



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 22 May 2012

Session 4

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SUBORDINATE LEGISLATION COMMITTEE

14th 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 22 May 2012

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

Decision on Taking Business in
Private

The Convener (Nigel Don): Good afternoon, one and all. Welcome to the 14th meeting in 2012 of the Subordinate Legislation Committee. As usual, I ask members to turn off their mobile phones. I note that Michael McMahon is presently at another meeting in the Parliament. We expect him to join us later.

Under agenda item 1, I ask the committee to agree to take items 7 and 8 in private. Those items concern consideration of draft reports on two bills. Do we agree to do so?

Members *indicated agreement.*

Instruments subject to
Affirmative Procedure

Public Appointments and Public Bodies
etc (Scotland) Act 2003 (Treatment of
Office or Body as Specified Authority)
Order 2012 [Draft]

Mental Health (Safety and Security)
(Scotland) Amendment Regulations 2012
[Draft]

14:30

The committee agreed that no points arose on the instruments.

Instruments subject to Negative Procedure

Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 (SSI 2012/137)

Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 (SSI 2012/138)

Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012 (SSI 2012/139)

Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 (SSI 2012/140)

Parking Attendants (Wearing of Uniforms) (South Ayrshire Council Parking Area) Regulations 2012 (SSI 2012/141)

Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012 (SSI 2012/142)

Rural Payments (Appeals) (Scotland) Amendment Regulations 2012 (SSI 2012/143)

14:31

The committee agreed that no points arose on the instruments.

Instrument not subject to Parliamentary Procedure

Act of Sederunt (Actions for removing from heritable property) 2012 (SSI 2012/136)

14:32

The committee agreed that no points arose on the instrument.

Land Registration etc (Scotland) Bill: After Stage 2

14:33

The Convener: Item 5 concerns the delegated powers provisions in the bill after stage 2. Members will have seen the briefing paper and the supplementary delegated powers memorandum that has been provided by the Scottish Government.

Stage 3 is due to take place on Thursday 31 May. The deadline for lodging amendments is 4.30 pm on Friday 25 May. The committee may therefore wish to agree its conclusions today. I invite comments from members.

John Scott (Ayr) (Con): I welcome the amendments that have been made, many of which recognise the work of this committee. I appreciate that others have pursued matters elsewhere but, nevertheless, we should welcome the fact that the Government has taken note of our comments.

The Convener: Indeed, and I am sure that we could write to the Government to acknowledge that, since we often pursue it.

Are members happy that we should produce a report setting out the committee's conclusions on the bill, for publication before the deadline for stage 3 amendments on Friday 25 May?

Members *indicated agreement.*

Consolidation of Instruments (Correspondence)

14:34

The Convener: Item 6 concerns correspondence from the Scottish Government on the consolidation of instruments. Members will have seen the briefing paper, which outlines the Scottish Government's plans. Members should also note that work is being taken forward by officials in relation to the consolidation of Scottish statutory instruments more generally.

Do members have any comments?

John Scott: We should welcome the fact that the Government proposes to take forward at least one of our recommendations. We might need to make such recommendations more frequently. Might that be something that we do whenever we come across legislation that is in need of consolidation? Perhaps that is a principle that the committee has already adopted. Nonetheless, I think that we should draw such matters to the attention of the Government whenever we note that they have arisen.

The Convener: I think that the principle is already established. I believe that we talked to the Government about the matter some time ago and that our legal advisers bring to the Government's attention instruments in relation to which consolidation might be appropriate. There is a recognition that that has nothing to do with how often something has been amended, but concerns how intelligible it is in its current form.

Are we content with the way in which things are progressing, and do we agree to note the correspondence from the Scottish Government and, as John Scott suggested, welcome its plans to consolidate the Pollution Prevention and Control (Scotland) Regulations 2000 (SSI 2000/323)?

Members *indicated agreement.*

14:36

Meeting continued in private until 15:11.

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