

HOUSING (CLADDING REMEDIATION) (SCOTLAND) BILL

[AS AMENDED AT STAGE 2]

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

INTRODUCTION

1. This Supplementary Delegated Powers Memorandum has been prepared by the Scottish Government in accordance with Rule 9.7.9 of the Parliament’s Standing Orders to assist the Delegated Powers and Law Reform Committee in its consideration of the Housing (Cladding Remediation) (Scotland) Bill (“the Bill”). This Memorandum describes provisions in the Bill conferring power to make subordinate legislation which were amended at Stage 2. It should be read in conjunction with the Delegated Powers Memorandum published to accompany the Bill on introduction.

2. The contents of this Memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Scottish Parliament.

PROVISIONS CONFERRING POWER TO MAKE SUBORDINATE LEGISLATION AMENDED AT STAGE 2

3. The amended delegated power in the Bill is listed below, with a short explanation of what the power allows, why the power has been taken in the Bill and why the selected form of Parliamentary procedure has been considered appropriate.

DELEGATED POWERS

Section 20: Power to establish scheme

Power conferred on:	Scottish Ministers
Power exercisable by:	Regulations made by Scottish statutory instrument
Parliamentary procedure:	Affirmative
Revised or new power:	Revised

Provision

4. The power delegated by this section has not changed and is set out in the Delegated Powers Memorandum accompanying the Bill on introduction. In brief, section 20 gives the Scottish Ministers power to make regulations establishing one or more responsible developers schemes.

5. At Stage 2, a new subsection (5) was added to section 20 and this requires that, before making regulations under subsection (1), the Scottish Ministers must consult (a) such persons as appear to the Scottish Ministers to represent the interests of persons carrying on, for business purposes, activities connected with the construction or other development of buildings which are wholly or partly residential, and (b) such other persons, as the Scottish Ministers consider appropriate.

Reason for taking power

6. The reason for taking the power has not changed and remains as set out in the Delegated Powers Memorandum published to accompany the Bill on introduction.

Choice of procedure

7. The choice of procedure has not changed and remains as set out in the Delegated Powers Memorandum published to accompany the Bill on introduction. Subsection (5) adds a requirement for the Scottish Ministers to consult certain persons before exercising the power to make regulations which is appropriate as it ensures that the views of such persons inform the development of the responsible developers scheme (or more than one).

This document relates to the Housing (Cladding Remediation) (Scotland) Bill (SP Bill 36A) as amended at Stage 2

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