



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 23 May 2017**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**17<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*John Scott (Ayr) (Con)

**DEPUTY CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

**COMMITTEE MEMBERS**

\*Alison Harris (Central Scotland) (Con)  
\*Monica Lennon (Central Scotland) (Lab)  
\*David Torrance (Kirkcaldy) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The Adam Smith Room (CR5)



**Scottish Parliament**  
**Delegated Powers and Law Reform Committee**

*Tuesday 23 May 2017*

*[The Convener opened the meeting at 10:00]*

**Instruments subject to Affirmative Procedure**

**The Convener (John Scott):** Good morning, everyone. I welcome members to the Delegated Powers and Law Reform Committee's 17th meeting in 2017.

As we meet this morning, our thoughts are with the people of Manchester and, in particular, with the families and friends of those who lost their lives and with those who are injured. It is with a heavy heart that we continue with our business.

Agenda item 1 is on instruments that are subject to the affirmative procedure. No points have been raised by our legal advisers on the following three affirmative instruments.

**Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [Draft]**

**Mental Health (Absconding) (Miscellaneous Amendments) (Scotland) Regulations 2017 [Draft]**

**Mental Health (Cross-border Visits) (Scotland) Amendment Regulations 2017 [Draft]**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

**Instruments subject to Negative Procedure**

10:01

**The Convener:** No points have been raised by our legal advisers on the following four negative instruments.

**Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017 (SSI 2017/147)**

**First-tier Tribunal for Scotland (Oaths) Regulations 2017 (SSI 2017/148)**

**Act of Sederunt (Fees of Sheriff Officers) (Amendment) 2017 (SSI 2017/153)**

**Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (Consequential Provisions) Regulations 2017 (SSI 2017/156)**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

## Instruments not subject to Parliamentary Procedure

### Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2017 (SSI 2017/144)

10:02

**The Convener:** The instrument makes technical amendments to the Criminal Procedure Rules 1996, further to the commencement of parts 3 and 5 of the Criminal Justice (Scotland) Act 2016. Paragraph 2(8)(a) omits various words from form 5.2—a form of record of proceedings at judicial examination—in the appendix to the 1996 rules. The signing details of the sheriff clerk were also intended to be omitted from the form. Does the committee agree to draw the instrument to Parliament’s attention on the general reporting ground, as it contains the minor drafting error that I just outlined?

**Members** *indicated agreement.*

**The Convener:** The Lord President’s private office has clarified that no legal effect flows from the inclusion of the signing details. Does the committee therefore agree to accept that the Lord President’s private office has undertaken to correct the minor error at the next appropriate opportunity by means of an amendment?

**Members** *indicated agreement.*

### Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 2) (Human Trafficking and Exploitation) 2017 (SSI 2017/145)

**The Convener:** Although no points have been raised by our legal advisers on the instrument, an inconsistency in drafting approach has been identified between it and SSI 2017/144, which I just mentioned as containing a minor error. In short, this instrument refers in certain places to an “offender” while SSI 2017/144 refers to a “person”. In light of the committee’s general interest in promoting consistency in drafting, does the committee agree to welcome the intention of the Lord President’s private office to consider that inconsistency in drafting approach at the next drafters meeting?

**Members** *indicated agreement.*

**The Convener:** No points have been raised by our legal advisers on the following two instruments.

### Carers (Scotland) Act 2016 (Commencement No 2 and Savings Provision) Regulations 2017 (SSI 2017/152 (C 12))

### Act of Sederunt (Sheriff Court Rules Amendment) (Miscellaneous) 2017 (SSI 2017/154)

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

## Wild Animals in Travelling Circuses (Scotland) Bill: Stage 1

10:06

**The Convener:** Agenda item 4 is consideration of the delegated powers in the Wild Animals in Travelling Circuses (Scotland) Bill, which confers on the Scottish ministers one power to make subordinate legislation—namely, the power in section 7 to commence provisions in the bill by regulations. It is suggested that we could be content with the power. Does the committee agree that it is content with the one power to make subordinate legislation, and does it agree to prepare a stage 1 report to that effect?

**Members** *indicated agreement.*

## Annual Report

10:06

**The Convener:** Item 5 is consideration of a draft annual report for the parliamentary year from 12 May 2016 until 11 May 2017. Under rule 12.9 of standing orders, the committee is obliged to report to Parliament at the end of each parliamentary year on its activities during that year, so we have before us a draft annual report for the parliamentary year 2016-17. Do members have any comments on the draft report?

**Members:** No.

**The Convener:** In that case, does the committee agree that it is content with the report?

**Members** *indicated agreement.*

*Meeting closed at 10:07.*





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