



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

9th Meeting, 2016 (Session 4)

Tuesday 8 March 2016

The Committee will meet at 10.00 am in the David Livingstone Room (CR6).

1. **Decisions on taking business in private:** The Committee will decide whether to take items 5 and 6 in private.

2. **Family Law (Scotland) Act 2006:** The Committee will take evidence, in round-table format, from—

Stephen Brand, Family Law Sub-Committee, Law Society of Scotland;

Jennifer Gallagher, Family Law Association Scotland;

Louise Johnson, Legal Issues Worker, Scottish Women's Aid;

June Loudoun, Grandparents Apart UK;

Kirsty Malcolm, Advocate;

Ian Maxwell, Families Need Fathers.

3. **Abusive Behaviour and Sexual Harm (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 2).

4. **Subordinate legislation:** The Committee will consider the following negative instruments—

Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75);

Firefighters' Compensation and Pension Schemes (Scotland) Amendment Order 2016 (SSI 2016/77);

Firefighters' Pension Scheme (Scotland) Amendment Regulations 2016 (SSI 2016/78);

Firemen's Pension Scheme (Amendment) (Scotland) Order 2016
(SSI 2016/79).

5. **Correspondence:** The Committee will consider recent correspondence.
6. **Legacy paper:** The Committee will consider a draft legacy paper.

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The papers for this meeting are as follows—

Agenda item 2

Paper by the clerk

J/S4/16/9/1

Private paper

J/S4/16/9/2 (P)

Private paper

J/S4/16/9/3 (P)

[Family Law \(Scotland\) Act 2006 and all associated documents](#)

[Written submissions received on the operation of the Act](#)

Agenda item 3

[Abusive Behaviour and Sexual Harm \(Scotland\) Bill and all associated documents](#)

Agenda item 4

Paper by the clerk

J/S4/16/9/4

[Police Pensions \(Miscellaneous Amendments\) \(Scotland\) Regulations 2016 \(SSI 2016/75\)](#)

[Firefighters' Compensation and Pension Schemes \(Scotland\) Amendment Order 2016 \(SSI 2016/77\)](#)

[Firefighters' Pension Scheme \(Scotland\) Amendment Regulations 2016 \(SSI 2016/78\)](#)

[Firemen's Pension Scheme \(Amendment\) \(Scotland\) Order 2016 \(SSI 2016/79\)](#)

Agenda item 5

Private paper

J/S4/16/9/5 (P)

Agenda item 6

Private paper

J/S4/16/9/6 (P)

Justice Committee**9th Meeting, 2016 (Session 4), Tuesday 8 March 2016****Post-legislative scrutiny of the Family Law (Scotland) Act 2006****Note by the Clerk****Purpose**

1. This paper provides some background information in relation to the Committee's second and final evidence session on the Family Law (Scotland) Act 2006 (the 2006 Act). The Committee will hear from a panel comprising the Children's Commissioner, legal practitioners, and representatives of third sector organisations, as set out on the agenda. This session follows on from the evidence session on 23 February, when the Committee heard from Professor Kenneth Norrie of Strathclyde University Law School and Professor Jane Mair of the Glasgow University School of Law.

2. Six of the seven witnesses, or the organisations they represent, have provided written submissions, in response to an earlier call for evidence from the Committee inviting views on which aspects of the 2006 Act most merited scrutiny. These can be found online here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/96575.aspx>

Background

3. Committees are encouraged to carry out post-legislative scrutiny of important Bills passed by the Scottish Parliament in order to ascertain whether they appear to be meeting the policy aims that were set out for them when they were agreed to. The 2006 Act is recognised as one of the most significant reforms of family law of recent years. The Justice Committee, recognising that a small amount of time was available for post-legislative scrutiny before Parliament dissolves in late March, agreed earlier this year to take evidence on the 2006 Act.

