



The Scottish Parliament
Pàrlamaid na h-Alba

DELEGATED POWERS AND LAW REFORM COMMITTEE

MINUTES

7th Meeting, 2016 (Session 4)

Tuesday 23 February 2016

Present:

Lesley Brennan
John Mason (Deputy Convener)
Stewart Stevenson

Nigel Don (Convener)
John Scott

The meeting opened at 10.21 am.

1. **Land and Buildings Transaction Tax (Amendment) (Scotland) Bill:** The Committee noted the Scottish Government's response to its Stage 1 report.
2. **Bankruptcy (Scotland) Bill:** The Committee considered the Bill at Stage 2.

The following amendments were agreed to (without division): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78.

The following provisions were agreed to without amendment: sections 1, 2, 4, 5, 6, 7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 21, 24, 25, 28, 29, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 88, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 104, 105, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124 and 125, schedule 2, sections 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161 and 162, schedule 4, sections 163, 164, 165, 166, 167, 169, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 225, 226, 227, 229, 230, 231, 232, 233, 235, 237 and 238 and the long title.

The following provisions were agreed to as amended: schedule 1, sections 3, 10, 12, 13, 14, 22, 23, 26, 27, 30, 32, 45, 46, 48, 49, 55, 63, 70, 86, 87, 89, 96, 103, 106, 108, 119 and 126, schedule 3, sections 168, 170, 186 and 200, schedules 5 and 6, sections 223, 224 and 228, schedule 7, section 234, schedules 8 and 9 and section 236.

3. **Instruments subject to affirmative procedure:** The Committee agreed that no points arose on the following—

[Scottish Landfill Tax \(Qualifying Material\) Order 2016 \(SSI 2016/93\);](#)
[Scottish Landfill Tax \(Standard Rate and Lower Rate\) Order 2016 \(SSI 2016/94\).](#)

4. **Instruments subject to negative procedure:** The Committee agreed to draw the attention of the Parliament to the following—

[Utilities Contracts \(Scotland\) Regulations 2016 \(SSI 2016/49\);](#)
[Police Service of Scotland \(Senior Officers\) \(Performance\) Regulations 2016 \(SSI 2016/51\);](#)
[Concession Contracts \(Scotland\) Regulations 2016 \(SSI 2016/65\);](#)
[Seed \(Licensing and Enforcement etc.\) \(Scotland\) Regulations 2016 \(SSI 2016/68\);](#)
[Education \(Fees, Awards and Student Support\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2016 \(SSI 2016/82\);](#)

and that no points arose on the following—

[Council Tax Reduction \(Scotland\) Amendment Regulations 2016 \(SSI 2016/81\);](#)
[Gender Recognition \(Marriage and Civil Partnership Registration\) \(Scotland\) Regulations 2016 \(SSI 2016/66\);](#)
[Gender Recognition \(Marriage and Civil Partnership Registration\) \(Modification\) \(Scotland\) Order 2016 \(SSI 2016/67\);](#)
[Seed \(Fees\) \(Scotland\) Regulations 2016 \(SSI 2016/69\);](#)
[Building \(Scotland\) Amendment Regulations 2016 \(SSI 2016/70\);](#)
[Building \(Energy Performance of Buildings\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/71\);](#)
[Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/72\);](#)
[Civic Government \(Scotland\) Act 1982 \(Metal Dealers and Itinerant Metal Dealers\) \(Verification of Name and Address\) Regulations 2016 \(SSI 2016/73\);](#)
[Local Government Pension Scheme \(Management and Investment of Funds\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/74\);](#)
[Charities Accounts \(Scotland\) Amendment Regulations 2016 \(SSI 2016/76\);](#)
[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 \(SSI 2016/79\);](#)
[National Assistance \(Assessment of Resources\) Amendment \(Scotland\) \(No. 2\) Regulations 2016 \(SSI 2016/80\);](#)
[Plant Health \(Scotland\) Amendment Order 2016 \(SSI 2016/83\);](#)
[Healthcare Improvement Scotland \(Delegation of Functions\) Order 2016 \(SSI 2016/86\);](#)
[National Assistance \(Sums for Personal Requirements\) \(Scotland\) \(No. 2\) Regulations 2016 \(SSI 2016/87\);](#)
[Wester Ross Marine Conservation Order 2016 \(SSI 2016/88\);](#)
[Restriction of Liberty Order etc. \(Scotland\) Amendment Regulations 2016 \(SSI 2016/89\);](#)
[Loch Sunart to the Sound of Jura Marine Conservation Order 2016 \(SSI 2016/90\).](#)

In relation to the Council Tax Reduction (Scotland) Amendment Regulations 2016 (SSI 2016/81), the Convener proposed that the Committee considers that the Regulations are intra vires and should not be drawn to the attention of the Parliament on the basis that they may raise a devolution issue. The proposal was agreed to by division (For 3, Against 1, Abstentions 1).

5. **Instruments not subject to any parliamentary procedure:** The Committee agreed that no points arose on the following—

[Air Weapons and Licensing \(Scotland\) Act 2015 \(Commencement No. 2 and Transitional Provisions\) Order 2016 \(SSI 2016/85 \(C.10\)\);](#)
[Criminal Justice \(Scotland\) Act 2016 \(Commencement No. 1 and Saving Provision\) Order 2016 \(SSI 2016/95 \(C.11\)\);](#)
[Scottish Fire and Rescue Service \(Appointment of Chief Inspector\) Order 2016 \(SSI 2016/96\).](#)

6. **Land Reform (Scotland) Bill:** The Committee considered correspondence from the Scottish Government in relation to amendments made to the Bill at Stage 2 and proposed amendments at Stage 3 and agreed to respond by way of a letter from the Convener to the Minister for Environment, Climate Change and Land Reform.

The meeting closed at 11.35 am.

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