



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 21 September 2021**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

## Tuesday 21 September 2021

### CONTENTS

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	1
<b>EUROPEAN UNION (WITHDRAWAL) ACT 2018: INSTRUMENT PROCEDURE AND CATEGORY</b> .....	2
Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/297) .....	2
<b>INSTRUMENTS SUBJECT TO MADE AFFIRMATIVE PROCEDURE</b> .....	4
Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 18) Regulations 2021 (SSI 2021/307) .....	4
Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 19) Regulations 2021 (SSI 2021/319) .....	4
<b>INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE</b> .....	5
Disability Assistance for Children and Young People (Scotland) Amendment Regulations 2021 [Draft] .....	5
Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 [Draft] .....	5
Scottish Local Government Elections Amendment Order 2021 [Draft] .....	5
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE</b> .....	6
Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/297) .....	6
Social Security (Claims and Payments) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/305) .....	6
Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2021 (SSI 2021/310) .....	6
Redress for Survivors (Historical Child Abuse in Care) (Reimbursement of Costs and Expenses) (Scotland) Regulations 2021 (SSI 2021/312) .....	6
Redress for Survivors Historical Child Abuse in Care (Payment of Legal Fees) (Scotland) Regulations 2021 (SSI 2021/313) .....	6
Carbon Accounting Scheme (Scotland) Amendment Regulations 2021 (SSI 2021/318) .....	6
<b>INSTRUMENTS NOT SUBJECT TO PARLIAMENTARY PROCEDURE</b> .....	7
Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (Commencement No 3 and Transitional Provision) Regulations 2021 (SSI 2021/303 (C 17)) .....	7
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (Commencement No 2) Regulations 2021 (SSI 2021/304 (C 18)) .....	7
Scottish Crown Estate Act 2019 (Commencement No 3) Regulations 2021 (SSI 2021/308 (C 19)) .....	7
Act of Sederunt (Registration Appeal Court) 2020 (SSI 2021/309) .....	7
Scottish Elections (Reform) Act 2020 (Commencement No 3 and Transitional Provision) Regulations 2021 (SSI 2021/311 (C 20)) .....	7
Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 (SSI 2021/315) .....	7
<b>DOCUMENTS SUBJECT TO APPROVAL</b> .....	8
Code of Conduct for Councillors (SG 2021/229) .....	8
Model Code of Conduct for Members of Devolved Public Bodies (SG 2021/230) .....	8

---

## **DELEGATED POWERS AND LAW REFORM COMMITTEE**

### **5<sup>th</sup> Meeting 2021, Session 6**

#### **CONVENER**

\*Stuart McMillan (Greenock and Inverclyde) (SNP)

#### **DEPUTY CONVENER**

\*Bill Kidd (Glasgow Anniesland) (SNP)

#### **COMMITTEE MEMBERS**

\*Craig Hoy (South Scotland) (Con)

\*Graham Simpson (Central Scotland) (Con)

\*Paul Sweeney (Glasgow) (Lab)

\*attended

#### **CLERK TO THE COMMITTEE**

Andrew Proudfoot

#### **LOCATION**

The Adam Smith Room (CR5)

**Scottish Parliament**  
**Delegated Powers and Law Reform Committee**

*Tuesday 21 September 2021*

*[The Convener opened the meeting at 10:01]*

**Decision on Taking Business in Private**

**The Convener (Stuart McMillan):** Welcome to the Delegated Powers and Law Reform Committee's fifth meeting in session 6. Before we move to the first item on the agenda, I remind everyone present to switch their mobile phones to silent.

The first item of business is to decide whether to take an item in private. Is the committee content to take item 8 in private?

**Members** *indicated agreement.*

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

**Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/297)**

10:01

**The Convener:** The second item of business is consideration of an instrument laid under the European Union (Withdrawal) Act 2018. The committee is considering whether the Scottish Government has applied the appropriate procedure and categorisation to the instrument.