4. Given the short time available, it was never the Committee's intention to consider the whole Act. Instead, in late January, a call for evidence was issued, targeted at selected stakeholders, and inviting views on which aspects of the 2006 Act most merited consideration. The balance of views received in response indicated that the Committee should focus on two aspects:

- the provisions on cohabitation set out in sections 25 to 29 of the 2006 Act, with particular focus on the financial consequences of the end of a cohabiting relationship (sections 28 and 29). In considering this issue, there is also the opportunity to frame more general questions about the state and coherence of Scots law in relation to adult partnerships – cohabitation, marriage and civil partnership.
- the main reforms made by the 2006 Act in relation to parental responsibilities and rights, with particular focus on (a) the acquisition of rights and responsibilities by unmarried fathers (section 23), and (b) the making of residence, contact or other orders in relation to children of a relationship, having regard to the requirement in the 2006 Act for the courts to take the risk of abuse into account when making such orders (section 24).

Useful background material

5. The 2006 Act (and a link to explanatory notes) can be found on the UK Statute Law Database at:

<http://www.legislation.gov.uk/asp/2006/2/contents>

6. The Scottish Executive Policy Memorandum for the Bill that became the 2006 Act is available here on the Scottish Parliament website (NB: the numbering of some provisions in the Act will be different to the original numbering in the Bill as introduced because of amendments agreed to during the Bill's progress):

[http://www.scottish.parliament.uk/S2_Bills/Family%20Law%20\(Scotland\)%20Bill/b36s2-introd-pm.pdf](http://www.scottish.parliament.uk/S2_Bills/Family%20Law%20(Scotland)%20Bill/b36s2-introd-pm.pdf)

7. The Official Report of the first evidence session with Professors Norrie and Mair can be found here:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10392>

Next steps

8. At the meeting on 8 March, at agenda item 2, the Committee will question the witnesses mainly on the two aspects of the Act set out above, having regard to their written submissions.

9. The Committee has agreed that the likely outcome of its evidence-gathering on this matter will be a short report to Parliament, published shortly before dissolution in late March. It will be effectively for the next Scottish Government to consider that report, and for a future Parliamentary committee with scrutiny responsibilities in this area to decide in the next Parliamentary session whether to follow up on any of the report's conclusions (for instance, by agreeing an inquiry into aspects of family law in Scotland)

Justice Committee

9th Meeting, 2015 (Session 4), Tuesday 8 March 2016

Subordinate legislation

Note by the clerk

Purpose

1. This paper invites the Committee to consider the following negative instruments:
 - Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75) *[see page 2]*;
 - Firefighters' Compensation and Pension Schemes (Scotland) Amendment Order 2016 (SSI 2016/77) *[see page 5]*;
 - Firefighters' Pension Scheme (Scotland) Amendment Regulations 2016 (SSI 2016/78) *[see page 7]*;
 - Firemen's Pension Scheme (Amendment) (Scotland) Order 2016 (SSI 2016/79) *[see page 8]*.

2. If the Committee agrees to report to the Parliament on any of the instruments it is required to do so by 21 March 2016. Further details on the procedure for negative instruments are set out in Annexe A attached to this paper.

POLICE PENSIONS (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2016 (SSI 2016/75)

Introduction

3. The instrument is made under section 1 of the Police Pensions Act 1976(a) and all other enabling powers. The Regulations give a scheme member who has entered into a same sex marriage equivalent survivor benefits to those available to scheme members in a civil partnership. The instrument also seeks to implement a transgender exception, allowing survivor benefit expectations to be preserved in the event that a scheme member changes gender. The amendments have retrospective effect from 16 December 2014

4. The instrument comes into force on 1 April 2016.

5. Further details on the purpose of the instrument can be found in the policy note (see below). An electronic copy of the instrument is available at:
<http://www.legislation.gov.uk/ssi/2016/75/contents/made>

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform (DPLR) Committee considered this instrument at its meeting on 1 March 2016 and agreed to draw it to the attention of the Parliament because regulation 3(4) of the Police Pensions (Additional Voluntary Contributions) Regulations 1991 should have been revoked as a result of regulation 11(2) being substituted by alternative provision in this instrument. The Scottish Government acknowledged this error and undertook to revoke regulation 3(4) in a future amending instrument.

