



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 6 September 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

22nd Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (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 6 September 2022

[The Convener opened the meeting at 10:00]

Instrument subject to Made Affirmative Procedure

The Convener (Stuart McMillan): Good morning, and welcome to the Delegated Powers and Law Reform Committee's 22nd meeting in 2022.

Under agenda item 1, we are considering one instrument, on which no points have been raised.

Scottish Landfill Tax (Prescribed Landfill Site Activities) Amendment Order 2022 (SSI 2022/233)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

The Convener: However, as the instrument was laid the day before the summer recess, on 1 July and came into force immediately, there has been a period of time when the order has been law but the Parliament has not been able to consider the changes. Although the committee may be content with the reasons that the Scottish Government has provided in our correspondence, which can be read in the published papers for today's meeting, does the committee agree to highlight in its report that, first, as far as possible, the Scottish Government should avoid a situation such as this in the future and, secondly, where that is not possible, it would be helpful for the Scottish Government to provide a fuller explanation of the reasons for the timing of the instrument?

Members *indicated agreement.*

Instrument subject to Affirmative Procedure

10:01

The Convener: Under agenda item 3, we are considering one instrument, on which no points have been raised.

Consumer Scotland (Transfer of Functions) Regulations 2022 (Draft)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:01

The Convener: Under agenda item 4, we are considering three instruments. An issue has been raised on the following instrument.

Coronavirus (Scotland) Acts (Saving Provision) Regulations 2022 (SSI 2022/261)

The Convener: The instrument makes saving provisions in consequence of the expiry of part 1 of the Coronavirus (Scotland) Act 2020 and part 1 of the Coronavirus (Scotland) (No 2) Act 2020.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument breaches that requirement, as it was laid on 30 August 2022 and will come into force on 1 October 2022.

In correspondence with the Presiding Officer, the Scottish Government explained that it was unable to lay the instrument in late June to allow the full 28 days before coming into force. That was due to the fact that the final stages of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 were also taking place at that time and may have necessitated further provision in the instrument.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), for failure to comply with laying requirements? At the same time, is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirements?

Members indicated agreement.

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

Civil Protection Measures, European Protection Order and Victims' Rights (EU Exit) (Scotland) (Amendment Etc) Regulations 2022 (SSI 2022/249)

General Pharmaceutical Council (Amendment) Rules Order of Council 2022 (SI 2022/697)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Instruments not subject to any Parliamentary Procedure

10:03

The Convener: Under agenda item 5, we are considering two instruments. An issue has been raised on the following instrument.

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Court Sittings) 2022 (SSI 2022/250)

The Convener: Schedule 3 to the instrument provides an updated definition of vacation sitting days of the Court of Session from the beginning of 2024 up to the end of the 2026 winter vacation. In correspondence with the committee, which can be read in our published papers, the Lord President's private office confirmed that there was an error in the selection of two of the vacation sitting days. It noted that the days selected should have inserted Monday instead of Wednesday in both instances. The Lord President's office intends to correct the error at the next available opportunity.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground? At the same time, does the committee wish to welcome the fact that the Lord President's private office intends to take corrective action, by way of an amendment, at the next available opportunity?

Members indicated agreement.

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

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Overseas Production Orders) 2022 (SSI 2022/231)

The Convener: Is the committee content with the instrument?

Members indicated agreement.

Instrument subject to Approval

10:04

The Convener: Under agenda item 6, we are considering one instrument subject to approval, on which no points have been raised.

Scottish Social Housing Charter: November 2022 (SG/2022/146)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

The Convener: The charter was previously laid in February 2022 and was subsequently withdrawn following questions being asked on behalf of the committee about whether the statutory consultation requirements had been met. That was still not clear in the revised charter that is before the committee today.

In correspondence with the Scottish Government on the revised charter, the committee asked whether there had been direct communication with all eight statutory consultees listed in section 33(2) of the Housing (Scotland) Act 2010 and whether any changes were made to the revised charter in light of direct communication from the statutory consultees.

The Scottish Government's response, which can be found in the published papers for the meeting, lists the statutory consultees that responded to the consultation and the changes made to the charter in light of the consultation responses received. Given that the lead committee, which is the Local Government, Housing and Planning Committee, is likely to have an interest in that work, are members content for that correspondence to be drawn to the attention of the lead committee?

Members *indicated agreement.*

10:06

Meeting continued in private until 10:20.

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