



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 9 May 2017

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
15th Meeting 2017, Session 5

CONVENER

*John Scott (Ayr) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Alison Harris (Central Scotland) (Con)

*Monica Lennon (Central Scotland) (Lab)

David Torrance (Kirkcaldy) (SNP)

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament
Delegated Powers and Law Reform Committee

Tuesday 9 May 2017

[The Convener opened the meeting at 10:00]

Instruments subject to Affirmative Procedure

Public Services Reform (Corporate Insolvency and Bankruptcy) (Scotland) Order 2017 [Draft]

The Convener (John Scott): Good morning, everyone. I welcome members to the Delegated Powers and Law Reform Committee's 15th meeting in 2017. We have apologies from David Torrance, who is unable to join us.

Under agenda item 1, no points have been raised by our legal advisers on the draft Public Services Reform (Corporate Insolvency and Bankruptcy) (Scotland) Order 2017. Is the committee content with it?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2017 (SSI 2017/120)

10:00

The Convener: The first instrument under agenda item 2 is on planning fees.

Monica Lennon (Central Scotland) (Lab): I draw the committee's attention to my entry in the register of members' interests. Although I am not a practising planner, I am a member of the Royal Town Planning Institute.

The Convener: Many thanks.

The purpose of the regulations is to amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (SSI 2004/219) to increase certain planning fees.

Our legal advisers have identified that SSI 2017/120 appears to be defectively drafted in two respects. First, the fee level in respect of sites with an area exceeding 7.6 hectares for planning applications connected with exploratory drilling for oil or natural gas is incorrect. There is an error in the specification of the fee in paragraph 8(b) of the schedule, as the figure of £30,240 should in fact be £30,476. Secondly, the regulations omit to amend paragraph 14 of schedule 1 to SSI 2004/219 to reflect the increased fees that are set out in the new table of fees in SSI 2017/120.

Accordingly, does the committee agree to draw the regulations to the Parliament's attention under reporting ground (i), as they appear to be defectively drafted in two respects for the reasons that I have outlined?

Members *indicated agreement.*

The Convener: Does the committee also agree to welcome the Scottish Government's intention to lay an amending instrument to rectify the errors before the regulations come into force on 1 June 2017?

Members *indicated agreement.*

The Convener: No points have been raised by our legal advisers on the following six instruments.

**Regulation of Scallop Fishing (Scotland)
Order 2017 (SSI 2017/127)**

**M9/A90/M90 Trunk Road (Kirkliston to
Halbeath) (Variable Speed Limits and
Actively Managed Hard Shoulder)
Amendment Regulations 2017 (SSI
2017/128)**

**Cattle Identification (Scotland)
Amendment Regulations 2017 (SSI
2017/133)**

**National Assistance (Assessment of
Resources) Amendment (Scotland)
Regulations 2017 (SSI 2017/134)**

**National Assistance (Sums for Personal
Requirements) (Scotland) Regulations
2017 (SSI 2017/135)**

**Scottish Landfill Tax (Administration)
Amendment Regulations 2017 (SSI
2017/139)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

**Instruments not subject to
Parliamentary Procedure**

10:04

The Convener: No points have been raised by our legal advisers on the following three instruments.

**Act of Sederunt (Rules of the Court of
Session 1994 and Ordinary Cause Rules
1993 Amendment) (Competition
Proceedings) 2017 (SSI 2017/130)**

**Act of Sederunt (Rules of the Court of
Session 1994 Amendment) (Vexatious
Actions) 2017 (SSI 2017/131)**

**Act of Sederunt (Rules of the Court of
Session 1994 and Sheriff Court Rules
Amendment) (Curators ad litem) 2017 (SSI
2017/132)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

10:05

Meeting continued in private until 10:09.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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