



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 14 May 2019

Session 5



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

16th 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

THE FOLLOWING ALSO PARTICIPATED:

Neil Bibby (West Scotland) (Lab) (Committee Substitute)

CLERK TO THE COMMITTEE

Andy Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 14 May 2019

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Graham Simpson): I welcome everyone to the 16th meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 5 and 6—consideration of the delegated powers provisions in the Non-Domestic Rates (Scotland) Bill and of our draft annual report—in private. Does the committee agree to that?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:00

The Convener: Under agenda item 2, we have six affirmative instruments to consider, on which no points have been raised.

Children and Young People (Scotland) Act 2014 (Modification) (No 1) Order 2019 [Draft]

Children and Young People (Scotland) Act 2014 (Modification) (No 2) Order 2019 [Draft]

Head Teachers Education and Training Standards (Scotland) Regulations 2019 [Draft]

Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019 [Draft]

Code for the Welfare of Meat Chickens and Breeding Chickens (Revocation) (Scotland) Notice 2019 (SG/2019/65)

Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:01

The Convener: Under agenda item 3, we have three negative instruments to consider, on which no points have been raised.

St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2019 (SSI 2019/144)

Road Works (Qualifications of Operatives and Supervisors) (Scotland) Amendment Regulations 2019 (SSI 2019/159)

Private Landlord Registration (Fees) (Scotland) Regulations 2019 (SSI 2019/160)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Drafts Laid for Consultation

Public Services Reform (The Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2019 (SG/2019/66) and Proposed Explanatory Document (SG/2019/67)

10:01

The Convener: Agenda item 4 is consideration of an instrument and a document that have been laid for consultation.

The proposed draft order's general purposes are to create a new route for whistleblowers in the healthcare sector to bring complaints to the Scottish Public Services Ombudsman and to extend the list of bodies to which the ombudsman can disclose information that is obtained in the course of an investigation.

After the proposed draft order has been consulted on, a finalised order will be laid, which the committee will consider. There is an error in the proposed draft order that relates to the misspelling of "whistleblower". The full explanation is set out in our published papers. The Government has undertaken to correct that error in the draft order when the finalised order is laid under section 25(2)(b) of the Public Services Reform (Scotland) Act 2010 following the current consultation stage. The Government has also undertaken to clarify some aspects in the explanatory document that is to be laid with the draft order, as is set out in its written response to the committee.

Does the committee wish to draw the proposed draft order to the attention of the Parliament on the general reporting ground, as there is an error in article 3(2) that relates to the insertion of section 6A(4) in the Scottish Public Services Ombudsman Act 2002?

Members *indicated agreement.*

The Convener: Does the committee wish to note that the Government has undertaken to correct that error when the order is laid after the consultation stage?

Members *indicated agreement.*

10:03

Meeting continued in private until 10:29.

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