



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# SUBORDINATE LEGISLATION COMMITTEE

Tuesday 18 September 2012

Session 4

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**Tuesday 18 September 2012**

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**SUBORDINATE LEGISLATION COMMITTEE**

**20<sup>th</sup> 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)

\*Hanzala Malik (Glasgow) (Lab)

\*John Pentland (Motherwell and Wishaw) (Lab)

\*John Scott (Ayr) (Con)

\*attended

**CLERK TO THE COMMITTEE**

Irene Fleming

**LOCATION**

Committee Room 4



**Scottish Parliament**  
**Subordinate Legislation**  
**Committee**

*Tuesday 18 September 2012*

[The Convener *opened the meeting at 10:30*]

**Decision on Taking Business in**  
**Private**

**The Convener (Nigel Don):** Good morning. I welcome members to the 20th meeting in 2012 of the Subordinate Legislation Committee. I ask members to switch off their mobile phones and any other electronic equipment.

Under item 1, it is proposed that we take in private item 8, which is an update on the consolidation of Scottish statutory instruments. Are we content so to do?

**Members** *indicated agreement.*

**Instrument subject to Affirmative**  
**Procedure**

**Crofting Reform (Scotland) Act 2010**  
**(Commencement No 3, Transitory,**  
**Transitional and Savings Provisions)**  
**Order 2012 [Draft]**

10:30

*The committee agreed that no points arose on the instrument.*

**Instruments subject to Negative**  
**Procedure**

**Local Government Pension Scheme**  
**(Administration) (Scotland) Amendment**  
**Regulations 2012 (SSI 2012/236)**

**Elmwood College, Oatridge College and**  
**The Barony College (Transfer and Closure)**  
**(Scotland) Order 2012 (SSI 2012/237)**

**Jewel and Esk College and Stevenson**  
**College Edinburgh (Transfer and Closure)**  
**(Scotland) Order 2012 (SSI 2012/238)**

**Bathing Waters (Scotland) Amendment**  
**Regulations 2012 (SSI 2012/243)**

10:30

*The committee agreed that no points arose on the instruments.*

## Instruments not subject to Parliamentary Procedure

### Children's Hearings (Scotland) Act 2011 (Commencement No 5) Order 2012 (SSI 2012/246)

10:31

**The Convener:** The drafting of the order appears to be defective, in that the order omitted to commence paragraph 10(2)(a) of schedule 1 to the Children's Hearings (Scotland) Act 2011. As a result of that omission, the national convener may delegate the preparation of annual reports to children's hearings Scotland, contrary to the legislative intention.

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

**Members** *indicated agreement.*

**The Convener:** At the same time though, does the committee welcome the fact that the Scottish Government has since laid a further commencement order to rectify that, which the committee will consider at a later date?

**Members** *indicated agreement.*

### Act of Sederunt (Registration Appeal Court) 2012 (SSI 2012/245)

### Public Records (Scotland) Act 2011 (Commencement No 2) Order 2012 (SSI 2012/247)

### Criminal Cases (Punishment and Review) (Scotland) Act 2012 (Commencement, Transitional and Savings) Order 2012 (SSI 2012/249)

*The committee agreed that no points arose on the instruments.*

## Local Government Finance (Unoccupied Properties etc) (Scotland) Bill: After Stage 1

10:33

**The Convener:** Item 5 is consideration of the Scottish Government's response to the committee's stage 1 report on the bill. Members will have seen the briefing paper and the response from the Minister for Transport and Veteran Affairs to the issues raised by the committee. In the response, the Government makes a commitment to lodge a stage 2 amendment to the delegated powers in section 2, which provides for a variation of council tax liability for unoccupied properties. The committee will therefore consider the bill again once stage 2 has been completed.

Are we content to note the response and reconsider the bill after stage 2?

**Members** *indicated agreement.*

## Social Care (Self-directed Support) (Scotland) Bill: After Stage 1

10:33

**The Convener:** Item 6 is consideration of the Scottish Government's response to another stage 1 report. Members will have seen the briefing paper and the response from the Minister for Public Health. In the response, the Government makes a commitment to lodge stage 2 amendments to the delegated powers in sections 12 and 21 to make it a statutory obligation to consult on any regulations made under those sections. The committee will therefore consider the bill again once stage 2 has been completed.

Are members content to note the response and reconsider the bill after stage 2?

**Members** *indicated agreement.*

## Prisons (Interference with Wireless Telegraphy) Bill

10:34

**The Convener:** Under item 7, the committee is invited to consider the powers to make subordinate legislation that are conferred on the Scottish ministers in the Prisons (Interference with Wireless Telegraphy) Bill, which is United Kingdom legislation. A briefing paper has been provided that sets out the relevant aspects of the bill and comments on their effect. The committee is invited to find acceptable the powers in the bill and the procedure to which they are subject.

Does the committee agree to report to the lead committee that it is content with the delegated powers in the bill?

**Members** *indicated agreement.*

**The Convener:** Due to reorganisation within the Scottish National Party group, this will be the last meeting for Chic Brodie and James Dornan. On behalf of the rest of the committee, I thank them for their contributions. I recognise that they have served their apprenticeships on the Subordinate Legislation Committee and are moving on to pastures new.

10:35

*Meeting continued in private until 10:42.*





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