



The Scottish Parliament
Pàrlamaid na h-Alba

Subordinate Legislation Committee

36th Report, 2012 (Session 4)

Police and Fire Reform (Scotland) Bill as amended at Stage 2

Published by the Scottish Parliament on 20 June 2012

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.



The Scottish Parliament
Pàrlamaid na h-Alba

Subordinate Legislation Committee

Remit and membership

Remit:

The remit of the Subordinate Legislation Committee is to consider and report on—

(a) any—

(i) subordinate legislation laid before the Parliament;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1;

and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.

(Standing Orders of the Scottish Parliament, Rule 6.11)

Membership:

Chic Brodie
Nigel Don (Convener)

James Dornan (Deputy Convener)
Mike MacKenzie
Michael McMahon
John Pentland
John Scott

Committee Clerking Team:

Clerk to the Committee
Irene Fleming

Assistant Clerk
Rob Littlejohn

Support Manager
Daren Pratt



The Scottish Parliament
Pàrlamaid na h-Alba

Subordinate Legislation Committee

36th Report, 2012 (Session 4)

Police and Fire Reform (Scotland) Bill as amended at Stage 2

The Committee reports to the Parliament as follows—

1. At its meeting on 19 June 2012, the Subordinate Legislation Committee considered the delegated powers provisions in the Police and Fire Reform (Scotland) Bill, as amended at Stage 2. The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.
2. The Scottish Government provided the Parliament with a supplementary delegated powers memorandum¹ on the new provisions in the Bill.

Delegated Powers Provisions

3. At Stage 1 of the Bill, the Committee reported that it did not need to draw the attention of the Parliament to the powers in the following sections: 10(2); 11(5); 15(2); 63 (new section 33A); 65; 67; 71(2); 97(1) (paragraph (e) of definition of “international joint investigation team”); 99 (new schedule 1A, paragraph 2(4)); 99 (new schedule 1A, paragraph 3(d)); 112 (new section 41A(6)); 117 (new section 43A); schedule 1, paragraph 2(4); schedule 1, paragraph 3(h); schedule 3, paragraph 4; schedule 4, paragraph 2(1); schedule 5, paragraph (1); and schedule 6, paragraph 22(13)(b).
4. **After Stage 2, the Committee reports that it does not need to draw the attention of the Parliament to the new or substantially amended powers in sections: 11(5); 15(2); 49; 74(1); 78(2); 99 (inserting paragraph 3(2) of new schedule 1A in the Fire (Scotland) Act 2005); 118 (paragraph 1 of schedule 5); and 122.**
5. **The Committee also welcomes the fact that the Scottish Government amended the procedure applicable to the power in section 122 in order to address its concerns.**

¹ Police and Fire Reform (Scotland) Bill. Supplementary Delegated Powers Memorandum. Available at:

[http://www.scottish.parliament.uk/S4_Bills/Police%20and%20Fire%20Reform%20\(Scotland\)%20Bill/Police_and_Fire_Reform_\(Scotland\)_Bill_-_supplementary_DPM.pdf](http://www.scottish.parliament.uk/S4_Bills/Police%20and%20Fire%20Reform%20(Scotland)%20Bill/Police_and_Fire_Reform_(Scotland)_Bill_-_supplementary_DPM.pdf)

Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

Published in Edinburgh by APS Group Scotland

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

Printed in Scotland by APS Group Scotland

ISBN 978-1-4061-9192-9
