



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 16 March 2021

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

10th 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 16 March 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 10th meeting in 2021 of the Delegated Powers and Law Reform Committee.

Mary Fee has passed on her apologies, as she will not be able to join us for the start of the meeting, but she hopes to be able to join us for later items.

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 to 11 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)
(Miscellaneous Amendments) (Scotland)
(No 2) Regulations 2021 (SSI 2021/117)**

11:46

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

Instrument subject to Affirmative Procedure

Local Government Finance (Scotland) Order 2021 [Draft]

11:46

The Convener: Agenda item 3 is consideration of a draft affirmative instrument, 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 Negative Procedure

Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Amendment Regulations 2021 (SSI 2021/123)

11:46

The Convener: An issue has been raised on the first instrument for consideration under agenda item 4. SSI 2021/123 lays down the compositional and labelling standards for a specific type of infant formula and follow-on formula that is manufactured from protein hydrolysates, which can be used for infants who have allergies. The instrument has breached the rule that requires instruments that are subject to the negative procedure to be laid at least 28 days before they come into force.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), in that it has been laid less than 28 days before coming into force and has therefore breached the laying requirements under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010? At the same time, does the committee wish to note that it is satisfied with the explanation that the Scottish Government has provided for the failure to comply with the laying requirements?

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

Disability Assistance for Children and Young People (Consequential Amendments) (Scotland) Regulations 2021 (SSI 2021/122)

The Convener: Although no points have been raised on SSI 2021/122, the committee may wish to note that the instrument fulfils a commitment that the Scottish Government gave to the committee to make clearer the meaning of "care home" in subordinate legislation that was amended by the Disability Assistance for Children and Young People (Consequential Amendment and Transitional Provision) (Scotland) Regulations 2021 (SSI 2021/73), which the committee considered on 2 March 2021.

Is the committee content with the instrument, and does it wish to welcome the fact that it fulfils an earlier commitment?

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

Meeting continued in private until 12:00.

11:48

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

**Act of Adjournal (Criminal Procedure
Rules 1996 Amendment) (Electronic
Authentication of Copy Documents) 2021
(2021/116)**

**Non-Domestic Rates (Scotland) Act 2020
(Commencement No 2, Transitional and
Saving Provisions) Amendment
Regulations 2021 (SSI 2021/120 (C 7))**

**Scottish Elections (Reform) Act 2020
(Commencement No 2 and Saving
Provision) Regulations 2021 (SSI 2021/124
(C 4))**

**Civil Litigation (Expenses and Group
Proceedings) (Scotland) Act 2018
(Commencement No 4 and Transitional
Provision) Regulations 2021 (SSI 2021/125
(C 9))**

**Burial and Cremation (Scotland) Act 2016
(Commencement No 4) Regulations 2021
(SSI 2021/126 (C 10))**

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.

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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