



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 28 April 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**Tuesday 28 April 2020**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**14<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 Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 28 April 2020*

*[The Convener opened the meeting at 12:35]*

### Instrument subject to Affirmative Procedure

#### Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No 2) Regulations 2020 (SSI 2020/126)

**The Convener (Bill Bowman):** Good afternoon. I welcome everyone to the 14th meeting in 2020 of the Delegated Powers and Law Reform Committee. We have apologies from two of our members—Mary Fee and Gil Paterson.

Under agenda item 1, we are considering an instrument that is subject to the provisional affirmative procedure. That means that the instrument is already in force but will lapse unless it is approved by the Parliament within 28 days.

No points have been raised on SSI 2020/126. Is the committee content with the instrument?

**Members indicated agreement.**

### Instruments subject to Negative Procedure

#### Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/124)

12:35

**The Convener:** Agenda item 2 is consideration of two negative instruments. SSI 2020/124 makes temporary amendments to various town and country planning regulations to alter requirements to hold public events or hearings, or to make information or documentation available for inspection in a public place.

The instrument was laid before the Parliament on 14 April and came into force on 24 April. That 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. Under standing orders, the committee is required to draw the instrument to the attention of the Parliament on reporting ground (j) for its failure 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 such breaches, which in this case are set out in a letter to the Presiding Officer that is dated 14 April 2020. The letter explains that the instrument was brought into force in such a short timescale to allow the planning system to continue to function during the emergency period to support future economic and societal recovery and avoid delays to necessary infrastructure and other developments.

Is the committee content with the reasons that have been given for the failure to comply with section 28(2) of the 2010 act?

**Members indicated agreement.**

#### Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/128)

**The Convener:** SSI 2020/128 amends timescales that are set out in various education regulations to provide education authorities and education appeal committees with greater flexibility in how they carry out their statutory

responsibilities in relation to education placing requests and school exclusion decisions.

The instrument was laid before the Parliament on 22 April and came into force on 23 April. As with the preceding instrument, that 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.

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

**Members indicated agreement.**

**The Convener:** The Scottish Government's reasons for the breach are set out in a letter to the Presiding Officer that is dated 22 April 2020. The letter explains that, at present, 30 April is the deadline for considering placing requests that were made before 15 March. If those requests are not processed by the deadline, they would be deemed as having been refused, which would trigger a right of appeal.

As a result of the coronavirus outbreak, education authorities are reporting significant difficulties in providing the resources that are necessary to successfully process the placing requests and hold the consequent appeal hearings. It was considered important to amend the timescales before the 30 April deadline to give parents and education authorities certainty about the entire process as soon as possible.

Is the committee content with the reasons that have been given for the failure to comply with section 28(2) of the 2010 act?

**Members indicated agreement.**

*Meeting closed at 12:39.*

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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