



The Scottish Parliament
Pàrlamaid na h-Alba

Subordinate Legislation Committee

26th Report, 2013 (Session 4)

Aquaculture and Fisheries (Scotland) Bill as amended at stage 2

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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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The Committee reports to the Parliament as follows—

INTRODUCTION

1. At its meeting on 7 May 2013, the Subordinate Legislation Committee considered the delegated powers provisions in the Aquaculture and Fisheries (Scotland) Bill as amended at Stage 2 (“the Bill”)¹. The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.
2. The Aquaculture and Fisheries (Scotland) Bill is a Government Bill which was introduced by Richard Lochhead MSP on 3 October 2012. The Bill makes provision on a number of matters in relation to the management structures for farmed and wild fisheries, and to enhance the regulatory framework for those fisheries.
3. The Scottish Government has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill, in advance of Stage 3 of the Bill (“the SDPM”²).
4. The Committee reported on certain matters in relation to the delegated powers provisions in the Bill at Stage 1 in its [62nd report of 2012](#).

DELEGATED POWERS PROVISIONS

5. The Committee considered each of the new or substantially amended delegated powers provisions in the Bill after Stage 2.
6. **The Committee reports that it does not need to draw the attention of the Parliament to the new delegated powers provisions in section 19A(2) and (4),**

¹ Aquaculture and Fisheries (Scotland) Bill as amended at Stage 2 available at: http://www.scottish.parliament.uk/S4_Bills/Aquaculture%20and%20Fisheries/b17as4-amend.pdf

² Aquaculture and Fisheries (Scotland) Bill Supplementary Delegated Powers Memorandum available at: http://www.scottish.parliament.uk/S4_Bills/Supp_DPM.pdf

or the substantially amended powers in sections 1(2) (inserting section 4A(5) of the Aquaculture and Fisheries (Scotland) Act 2007), 3, section 20 (inserting section 46F of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003), 22 and 50 (read with section 52(2).

7. The Committee welcomes that the amendment of the powers in sections 3(4) and 20 (inserting section 46F of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003) implement recommendations of the Committee in its Stage 1 Report.

8. The Committee also welcomes the fact that the application of the affirmative procedure to the exercise of the powers in section 50 of the Bill (powers to charge in connection with fisheries functions), achieved by the amendment of section 52(2), implements a recommendation of the Committee in its Stage 1 Report.

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