The committee's consideration relates only to the provision that is made in regulation 3. No issues have been raised with either the procedure that the Scottish Government is using—in this case, the negative procedure—or the instrument's categorisation as being of low significance.

**Graham Simpson (Central Scotland) (Con):** As you are aware, convener, because you will have read the papers, the instrument deals with where checks can be made on animals. In essence, it would allow checks to be carried out on animals and related products at an appropriate place rather than, as happens at present, at the place of destination of the goods. That sounds not too controversial, but the Scottish Parliament information centre has informed us that no reason has been provided as to why that should be the case. SPICe goes on to say that there has been concern from stakeholders around the issue.

Given that, we should flag up the matter to the lead committee, which I believe is the rural affairs committee—although it has a slightly longer title than that—just to ensure that it casts its eye over the matter. The instrument raises important policy matters, which are not for us to consider, but the rural affairs committee might want to have a look at it. I accept that the negative procedure is correct, but the instrument raises important issues.

**The Convener:** Thank you, Mr Simpson.

Is the committee content that the appropriate scrutiny procedure has been applied to the instrument and that it has been properly categorised as of low significance?

**Members** *indicated agreement.*

**The Convener:** Are members also content that, in reporting to the Rural Affairs, Islands and Natural Environment Committee on the instrument, we should highlight the points that SPICe has raised?

**Members** *indicated agreement.*

## **Instruments subject to Made Affirmative Procedure**

10:04

**The Convener:** Under agenda item 3, no issues have been raised on the following instruments.

**Health Protection (Coronavirus)  
(International Travel) (Scotland)  
Amendment (No 18) Regulations 2021 (SSI  
2021/307)**

**Health Protection (Coronavirus)  
(International Travel) (Scotland)  
Amendment (No 19) Regulations 2021 (SSI  
2021/319)**

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

**Members** *indicated agreement.*

## Instruments subject to Affirmative Procedure

10:04

**The Convener:** Under agenda item 4, no points have been raised on the following draft instruments.

**Disability Assistance for Children and Young People (Scotland) Amendment Regulations 2021 [Draft]**

**Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021 [Draft]**

**Scottish Local Government Elections Amendment Order 2021 [Draft]**

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

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

10:05

**The Convener:** Under agenda item 5, no points have been raised on the following instruments.

**Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/297)**

**Social Security (Claims and Payments) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/305)**

**Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2021 (SSI 2021/310)**

**Redress for Survivors (Historical Child Abuse in Care) (Reimbursement of Costs and Expenses) (Scotland) Regulations 2021 (SSI 2021/312)**

**Redress for Survivors Historical Child Abuse in Care) (Payment of Legal Fees) (Scotland) Regulations 2021 (SSI 2021/313)**

**Carbon Accounting Scheme (Scotland) Amendment Regulations 2021 (SSI 2021/318)**

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

**Members** *indicated agreement.*

## Instruments not subject to Parliamentary Procedure

10:05

**The Convener:** Under agenda item 6, no points have been raised on the following instruments.

**Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (Commencement No 3 and Transitional Provision) Regulations 2021 (SSI 2021/303 (C 17))**

**UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (Commencement No 2) Regulations 2021 (SSI 2021/304 (C 18))**

**Scottish Crown Estate Act 2019 (Commencement No 3) Regulations 2021 (SSI 2021/308 (C 19))**

**Act of Sederunt (Registration Appeal Court) 2020 (SSI 2021/309)**

**Scottish Elections (Reform) Act 2020 (Commencement No 3 and Transitional Provision) Regulations 2021 (SSI 2021/311 (C 20))**

**Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 (SSI 2021/315)**

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

**Members** *indicated agreement.*

## Documents subject to Approval

10:05

**The Convener:** Under agenda item 7, no points have been raised on the following documents.

**Code of Conduct for Councillors (SG 2021/229)**

**Model Code of Conduct for Members of Devolved Public Bodies (SG 2021/230)**

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

**Members** *indicated agreement.*

10:06

*Meeting continued in private until 10:51.*

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.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba