



The Scottish Parliament  
Pàrlamaid na h-Alba

# **Subordinate Legislation Committee**

## **6th Report, 2013 (Session 4)**

### **Subordinate Legislation**

**Published by the Scottish Parliament on 22 January 2013**

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## **Subordinate Legislation Committee**

### **Remit and membership**

#### **Remit:**

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

- (a)
  - (i) subordinate legislation laid before the Parliament;
  - (ii) any Scottish Statutory Instrument not laid before the Parliament but classed as general according to its subject matter;

and, in particular, to determine whether the attention of 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;

*(Standing Orders of the Scottish Parliament, Rule 6.11)*

#### **Membership:**

Nigel Don (Convener)  
Jim Eadie  
Mike MacKenzie  
Hanzala Malik  
John Pentland  
John Scott  
Stewart Stevenson (Deputy Convener)

#### **Committee Clerking Team:**

**Clerk to the Committee**  
Euan Donald

**Assistant Clerk**  
Elizabeth White

**Support Manager**  
Daren Pratt



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**Subordinate Legislation Committee**

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**Subordinate Legislation**

The Committee reports to the Parliament as follows—

1. At its meeting on 22 January 2013, the Committee agreed to draw the attention of the Parliament to the following instrument—

Non-Domestic Rates (Levying) (Scotland) (No. 3) Regulations 2012  
(SSI 2012/353)

2. The Committee's recommendations in relation to the instrument are set out below.

3. The instruments that the Committee determined that it did not need to draw the Parliament's attention to are set out at the end of this report.

**POINTS RAISED: INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE**

**Non-Domestic Rates (Levying) (Scotland) (No. 3) Regulations 2012 (SSI 2012/353)** (*Local Government and Regeneration Committee*)

4. The Regulations make provision, for the financial year from 1 April 2013, for reductions in non-domestic rates as a result of the Small Business Bonus Scheme. They also provide for the poundage supplement on larger business properties with a rateable value in excess of £35,000, for the financial year.

5. The provisions reflect the rates reductions and poundage supplement for the year from 1 April 2012, which are contained in the Non-Domestic Rates (Levying) (Scotland) Regulations 2012 (SSI 2012/28). Those Regulations are revoked, subject to provision for their continuing operation as regards any day before 1 April 2013.

6. These Regulations make a change in the Large Business Supplement, to provide for a supplement of 0.9p in the pound for all business properties with a rateable value exceeding £35,000. The supplement for the year from 1 April 2012 was 0.8p in the pound.

7. The Regulations are subject to the negative procedure. They come into force on 1 April 2013.

8. In considering the instrument, the Committee asked the Scottish Government for an explanation of an apparent drafting error. The correspondence is reproduced in Appendix 1.

9. The response to the Committee acknowledges that there is a drafting error in regulation 6(2), as explained in the following paragraph. Regulation 6 revokes the 2012 Regulations, which reflect the rates reductions and poundage supplement for the year to 2012. Regulation 6(2) makes a significant saving provision, so that the 2012 Regulations continue to have effect as regards any day before 1 April 2013.

10. **The Committee draws the Regulations to the attention of the Parliament on reporting ground (i). The drafting of paragraph (2) of regulation 6 appears to be defective. The paragraph states that “nothing in paragraph (2)” shall affect the continuing operation of the Non-Domestic Rates (Levying) (Scotland) Regulations 2012 as regards any day prior to 1 April 2013. This requires to refer to paragraph (1), for the savings provision properly to have effect.**

11. **The Committee notes that the Scottish Government has undertaken to lay amending Regulations, to come into force on 31 March 2013, to correct the error prior to these Regulations coming into force.**

**NO POINTS RAISED**

12. At its meeting on 22 January 2013, the Committee considered the following instruments and determined that it did not need to draw the attention of the Parliament to any of the instruments on any grounds within its remit:

***Education and Culture Committee***

Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2012 (SSI 2012/354)

National Library of Scotland Act 2012 (Commencement) Order 2013 (SSI 2013/1 (C.1))

***Health and Sport Committee***

General Pharmaceutical Council (Amendment of Miscellaneous Provisions) Rules Order of Council 2012 (SI 2012/3171)

Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2013 (SSI 2013/4)

***Justice Committee***

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 [draft]

Scottish Administration (Offices) Order 2012 (SI 2012/3073)

Restriction of Liberty Order etc. (Scotland) Regulations 2013 (SSI 2013/6)

***Rural Affairs, Climate Change and Environment Committee***

Plant Health (Scotland) Amendment Order 2013 (SSI 2013/5)

**APPENDIX 1**

**Non-Domestic Rates (Levying) (Scotland) (No. 3) Regulations 2012  
(SSI 2012/353)**

**On 9 January 2013, the Scottish Government was asked for an explanation on the following matter:**

Regulation 6(2) contains an error, as it states that nothing in paragraph (2) shall affect the continuing operation of the Non-Domestic Rates (Levying) (Scotland) Regulations 2012 as regards any day prior to 1 April 2013, when it should refer to paragraph (1).

Would you propose to correct this by means of an amendment?

**The Scottish Government responded:**

The Scottish Government acknowledges that the point raised is an error and thanks the SLC legal advisers for bringing them to the Government's attention. The Government will lay amending Regulations, to come into force on 31 March 2013 which will correct this error prior to the Regulations coming into force.



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Published in Edinburgh by APS Group Scotland

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Printed in Scotland by APS Group Scotland

ISBN 978-1-78307-235-4

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