



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 22 March 2022**

**Session 6**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**10<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

**DEPUTY CONVENER**

\*Bill Kidd (Glasgow Anniesland) (SNP)

**COMMITTEE MEMBERS**

\*Craig Hoy (South Scotland) (Con)

\*Graham Simpson (Central Scotland) (Con)

\*Paul Sweeney (Glasgow) (Lab)

\*attended

**CLERK TO THE COMMITTEE**

Andrew Proudfoot

**LOCATION**

The Adam Smith Room (CR5)



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

*Tuesday 22 March 2022*

*[The Convener opened the meeting at 10:11]*

**Decision on Taking Business in Private**

**The Convener (Stuart McMillan):** Welcome to the Delegated Powers and Law Reform Committee's 10th meeting in 2022. Before we move to the first item on the agenda, I remind everyone present to switch their mobile phones to silent.

The first item of business is a decision on whether to take items 5 and 6 in private. Is the committee content to take those items in private?

**Members indicated agreement.**

**Instruments subject to Affirmative Procedure**

10:11

**The Convener:** Under agenda item 2, we are considering five instruments subject to the affirmative procedure. There was a late change to our agenda due to the following Scottish statutory instrument being laid by the Scottish Government yesterday.

**Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 [Draft]**

**The Convener:** The Department for Work and Pensions intends to make emergency legislation shortly that will remove certain residence-based qualifying conditions to allow individuals who come from Ukraine to the United Kingdom to access the benefits system immediately on arrival in the UK. The SSI has been laid to ensure parity of access for Ukraine citizens in Scotland to benefits for which the Scottish ministers have responsibility. The Scottish Government is therefore seeking to have the changes come into force today.

Although the committee needs sufficient time to properly consider each and every SSI that is laid before the Parliament to make sure that it is correct as a matter of law, given the obvious immediacy here, I have allowed the SSI to be added to today's agenda. I nevertheless reserve the right for the committee to look at the instrument again next week should any issues subsequently be found. We could then write to the Scottish Government to highlight those issues.

Taking all that into account, is the committee content with the regulations?

**Members indicated agreement.**

**The Convener:** Also under this agenda item, no points have been raised on the following draft instruments.

**Agriculture and Horticulture Development Board (Amendment) Order 2022 [Draft]**

**Local Heat and Energy Efficiency Strategies (Scotland) Order 2022 [Draft]**

**Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2022 [Draft]**

**Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 [Draft]**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

**Instruments subject to Negative Procedure**

10:13

**The Convener:** Under agenda item 3, we are considering two instruments subject to the negative procedure. An issue has been raised on the following instrument.

**Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2022 (SSI 2022/97)**

**The Convener:** The instrument is made under the Police Act 1997. It amends the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010, which make provision for enhanced disclosures with suitability information relating to children and adults. The instrument adds an individual seeking to provide accommodation to a Ukrainian national who has left Ukraine in connection with the Russian invasion and any other person aged over 16 also residing on the premises that are to be used for the accommodation as two further categories of individuals to whom an exempted question may be asked for the purpose of an enhanced criminal record certificate.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure are required to be laid at least 28 days before they come into force, not counting recess periods of more than four days. In correspondence with the Presiding Officer, the Scottish Government explained that the regulations are required to come into force urgently in order to have a suitable safeguarding system in place for the imminent commencement of the homes for Ukraine scheme for those fleeing the Russian invasion of Ukraine.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j) in relation to its failure to lay the instrument in accordance with the laying requirements under the 2010 act?

**Members** *indicated agreement.*

**The Convener:** At the same time, is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirement?

**Members** *indicated agreement.*

**The Convener:** Also under this agenda item, no points have been raised on the following instrument.

**Sports Grounds and Sporting Events  
(Designation) (Scotland) Amendment  
Order 2022 (SSI 2022/86)**

**The Convener:** Is the committee content with the instrument?

**Members** *indicated agreement.*

**Instruments not subject to  
Parliamentary Procedure**

10:15

**The Convener:** Under agenda item 4, we are considering three instruments not subject to any parliamentary procedure, on which no points have been raised.

**Coronavirus Act 2020 (Transitional  
Provision) (Scotland) Regulations 2022  
(SSI 2022/82)**

**Health Protection (Coronavirus)  
(Requirements) (Scotland) Revocation  
Regulations 2022 (SSI 2022/92)**

**Health Protection (Coronavirus)  
(International Travel and Operator  
Liability) (Scotland) Revocation  
Regulations 2022 (SSI 2022/99)**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

10:15

*Meeting continued in private until 11:29.*





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