



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 24 April 2012

Session 4

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SUBORDINATE LEGISLATION COMMITTEE

11th Meeting 2012, Session 4

CONVENER

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

DEPUTY CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

COMMITTEE MEMBERS

*Chic Brodie (South Scotland) (SNP)

*Mike MacKenzie (Highlands and Islands) (SNP)

*Michael McMahon (Uddingston and Bellshill) (Lab)

*John Pentland (Motherwell and Wishaw) (Lab)

*John Scott (Ayr) (Con)

*attended

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 6

Scottish Parliament
Subordinate Legislation
Committee

Tuesday 24 April 2012

[The Convener *opened the meeting at 14:30*]

Decision on Taking Business in
Private

The Convener (Nigel Don): I welcome members to the 11th meeting in 2012 of the Subordinate Legislation Committee. As usual, I ask members to turn off any mobile phones.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee take in private item 6, which is consideration of a draft report on the Welfare Reform (Further Provision) (Scotland) Bill. Do members agree to do that?

Members indicated agreement.

Instruments subject to Negative
Procedure

Firemen's Pension Scheme Amendment
(Scotland) Order 2012 (SSI 2012/106)

14:31

The Convener: Does the committee agree to draw the order to the Parliament's attention under reporting ground (j), as there has been a failure to lay the instrument at least 28 days before it comes into force, as is required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

Members indicated agreement.

The Convener: In doing so, the committee may wish to find the explanation that the Scottish Government has provided for that failure to be acceptable. The response to the committee has clarified that the revised contribution rates for the firefighters' schemes were communicated to the Scottish Government on 26 March 2012, as soon as they had been agreed between the UK Government Department for Communities and Local Government and the firefighters' trade unions, which occurred earlier that day. The order was then expedited and laid before the Parliament on 20 March.

James Dornan (Glasgow Cathcart) (SNP): It was laid on 30 March.

The Convener: Did I not say 30 March?

James Dornan: No.

The Convener: I am wrong, and I thank James Dornan for correcting me.

Does the committee agree to find the Scottish Government's explanation for the failure to lay the instrument as required to be acceptable?

Members indicated agreement.

The Convener: In addition, there are two drafting errors.

First, article 4 of the order inserts a new part 1A, on pension contributions, in schedule 8 to the Firemen's Pension Scheme Order 1992 (SI 1992/129). It was intended to insert a new part A1 before part 1, as stated in article 3(a) of the 2012 order.

Secondly, the text in article 1(3) should be the heading to article 2. The Scottish Government has acknowledged those errors and proposes to resolve them by correction slip.

Does the committee agree to draw the order to the Parliament's attention on the general reporting ground, because it contains those drafting errors?

Members indicated agreement.

The Convener: Finally, does the committee agree to write to the Scottish Government to suggest that the Firemen's Pension Scheme Order 1992, which is amended by the order under consideration, would merit consolidation, and to ask whether the Scottish Government has plans to consolidate it?

Members indicated agreement.

Firefighters' Pension Scheme (Scotland) Amendment Order 2012 (SSI 2012/107)

The Convener: Does the committee agree to draw the order to the Parliament's attention under reporting ground (j), as there has been a failure to lay the instrument at least 28 days before it comes into force, as is required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010?

Members indicated agreement.

The Convener: In doing so, the committee may wish to find the Scottish Government's explanation for that failure to be acceptable, as it is precisely the same explanation that was provided in relation to the order that we have just considered. Does the committee agree to do so?

Members indicated agreement.

Draft Instruments not subject to Parliamentary Procedure

Public Services Reform (Planning) (Pre-application consultation) (Scotland) Order 2012 and Proposed Explanatory Document (SG/2012/52)

Public Services Reform (Planning) (Local Review Procedure) (Scotland) Order 2012 and Proposed Explanatory Document (SG/2012/53)

14:34

The Convener: The next item of business is consideration of two draft orders that have been laid in the Parliament for consultation under super-affirmative procedure. The orders will be laid for parliamentary approval once the consultation period is over and ministers have had regard to the representations that are made during it.

Our legal advisers have raised no points on the orders. Is the committee content with them at this stage?

Members indicated agreement.

Alcohol (Minimum Pricing) (Scotland) Bill: After Stage 1

14:35

The Convener: The next item of business is consideration of the Scottish Government's response to the committee's report on the bill at stage 1. As members will have seen from the paper, the Government has provided more information as requested and has confirmed its intended approach, but it does not propose to lodge an amendment in the form that the committee suggested. The committee will consider the bill again once stage 2 has been completed.

As members do not appear to have any comments, are we content to note the response and to reconsider the bill after stage 2?

Members *indicated agreement.*

Land Registration etc (Scotland) Bill: After Stage 1

14:36

The Convener: The next item of business is consideration of another Scottish Government response to a committee report. As members will have seen from the paper, the Government has confirmed its intention to lodge amendments at stage 2 to meet the committee's recommendations. It has also provided further detail on its thinking in relation to the committee's concerns on the information that is to be made available to the keeper of the registers. The committee will consider the bill again once stage 2 has been completed.

As members have no comments to make, are we content to note the response and to reconsider the bill after stage 2?

Members *indicated agreement.*

The Convener: We will take agenda item 6 in private.

14:36

Meeting continued in private until 14:47.

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