



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 10 December 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**33<sup>rd</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 10 December 2019

[The Convener opened the meeting at 10:00]

#### Decision on Taking Business in Private

**The Convener (Graham Simpson):** I welcome everyone to the 33rd meeting in 2019 of the Delegated Powers and Law Reform Committee.

Under agenda item 1, it is proposed that the committee takes items 5, 6 and 7 in private. Is that agreed?

**Members indicated agreement.**

#### Instrument subject to Affirmative Procedure

##### Social Security Assistance (Investigation of Offences) (Scotland) Regulations 2020 [Draft]

10:00

**The Convener:** Agenda item 2 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

### Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (SSI 2019/407)

10:00

**The Convener:** The first instrument for consideration under agenda item 3 is SSI 2019/407, which amends existing domestic food and feed law to provide for the execution and enforcement in Scotland of the food and feed elements of the new European Union official controls regulation and the associated tertiary legislation.

The instrument was laid before the Parliament on 28 November and will come into force on 14 December. Accordingly, it does not respect the requirement that at least 28 days should elapse between the laying of an instrument that is subject to the negative procedure and the coming into force of that instrument. The reasons for the failure to comply with that requirement are set out in a letter of 28 November from the Scottish Government to the Presiding Officer, which is available in our published papers.

Is the committee content that the failure to comply with section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 is acceptable in the circumstances?

**Members indicated agreement.**

**The Convener:** Standing orders require the committee to draw the Parliament's attention to any failure to respect the 28-day laying requirement. Does the committee therefore wish to draw the instrument to the attention of the Parliament under reporting ground (j)?

**Members indicated agreement.**

**The Convener:** Regulation 7(19) of the instrument substitutes regulation 32 of the Official Feed and Food Controls (Scotland) Regulations 2009 (SSI 2009/446). The new provision seeks to impose a statutory duty on an enforcement officer, but it uses the word "will" in relation to that duty rather than the word "must". The Government has agreed that the wording could be clearer, and it intends to amend the instrument at the next available opportunity.

Does the committee wish to draw the instrument to the attention of the Parliament under the general reporting ground?

**Members indicated agreement.**

**The Convener:** Does the committee wish to welcome the Scottish Government's intention to amend the instrument?

**Members** *indicated agreement.*

**Official Controls (Agriculture etc)  
(Scotland) Regulations 2019 (SSI 2019/412)**

**The Convener:** The instrument implements regulation (EU) 2017/625 in respect of official controls and other official activities on genetically modified organisms, animals, animal by-products and derived products. It was laid before the Parliament on 3 December and will come into force on 14 December. Like the previous instrument, it does not respect the 28-day laying requirement. Similarly, the reasons for the failure to comply with that requirement are set out in a letter from the Scottish Government to the Presiding Officer. That letter, which is dated 3 December, is also available in our published papers.

Is the committee content that the failure to comply with section 28 of the 2010 act is acceptable in the circumstances?

**Members** *indicated agreement.*

**The Convener:** Standing orders require the committee to draw the Parliament's attention to any failure to respect the 28-day laying requirement. Does the committee therefore wish to draw the instrument to the attention of the Parliament under reporting ground (j)?

**Members** *indicated agreement.*

**Representation of the People Act 1983  
Remedial (Scotland) Revocation Order  
2019 (SSI 2019/408)**

**The Convener:** No points have been raised on SSI 2019/408. Is the committee content with the instrument?

**Members** *indicated agreement.*

**Instruments not subject to  
Parliamentary Procedure**

10:04

**The Convener:** Agenda item 4 is consideration of four instruments that are not subject to any parliamentary procedure and on which no points have been raised.

**Act of Sederunt (Rules of the Court of  
Session 1994 Amendment) (Case  
Management of Certain Personal Injuries  
Actions) 2019 (SSI 2019/404)**

**Act of Sederunt (Rules of the Court of  
Session 1994 and Summary Applications,  
Statutory Applications and Appeals etc  
Rules 1999 Amendment) (Proceeds of  
Crime) (No 2) 2019 (SSI 2019/405)**

**Planning (Scotland) Act (Actual Dates)  
Regulations 2019 (SSI 2019/410)**

**Planning (Scotland) Act 2019  
(Commencement No 2, Saving and  
Transitional Provisions) Amendment  
Regulations 2019 (SSI 2019/411)**

**The Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

10:04

*Meeting continued in private until 10:28.*

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