



The Scottish Parliament
Pàrlamaid na h-Alba

SUBORDINATE LEGISLATION COMMITTEE

AGENDA

14th Meeting, 2012 (Session 4)

Tuesday 22 May 2012

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

1. **Decision on taking business in private:** The Committee will decide whether to take items 7 and 8 in private.
2. **Instruments subject to affirmative procedure:** The Committee will consider the following—

[Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(Treatment of Office or Body as Specified Authority\) Order 2012 \[draft\];](#)
[Mental Health \(Safety and Security\) \(Scotland\) Amendment Regulations 2012 \[draft\].](#)

3. **Instruments subject to negative procedure:** The Committee will consider the following—

[Road Traffic \(Permitted Parking Area and Special Parking Area\) \(East Ayrshire Council\) Designation Order 2012 \(SSI 2012/137\);](#)
[Parking Attendants \(Wearing of Uniforms\) \(East Ayrshire Council Parking Area\) Regulations 2012 \(SSI 2012/138\);](#)
[Road Traffic \(Parking Adjudicators\) \(East Ayrshire Council\) Regulations 2012 \(SSI 2012/139\);](#)
[Road Traffic \(Permitted Parking Area and Special Parking Area\) \(South Ayrshire Council\) Designation Order 2012 \(SSI 2012/140\);](#)
[Parking Attendants \(Wearing of Uniforms\) \(South Ayrshire Council Parking Area\) Regulations 2012 \(SSI 2012/141\);](#)
[Road Traffic \(Parking Adjudicators\) \(South Ayrshire Council\) Regulations 2012 \(SSI 2012/142\);](#)
[Rural Payments \(Appeals\) \(Scotland\) Amendment Regulations 2012 \(SSI 2012/143\).](#)

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

[Act of Sederunt \(Actions for removing from heritable property\) 2012 \(SSI 2012/136\).](#)
5. **Land Registration etc. (Scotland) Bill:** The Committee will consider the delegated powers provisions in this Bill after Stage 2.
6. **Consolidation of instruments:** The Committee will consider correspondence in relation to the consolidation of Scottish statutory instruments.
7. **Social Care (Self-directed Support) (Scotland) Bill:** The Committee will consider a draft report to the Health and Sport Committee.
8. **Local Government Finance (Unoccupied Properties etc.) (Scotland) Bill:** The Committee will consider a draft report to the Local Government and Regeneration Committee.

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The papers for this meeting are as follows—

Agenda Items 2, 3 and 4

Legal Brief (private)

SL/S4/12/14/1 (P)

Agenda Item 5

[Land Registration etc. \(Scotland\) Bill \(as amended at Stage 2\)](#)

[Land Registration etc. \(Scotland\) Bill \(Supplementary DPM\)](#)

Briefing Paper (private)

SL/S4/12/14/2 (P)

Agenda Item 6

Briefing Paper

SL/S4/12/14/3

Agenda Item 7

[Social Care \(Self-directed Support\) \(Scotland\) Bill \(as introduced\)](#)

[Social Care \(Self-directed Support\) \(Scotland\) Bill \(DPM\)](#)

Draft Report (private)

SL/S4/12/14/4 (P)

Agenda Item 8

[Local Government Finance \(Unoccupied Properties etc.\) \(Scotland\) Bill \(as introduced\)](#)

[Local Government Finance \(Unoccupied Properties etc.\) \(Scotland\) Bill \(DPM\)](#)

Draft Report (private)

SL/S4/12/14/5 (P)

SUBORDINATE LEGISLATION COMMITTEE

14th Meeting, 2012 (Session 4)

Tuesday 22 May 2012

Briefing Paper

CONSOLIDATION OF INSTRUMENTS

Introduction

1. The purpose of this paper is to update members on correspondence received from the Scottish Government on the consolidation of certain instruments.

2. At its meetings on 17 and 24 April 2012, the Committee agreed to write to the Scottish Government to ask for its plans for the consolidation of two instruments that were amended by instruments that it was considering. The Scottish Government has replied and provided information on its plans for both instruments.

Pollution Prevention and Control (Scotland) Regulations 2000 (SSI 2000/323)

3. On 17 April, the Committee noted that the Pollution Prevention and Control (Scotland) Regulations 2000 have been amended 24 times and are difficult to follow. In line with its agreed approach to consolidation, the Committee suggested to the Scottish Government that the 2000 Regulations merit consolidation and asked whether it has any plans to consolidate them.

