



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 27 February 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 27 February 2018

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DELEGATED POWERS AND LAW REFORM COMMITTEE
6th Meeting 2018, Session 5

CONVENER

*Graham Simpson (Central Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Alison Harris (Central Scotland) (Con)

*David Torrance (Kirkcaldy) (SNP)

*attended

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 27 February 2018

[The Convener opened the meeting at 10:30]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome members to the sixth meeting in 2018 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that we take items 4, 5 and 6 in private. Item 4 is consideration of the committee's approach to its scrutiny of the Prescription (Scotland) Bill at stage 1; item 5 is consideration of the key themes arising from the evidence that the minister gave last week on the Planning (Scotland) Bill; and item 6 is consideration of correspondence from the Minister for Social Security on the committee's consideration of the Social Security (Scotland) Bill.

Does the committee agree to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

Local Government Finance (Scotland) Order 2018 [Draft]

10:31

The Convener: Under agenda item 2, we have one affirmative instrument to consider. No points have been raised by our legal advisers on the instrument. Is the committee content with it?

Members *indicated agreement.*

Instruments subject to Negative Procedure

Council Tax Reduction (Scotland) Amendment Regulations 2018 (SSI 2018/69)

10:31

The Convener: The first instrument for consideration under agenda item 3 is SSI 2018/69, which makes further amendments to the Council Tax Reduction (Scotland) Regulations 2012 (SSI 2012/303) and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 (SSI 2012/319), which are the principal regulations.

It is suggested by our legal advisers that the regulations raise a devolution issue for the reason that was discussed by the committee when it considered the principal regulations and subsequent amending instruments—that is to say, they raise a devolution issue because they may relate to matters that are reserved by section F1 of part II of schedule 5 to the Scotland Act 1998, which is on social security schemes. It is recognised that the Scottish Government takes a contrary view.

Since September last year, a new exception 10 to the social security reservation has given the Scottish Parliament powers to create new benefit schemes in areas of devolved responsibility where the requirements of the exception are satisfied, including that any new scheme must be funded from the Scottish consolidated fund.

In relation to the Council Tax Reduction (Scotland) Amendment Regulations 2017 (SSI 2017/41) and the Council Tax Reduction (Scotland) Amendment (No 2) Regulations 2017 (SSI 2017/326), the committee suggested to the Scottish Government that framing a new, discrete scheme could avoid the committee's concern if that scheme were to comply with the requirements of exception 10. The committee also highlighted that the creation of a new, discrete scheme would have the further benefit of accessibility to readers if consolidated regulations could be produced.

The principal regulations are well in need of consolidation, as SSI 2018/69 is the 13th amending instrument. The committee recently wrote to the Cabinet Secretary for Finance and the Constitution, asking for a timetable for consolidation, and the cabinet secretary has indicated that he will update the committee in the summer.

Do members have any comments?

Members: No.

The Convener: Does the committee wish to draw the regulations to the attention of the Parliament on reporting ground (f) on the basis that they raise a devolution issue?

Members: No.

The Convener: In that case, the proposition is that the committee considers that the regulations raise a devolution issue and should be drawn to the attention of the Parliament on that basis. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Findlay, Neil (Lothian) (Lab)

Harris, Alison (Central Scotland) (Con)

Simpson, Graham (Central Scotland) (Con)

Against

McMillan, Stuart (Greenock and Inverclyde) (SNP)

Torrance, David (Kirkcaldy) (SNP)

The Convener: The result of the division is: For 3, Against 2, Abstentions 0. The proposition is agreed to.

No points have been raised by our legal advisers on the following eight instruments.

Carers (Scotland) Act 2016 (Transitional Provisions) Regulations 2018 (SSI 2018/34)

Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018 (SSI 2018/60)

Parking Attendants (Wearing of Uniforms) (Midlothian Council Parking Area) Regulations 2018 (SSI 2018/61)

Road Traffic (Parking Adjudicators) (Midlothian Council) Regulations 2018 (SSI 2018/62)

Non-Domestic Rates (Telecommunication Installations) (Scotland) Amendment Regulations 2018 (SSI 2018/63)

Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Amendment Regulations 2018 (SSI 2018/64)

Non-Domestic Rates (Day Nursery Relief) (Scotland) Regulations 2018 (SSI 2018/65)

National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2018 (SSI 2018/68)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

10:35

Meeting continued in private until 11:10.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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