



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 17 September 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**24<sup>th</sup> 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)

\*Jeremy Balfour (Lothian) (Con)

\*Mary Fee (West Scotland) (Lab)

\*attended

**CLERK TO THE COMMITTEE**

Andrew Proudfoot

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 17 September 2019*

*[The Convener opened the meeting at 10:00]*

#### Interests

**The Convener (Graham Simpson):** I welcome everyone to the 24th meeting in 2019 of the Delegated Powers and Law Reform Committee. The first item of business is to welcome Jeremy Balfour to the committee and to invite him to declare any relevant interests.

**Jeremy Balfour (Lothian) (Con):** I have no interests at all.

**The Convener:** Thank you, Jeremy, and welcome.

### Decision on Taking Business in Private

10:00

**The Convener:** Under agenda item 2, it is proposed that the committee takes items 8, 9, 10, 11 and 12 in private. Is that agreed?

**Members** *indicated agreement.*

## Convention Rights (Compliance) (Scotland) Act 2001

### Representation of the People Act 1983 Remedial (Scotland) Order 2019 (SSI 2019/261)

10:00

**The Convener:** Under agenda item 3, we are considering an order made under the Convention Rights (Compliance) (Scotland) Act 2001. SSI 2019/261 gave prisoners serving 12 months or less the right to vote in the Shetland by-election.

No points have been raised on the order. Is the committee content with it?

**Members** *indicated agreement.*

**The Convener:** The committee will consider its draft report on the order later in the meeting.

## European Union (Withdrawal) Act 2018: Instrument Procedure and Category

### Environmental Liability etc (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/276)

10:01

**The Convener:** Agenda item 4 is consideration of a Scottish statutory instrument that has been laid under the European Union (Withdrawal) Act 2018. We are considering the scrutiny procedure under which it has been laid and the categorisation that the Scottish Government has applied.

SSI 2019/276 has been laid under the negative procedure and has been categorised as being of low significance. Part 4 of the instrument, which has been made under the withdrawal act, makes minor and technical changes to address deficiencies in the Environmental Liability (Scotland) Regulations 2009 (SSI 2009/266).

Our advisers indicate that the scrutiny procedure and categorisation could be appropriate. Are members content with that?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

### Environmental Protection Act 1990 Amendment (Scotland) Regulations 2019 [Draft]

10:02

**The Convener:** Agenda item 5 is consideration of an affirmative instrument, on which no points have been raised. Is the committee content with the instrument?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

### Plant Health (Forestry) Amendment (Scotland) Order 2019 (SSI 2019/278)

### Environmental Liability etc (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/276)

10:02

**The Convener:** Agenda item 6 is consideration of two negative instruments. No points have been raised on SSI 2019/278 or on the instrument that the committee considered under item 4, SSI 2019/276. Is the committee content with the instruments?

**Members** *indicated agreement.*

## Instrument not subject to Parliamentary Procedure

### Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 (Commencement No 1) Regulations 2019 (SSI 2019/277)

10:02

**The Convener:** Agenda item 7 is consideration of SSI 2019/277, which is not subject to any parliamentary procedure. The instrument commences sections 1 to 18(2), excluding section 7(2)(g), of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 on 19 September.

Section 7(2)(g) requires the Scottish ministers, in preparing the fuel poverty strategy, to consult the Scottish fuel poverty advisory panel. However, the Scottish Government has confirmed that the effect of the instrument is that the statutory panel will not be consulted in respect of the first fuel poverty strategy. The Government has indicated that, instead, it intends to consult the existing fuel poverty advisory panel and partnership forum in the meantime. That is because the statutory panel will not have been set up in time.

Does the committee wish to draw the instrument to the attention of the Parliament under the general reporting ground, as the Scottish fuel poverty advisory panel will not be consulted in respect of the first fuel poverty strategy?

**Members** *indicated agreement.*

10:04

*Meeting continued in private until 10:47.*

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