



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 29 January 2019

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

4th Meeting 2019, Session 5

CONVENER

*Graham Simpson (Central Scotland) (Con)

DEPUTY CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

COMMITTEE MEMBERS

*Tom Arthur (Renfrewshire South) (SNP)

*Mary Fee (West Scotland) (Lab)

*Alison Harris (Central Scotland) (Con)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 29 January 2019

[The Convener opened the meeting at 10:00]

European Union (Withdrawal) Act 2018

Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019 (SSI 2019/6)

Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/9)

The Convener (Graham Simpson): I welcome everyone to the fourth meeting in 2019 of the Delegated Powers and Law Reform Committee.

Agenda item 1 is consideration of two Scottish statutory instruments that have been laid under the European Union (Withdrawal) Act 2018. The committee is considering the instruments under the SSI protocol, so we are considering the scrutiny procedure under which they have been laid and the categorisation that the Scottish Government has applied to them.

The purpose of SSI 2019/6 is to correct deficiencies in licensing legislation that will arise from the United Kingdom's withdrawal from the European Union. It has been laid under the negative procedure and has been categorised by the Scottish Government as being of medium significance. Our advisers indicate that it might be considered to be of low significance, because it is clear that there is no significant policy decision for ministers to make.

Do members have any comments?

Members: No.

The Convener: Is the committee content that the appropriate scrutiny procedure has been applied to the instrument?

Members indicated agreement.

The Convener: Does the committee wish to recommend that the instrument should be categorised as being of low significance?

Members indicated agreement.

The Convener: The purpose of SSI 2019/9 is to provide the necessary technical corrections to

regulations on aquatic animal health and aquaculture. It has been laid under the negative procedure and has been categorised by the Scottish Government as being of low significance. No issues have been raised by our advisers.

Do members have any comments?

Members: No.

The Convener: Are members content that the appropriate scrutiny procedure has been applied to the instrument?

Members indicated agreement.

The Convener: Are members content with the category that has been assigned to the instrument?

Members indicated agreement.

Public Procurement etc (Scotland) (Amendment) (EU Exit) Regulations 2019 [Draft]

10:02

The Convener: Agenda item 2 is consideration of another instrument that has been laid under the European Union (Withdrawal) Act 2018, the general purpose of which is to address deficiencies in retained EU law relating to public procurement that arise from withdrawal. The instrument has been laid under the affirmative procedure, as is required under the 2018 act, and has been categorised by the Scottish Government as being of medium significance. Our advisers have indicated that it might be categorised as being of high significance, on the ground that, in accordance with the SSI protocol, some provisions create or amend powers to legislate, including the transfer of some EU legislative powers to the Scottish ministers.

Do members have any comments?

Members: No.

The Convener: Does the committee wish to recommend that the instrument be recategorised as being of high significance?

Members indicated agreement.

Instruments subject to Affirmative Procedure

Genetically Modified Organisms (Deliberate Release etc) (Miscellaneous Amendments) (Scotland) Regulations 2019 [Draft]

10:03

The Convener: The first instrument for consideration under agenda item 3 transposes an EU directive. Although no points have been raised by our legal advisers on the instrument, members might wish to note that it was withdrawn and relaid following questions that our legal advisers asked in advance of it appearing on our agenda.

The following three instruments, on which our legal advisers have raised no points, all arise from the new powers that were recently devolved to the Parliament under the Social Security (Scotland) Act 2018.

Funeral Expense Assistance (Scotland) Regulations 2019 [Draft]

Early Years Assistance (Best Start Grants) (Scotland) Amendment (No 1) Regulations 2019 [Draft]

Early Years Assistance (Best Start Grants) (Scotland) Amendment (No 2) Regulations 2019 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:04

The Convener: Agenda item 4 is consideration of three negative instruments, two of which we have already considered under the SSI protocol. We are now considering the technical aspects of the instruments to ensure that they are fit for purpose; our legal advisers have raised no points on them.

Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019 (SSI 2019/6)

Electronic Invoicing (Public Contracts etc) Amendment (Scotland) Regulations 2019 (SSI 2019/7)

Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/9)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Meeting closed at 10:05.

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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