



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 16 November 2021

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
10th 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 16 November 2021

[The Convener opened the meeting at 10:03]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the Delegated Powers and Law Reform Committee's 10th 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. As we are meeting both in the Parliament and online, I appreciate that it will be more challenging for members appearing online to indicate agreement to the items that are discussed. I therefore ask for members who are appearing remotely to raise their hand if they are not content when any question is put.

The first item of business is to decide whether to take items 5 and 6 in private. Is the committee content to take those items in private?

Members *indicated agreement.*

Instrument subject to Affirmative Procedure

10:04

The Convener: Under item 2, we are considering one affirmative instrument.

Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Amendment Regulations 2021 [Draft]

The Convener: No points have been raised on the draft instrument. Members will note that a draft of the instrument was originally laid on 2 November 2021. It was subsequently withdrawn and relaid on 10 November, following initial questions from the committee.

Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:04

The Convener: Under item 3, we are considering three negative instruments. Issues have been raised on two of the instruments.

Public Procurement (Agreement on Government Procurement) (Thresholds etc) (Amendment) (Scotland) Regulations 2021 (SSI 2021/378)

The Convener: The instrument includes amendments to the thresholds that apply in the field of public procurement that are specified in a number of procurement Scottish statutory instruments. The amendments are made in accordance with the United Kingdom's international obligations under the agreement on Government procurement, the GPA.

The committee wrote to the Scottish Government to draw its attention to a cross-referencing error in regulation 3(5). In its response, the Scottish Government agreed that it was an error and confirmed that a corrective instrument has been drafted and will be laid in early course. The Scottish Government also highlighted that an incorrect threshold appears in one of the financial thresholds that are amended by the instrument and that the corrective instrument will also rectify that error.

Full details of the error in regulation 3 can be found in the correspondence between the committee and the Scottish Government. The correspondence is included as paper 2 for this meeting, which can be found in the agenda on the committee's website.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, on the basis that, first, regulation 3(5) refers to

"Part 2 of Schedule 2"

to the Public Contracts (Scotland) Regulations 2015 but should instead refer to "Part 2 of Schedule 1"; and secondly, that regulation 4(2)(b) refers to "£462,955" but should instead refer to "£426,955"? Does the committee also wish to welcome the fact that the Scottish Government will lay an amending instrument in early course to rectify those errors?

Members indicated agreement.

Private Storage Aid Scheme (Pigmeat) (Scotland) Regulations 2021 (SSI 2021/398)

The Convener: The instrument makes provision for a scheme to grant aid for the private storage of pigmeat and specifies the criteria for payment, the procedure for applications and by when those must be made. The scheme is designed to avoid the need for the culling of pigs on farms and the financial loss to farmers as a result.

The instrument breaches section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, which requires that negative instruments are laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument was laid on 5 November 2021 and came into force on 8 November 2021. The Scottish Government has written to the Presiding Officer to explain why the 28-day rule has not been complied with.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), on the basis that there was a failure to lay the instrument in accordance with the laying requirements under the Interpretation and Legislative Reform (Scotland) Act 2010?

Members indicated agreement.

The Convener: Is the committee content with the explanation that has been provided for the breach of the laying requirements?

Members indicated agreement.

The Convener: Also under this item, no points have been raised on the following instrument.

Council Tax Reduction (Scotland) Amendment (No 5) Regulations 2021 (SSI 2021/402)

The Convener: Is the committee content with the instrument?

Members indicated agreement.

Instrument not subject to Parliamentary Procedure

10:08

Meeting continued in private until 10:28.

10:08

The Convener: Under item 4, we are considering one instrument not subject to procedure

Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) (No 2) Regulations 2021 (SSI 2021/391)

The Convener: No points have been raised on the instrument. Is the committee content with it?

Members *indicated agreement.*

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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