



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

SUBORDINATE LEGISLATION COMMITTEE

Tuesday 29 May 2012

Session 4

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SUBORDINATE LEGISLATION COMMITTEE

15th 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 29 May 2012

[The Deputy Convener *opened the meeting at 14:37*]

Instruments subject to
Affirmative Procedure

The Deputy Convener (James Dornan): Welcome to the 15th meeting in 2012 of the Subordinate Legislation Committee. I ask members to turn off any mobile phones and other electronic devices.

Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 [Draft]

Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 [Draft]

Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 [Draft]

Fundable Bodies (Scotland) Order 2012 [Draft]

The committee agreed that no points arose on the instruments.

Instruments subject to Negative Procedure

Fire and Rescue Services (Framework) (Scotland) Order 2012 (SSI 2012/146)

14:38

The Deputy Convener: The order appears to be defective, as it purports to bring into effect a document entitled

“Transitional Fire and Rescue Framework for Scotland 2012”,

which it says was published “in June 2012”. However, no such document exists.

It appears that the order was intended to bring into effect a document of that name that was published on 18 May 2012, but the order does not properly identify that document. The committee may consider that, for the order to have proper effect, it is necessary that it properly identify the intended document.

Does the committee therefore agree to draw the order to the attention of the Parliament under reporting ground (i), as its drafting appears to be defective?

Members *indicated agreement.*

The Deputy Convener: The committee might also be concerned by the proposal from the Scottish Government that the issue might be resolved by re-publishing the framework document in June 2012, as the Parliament would then be required to consider an order that gives effect to a document to be published in June 2012 without having seen the final published version of that document.

John Scott (Ayr) (Con): I am concerned by the Scottish Government’s proposal. At its most fundamental, it would deny this committee and therefore the Parliament the right to scrutinise what it would be bringing forward in place of what this obviously defective draft order brings forward today. I think that the Government should go back to the beginning, revoke the order and make a new order that gives effect to the framework document that was published on 18 May. What we have here is an unholy mess—a boorach is how it might best be described. I think that we should start again.

The Deputy Convener: Thank you, John. Your comments are noted. We are basically asking for the lead committee to look at it again.

John Scott: Others may have views.

The Deputy Convener: Does anybody have any other comments?

Members: No.

The Deputy Convener: Does the committee agree to draw the proposal to the attention of the lead committee?

Members *indicated agreement.*

A823(M) Pitreavie Spur Trunk Road (Variable Speed Limits) Regulations 2012 (SSI 2012/145)

M9/A90/M90 Trunk Road (Kirkliston to Halbeath) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2012 (SSI 2012/147)

Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012 (SSI 2012/151)

Licensed Legal Services (Complaints and Compensation Arrangements) (Scotland) Regulations 2012 (SSI 2012/153)

Licensed Legal Services (Maximum Penalty and Interest in respect of Approved Regulators) (Scotland) Regulations 2012 (SSI 2012/155)

Snares (Training) (Scotland) (No 2) Order 2012 (SSI 2012/161)

The committee agreed that no points arose on the instruments.

John Scott: I welcome the speedy correction of the Snares (Training) (Scotland) Order 2012 (SSI 2012/124), which was brought before us three weeks ago. I spoke on SSI 2012/124 and I am pleased to see that the Government has lodged an amended order so quickly.

The Deputy Convener: Does the rest of the committee agree with John Scott's sentiments?

Members *indicated agreement.*

The Deputy Convener: At this point, I hand over to the convener.

The Convener (Nigel Don): I thank the deputy convener for taking the chair in my absence while I was attending the Public Petitions Committee.

Instruments not subject to Parliamentary Procedure

Act of Sederunt (Summary Cause Rules Amendment) (Personal Injuries Actions) 2012 (SSI 2012/144)

Private Rented Housing (Scotland) Act 2011 (Commencement No 3) Order 2012 (SSI 2012/150)

Legal Services (Scotland) Act 2010 (Commencement No 2 and Transitional Provisions) Order 2012 (SSI 2012/152)

14:42

The committee agreed that no points arose on the instruments.

Guidance subject to Affirmative Procedure

Code of Practice on Non-Native Species (SG 2012/87)

14:43

The committee agreed that no points arose on the instrument.

Annual Report

14:43

The Convener: We come to agenda item 5. Under rule 12.9 of the standing orders, the committee is obliged to report to the Parliament at the end of each parliamentary year on its activities during that year. We have before us a draft annual report for the parliamentary year 2011-12. The report is due to be published during the week beginning 11 June to coincide with the publication of all other committee annual reports. If there are no comments on the report, may I take it that the committee is happy with the report and content that it be published?

Members *indicated agreement.*

The Convener: That brings us to the end of the agenda. The date of the next meeting is Tuesday 12 June.

Meeting closed at 14:44.

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