



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 23 April 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**13<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

\*Graham Simpson (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

Mary Fee (West Scotland) (Lab)

\*Alison Harris (Central Scotland) (Con)

\*attended

**CLERK TO THE COMMITTEE**

Andrew Proudfoot

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 23 April 2019*

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Convener (Graham Simpson):** I welcome everyone to the 13th meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes item 7, which is on the delegated powers provisions in the Age of Criminal Responsibility (Scotland) Bill, in private. Does the committee agree to do so?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

### Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of South of Scotland Enterprise as Specified Authority) Order 2019 [Draft]

10:00

**The Convener:** Agenda item 2 is consideration of an affirmative instrument, on which no points have been raised. Is the committee content with the instrument?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

### Non-Domestic Rates (Relief for New and Improved Properties) (Scotland) Amendment Regulations 2019 (SSI 2019/116)

10:01

**The Convener:** The first instrument for consideration under agenda item 3 is SSI 2019/116, which was laid before the Parliament on 22 March and came into force on 31 March. Therefore, the requirement that at least 28 days should elapse between the laying of a negative instrument and the coming into force of that instrument has not been respected. The reasons for the breach are set out in the correspondence with the Presiding Officer that is available in our published papers.

Standing orders require the committee to draw to the Parliament's attention any failure to respect the 28-day laying requirement. Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), as it fails to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

**Members indicated agreement.**

**The Convener:** Is the committee content that the failure to comply with section 28(2) of the 2010 act is acceptable in the circumstances?

**Members indicated agreement.**

### Transmissible Spongiform Encephalopathies (Scotland) Amendment Regulations 2019 (SSI 2019/118)

**The Convener:** I will have a stab at saying what TSE means: transmissible spongiform encephalopathies. Got it!

**Alison Harris (Central Scotland) (Con):** Well done!

**The Convener:** The regulations amend the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010 (SSI 2010/177) to align them with a European Commission regulation on rules for the prevention, control and eradication of certain types of the disease prior to European Union exit. The regulations contain an error in failing to follow proper drafting practice when referring to an EU instrument in the preamble.

Does the committee wish to draw the regulations to the attention of the Parliament on

the general reporting ground, as there has been a failure to follow proper drafting practice in the preamble?

**Members indicated agreement.**

**The Convener:** No points have been raised on the following two instruments.

### Carbon Accounting Scheme (Scotland) Amendment Regulations 2019 (SSI 2019/121)

### Council Tax Reduction (Scotland) Amendment (No 2) Regulations 2019 (SSI 2019/133)

**The Convener:** Is the committee content with the instruments?

**Members indicated agreement.**

## Instruments not subject to Parliamentary Procedure

10:03

**The Convener:** Agenda item 4 is consideration of three instruments that are not subject to parliamentary procedure, on which no points have been raised.

### **Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2019 (SSI 2019/122)**

### **Act of Sederunt (Rules of the Court of Session 1994 and Ordinary Cause Rules 1993 Amendment) (Views of the Child) 2019 (SSI 2019/123)**

### **Islands (Scotland) Act 2018 (Commencement No 2) Regulations 2019 (SSI 2019/134 (C 3))**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

## Transport (Scotland) Bill: After Stage 1

10:03

**The Convener:** Agenda item 5 is consideration of the Scottish Government's response to our stage 1 report on the Transport (Scotland) Bill. The Government has agreed to some of our recommendations. I am sure that the committee will look at the bill again following any amendments at stage 2.

Does the committee wish to note the Government's response to our stage 1 report on the bill?

**Members** *indicated agreement.*

## Climate Change (Emissions Reduction Targets) (Scotland) Bill: After Stage 1

10:04

**The Convener:** Agenda item 6 is consideration of the Scottish Government's response to our stage 1 report on the Climate Change (Emissions Reduction Targets) (Scotland) Bill. We made only one recommendation at stage 1, which, as can be read in the accompanying paper, the Government has agreed to. It will therefore seek to amend the bill in line with the committee's recommendation at stage 2.

Does the committee wish to welcome the Government's response to our stage 1 report on the bill?

**Members** *indicated agreement.*

10:04

*Meeting continued in private until 10:24.*





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