



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 12 May 2020

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
16th Meeting 2020, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

Mary Fee (West Scotland) (Lab)

*Gordon Lindhurst (Lothian) (Con)

Gil Paterson (Clydebank and Milngavie) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament
Delegated Powers and Law Reform Committee

Tuesday 12 May 2020

[The Convener opened the meeting at 12:30]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good afternoon. I welcome everyone to the 16th meeting in 2020 of the Delegated Powers and Law Reform Committee. We have apologies from two of our members—Mary Fee and Gil Paterson.

Under agenda item 1, it is proposed that the committee takes items 4, 5, 6 and 7 in private, as they involve consideration of reports that will be published once they have been agreed.

Does the committee agree to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

12:31

The Convener: Agenda item 2 is consideration of four draft affirmative instruments, on which no points have been raised.

Scottish Parliament (Elections etc) Amendment Order 2020 [Draft]

Scottish Animal Welfare Commission Regulations 2020 [Draft]

Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 [Draft]

Representation of the People (Scotland) Amendment Regulations 2020 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument subject to Negative Procedure

Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 (SSI 2020/129)

12:31

The Convener: Agenda item 3 is consideration of a negative instrument that amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (SI 1992/223) to provide for local authorities and certain health service bodies to carry out development for the purposes of

“preventing an emergency ... reducing, controlling or mitigating the effects of an emergency, or ... taking other action in connection with an emergency.”

The instrument defines that an emergency is

“an event or situation which threatens serious damage to human welfare in a place in the United Kingdom”.

The instrument was laid before the Parliament on 23 April and came into force on 24 April. As that does not respect the requirement that at least 28 days should elapse between the laying of an instrument that is subject to the negative procedure and the coming into force of that instrument, the committee is required under standing orders to draw the instrument to the attention of the Parliament on reporting ground (j), for its failure to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

Does the committee wish to draw the instrument to the Parliament’s attention on reporting ground (j)?

Members indicated agreement.

The Convener: The committee also considers the reasons for breaches of the 28-day rule, which in this case are set out in a letter to the Presiding Officer that is dated 23 April 2020. The letter explains that the Scottish Government considers that the new developments and changes of use that are currently taking place to urgently provide additional capacity for the national health service and other services to address the coronavirus emergency mean that it is essential that the planning system does not act as a barrier or create delays in providing such necessary infrastructure.

The Scottish Government wishes to provide additional certainty to local authorities and NHS bodies by ensuring through legislation that necessary developments do not require

applications for planning permission to be made. As such essential developments are already proposed, the Scottish Government considers that it is necessary for the instrument to come into force immediately.

However, as the instrument also applies to emergencies other than the Covid-19 emergency, does the committee wish to highlight the matter to the lead committee so that it can explore whether the breach in question was necessary in relation to wider emergencies?

Members indicated agreement.

12:33

Meeting continued in private until 12:57.

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