



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DELEGATED POWERS AND LAW REFORM COMMITTEE

Tuesday 1 March 2016

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DELEGATED POWERS AND LAW REFORM COMMITTEE
8th Meeting 2016, Session 4

CONVENER

*Nigel Don (Angus North and Mearns) (SNP)

DEPUTY CONVENER

*John Mason (Glasgow Shettleston) (SNP)

COMMITTEE MEMBERS

*Lesley Brennan (North East Scotland) (Lab)

John Scott (Ayr) (Con)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 1 March 2016

[The Convener opened the meeting at 10:30]

Instruments subject to Negative Procedure

Police Pensions (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/75)

The Convener (Nigel Don): I welcome members to the eighth meeting in 2016 of the Delegated Powers and Law Reform Committee. I ask members to switch off mobile phones, and I note that we have received apologies from John Scott.

Our first instrument under agenda item 1 contains a drafting error. Regulation 18 substitutes a new regulation 11 on retirement pensions for the existing regulation 11 of the Police Pensions (Additional Voluntary Contributions) Regulations 1991 (SI 1991/1304). Regulation 3(4) of the 1991 regulations provides that

“A pension election under regulation 11(2) made after retirement may be accepted only if the police authority are satisfied as mentioned in regulation 11(2).”

Prior to its substitution, regulation 11(2) made provision for pension elections but, under SSI 2016/75, it will no longer do so.

The Scottish Government acknowledges that regulation 3(4) of the 1991 regulations ought to have been revoked, and it has indicated that the revocation will be given effect in a future amending instrument.

Does the committee agree to draw the regulations to the attention of the Parliament under the general reporting ground, as they contain a minor drafting error?

Members indicated agreement.

Country of Origin of Certain Meats (Scotland) Regulations 2016 (SSI 2016/84)

The Convener: The terms “batch”, “batch code”, “mass caterer” and “trimmings”, which are defined in regulation 2 on interpretation, are superfluous as they are not used elsewhere within this short instrument.

Does the committee therefore agree to draw the instrument to the Parliament’s attention under the

general reporting ground, as certain terms should have been omitted?

Members indicated agreement.

The Convener: Is the committee content to note that the Scottish Government has undertaken to amend the provision to remove the definitions at the next convenient legislative opportunity?

Members indicated agreement.

Act of Sederunt (Fees of Sheriff Officers) 2016 (SSI 2016/100)

The Convener: The preamble to the instrument is incorrect and contains wording in square brackets that should have been removed prior to laying. The wording is:

“with such modifications as it thinks appropriate”.

The committee may consider that the inclusion of superfluous wording gives rise to a risk that the preamble may be misinterpreted, as it currently indicates that modifications were made to the draft rules that were submitted to the Court of Session by the Scottish Civil Justice Council, when it appears that no such modifications were in fact made.

The committee may wish to note that the Lord President’s private office has requested a correction slip from the statutory instrument registrar to remove the words in question, and the brackets surrounding them, from the preamble.

Does the committee agree to draw the instrument to the Parliament’s attention on the general reporting ground, as the preamble to it contains superfluous wording?

Members indicated agreement.

Act of Sederunt (Fees of Messengers-at-Arms) 2016 (SSI 2016/101)

The Convener: This instrument contains the same error as SSI 2016/100.

Does the committee agree to draw the instrument to the Parliament’s attention on the general reporting ground?

Members indicated agreement.

National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (SSI 2016/97)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members indicated agreement.

National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2016 (SSI 2016/98)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment Regulations 2016 (SSI 2016/104)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rate (Scotland) Order 2016 (SSI 2016/113)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rates (Levyng) (Scotland) Regulations 2016 (SSI 2016/114)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Conservation of Salmon (Scotland) Regulations 2016 (SSI 2016/115)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Salmon Carcass Tagging (Scotland) Regulations 2016 (SSI 2016/116)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Tweed Regulation (Salmon Carcass Tagging) Order 2016 (SSI 2016/117)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Tweed Regulation (Salmon Conservation) Order 2016 (SSI 2016/118)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2016 (SSI 2016/119)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rates (Steel Sites) (Scotland) Regulations 2016 (SSI 2016/120)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rates (Telecommunication Installations) (Scotland) Regulations 2016 (SSI 2016/122)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Concession Contracts (Scotland) Amendment Regulations 2016 (SSI 2016/125)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2016 (SSI 2016/127)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Non-Domestic Rates (Telecommunications and Canals) (Scotland) Amendment Order 2016 (SSI 2016/129)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2016 (SSI 2016/103)

10:35

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Human Trafficking and Exploitation (Scotland) Act 2015 (Commencement No 1 and Transitory Provisions) Regulations 2016 (SSI 2016/128)

The Convener: No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Health (Tobacco, Nicotine etc and Care) (Scotland) Bill: After Stage 2

10:35

The Convener: The purpose of agenda item 3 is for the committee to consider the delegated powers provisions in the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill as amended at stage 2.

There is one new power in the bill after stage 2. Does the committee agree to report that it is content with the new delegated power that was added at stage 2?

Members *indicated agreement.*

Lobbying (Scotland) Bill: After Stage 2

10:36

The Convener: The purpose of agenda item 4 is for the committee to consider the delegated powers provisions in the Lobbying (Scotland) Bill as amended at stage 2.

There is one new power in the bill. Does the committee agree to report that it is content with the new delegated power that was added at stage 2?

Members *indicated agreement.*

The Convener: That completes the agenda.

Meeting closed at 10:36.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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