



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 13 December 2011

Session 4

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	199
INSTRUMENT SUBJECT TO AFFIRMATIVE PROCEDURE	199
Marine Licensing (Exempted Activities) (Scottish Inshore and Offshore Regions) Amendment Order 2012 [Draft].....	199
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE.....	200
Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2011 (SS1 2011/418)	200
Police (Retention and Disposal of Motor Vehicles) (Scotland) Amendment Revocation Regulations 2011 (SSI 2011/429)	200

SUBORDINATE LEGISLATION COMMITTEE

15th Meeting 2011, Session 4

CONVENER

Nigel Don (Angus North and Mearns) (SNP)

DEPUTY CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

COMMITTEE MEMBERS

*Chic Brodie (South Scotland) (SNP)

*Kezia Dugdale (Lothian) (Lab)

*Mike MacKenzie (Highlands and Islands) (SNP)

*John Scott (Ayr) (Con)

*Drew Smith (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 3

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 13 December 2011

[The Deputy Convener *opened the meeting at 14:31*]

Decision on Taking Business in Private

The Deputy Convener (James Dornan): I welcome members to the Subordinate Legislation Committee's 15th meeting in session 4. We have apologies from Nigel Don, which is why I am in the chair. I ask members to turn off mobile phones, BlackBerrys and so on.

Agenda item 1 is a decision on taking in private item 4, which is to consider the contents of the committee's report on the delegated powers in the National Library of Scotland Bill. Do members agree to consider item 4 in private?

Members *indicated agreement.*

Instrument subject to Affirmative Procedure

**Marine Licensing (Exempted Activities)
(Scottish Inshore and Offshore Regions)
Amendment Order 2012 [Draft]**

14:32

The committee agreed that no points arose on the instrument.

Instruments subject to Negative Procedure

**Control of Volatile Organic Compounds
(Petrol Vapour Recovery) (Scotland)
Regulations 2011 (SSI 2011/418)**

14:32

The Deputy Convener: The regulations are intended to ensure compliance with a European Union directive by inserting new regulation 9G into the Pollution Prevention and Control (Scotland) Regulations 2000 (SSI 2000/323). The Scottish Government accepts that cross-references to new regulation 9G have been omitted in error, in particular in the provisions that confer power on the Scottish Environment Protection Agency to grant and vary permits for certain purposes. It is doubtful therefore whether SEPA will have power to grant permits subject to the conditions in regulation 9G or to vary permits to make them subject to those conditions. Accordingly, the 2011 regulations appear to be defectively drafted. On that basis, does the committee agree to draw the regulations to the attention of the Parliament on reporting ground (i)?

Members *indicated agreement.*

The Deputy Convener: Furthermore, does the committee agree to call on the Scottish Government to correct the errors at the earliest possible date instead of waiting for the next available opportunity?

Members *indicated agreement.*

Police (Retention and Disposal of Motor Vehicles) (Scotland) Amendment Revocation Regulations 2011 (SSI 2011/429)

The Deputy Convener: The regulations have not been laid at least 28 days before coming into force as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. Does the committee agree to draw the regulations to the attention of the Parliament on reporting ground (j)?

Members *indicated agreement.*

14:34

Meeting continued in private until 14:35.

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