



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# SUBORDINATE LEGISLATION COMMITTEE

Tuesday 15 January 2013

Session 4

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**Tuesday 15 January 2013**

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**SUBORDINATE LEGISLATION COMMITTEE**

**2<sup>nd</sup> Meeting 2013, Session 4**

**CONVENER**

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

**DEPUTY CONVENER**

\*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

**COMMITTEE MEMBERS**

\*Jim Eadie (Edinburgh Southern) (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**

Euan Donald

**LOCATION**

Committee Room 4



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

*Tuesday 15 January 2013*

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

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

**The Convener (Nigel Don):** I welcome members to the second meeting in 2013 of the Subordinate Legislation Committee. I ask members to turn off mobile phones.

Agenda item 1 is a decision on taking business in private. It is proposed that the committee takes in private item 5, which is consideration of a letter from the Standards, Procedures and Public Appointments Committee in relation to Scottish Law Commission reports. Do members agree to take that item in private?

**Members indicated agreement.**

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

**Welfare of Animals at the Time of Killing**  
**(Scotland) Amendment Regulations 2012**  
**(SSI 2012/355)**

10:31

**The Convener:** There has been a failure to lay the instrument at least 28 days before it came into force, as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

As the instrument was not laid at least 28 days before it came into force, does the committee agree to draw it to the Parliament's attention under reporting ground (j)?

**Members indicated agreement.**

**The Convener:** Does the committee agree to find the explanation that was provided by the Scottish Government for that failure to be acceptable, in that the purpose of the instrument was to address the defects in the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 at the time when that instrument came into force?

**Members indicated agreement.**

**Shetland Islands Regulated Fishery**  
**(Scotland) Order 2012 (SSI 2012/348)**

**Marketing of Bananas (Scotland)**  
**Regulations 2012 (SSI 2012/349)**

**Non-Domestic Rate (Scotland) (No 2)**  
**Order 2012 (SSI 2012/352)**

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

## Instruments not subject to Parliamentary Procedure

### Banchory and Crathes Light Railway Order 2012 (SSI 2012/345)

10:32

**The Convener:** The form or meaning of article 6 could have been clearer had BRB (Residuary) Ltd been properly designated by specifying its company name, registered number and the address of its registered office. It is not clear, without reference to additional information, that the reference to "BRB (Residuary) Limited" without further specification is properly a reference to BRB (Residuary) Ltd, a company incorporated under the companies acts with registered number 04146505 and having its registered office at 1 Kemble Street, London WC2B 4AN, when it appears that that was the Scottish ministers' intention.

Does the committee agree to draw the instrument to the attention of the Parliament on reporting ground (h), as the meaning could be clearer?

**Members** *indicated agreement.*

**The Convener:** There is a drafting error in the preamble, in that section 18 of the Light Railways Act 1896 is cited as an enabling power when, as the Scottish ministers acknowledge, that power has not been exercised in the making of the order.

Does the committee agree to draw the order to the attention of the Parliament on the general reporting ground?

**Members** *indicated agreement.*

## Public Body Consent Memorandum

### Public Bodies (Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013

10:33

**The Convener:** Agenda item 4 is consideration of a draft United Kingdom Government order under section 1 of the UK Public Bodies Act 2011.

As members will recall, the consent of the Scottish Parliament is required to make an order under part 1 of the Public Bodies Act 2011, where such an order makes provision that would be within the legislative competence of the Scottish Parliament.

The Subordinate Legislation Committee considers and reports on such orders under the same grounds as instruments laid before the Parliament. No points have been raised by the legal advisers on the order.

Is the committee content with the order?

**Members** *indicated agreement.*

**The Convener:** We move to agenda item 5, which we will take in private.

10:34

*Meeting continued in private until 11:35.*

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