



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 19 December 2017

Session 5



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Pàrlamaid na h-Alba

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CONTENTS

	Col.
INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE	1
Regulation of Investigatory Powers (Covert Surveillance and Property Interference – Code of Practice) (Scotland) Order 2018 [Draft]	1
Regulation of Investigatory Powers (Equipment Interference – Code of Practice) (Scotland) Order 2018 [Draft].....	1
Regulation of Investigatory Powers (Covert Human Intelligence Sources – Code of Practice) (Scotland) Order 2018 [Draft]	1
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	2
Letting Agent (Registration and Code of Practice) (Scotland) (Miscellaneous Amendments) Regulations 2017 (SSI 2017/428)	2
Fife Council Area and Perth and Kinross Council Area (Keltybridge and Fife Environmental Energy Park at Westfield) Boundaries Amendment Order 2017 (SSI 2017/430).....	2
INSTRUMENT NOT SUBJECT TO PARLIAMENTARY PROCEDURE	3
Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 5) Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 5) (Proceeds of Crime etc) 2017 (SSI 2017/429)	3
HISTORICAL SEXUAL OFFENCES (PARDONS AND DISREGARDS) (SCOTLAND) BILL	4

DELEGATED POWERS AND LAW REFORM COMMITTEE

36th Meeting 2017, Session 5

CONVENER

*Graham Simpson (Central Scotland) (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 19 December 2017

[The Convener opened the meeting at 10:00]

Instruments subject to Affirmative Procedure

The Convener (Graham Simpson): I welcome members to the 36th and last meeting in 2017 of the Delegated Powers and Law Reform Committee. Apologies have been received from Alison Harris.

Under agenda item 1, no points have been raised by our legal advisers on the following three instruments.

Regulation of Investigatory Powers (Covert Surveillance and Property Interference – Code of Practice) (Scotland) Order 2018 [Draft]

Regulation of Investigatory Powers (Equipment Interference – Code of Practice) (Scotland) Order 2018 [Draft]

Regulation of Investigatory Powers (Covert Human Intelligence Sources – Code of Practice) (Scotland) Order 2018 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:01

The Convener: Under agenda item 2, no points have been raised by our legal advisers on the following two instruments.

Letting Agent (Registration and Code of Practice) (Scotland) (Miscellaneous Amendments) Regulations 2017 (SSI 2017/428)

Fife Council Area and Perth and Kinross Council Area (Keltybridge and Fife Environmental Energy Park at Westfield) Boundaries Amendment Order 2017 (SSI 2017/430)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 5) Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No 5) (Proceeds of Crime etc) 2017 (SSI 2017/429)

10:01

The Convener: We have one instrument to consider under agenda item 3, on which no points have been raised by our legal advisers. Is the committee content with it?

Members *indicated agreement.*

Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill

10:01

The Convener: Agenda item 4 is consideration of the delegated powers provisions in the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill, which follows on from a commitment that the Cabinet Secretary for Justice gave to the Parliament in October 2016. The financial memorandum to the bill states that it aims to correct an historical wrong with regard to how certain criminal laws were used in the past to discriminate against same-sex sexual activity although the same activity was not criminalised if it was undertaken between people of different sexes.

The bill aims to ensure that people who were convicted under those historical laws will receive a pardon. They will separately be able to apply to the Scottish ministers to seek to have such criminal conviction information removed—in other words, “disregarded”—from specific sets of official records if certain criteria are met. Both the pardon and the “disregard” will apply when the same activity would now be lawful.

Delegated powers are contained in sections 10, 15 and 17 of the bill and no issues have been raised by our legal advisers in that regard. Is the committee content with the delegated powers in the bill and to report to the lead committee accordingly?

Members *indicated agreement.*

Meeting closed at 10:03.

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