



The Scottish Parliament
Pàrlamaid na h-Alba

SUBORDINATE LEGISLATION COMMITTEE

AGENDA

15th Meeting, 2013 (Session 4)

Tuesday 14 May 2013

The Committee will meet at 10.00 am in Committee Room 4.

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.
2. **Instruments subject to affirmative procedure:** The Committee will consider the following—

[Children's Hearings \(Scotland\) Act 2011 \(Implementation of Secure Accommodation Authorisation\) \(Scotland\) Regulations 2013 \[draft\];](#)
[Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \[draft\];](#)
[Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Modification of Regulated Work with Children\) \(Children's Hearings\) Order 2013 \[draft\];](#)
[Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \[draft\];](#)
[Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Amendment Order 2013 \[draft\].](#)

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

[Act of Sederunt \(Sheriff Court Rules\) \(Miscellaneous Amendments\) 2013 \(SSI 2013/135\);](#)
[Act of Sederunt \(Sheriff Court Rules\) \(Miscellaneous Amendments\) \(No. 2\) 2013 \(SSI 2013/139\).](#)

4. **Scottish Independence Referendum Bill:** The Committee will consider a draft report to the Referendum (Scotland) Bill Committee.
5. **Police and Fire reform:** The Committee will consider a paper from the Clerk.

SL/S4/13/15/A

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The papers for this meeting are as follows—

Agenda Items 2 and 3

Legal Brief (private)

SL/S4/13/15/1 (P)

Agenda Item 3

Instrument Responses

SL/S4/13/15/2

Agenda Item 4

[Scottish Independence Referendum Bill - as introduced](#)

[Scottish Independence Referendum Bill - Delegated Powers Memorandum](#)

Briefing Paper (private)

SL/S4/13/15/3 (P)

Agenda Item 5

Briefing Paper (private)

SL/S4/13/15/4 (P)

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Instrument Responses

INSTRUMENTS NOT SUBJECT TO ANY PARLIAMENTARY PROCEDURE

**Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2013
(SSI 2013/135)**

On 3 May 2013, the Lord President's Private Office was asked:

1. In relation to paragraph 1(3), it appears that the definition "Small Claim Rules" is not used in the instrument? Is this a redundant definition, or is there any intention to make provision in connection with those Rules?

2. In schedule 2 containing Form 28BB (form of extract decree- recovery of possession of heritable property in other cases (non-payment of rent)), in relation to the second and third last paragraphs, is it intended that an asterisk should appear before the statement: "The amount is payable by lump sum within...."? Would this confirm that this statement can be deleted where appropriate, as an alternative to the preceding statement: "The amount is payable by instalments of....", because these are alternative options under a time to pay direction under section 1 of the Debtors (Scotland) Act 1987?

If so, please explain the effect of the omission?

The Lord President's Private Office responded as follows:

1. The definition of "small claims rules" has been inserted into this instrument in error and is a redundant provision. This has no material impact on the rules and will be amended in the next Sheriff Court (Miscellaneous) Instrument.

2. There should be an asterisk before the statement: "The amount is payable by lump sum within...." It appears that this oversight occurred as paragraph 2 replicates the provisions in Form 28BA of the Summary Cause Rules 2002 inserted by Act of Sederunt (Sheriff Court Rules)(Miscellaneous Amendments) 2012 (SSI 2012/188). I have been informed by the Secretary to the Sheriff Court Rules Council that the lack of asterisk will not present a difficulty in practice as all proceedings of this nature call in court. In court, the sheriff will determine when granting decree whether to grant a time to pay direction, and if granted whether this should be payable by instalments or by lump sum. Once the decree has been granted the clerk of court will issue the relevant extract decree. Having said this, we will ensure that the asterisks are inserted into SSI 2013/135 and SSI 2012/188 in the next Sheriff Court (Miscellaneous) Instrument.