



The Scottish Parliament  
Pàrlamaid na h-Alba

## SUBORDINATE LEGISLATION COMMITTEE

### AGENDA

1st Meeting, 2012 (Session 4)

Tuesday 10 January 2012

The Committee will meet at 2.30 pm in Committee Room 6.

1. **Declarations of interests:** Michael McMahon and John Pentland will be invited to declare any relevant interests.
2. **Decision on taking business in private:** The Committee will decide whether to take items 6 and 7 in private.
3. **Instruments subject to negative procedure:** The Committee will consider the following—

[Act of Sederunt \(Fees of Sheriff Officers\) \(No. 2\) 2011 \(SSI 2011/432\);](#)  
[Bus Lane Contraventions \(Charges, Adjudication and Enforcement\) \(Scotland\) Regulations 2011 \(SSI 2011/442\);](#)  
[Bus Lane Contraventions \(Approved Local Authorities\) \(Scotland\) Order 2011 \(SSI 2011/443\);](#)  
[Bus Lanes \(Approved Devices\) \(Scotland\) Order 2011 \(SSI 2011/444\);](#)  
[Housing \(Scotland\) Act 2010 \(Consequential Amendment\) Order 2011 \(SSI 2011/445\);](#)  
[Charities References in Documents \(Scotland\) Amendment Regulations 2011 \(SSI 2011/446\).](#)

4. **Instruments not subject to any parliamentary procedure:** The Committee will consider the following—

[Act of Sederunt \(Fees of Messengers-at-Arms\) \(No. 2\) 2011 \(SSI 2011/431\);](#)  
[Wildlife and Natural Environment \(Scotland\) Act 2011 \(Commencement No. 2\) Amendment Order 2011 \(SSI 2011/437 \(C. 38\)\);](#)  
[Wildlife and Natural Environment \(Scotland\) Act 2011 \(Commencement No. 2\) Order 2011 \(SSI 2011/433 \(C. 37\)\);](#)  
[Act of Sederunt \(Rules of the Court of Session Amendment No. 8\) \(Terrorism Prevention and Investigation Measures\) 2011 \(SSI 2011/441\).](#)

5. **Land Registration etc. (Scotland) Bill:** The Committee will consider the delegated powers provisions in this Bill at Stage 1.
6. **Commencement orders and transitional provisions:** The Committee will consider the response from the Minister for Parliamentary Business in relation to its letter on commencement orders and transitional provisions.
7. **UK Public Bodies Act 2011:** The Committee will consider correspondence in relation to orders made under clause 9 of the Act.

Irene Fleming  
Clerk to the Subordinate Legislation Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5212  
Email: [irene.fleming@scottish.parliament.uk](mailto:irene.fleming@scottish.parliament.uk)

The papers for this meeting are as follows—

**Agenda Items 3 and 4**

Legal Brief (private) SL/S4/12/1/1

Instrument Responses SL/S4/12/1/2

**Agenda Item 5**

[Land Registration etc. \(Scotland\) Bill \(as introduced\)](#)

[Delegated Powers Memorandum](#)

Briefing Paper (private) SL/S4/12/1/3

**Agenda Item 6**

Briefing Paper (private) SL/S4/12/1/4

**Agenda Item 7**

Briefing Paper (private) SL/S4/12/1/5

**SUBORDINATE LEGISLATION COMMITTEE**

**1<sup>st</sup> Meeting, 2012 (Session 4)**

**Tuesday 10 January 2012**

**Instrument Responses**

**INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE AND NOT SUBJECT TO ANY PARLIAMENTARY PROCEDURE**

**Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011 (SSI 2011/431) and Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2011 (SSI 2011/432)**

**On 16 December 2011 the Lord President's Private Office was asked:**

*In General Regulation 3, whether a settlement falls to be classed as a "remote rural area" is of importance in determining range of fees which are payable for certain services. Can the Lord President's Private Office explain how the definition of such an area will be applied to settlements without a methodology prescribed in this instrument for the calculation of "drive time", and whether taken as its stands the meaning is considered sufficiently clear and precise for persons to establish the fees legally payable for these services?*

**The Lord President's Private Office responded as follows:**

The Lord President's Private office accepts that the definition of "remote rural area" in General Regulation 3 is not, on the face of it, sufficiently clear and precise; in particular it does not provide a methodology for the calculation of drive time. However, the Lord President's Private Office takes the view that, on balance, it will be sufficiently and clear and precise for those persons establishing the fee payable.

This is because the persons establishing the fee payable are officers of the court (either Messengers-at-Arms or Sheriff Officers) and the definition in General Regulation 3 is one which is known to them and their professional association the Society of Messengers-at-Arms and Sheriff Officers. Indeed, it was the Society who asked that this definition, taken from Scottish Government's Urban Rural Classification 2009-2010 published by the Office of the Chief Statistician August 2011, be used.

Accordingly, the expectation is that the definition will work well in practice but should a question arise then reference can be made to the abovementioned publication. The publication contains two classifications of urban/rural areas in Scotland and it is the 6 fold classification which classifies Scotland into 6 categories ranging from large urban areas to remote rural areas. In relation to the particular issue of drive time, the publication calculates drive time by using a rural and urban average speed depending upon the class of a road. For example the average speed of an A class road is 40mph in rural areas and 19mph in urban (built up) areas.

**The Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 2) Amendment Order 2011 (SSI 2011/437 (C. 38))**

**On 15 December 2011 the Scottish Government was asked:**

*In article 2(1), what is the effect of the apparent omission of “2011” in the proper citation of the title of SSI 2011/433, being amended by this article?*

**The Scottish Government responded as follows:**

The Scottish Government agrees that the date “2011” has been omitted from the description of the title of SSI 2011/433 in article 2(1) of this instrument. It regrets this error, but considers that it has no legal effect in the circumstances.