



The Scottish Parliament
Pàrlamaid na h-Alba

SUBORDINATE LEGISLATION COMMITTEE

AGENDA

2nd Meeting, 2012 (Session 4)

Tuesday 24 January 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—

[Scottish Public Services Ombudsman Act 2002 Amendment \(No. 2\) Order 2012 \[draft\];](#)
[Forestry Commissioners \(Climate Change Functions\) \(Scotland\) Order 2012 \[draft\];](#)
[Advice and Assistance \(Assistance By Way of Representation\) \(Scotland\) Amendment Regulations 2012 \[draft\];](#)
[Representation of the People \(Post-Local Government Elections Supply and Inspection of Documents\) \(Scotland\) Amendment Regulations 2012 \[draft\];](#)
[Scottish Local Government Elections Amendment Order 2012 \[draft\]](#)

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

[Specified Products from China \(Restriction on First Placing on the Market\) \(Scotland\) Amendment Regulations 2012 \(SSI 2012/3\);](#)
[National Health Service \(Travelling Expenses and Remission Charges\) \(Scotland\) \(No. 2\) Amendment Regulations 2011 \(SSI 2011/449\);](#)
[Sea Fish \(Prohibited Methods of Fishing\) \(Firth of Clyde\) Order 2012 \(SSI 2012/4\);](#)
[Fodder Plant Seed \(Scotland\) Amendment Regulations 2012 \(SSI 2012/5\);](#)
[Conservation of Salmon \(River Annan Salmon Fishery District\) \(Scotland\) Regulations 2012 \(SSI 2012/6\)](#)

4. **Instruments not subject to any parliamentary procedure:** The Committee

will consider the following—

[Children's Hearings \(Scotland\) Act 2011 \(Commencement No.3\) Order 2012 \(SSI 2012/1\)](#);
[Private Rented Housing \(Scotland\) Act 2011 \(Commencement No. 2 and Transitional Provision\) Order 2012 \(SSI 2012/2\)](#)

5. **Criminal Cases (Punishment and Review) (Scotland) Bill:** The Committee will consider the delegated powers provisions in the Bill at Stage 1.
6. **Budget (Scotland) Bill:** The Committee will consider the delegated powers provisions in the Bill at Stage 1.
7. **Alcohol (Minimum Pricing) (Scotland) Bill:** The Committee will consider a draft Stage 1 report to the Health and Sport Committee.
8. **Land Registration etc. (Scotland) Bill:** The Committee will consider a draft Stage 1 report to the Economy, Energy and Tourism Committee.

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The papers for this meeting are as follows—

Agenda Items 2, 3 and 4

Legal Brief (private) SL/S4/12/2/1

Instrument Responses SL/S4/12/2/2

Agenda Item 5

[Criminal Cases \(Punishment and Review\) \(Scotland\) Bill \(as introduced\)](#)

[Delegated Powers Memorandum](#)

Briefing Paper (private) SL/S4/12/2/3

Agenda Item 6

[Budget \(Scotland\) Bill \(as introduced\)](#)

[Delegated Powers Memorandum](#)

Briefing Paper (private) SL/S4/12/2/4

Agenda Item 7

Draft Report (private) SL/S4/12/2/5

Agenda Item 8

Draft Report (private) SL/S4/12/2/6

SUBORDINATE LEGISLATION COMMITTEE

2nd Meeting, 2012 (Session 4)

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Instrument Responses

INSTRUMENTS NOT SUBJECT TO ANY PARLIAMENTARY PROCEDURE

Children's Hearings (Scotland) Act 2011 (Commencement No. 3) Order 2012

On 13th January 2012 the Scottish Government was asked:

Article 2(2) of this Order states that section 203(1) of the Children's Hearings (Scotland) Act 2011 is to come into force on 31 January 2012 for the purpose of bringing into force the amendments to the Legal Aid (Scotland) Act 1986 made by paragraph 8(a) and (b) of schedule 5 to the 2011 Act.

Given that there is no such paragraph within schedule 5 (the appropriate reference being apparently paragraph 1(8)(a) and (b) of schedule 5), is it plain which amendments are being referred to within article 2(2), and, in consequence, what is being brought into force?

The Scottish Government respond as follows:

The relevant text, as referred to in the question to the Scottish Government, should indeed refer to paragraph 1(8)(a) and (b) of schedule 5 to the Children's Hearings (Scotland) Act 2011. The omission of the "1" does not, however, in the Scottish Government's view render the SSI defective for the following reasons:

The schedule contains only 3 paragraphs. There is, as a result, no paragraph 8 in schedule 5 to which the text could be applied.

The text of article 2(2) refers to the amendments made by schedule 5 to the Legal Aid (Scotland) Act 1986. Paragraph 1 of schedule 5 has as its title "Legal Aid (Scotland) Act 1986 (c.47)".

The Scottish Government regrets this minor error but takes the view that for the reasons given above, it is plain what amendments are being referred to in article 2(2) of the order, and, therefore, in consequence paragraph 1(8)(a) and (b) of schedule 5 will be brought into force on 31st January.