



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 2 February 2021

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 2 February 2021

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
INSTRUMENT SUBJECT TO MADE AFFIRMATIVE PROCEDURE	2
Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 14) Regulations 2021 (SSI 2021/35).....	2
INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE	3
Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021 [Draft]	3
National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 [Draft]	3
First-tier Tribunal for Scotland Social Security Chamber (Allocation of Functions) Amendment Regulations 2021 [Draft].....	3
Children and Young People (Scotland) Act 2014 (Modification) Order 2021 [Draft]	3
Registers of Scotland (Fees) Amendment Order 2021 [Draft]	3
Carers (Scotland) Act 2016 (Adult Carers and Young Carers of Terminally Ill Persons: Timescales for Adult Carer Support Plans and Young Carer Statements etc) Regulations 2021 [Draft].....	3
Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2021 [Draft].....	3
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	4
Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021 (SI 2021/27)	4
Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Amendment Regulations 2021 (SSI 2021/27)	4
Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2021 (SSI 2021/29).....	4
Special Restrictions on Adoptions from Nigeria (Scotland) Order 2021 (SSI 2021/30)	4
Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/31)	5
Rural Development (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/33)	5
Restorative Justice (Prescribed Persons) (Scotland) Order 2021 (SSI 2021/40)	5
INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE	6
Victims and Witnesses (Scotland) Act 2014 (Commencement No 8) Order 2021 (SSI 2021/39 (C 2))	6
Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (Commencement No 2) Regulations 2021 (SSI 2021/42 (C 3)).....	6

DELEGATED POWERS AND LAW REFORM COMMITTEE

4th 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

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

Virtual Meeting

Scottish Parliament
**Delegated Powers and Law
Reform Committee**

Tuesday 2 February 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 fourth meeting in 2021 of the Delegated Powers and Law Reform Committee.

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 the instrument in question.

The first agenda item is a decision on whether to take items 6 and 7 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.

**Instrument subject to Made
Affirmative Procedure**

**Health Protection (Coronavirus)
(Restrictions and Requirements) (Local
Levels) (Scotland) Amendment (No 14)
Regulations 2021 (SSI 2021/35)**

11:46

The Convener: Agenda item 2 is consideration of an instrument that is subject to the made affirmative 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.

Instruments subject to Affirmative Procedure

11:46

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

Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021 [Draft]

National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 [Draft]

First-tier Tribunal for Scotland Social Security Chamber (Allocation of Functions) Amendment Regulations 2021 [Draft]

Children and Young People (Scotland) Act 2014 (Modification) Order 2021 [Draft]

Registers of Scotland (Fees) Amendment Order 2021 [Draft]

Carers (Scotland) Act 2016 (Adult Carers and Young Carers of Terminally Ill Persons: Timescales for Adult Carer Support Plans and Young Carer Statements etc) Regulations 2021 [Draft]

Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 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

Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021 (SI 2021/27)

11:47

The Convener: An issue has been raised on the first instrument for consideration under agenda item 4, SI 2021/27. As an instrument that was made by order of the Privy Council, it must be laid before the Scottish Parliament and both Houses at Westminster. It comes into force on 4 March.

An error has been identified in the drafting of the schedule to the order, which amends the existing rules for hearings of the Health and Care Professions Council, which regulates a number of professions across the United Kingdom. The amendment deletes the definition of the date on which posted documents are treated as having been sent. That affects the calculation of time periods in which certain procedural steps must be taken.

The UK Government has undertaken to bring forward a new order in council to correct the position before the order comes into force.

Does the committee wish to draw the order to the attention of the Parliament on the general reporting ground, on the basis that there is an error in the drafting of the schedule; and does it wish to welcome the UK Government's commitment to lay an amended order before the Scottish Parliament and both Houses at Westminster before the order comes into force?

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 six negative instruments.

Crofting Community Right to Buy (Procedure, Ballots and Forms) (Scotland) Amendment Regulations 2021 (SSI 2021/27)

Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2021 (SSI 2021/29)

Special Restrictions on Adoptions from Nigeria (Scotland) Order 2021 (SSI 2021/30)

**Education (Miscellaneous Amendments)
(Coronavirus) (Scotland) Regulations 2021
(SSI 2021/31)**

**Rural Development (Miscellaneous
Amendment) (Scotland) Regulations 2021
(SSI 2021/33)**

**Restorative Justice (Prescribed Persons)
(Scotland) Order 2021 (SSI 2021/40)**

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 not subject to
Parliamentary Procedure**

11:49

The Convener: Agenda item 5 is consideration of two instruments that are not subject to parliamentary procedure and on which no points have been raised.

**Victims and Witnesses (Scotland) Act 2014
(Commencement No 8) Order 2021 (SSI
2021/39 (C 2))**

**Animals and Wildlife (Penalties,
Protections and Powers) (Scotland) Act
2020 (Commencement No 2) Regulations
2021 (SSI 2021/42 (C 3))**

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.

11:49

Meeting continued in private until 12:00.

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.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba