



OFFICIAL REPORT
AITHISG OIFIGEIL

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Delegated Powers and Law Reform Committee

Tuesday 17 November 2020

Session 5



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Pàrlamaid na h-Alba

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT PROCEDURE AND CATEGORY	2
Fisheries (Technical Conservation Measures) (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (SSI 2020/367)	2
EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT CATEGORY	3
Public Procurement etc (EU Exit) (Scotland) (Amendment) Regulations 2020 [Draft]	3
Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [Draft]	3
INSTRUMENTS SUBJECT TO MADE AFFIRMATIVE PROCEDURE	4
Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 21) Regulations 2020 (SSI 2020/354)	4
Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 22) Regulations 2020 (SSI 2020/358)	4
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	5
Regulation of Investigatory Powers (Prescription of Offices, etc and Specification of Public Authorities) (Scotland) Amendment Order 2020 (SSI 2020/361)	5
Fisheries (Technical Conservation Measures) (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (SSI 2020/367)	5

DELEGATED POWERS AND LAW REFORM COMMITTEE
35th Meeting 2020, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Michelle Ballantyne (South Scotland) (Con)

*Mary Fee (West Scotland) (Lab)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament
Delegated Powers and Law Reform Committee

Tuesday 17 November 2020

[The Convener opened the meeting at 11:45]

Decision on Taking Business in Private

The Convener (Bill Bowman): Good morning. I welcome everyone to the 35th meeting in 2020 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 6 to 10 in private. Does the committee agree to do so?

Members *indicated agreement.*

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

Fisheries (Technical Conservation Measures) (EU Exit) (Scotland) (Amendment etc) Regulations 2020 (SSI 2020/367)

11:45

The Convener: Agenda item 2 is consideration of an instrument that has been made under the powers under the European Union (Withdrawal) Act 2018, among other powers. The committee is looking at the instrument under the Scottish statutory instrument protocol, in relation to the provision made in exercise of the powers in the 2018 act, so we are considering the scrutiny procedure under which it has been laid and the categorisation that the Scottish Government has applied.

The instrument amends domestic legislation concerning technical conservation measures that relate to sea fisheries. It has been laid under the negative procedure and has been categorised by the Scottish Government as being of low significance.

Our advisers consider that the use of the negative procedure is appropriate in the circumstances. Is the committee content that the appropriate scrutiny procedure has been applied to the instrument?

Members *indicated agreement.*

The Convener: Our advisers consider that the instrument has been properly categorised by the Scottish Government as being of low significance under the SSI protocol. Is the committee content that the instrument has been properly categorised as being of low significance?

Members *indicated agreement.*

European Union (Withdrawal) Act 2018: Instrument Category

11:46

The Convener: Agenda item 3 is consideration of two further instruments that have been laid under the European Union (Withdrawal) Act 2018. Unlike our consideration under agenda item 2, we are considering only how the instruments have been categorised by the Scottish Government.

Public Procurement etc (EU Exit) (Scotland) (Amendment) Regulations 2020 [Draft]

The Convener: The first instrument has been categorised by the Scottish Government as being of high significance in relation to the provision made under the European Union (Withdrawal) Act 2018. In that regard, our advisers consider that the instrument has been properly categorised as being of high significance under the SSI protocol.

Is the committee content that the instrument has been properly categorised as being of high significance?

Members *indicated agreement.*

Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [Draft]

The Convener: The second instrument has been categorised by the Scottish Government as being of low significance in relation to the provision made under the European Union (Withdrawal) Act 2018. In that regard, our advisers consider that the instrument has been properly categorised as being of low significance under the SSI protocol.

Is the committee content that the instrument has been properly categorised as being of low significance?

Members *indicated agreement.*

Instruments subject to Made Affirmative Procedure

11:48

The Convener: Agenda item 4 is consideration of two instruments that are subject to the made affirmative procedure, on which no points have been raised.

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 21) Regulations 2020 (SSI 2020/354)

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 22) Regulations 2020 (SSI 2020/358)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

11:48

Meeting continued in private until 12:54.

11:48

The Convener: Agenda item 5 is consideration of two negative instruments, on which no points have been raised.

**Regulation of Investigatory Powers
(Prescription of Offices, etc and
Specification of Public Authorities)
(Scotland) Amendment Order 2020 (SSI
2020/361)**

**Fisheries (Technical Conservation
Measures) (EU Exit) (Scotland)
(Amendment etc) Regulations 2020 (SSI
2020/367)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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