



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 3 March 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

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# **DELEGATED POWERS AND LAW REFORM COMMITTEE**

## **8<sup>th</sup> Meeting 2020, Session 5**

### **CONVENER**

\*Bill Bowman (North East Scotland) (Con)

### **DEPUTY CONVENER**

Stuart McMillan (Greenock and Inverclyde) (SNP)

### **COMMITTEE MEMBERS**

\*Mary Fee (West Scotland) (Lab)

\*Gordon Lindhurst (Lothian) (Con)

\*Gil Paterson (Clydebank and Milngavie) (SNP)

\*attended

### **CLERK TO THE COMMITTEE**

Andrew Proudfoot

### **LOCATION**

The Adam Smith Room (CR5)

## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 3 March 2020*

*[Gil Paterson opened the meeting at 10:00]*

#### Interests

**Gil Paterson (Clydebank and Milngavie) (SNP):** Good morning. I welcome everyone to the eighth meeting in 2020 of the Delegated Powers and Law Reform Committee.

Quite a few of us are new members of the committee, so the first item on the agenda is the declaration of interests. In accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", I invite Bill Bowman to declare any interests that are relevant to the remit of the committee.

**Bill Bowman (North East Scotland) (Con):** I have no interests that are relevant to the committee's remit.

**Gil Paterson:** Thank you. I invite Gordon Lindhurst to declare any relevant interests.

**Gordon Lindhurst (Lothian) (Con):** My interests are as set out in the register of members' interests.

**Gil Paterson:** Thank you. Because I am a new member, I, too, should declare any relevant interests. I refer members of the committee and the public to my entry in the register of members' interests.

## Convener

10:01

**Gil Paterson:** Agenda item 2 is the choosing of a convener. The Parliament has agreed that only members of the Conservative Party are eligible for nomination as convener of the committee. That being the case, I seek nominations for the position of convener.

**Gordon Lindhurst:** I nominate Bill Bowman.

*Bill Bowman was chosen as convener.*

**Gil Paterson:** Now that Bill Bowman has been appointed as convener, I will suspend the meeting to allow him to take over in his rightful place.

10:01

*Meeting suspended.*

10:03

*On resuming—*

### **Decision on Taking Business in Private**

**The Convener (Bill Bowman):** I am delighted to have been appointed convener of the committee. I thank Graham Simpson and Tom Arthur, who have left the committee, for their sterling service, and I welcome the other new members, Gordon Lindhurst and Gil Paterson, who I am sure will bring a wealth of knowledge and experience to the committee. I have no doubt that the continuing members Mary Fee and Stuart McMillan—who is not able to be here today—will carry on in the same manner as they have done previously.

Under agenda item 3, it is proposed that the committee takes item 7 in private, as it involves consideration of a report that will be published once it has been agreed.

Does the committee agree to take item 7 in private?

**Members indicated agreement.**

### **Instrument subject to Affirmative Procedure**

#### **UEFA European Championship (Trading and Advertising) (Scotland) Regulations 2020 [Draft]**

10:04

**The Convener:** Agenda item 4 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

### Public health etc (Scotland) Act 2008 (Notifiable Diseases and Notifiable Organisms) Amendment Regulations 2020 (SSI 2020/51)

10:04

**The Convener:** Agenda item 5 is consideration of a number of negative instruments, the first of which, SSI 2020/51, relates to the infectious coronavirus, which, as we all know, is an international public health concern. The instrument adds Covid-19, a strain of coronavirus, to the list of notifiable diseases and organisms in schedule 1 to the Public Health etc (Scotland) Act 2008.

That means that if a registered medical practitioner in Scotland suspects that a patient might have that strain of coronavirus, they are now under a legal duty to notify their health board, which in turn will be under a duty to notify the national health service's Common Services Agency. Similarly, if a diagnostic laboratory in Scotland identifies the coronavirus 2019 organism, it is now under a legal duty to report that to the health board and to the CSA.

The instrument was laid before the Parliament on 21 February 2020 and came into force the next day, which does not comply with 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 committee is therefore required under standing orders to draw the instrument to the attention of the Parliament on reporting ground (j) for failing to comply with the requirements of section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j)?

**Members** *indicated agreement.*

**The Convener:** The committee also looks at the Scottish Government's reasons for any such breach, which, in this case, are set out in a letter to the Presiding Officer that is dated 21 February. It explained that bringing the regulations into force immediately would allow the health service in Scotland to respond quickly to the new strain of coronavirus.

Is the committee content with the reasons that have been given for the failure to comply with section 28 of the 2010 act?

**Members** *indicated agreement.*

**The Convener:** No points have been raised on the following negative instruments.

### Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2020 (SSI 2020/26)

### National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2020 (SSI 2020/30)

### Police Pensions (Amendment) (Scotland) Regulations 2020 (SSI 2020/33)

### Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (SSI 2020/34)

### Scottish Road Works Register (Prescribed Fees) Regulations 2020 (SSI 2020/35)

### Non-Domestic Rates (Reverse Vending Machine Relief) (Scotland) Regulations 2020 (SSI 2020/36)

### Non-Domestic Rate (Scotland) Order 2020 (SSI 2020/37)

### Non-Domestic Rates (Enterprise Areas) (Scotland) Amendment Regulations 2020 (SSI 2020/38)

### Non-Domestic Rates (Levying) (Scotland) Regulations 2020 (SSI 2020/39)

### Non-Domestic Rates (Relief for New and Improved Properties) (Scotland) Regulations 2020 (SSI 2020/40)

### Non-Domestic Rates (Telecommunication Installations) (Scotland) Amendment Regulations 2020 (SSI 2020/41)

### Non-Domestic Rates (Transitional Relief) (Scotland) Amendment Regulations 2020 (SSI 2020/42)

### Non-Domestic Rating (Unoccupied Property) (Scotland) Amendment Regulations 2020 (SSI 2020/43)

### Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2020 (SSI 2020/44)

**National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2020 (SSI 2020/54)**

**National Assistance (Assessment of Resources) Amendment (Scotland) (No 2) Regulations 2020 (SSI 2020/55)**

**National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2020 (SSI 2020/56)**

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

**Members** *indicated agreement.*

**The Convener:** Does the committee also wish to note that SSI 2020/30 rectifies an error that the committee previously reported in regulation 1(2) of the National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017 (SSI 2017/27)?

**Members** *indicated agreement.*

**Instrument not subject to Parliamentary Procedure**

**UEFA European Championship (Scotland) Act 2020 (Commencement No 1) Regulations 2020 (SSI 2020/49 (C 3))**

10:08

**The Convener:** Agenda item 6 is consideration of an instrument that is not subject to any parliamentary procedure, on which no points have been raised. Is the committee content with the instrument?

**Members** *indicated agreement.*

10:08

*Meeting continued in private until 10:27.*

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