



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Subordinate Legislation Committee**

**14th Report, 2012 (Session 4)**

**Public Bodies Consent  
Memorandum on the Advisory  
Committee on Hazardous  
Substances (Abolition) Order 2012  
[draft]**

**Published by the Scottish Parliament on 21 March 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](http://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 or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(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

### 14th Report, 2012 (Session 4)

#### **Public Bodies Consent Memorandum on the Advisory Committee on Hazardous Substances (Abolition) Order 2012 [draft]**

The Committee reports to the Parliament as follows—

1. At its meeting on 20 March 2012, the Committee considered the Advisory Committee on Hazardous Substances (Abolition) Order 2012 [draft]. The Order is a United Kingdom Government instrument that the Scottish Parliament has been asked to consent to under section 9 of the Public Bodies Act 2011 (“the 2011 Act”). The Committee submits this report to the Rural Affairs, Climate Change and Environment Committee as part of its consideration of the Order.
2. The Scottish Government provided the Scottish Parliament with a public bodies consent memorandum (“PBCM”)<sup>1</sup> which contains the draft Order.

#### **Background**

3. The 2011 Act provides UK Ministers with the power to make orders to improve the exercise of public functions, having regard to efficiency, effectiveness, economy and securing accountability to Ministers. Section 9(1) of the Act requires the consent of the Scottish Parliament to any order that would be within the legislative competence of the Parliament.

4. At its meeting on 20 December 2011, the Parliamentary Bureau agreed an interim arrangement for the parliamentary scrutiny of such orders, with a view to the Standards, Procedures and Public Appointments Committee considering the procedure in the longer term. In doing so, the Parliamentary Bureau recommended a variation to the Subordinate Legislation Committee’s remit to allow it to consider this instrument and any other subsequent orders brought forward under the 2011 Act. This variation was agreed to by the Parliament at its meeting on 2 February 2012.

#### **Advisory Committee on Hazardous Substances (Abolition) Order 2012 [draft]**

5. The draft Order abolishes the Advisory Committee on Hazardous Substances (ACHS), a non-departmental public body established under the Environmental

---

<sup>1</sup> [Public Bodies Consent Memorandum](#)

Protection Act 1990. The UK Government considers that the specific statutory function for which it was established is no longer required, but that there remains a need for Ministers and officials to have access to scientific advice on issues relating to hazardous substances. It is therefore intended to establish a scientific committee to provide such advice, including as necessary to the Scottish Ministers.

6. The functions exercised by the ACHS in Scotland relate broadly to devolved matters. It would accordingly be open to the Scottish Parliament to legislate in respect of those devolved functions, and for this reason the consent of the Scottish Parliament is required prior to the order being made.

### **Subordinate Legislation Committee consideration**

7. At its meeting on 20 March 2012, the Committee considered the instrument under the same grounds as instruments laid before the Parliament.

8. In considering the instrument, the Committee noted that the list of revocations in the Schedule to the draft Order does not include the reference to the Advisory Committee on Hazardous Substances contained in the Schedule to the Scottish Parliament (Disqualification) Order 2010 (SI 2010/2476).

9. The Committee considers that this reference should be revoked by the draft Order. The Committee recognises, however, that the omission will not adversely affect the operation of the instrument and that there may be a suitable opportunity to remove the reference using existing powers at a future date.

### **Recommendation**

10. As the Order contains a minor drafting error, the Committee draws the instrument to the attention of the Parliament under the general ground in Rule 10.3.1 of standing orders.

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](http://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](mailto:sp.info@scottish.parliament.uk)

---

Printed in Scotland by APS Group Scotland

ISBN 978-1-4061-8604-8

---