



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Delegated Powers and Law Reform Committee

Tuesday 29 October 2024

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
29th Meeting 2024, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Daniel Johnson (Edinburgh Southern) (Lab)

*Roz McCall (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 29 October 2024

[The Convener opened the meeting at 09:31]

Interests

The Convener (Stuart McMillan): Welcome to the 29th meeting in 2024 of the Delegated Powers and Law Reform Committee. We have received apologies from Bill Kidd MSP. In his place, I welcome Rona Mackay MSP. I remind everyone to switch off, or put to silent, mobile phones and other electronic devices.

The first item of business is a declaration of interests. In accordance with section 3 of the code of conduct, I invite Roz McCall MSP to declare any interests that are relevant to the remit of the committee.

Roz McCall (Mid Scotland and Fife) (Con): Thank you, convener. I have no relevant interests.

The Convener: Thank you, Roz, and welcome to the committee. I look forward to working with you.

Before we move to the next item on the agenda, I take this opportunity, on behalf of the committee, to thank Tim Eagle MSP for all his hard work and his valuable contribution to the committee. Like Roz, Tim is a fairly new member of the Scottish Parliament but it is fair to say that he recognised the importance of the committee's work and worked diligently as a committee member. On behalf of all members, I wish him all the best for the future.

Decision on Taking Business in Private

09:32

The Convener: The second item of business is to decide whether to take items 6, 7, 8, 9, 10 and 11 in private. Is the committee content to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

09:32

The Convener: Under agenda item 3, the committee is considering two instruments, on which no points have been raised.

Budget (Scotland) Act 2024 Amendment Regulations 2024 [Draft]

Greenhouse Gas Emissions Trading Scheme (Amendment) (No 2) Order 2024 [Draft]

The Convener: Is the committee content with the instruments?

Members indicated agreement.

The Convener: In relation to the draft Greenhouse Gas Emissions Trading Scheme (Amendment) (No 2) Order 2024, does the committee wish to note that the original draft of the instrument was withdrawn and the present version relaid to correct an error, following a question that the committee raised with the Scottish Government?

Members indicated agreement.

Instruments subject to Negative Procedure

09:32

The Convener: Under agenda item 4, we are considering five instruments. An issue has been raised on one of the instruments.

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Amendment Regulations 2024 (SSI 2024/281)

The Convener: The instrument changes the certificates that are required before a funeral, burial or cremation can lawfully take place in Scotland of a person who died in England, Wales or Northern Ireland.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments that are 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 15 October 2024 and came into force on 16 October 2024.

In correspondence with the Presiding Officer, the Scottish Government stated that the breach had occurred in order to resolve the issue that some families have been unable to arrange burial or cremation in Scotland where a loved one has died elsewhere in the United Kingdom due to the required certificate not being available until a coroner's investigation is complete, notwithstanding that the coroner is content to release the body. In one known case, that is expected to take at least a year.

As such, the Scottish Government considers that it is necessary and reasonable to breach the 28-day rule to ensure that the amendments are made immediately to avoid prolonging the distress of grieving families.

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?

Members indicated agreement.

The Convener: Is the committee content with the reasons that the Scottish Government has provided for its failure to comply with the laying requirements?

Members indicated agreement.

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

Road Traffic (Permitted Parking Area and Special Parking Area) (West Dunbartonshire Council) Designation Order 2024 (SSI 2024/270)

Parking Attendants (Wearing of Uniforms) (West Dunbartonshire Council) Regulations 2024 (SSI 2024/271)

Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2024 (SSI 2024/273)

Scotland Act 1998 (Agency Arrangements) (Specification) Order 2024 (SI 2024/989)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

09:35

The Convener: Under agenda item 5, we are considering one instrument, on which no points have been raised.

Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 2024 (SSI 2024/275)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting.

09:35

Meeting continued in private until 11:24.

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