4. In its reply, the Scottish Government informs the Committee that it is currently preparing a consolidated version of the 2000 Regulations in connection with the transposition of a European Union directive and that it will shortly be issuing a public consultation in relation to that process.

5. The correspondence has been reproduced in Annex 1.

Firemen's Pension Scheme Order 1992 (SI 1992/129)

6. On 24 April, the Committee noted that the Firemen's Pension Scheme Order 1992 merit consolidation and agreed to write to the Scottish Government to ask it whether it has any plans to consolidate the 1992 Order.

7. In its reply, the Scottish Government informs the Committee that it does not anticipate being able to take forward consolidation imminently. The Order is a United Kingdom instrument, and the pension scheme involves cross-border interests. The letter states that the relevant UK Government department intends to consolidate the 1992 pension scheme but does not consider it a priority. The Scottish Government states that it shares the UK Government's view but it commits to keeping the Committee informed once consolidation of the 1992 scheme is scheduled.

8. The correspondence has been reproduced in Annex 2.

Recommendation

9. The Committee is invited to note the correspondence from the Scottish Government and welcome its plans to consolidate the Pollution Prevention and Control (Scotland) Regulations 2000.

ANNEX 1

Letter to the Scottish Government – 18 April

At its meeting on Tuesday 17 April 2012, the Subordinate Legislation Committee considered the draft Waste (Scotland) Regulations 2012. As part of its consideration, the Committee noted that the Pollution Prevention and Control (Scotland) Regulations 2000, which the Waste (Scotland) Regulations amend, have now been amended 24 times. It also noted that the 2000 Regulations are very difficult to follow.

In line with its agreed approach to the issue of consolidation, the Committee suggests to the Scottish Government that the Pollution Prevention and Control (Scotland) Regulations 2000 would merit consolidation and asks whether the Scottish Ministers have any plans to consolidate them.

Best wishes

Irene Fleming
Clerk to the Subordinate Legislation Committee

Scottish Government response – 11 May 2012

Thank you for your letter of 18 April 2012 on the draft Waste (Scotland) Regulations 2012 as considered by the Subordinate Legislation Committee on 17 April 2012, in which you highlighted the number of previous amendments to the Pollution Prevention and Control (Scotland) Regulations 2000/323 (the “PPC Regulations”).

I am pleased to inform you that the Scottish Government are currently preparing a consolidated version of the PPC Regulations in connection with the transposition of the Industrial Emissions Directive (2010/75/EU) in Scotland.

We will shortly be issuing a public consultation seeking views on the transposition, including the way in which we propose to introduce the amendments through a consolidated instrument.

I hope this is helpful.

Tim Ellis
Head of Cabinet Secretariat

ANNEX 2

Letter to the Scottish Government – 25 April

At its meeting on Tuesday 24 April 2012, the Subordinate Legislation Committee considered the Firemen's Pension Scheme Amendment (Scotland) Order 2012 (SSI 2012/106). As part of its consideration, the Committee noted that the Firemen's Pension Scheme Order 1992 (SI 1992/129), which the 2012 Order amends, would merit consolidation.

In line with its agreed approach to the issue of consolidation, the Committee asks the Scottish Government whether it has any plans to consolidate the Firemen's Pension Scheme Order 1992 (SI 1992/129).

Best wishes

Irene Fleming
Clerk to the Subordinate Legislation Committee

Scottish Government response – 11 May 2012

Thank you for your letter dated 25 April 2012 regarding the proposal to consolidate the Firemen's Pension Scheme Order 1992. I appreciate the Committee's desire to aid clarity and understanding among users, through consolidation of the regulations.

In this case, however, we do not anticipate being able to take this forward imminently. The Scottish Government tends to work in tandem with UK counterparts in relation to the consolidation and amending of regulations where there are cross-border interests. I understand that the Department for Communities and Local Government (DCLG), who draft regulations for the Westminster Government, intend to consolidate the 1992 Scheme at some point in the future, but it is not considered a priority at this time. The Scottish Government has a similar view, given other priorities in this area, such as the proposals and negotiations for future scheme design post-2015, and the amending regulations relating to the new single Fire and Rescue Service of Scotland, which are being staged from Autumn this year until April 2013.

We will of course keep the Committee informed once consolidation of the 1992 scheme is scheduled.

I hope this is helpful

Tim Ellis
Head of Cabinet Secretariat