



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 19 November 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
31st 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)

*Jeremy Balfour (Lothian) (Con)

*Mary Fee (West Scotland) (Lab)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament
Delegated Powers and Law Reform Committee

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[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 31st meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 5, 6 and 7 in private. Do members agree to that?

Members indicated agreement.

European Union (Withdrawal) Act 2018: Instrument Procedure and Category

Environment (EU Exit) (Scotland) (Amendment etc) (No 2) Regulations 2019 [Draft]

10:00

The Convener: Agenda item 2 is consideration of a Scottish statutory instrument that has been laid under the European Union (Withdrawal) Act 2018. As always, we are considering the categorisation that the Scottish Government has applied.

The instrument has been laid under the affirmative procedure and has been categorised as being of medium significance. It will amend a power to legislate, and the 2018 act requires that affirmative procedure be used for such instruments. Accordingly, there is no choice of scrutiny procedure for the committee to consider, but the committee is still asked to consider whether the instrument has been categorised appropriately.

The purpose of the instrument is to address deficiencies in Scottish legislation, relating to waste and the environment, that arise from the United Kingdom's withdrawal from the European Union. Our legal advisers have indicated that the instrument would be more appropriately categorised as being of high significance, because it will amend a power to legislate.

Does the committee wish to recommend that the instrument be recategorised as being of high significance?

Members indicated agreement.

Instrument subject to Affirmative Procedure

Planning (Scotland) Act 2019 (Ancillary Provision) Regulations 2019 [Draft]

10:01

The Convener: Agenda item 3 is consideration of an affirmative instrument, on which no points have been raised. Is the committee content with the instrument?

Members *indicated agreement.*

Referendums (Scotland) Bill: Stage 1

10:01

The Convener: Agenda item 4 is consideration of a response from the Scottish Government to the committee's stage 1 report on the Referendums (Scotland) Bill. In its stage 1 report, the committee made a series of recommendations in relation to delegated powers in the bill. In its response, the Scottish Government has indicated its intention to lodge amendments at stage 2 to address a number of the committee's concerns.

Does the committee wish to welcome the Scottish Government's response?

Members *indicated agreement.*

10:02

Meeting continued in private until 10:33.

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