7. The relevant extract from the DPLR Committee's report on the instrument is reproduced on page 4 of this paper.

Justice Committee consideration

8. If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 21 March 2016.

Policy Note: Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75)

The above instrument was made in exercise of the powers conferred by section 1 of the Police Pensions Act 1976. Functions under that Act as regards Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to negative procedure.

Policy Objectives

The purpose of this instrument is to bring into force amendments to the Police Pensions Regulations 1987, the Police Pensions (Additional Voluntary Contributions) Regulations 1991, the Police (Injury Benefit) (Scotland) Regulations 2007 and the Police Pensions (Scotland) Regulations 2007

The Marriage and Civil Partnership (Scotland) Act took effect in 2014. The amendments here have retrospective effect from 16 December 2014 and give a

member who has entered into a same sex marriage equivalent survivor benefits to those available to scheme members in a civil partnership. The instrument also seeks to implement a transgender exception, allowing survivor benefit expectations to be preserved in the event that a scheme member changes gender.

With effect from 6 April 2015, police officers retiring with a protected pension age before age 55, and any officer aged 55 or over, will no longer be required to purchase an annuity from their AVC provider. Options introduced will now also include flexible drawdown and payment of one or more uncrystallised lump sums. Limits that previously applied to benefits are removed. The amendments to the AVC scheme have effect from 6 April 2015.

On 5 October 2015 Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of police officers killed in the line of duty. Under the Police (Injury Benefit) (Scotland) Regulations 2007, Special and Augmented awards are payable to survivors of officers who die as a result of an injury sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage, registration of a civil partnership or cohabitation. In addition, any Special and Augmented pensions already withdrawn are reinstated from 1 October 2015.

Under Schedule 3 to the Injury Benefit Regulations, the level of injury pension payable to recipients can be adjusted depending on “additional benefits” payable by the State. These Regulations make a retrospective change to include contributions-based Employment Support Allowance as an “additional benefit”.

Other amendments arise in consequence of errors in the Crime and Courts Act 2013 (Consequential Amendments and Saving Provision) Order 2013.

Consultation

To comply with the requirements of section 1(1) of the Police Pensions Act 1976, a formal consultation (which included the Police Negotiating Board) was undertaken from 3 November 2015 to 8 January 2016. The consultation was issued to representatives of police officers and employers and relevant Scottish and UK Government departments. A summary of consultation responses will be made available on the SPPA website.

Financial Effects

There are costs attached to the reinstatement of survivor pensions previously withdrawn under the injury benefit regulations. This cost will have minimal impact on the scheme and the employer.

Business and Regulatory Impact Assessment

This policy does not impose any additional costs or reduce existing costs for business, third or public sector organisations and on that basis no Business and Regulatory Impact Assessment is required for these Regulations.

Scottish Public Pensions Agency
An Agency of the Scottish Government
4 February 2016

Extract from the Delegated Powers and Law Reform Committee's 17th Report 2016

Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75)

