



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 26 January 2021

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd Meeting 2021, Session 5

CONVENER

*Bill Bowman (North East Scotland) (Con)

DEPUTY CONVENER

Gil Paterson (Clydebank and Milngavie) (SNP)

COMMITTEE MEMBERS

*Michelle Ballantyne (South Scotland) (Reform)

*Mary Fee (West Scotland) (Lab)

*Joe FitzPatrick (Dundee City West) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Alex Neil (Airdrie and Shotts) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

Virtual Meeting

Scottish Parliament
Delegated Powers and Law Reform Committee

Tuesday 26 January 2021

[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 third meeting in 2021 of the Delegated Powers and Law Reform Committee. I have received apologies from Gil Paterson, and I welcome Alex Neil, who is attending as Gil's substitute.

As we are meeting online, it will be more challenging for members to indicate agreement to the items that are discussed. Therefore, I ask members to raise their hand if they are not content with the question that is being put or if they wish to speak about an instrument.

The first agenda item is a decision on whether to take items 7 and 8 in private. Is the committee content to take those items in private?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instruments subject to Made Affirmative Procedure

11:46

The Convener: Agenda item 2 is consideration of six instruments that are subject to the made affirmative procedure, on which no points have been raised.

Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 12) Regulations 2021 (SSI 2021/17)

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 4) Regulations 2021 (SSI 2021/19)

Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/20)

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 5) Regulations 2021 (SSI 2021/21)

Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 13) Regulations 2021 (SSI 2021/25)

Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (SSI 2021/34)

The Convener: Is the committee content with the instruments?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instruments subject to Affirmative Procedure

11:46

The Convener: Agenda item 3 is consideration of draft affirmative instruments, on which no points have been raised.

Human Tissue (Authorisation) (Specified Type B Procedures) (Scotland) Regulations 2021 [Draft]

Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021 [Draft]

Single Use Carrier Bags Charge (Coronavirus) (Scotland) Amendment Regulations 2021 [Draft]

Property Factors (Code of Conduct) (Scotland) Order 2021 [Draft]

The Convener: Is the committee content with the instruments?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instruments subject to Negative Procedure

Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021 (SSI 2021/10)

11:47

The Convener: An issue has been raised on two of the instruments for consideration under agenda item 4, the first of which is SSI 2021/10. The purpose of the instrument is to make temporary modifications to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (SSI 2014/243) to allow local authorities to provide homeless households with accommodation in hotels and bed and breakfasts as a result of coronavirus. The instrument mirrors the provisions in SSI 2020/268, which will cease to have effect on 31 January 2021.

There has been a failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, which requires that negative instruments be laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument was laid on 13 January and will come into force on 31 January.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), in respect of the failure to lay it in accordance with the laying requirements under the Interpretation and Legislative Reform (Scotland) Act 2010, while noting that it is satisfied with the explanation that the Scottish Government has given for the failure to comply with the 28-day rule?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Civil Partnership (Scotland) Act 2020 (Commencement No 3, Saving and Transitional Provision) Regulations 2021 (SSI 2021/23)

The Convener: The second instrument on which an issue has been raised is SSI 2021/23, which commences certain provisions of the Civil Partnership (Scotland) Act 2020 and makes saving and transitional provision relating to the introduction of civil partnership between persons of different sexes.

Again, there has been a failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland)

Act 2010. The instrument was laid on 18 January and certain provisions commence on 1 February.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), in respect of the failure to lay it in accordance with the laying requirements under the Interpretation and Legislative Reform (Scotland) Act 2010, while noting that it is satisfied with the explanation that has been given for the failure to comply with the 28-day rule?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

No points have been raised on the following seven negative instruments.

Police Service of Scotland (Miscellaneous Amendments) Regulations 2020 (SSI 2020/453)

Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/9)

Council Tax Reduction (Scotland) Amendment (Coronavirus) Regulations 2021 (SSI 2021/12)

Fireworks (Scotland) Amendment Regulations 2021 (SSI 2021/14)

Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2021 (SSI 2021/18)

Civil Partnership Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2021 (SSI 2021/24)

General Pharmaceutical Council (Coronavirus) (Amendment) Rules Order of Council 2021 (SI 2021/26)

The Convener: Is the committee content with the instruments?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Instrument not subject to Parliamentary Procedure

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Miscellaneous) 2021 (SSI 2021/22)

11:50

The Convener: Agenda item 5 is consideration of an instrument that is not subject to any parliamentary procedure, on which no points have been raised. Is the committee content with the instrument?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

Document Laid for Consultation

11:51

*Meeting continued in private until 12:12.***Statutory Guidance: Sports Club Relief
(SG 2021/9)**

11:51

The Convener: Agenda item 6 is consideration of a document that has been laid for consultation. No points have been raised on SG 2021/9, which is proposed statutory guidance on non-domestic rates relief for sports clubs. Is the committee content with the proposed statutory guidance?

No member has indicated that they are not content or that they wish to speak, so that is agreed.

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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