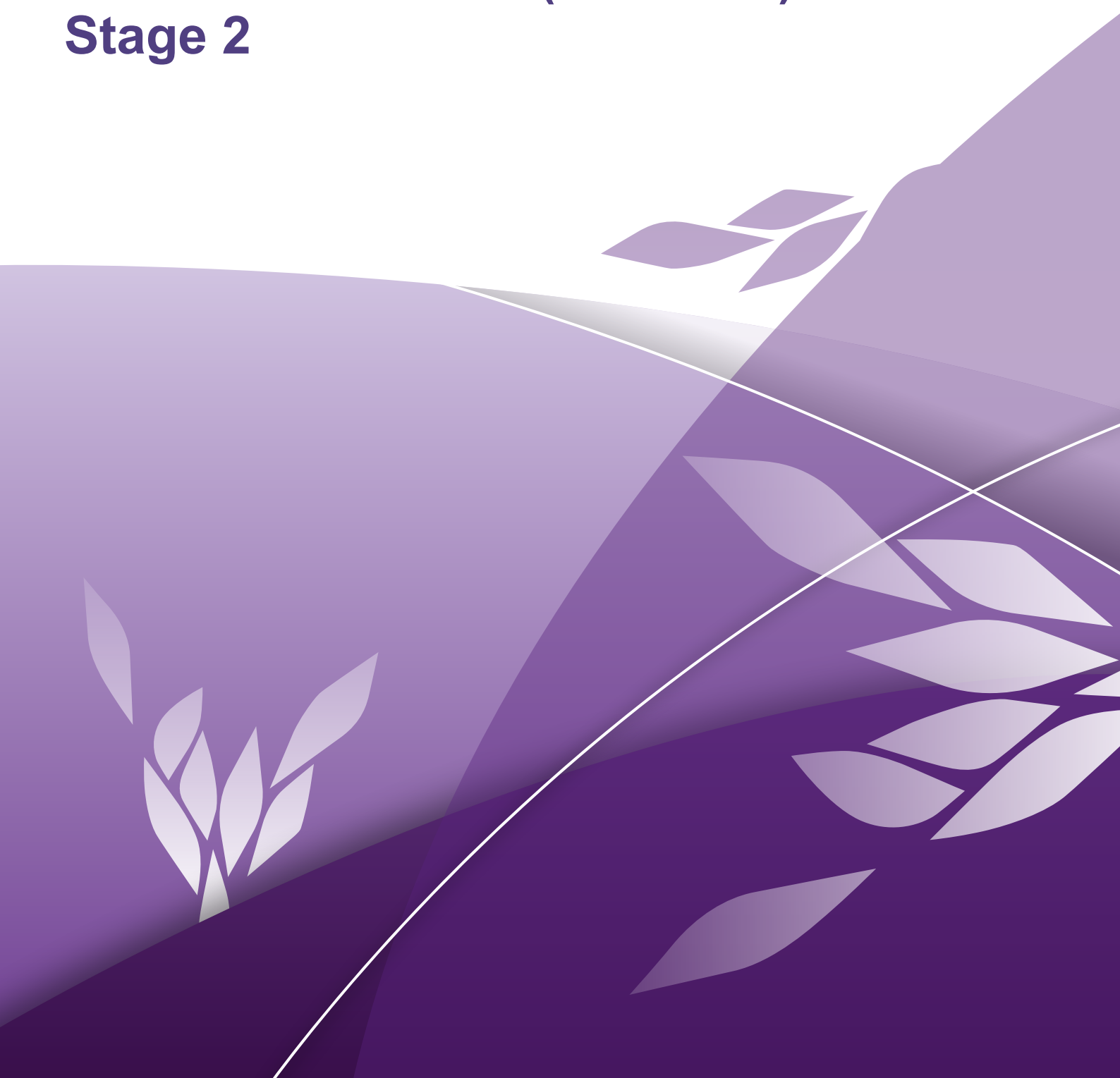


The Scottish Parliament
Pàrlamaid na h-Alba

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Delegated Powers and Law Reform Committee

Good Food Nation (Scotland) Bill after Stage 2



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Delegated Powers and Law Reform Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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Introduction

1. At its meeting on 24 May 2022, the Delegated Powers and Law Reform Committee ("the Committee") considered the revised delegated powers provisions in the Good Food Nation (Scotland) Bill ("the Bill") as amended at Stage 2.ⁱ The Committee submits this report to the Parliament under Rule 9.7.9(b) of the Standing Orders.
2. The Bill was introduced by the Cabinet Secretary for Rural Affairs and Islands, Mairi Gougeon MSP, on 7 October 2021. The Rural Affairs, Islands and Natural Environment Committee is the lead committee for the Bill.
3. At Stage 1, after considering further information requested from the Scottish Government, the Committee was content with six of the seven delegated powers in the Bill. The Committee nevertheless made recommendations on the power conferred under Section 7(2)(c) of the Bill. The Committee published its Stage 1 Report on the Bill on 2 February 2022.ⁱⁱ

ⁱ The Bill as amended at Stage 2 is available [here](#) .

ⁱⁱ Delegated Powers and Law Reform Committee, 62nd Report, 2017 (Session 5), is available [here](#) .

Delegated powers provisions as amended at Stage 2

4. The Government lodged a Supplementary Delegated Powers Memorandum after Stage 2.ⁱⁱⁱ
5. The Committee considered each of the three delegated powers provisions in the Bill as amended at Stage 2. It was content with the following two provisions:
 - section 4 - Power to specify functions or descriptions of functions (as regards the effects of national good food nation plans); and
 - section 10 - Power to specify functions and descriptions of functions (as regards the effect of the good food nation plans).
6. The Committee did, however, agree to draw the Parliament's attention to the amended power in Section 7(2)(c) of the Bill.

Section 7(2)(c) – Power to specify additional public authorities, thus requiring the authorities to produce plans

Provision

7. Section 7(2)(c) of the Bill, confers a power on the Scottish Ministers to specify, by regulations, the public authorities (in addition to health boards and local authorities) who are required to publish a good food nation plan. The parliamentary procedure for this power, in the Bill as introduced, was the negative procedure.

Committee consideration

8. The Committee recommended at Stage 1 that amendments be made to the Bill at Stage 2 so that regulations under section 7(2)(c) would be subject to the affirmative procedure. The Committee considered that such a change would provide for enhanced scrutiny of any proposals to specify additional public authorities. The Committee also recommended that the Bill should include a formal provision for consultation with the proposed specified public authorities before any regulations are made.

9. The Committee therefore welcomes that the amendments lodged by the Scottish Government in relation to the power, which were then subsequently agreed by the lead committee at Stage 2, give effect to the Committee's recommendations at Stage 1, namely:
 - that the affirmative procedure rather than the negative procedure applies to regulations specifying additional public authorities under section 7(2)(c) of the Bill; and
 - there is formal provision for consultation with appropriate persons before any

ⁱⁱⁱ The Supplementary Delegated Powers Memorandum is available [here](#) .

regulations are made.