1. The purpose of the Regulations is to make various amendments to existing instruments concerning police pensions in Scotland. The amendments are technical in nature.
2. The Regulations amended are: the Police Pensions Regulations 1987, the Police Pensions (Additional Voluntary Contributions) Regulations 1991, the Police (Injury Benefit) (Scotland) Regulations 2007, and the Police Pensions (Scotland) Regulations 2007. The instrument is subject to the negative procedure. It will come into force on 1 April 2016, with most of the provisions having effect retrospectively from dates ranging from 27 October 2008 to 1 October 2015.
3. The Committee sought explanation of two matters relating to the drafting of the Regulations. The correspondence is reproduced below.
4. In relation to the lack of provision revoking regulation 3(4) of the Police Pensions (Additional Voluntary Contributions) Regulations 1991 following the substitution of regulation 11 by these Regulations, the Committee accepts that regulation 3(4) is of no continuing utility as it is concerned with retirements prior to 1 November 1999. The Committee also notes the Scottish Government's acknowledgement that regulation 3(4) should nonetheless have been revoked, and that the revocation will be effected in a future amending instrument.
5. **The Committee accordingly draws the instrument to the attention of the Parliament under the general reporting round, in respect that it contains a minor drafting error.**
6. **Regulation 18 of the instrument substitutes a new regulation 11 (retirement pensions) for existing regulation 11 of the Police Pensions (Additional Voluntary Contributions) Regulations 1991 ("the 1991 Regulations").**
7. **Regulation 3(4) of the 1991 Regulations provides that a pension election under regulation 11(2) made after retirement may be accepted only if the police authority are satisfied as mentioned in regulation 11(2). Prior to its substitution by this instrument, regulation 11(2) made provision for pension elections but no longer does so.**
8. **The Scottish Government acknowledges that regulation 3(4) of the 1991 Regulations ought to have been revoked in the context of regulation 11(2) being substituted by alternative provision in this instrument. It indicates that the revocation will be given effect in a future amending instrument.**

Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75)

On 18 February 2016, the Scottish Government was asked:

Regulation 18 of the instrument substitutes regulation 11 (retirement pensions) in the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (“the 1991 regulations”).

(a) Substituted regulation 11(1) of the 1991 regulations enables a participator to make certain arrangements for the payment of benefits with “an insurer”. Regulation 11(3) provides that “the approved additional voluntary contributions provider” must provide a participator with an option to receive benefits under paragraph (1)(a) to (c). There are various other references in regulation 11 to “the approved additional voluntary contributions provider”, and one further reference to “an insurer” (paragraph (12)).

“Approved additional voluntary contributions provider” is defined in regulation 2 of the 1991 regulations. Is “an insurer” intended to have any special meaning in regulation 11, and if so, is any definition required?

(b) Regulation 3(4) of the 1991 regulations provides that a pension election under regulation 11(2) made after retirement may be accepted only if the police authority are satisfied as mentioned in regulation 11(2). Substituted regulation 11(2) does not however make provision for pension elections. Does the Scottish Government consider that regulation 3(4) requires to be amended in consequence of the substitution of regulation 11, and if so, is any corrective action proposed?

The Scottish Government responded as follows:

(a) The word “insurer” is not intended to have any special meaning in regulation 11 and no definition was thought to be required. The word is used in a similar context in regulation 11 of the National Health Service Superannuation Scheme (Scotland) (Additional Voluntary Contributions) Regulations 1998 (S.I. 1998/1451) (as substituted by S.S.I. 2015/96) and similarly there is no definition of the word in those Regulations.

(b) We are grateful to the Committee for drawing attention to regulation 3(4) of the 1991 Regulations. That is not a provision of any continuing utility (being concerned with retirements prior to 1st November 1999). It should, however, have been revoked in the context of regulation 11 being substituted by these Regulations and this will be effected in a future amending instrument.

**FIREFIGHTERS’ COMPENSATION AND PENSION SCHEMES (SCOTLAND)
AMENDMENT ORDER 2016 (SSI 2016/77)**

Introduction

9. The instrument is made under powers conferred by sections 34(1) and (2) to (4) and 60(2) of the Fire and Rescue Services Act 2004(a) and all other enabling powers. The Order amends the Compensation Scheme Order so as to allow a person entitled to a pension or gratuity under that Order to retain it following remarriage or the forming of a civil partnership. Pensions or gratuities which have been withdrawn due to existing legislation in this connection are reinstated with effect from 1 October 2015. The instrument also amends the Compensation Scheme so as to authorise a deduction

from a payment under the Order where a recipient is also in receipt of employment and support allowance.

10. The instrument comes into force on 1 April 2016.

11. Further details on the purpose of the instrument can be found in the policy note (see below). An electronic copy of the instrument is available at:
<http://www.legislation.gov.uk/ssi/2016/77/contents/made>

Delegated Powers and Law Reform Committee consideration

12. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 23 February 2016 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

13. If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 21 March 2016.

Policy Note: Firefighters' Compensation and Pension Schemes (Scotland) Amendment Order 2016 (SSI 2016/77)

The above instrument was made in exercise of the powers conferred by sections 34 and 60 of the Fire and Rescue Services Act 2004. This instrument is subject to negative procedure.

Policy Objectives

The purpose of this instrument is to make amendments to the Firefighters' Compensation Scheme (Scotland) Order 2006 ("the 2006 Order") and to the Firefighters' Pension Scheme (Scotland) Order 2007.

On 5 October 2015, Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of firefighters killed in the line of duty. Under the 2006 Order, Special and Augmented awards are payable to survivors of firefighters who die as a result of an injury sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage or registration of a civil partnership. In addition, any Special and Augmented pensions already withdrawn are reinstated from 1 October 2015. To reflect this change, existing rule 5 is omitted and new rule 5A provides for survivor pensions previously withdrawn to be reinstated from 1 October 2015.

The 2006 Order provides for the level of injury pension payable to recipients to be adjusted depending on "additional benefits" payable by the State. This Order makes a retrospective change so as to include contributions-based Employment Support Allowance as an "additional benefit".

This Order also makes certain minor amendments to deal with points raised by the Delegated Powers and Law Reform Committee in its 22nd and 24th Reports of 2015 in relation to S.S.I. 2015/141 and S.S.I. 2015/143.

Consultation

A consultation was undertaken from 26 November 2015 to 14 January 2016. All stakeholders were consulted, including the Fire Brigades Union, Fire Officers Association and relevant Scottish and UK Government Departments. A copy of the consultation document is available on the Scottish Public Pension Agency's website www.sppa.gov.uk.

Financial Effects

There are costs attached to the reinstatement of survivor pensions previously withdrawn under the injury benefit regulations. This cost will have minimal impact on the scheme and the employer.

Business and Regulatory Impact Assessment

This policy does not impose any additional costs or reduce existing costs for business, third or public sector organisations and on that basis no Business and Regulatory Impact Assessment is required for this Order.

Scottish Public Pensions Agency
An Agency of the Scottish Government
2 February 2016

**FIREFIGHTERS' PENSION SCHEME (SCOTLAND) AMENDMENT REGULATIONS
2016 (SSI 2016/78)****Introduction**

14. The instrument is made under powers conferred by section 1(1) and (2)(f) of, and paragraph 6(c) of Schedule 2 to, the Public Service Pensions Act 2013(a) and all other enabling powers. The Regulations make provision for new entitlements to shared parental pay and reflect the abolition of additional paternity leave and additional statutory parental pay.

15. The instrument comes into force on 1 April 2016.

16. Further details on the purpose of the instrument can be found in the policy note (see below). An electronic copy of the instrument is available at: <http://www.legislation.gov.uk/ssi/2016/78/contents/made>

Delegated Powers and Law Reform Committee consideration

17. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 23 February 2016 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

18. If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 21 March 2016.

Policy Note: Firefighters' Pension Scheme (Scotland) Amendment Regulations 2016 (SSI 2016/78)

The above instrument was made in exercise of the powers conferred by section 1(1) and (2)(f) of, and paragraph 6(c) of Schedule 2 to, the Public Service Pensions Act 2013. The instrument is subject to negative procedure.

Policy Objectives

The purpose of this instrument is to make amendments to the Firefighters' Pension Scheme (Scotland) Regulations 2015.

