

PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENTS AND A LAID DOCUMENT

AFFIRMATIVE INSTRUMENTS

[The National Smart Ticketing Advisory Board \(Gender Representation on Public Boards\) \(Scotland\) Regulations 2023 \(SSI 2023/Draft\)](#)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the National Smart Ticketing Advisory Board (Gender Representation on Public Boards) (Scotland) Regulations 2023 (SSI 2023/Draft) be approved.

Purpose

2. To add the National Smart Ticketing Advisory Board to a list of public sector boards set out in the Gender Representation on Public Boards (Scotland) Act 2018 required to consider gender representation in appointing candidates. Under this legislation, a duty is placed on public authorities to seek to ensure 50% of non-executive members of their boards are women.

Consideration by committee

3. At its meeting on 2 May 2023 the Net Zero, Energy and Transport Committee agreed to recommend that the regulations be approved. The Committee report was published on 4 May 2023.

[First-tier Tribunal for Scotland \(Allocation of Functions to the General Regulatory Chamber\) Regulations 2023 \(SSI 2023/Draft\)](#)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the First-tier Tribunal for Scotland (Allocation of Functions to the General Regulatory Chamber) Regulations 2023 (SSI 2023/Draft) be approved.

Purpose

5. To provide for the allocation of certain functions to the First-tier Tribunal for Scotland, General Regulatory Chamber. These functions relate to Low Emission Zone (LEZ) schemes; Workplace Parking Licensing schemes; and, pavement parking, double parking, and, dropped footway parking prohibitions as contained in the Transport (Scotland) Act 2019.

Consideration by committee

6. At its meeting on 9 May 2023 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the regulations be approved. The Committee report was published on 10 May 2023.

[First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland \(Composition and Rules of Procedure\) \(Miscellaneous Amendment\) Regulations 2023 \(SSI 2023/Draft\)](#)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the First-tier Tribunal for Scotland General Regulatory Chamber and Upper Tribunal for Scotland (Composition and Rules of Procedure) (Miscellaneous Amendment) Regulations 2023 (SSI 2023/Draft) be approved.

Purpose

8. To amend the composition of the First-tier Tribunal General Regulatory Chamber and the Upper Tribunal and to enable the General Regulatory Chamber to hear appeals against decisions of a local authority to issue penalty charge notices relating to low emission zone schemes, double parking prohibitions, dropped footway parking prohibitions, pavement parking prohibitions and workplace parking licensing schemes.

Consideration by committee

9. At its meeting on 9 May 2023 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the regulations be approved. The Committee report was published on 10 May 2023.

[Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022 \(Consequential Modifications, Saving and Transitional Provisions\) Regulations 2023 \(SSI 2023/Draft\)](#)

10. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Consequential Modifications, Saving and Transitional Provisions) Regulations 2023 (SSI 2023/Draft) be approved.

Purpose

11. To repeal certain provisions of section 20 of the Criminal Law (Consolidation) (Scotland) Act 1995 (the 1995 Act), in consequence of the commencement of provisions in Part 5 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (the 2022 Act). The Regulations (which take effect

on 6 June 2023) also make transitional provision for proceedings relating to offences committed under the relevant provisions of the 1995 Act prior to 6 June 2023. The repealed provisions continue to apply for the purpose of those proceedings, however they are modified so that the defence of reasonable excuse, which is provided for in relation to the new offence under section 36 of the 2022 Act, also applies to those cases.

Consideration by committee

12. At its meeting on 3 May 2023 the Criminal Justice Committee agreed to recommend that the regulations be approved. The Committee report was published on 11 May 2023.

APPROVAL OF LAID DOCUMENT

[Environmental Standards Scotland air quality investigation - Scottish Government improvement plan \(SG/2023/75\)](#)

13. The above Improvement Plan was laid before Parliament on 27 March. Under the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#), the Scottish Parliament has 40 days to resolve if the plan should be approved. Parliament considers the Improvement plan in the same way as it would consider an affirmative instrument and therefore the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Environmental Standards Scotland air quality investigation - Scottish Government improvement plan (SG/2023/75) be approved.

14. The Plan was prepared in response to an [Improvement Report published by Environmental Standards Scotland \(ESS\)](#) into nitrogen dioxide (NO₂) levels in Scotland. The report raised a number of issues in relation to the governance and monitoring of air quality standards in Scotland. Also included in the Report were six recommendations to the Scottish Government. The Improvement Plan sets out what actions the Scottish Government will take to address these recommendations.

Consideration by committee

15. The Net Zero, Energy and Transport Committee took evidence on the Improvement Plan from a number of interested organisations, the ESS and the Minister for Net Zero and Just Transition over its meetings on 18 and 25 April. In [its report, published on 11 May](#), the Committee agreed to recommend to Parliament that the Code be approved.

Decision

16. **Business Managers are invited note that the above motions will be lodged.**

17. **Business Managers should reserve their position if their party intends to speak against or oppose the motion.**

Emergency SSI

[Social Security \(Residence Requirements\) \(Sudan\) \(Scotland\) Regulations 2023 \(SSI 2023/Draft\)](#)

18. The above instrument allows access to a number of benefits for those coming to Scotland from Sudan to escape violence. So that the legislation coincides as closely as possible with similar legislation coming into force in the UK on 15 May, the Scottish Government is requesting that the instrument be considered under an expedited procedure, with a laying date of 10 May, coming into force on 17 May 2023.

19. The Delegated Powers and Law Reform Committee will consider the instrument on the morning of 16 May. The Clerk will provide an oral update on whether any issues were raised on the instrument during the Bureau meeting. The Social Justice and Social Security Committee is content, given the urgent nature of the SSI, for the Bureau to recommend that the SSI go straight to the Chamber before it can be considered by the Committee.

Decision

20. **In order for the intended timescales to be met, the Bureau is invited to consider—**

- **recommending to Parliament that the instrument be referred to the Parliament (a motion to this effect can be taken on Tuesday 16 May).**

- **that the SSI be taken in the Chamber on Wednesday 17 May.**

**Parliamentary Business Team
May 2023**