Those Regulations are amended so as to make provision for new entitlements to shared parental pay and to reflect the abolition of additional paternity leave and additional statutory parental pay.

In addition, changes are made to the 2015 Regulations to reflect points made by the Delegated Powers and Law Reform Committee in its 24th Report of 2015 in relation to S.S.I 2015/141 and S.S.I. 2015/143.

Consultation

To comply with the requirements of section 21 of the 2013 Act, a consultation was undertaken from 26 November 2015 to 14 January 2016. All stakeholders were consulted, including the Fire Brigades Union, Fire Officers Association and relevant Scottish and UK Government Departments. A copy of the consultation document is available on the Scottish Public Pension Agency's website www.sppa.gov.uk.

Business and Regulatory Impact Assessment

This policy does not impose any additional costs or reduce existing costs for business, third or public sector organisations and on that basis no Business and Regulatory Impact Assessment is required for these Regulations.

Scottish Public Pensions Agency
An Agency of the Scottish Government
2 February 2016

**FIREMEN'S PENSION SCHEME (AMENDMENT) (SCOTLAND) ORDER 2016
(SSI 2016/79)****Introduction**

19. The instrument is made under powers conferred by and all other enabling powers. The Order allows a person entitled to a pension under the Firemen's Pension Scheme Order 1992 and also to a pension under the Firefighters' Compensation Scheme (Scotland) Order 2006 to retain the former pension following remarriage or the forming of a civil partnership. Pensions which have been withdrawn due to existing legislation in this connection are reinstated with effect from 1 October 2015.

20. The instrument comes into force on 1 April 2016.

21. Further details on the purpose of the instrument can be found in the policy note (see below). An electronic copy of the instrument is available at:

<http://www.legislation.gov.uk/ssi/2016/79/contents/made>

Delegated Powers and Law Reform Committee consideration

22. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 23 February 2016 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

23. If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 21 March 2016.

Policy Note: Firemen’s Pension Scheme (Amendment) (Scotland) Order 2016 (SSI 2016/79)

The above instrument was made in exercise of the powers conferred by sections 26(1) to (5) of the Fire Services Act 1947 and sections 12 and 16 of the Superannuation Act 1972. This instrument is subject to negative procedure.

Policy Objectives

The purpose of this Order is to make amendments to the the Firemen’s Pension Scheme Order 1992.

On 5 October 2015, Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of firefighters killed in the line of duty. Under the Firefighters’ Compensation Scheme (Scotland) Order 2006 (“the 2006 Order”), Special and Augmented awards are payable to survivors of firefighters who die as a result of an injury sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage or registration of a civil partnership. In addition, any Special and Augmented pensions already withdrawn are reinstated from 1 October 2015. Regulation C9 of the 1992 Scheme is amended to give full effect to this change.

This Order also makes minor changes to deal with points made in the Delegated Powers and Law Reform Committee’s 24th Report of 2015 in relation to S.S.I. 2015/141.

Consultation

A consultation was undertaken from 26 November 2015 to 14 January 2016. Stakeholders consulted, included the Fire Brigades Union, Fire Officers Association and relevant Scottish and UK Government Departments.

Financial Effects

There are costs attached to the reinstatement of survivor pensions previously withdrawn under the 2006 Order. This cost will have minimal impact on the Scheme and the employer.

Business and Regulatory Impact Assessment

This policy does not impose any additional costs or reduce existing costs for business, third or public sector organisations and on that basis no Business and Regulatory Impact Assessment is required for this Order.

Scottish Public Pensions Agency
2 February 2016

ANNEXE A**Negative instruments: procedure**

Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).

Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.

If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.

Each negative instrument appears on the Justice Committee’s agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow the Committee to gather more information or to invite a Minister to give evidence on the instrument. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

Guidance on subordinate legislation

Further guidance on subordinate legislation is available on the Delegated Powers and Law Reform Committee’s web page at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/64215.aspx>