



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

Tuesday 8 November 2022

Session 6



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Pàrlamaid na h-Alba

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**Tuesday 8 November 2022**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**28<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

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

**DEPUTY CONVENER**

\*Bill Kidd (Glasgow Anniesland) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Oliver Mundell (Dumfriesshire) (Con)

\*Paul Sweeney (Glasgow) (Lab)

\*attended

**CLERK TO THE COMMITTEE**

Lucy Scharbert

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 8 November 2022*

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Convener (Stuart McMillan):** Welcome to the 28th meeting in 2022 of the Delegated Powers and Law Reform Committee. I remind everyone present to switch mobile phones to silent.

The first item of business is to decide whether to take items 5 to 9 in private. Is the committee content to take those items in private?

**Members** *indicated agreement.*

### Instruments subject to Affirmative Procedure

10:00

**The Convener:** Under agenda item 2, we are considering two instruments, on which no points have been raised.

#### Public Water Supplies (Scotland) Amendment Regulations 2022 [Draft]

#### Budget (Scotland) Act 2022 Amendment Regulations 2023 [Draft]

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

## Instrument subject to Negative Procedure

10:00

**The Convener:** Under agenda item 3, we are considering one instrument, on which an issue has been raised.

### **Assured Tenancies and Private Residential Tenancies (Prescribed Notices and Forms) (Miscellaneous Temporary Modifications) (Scotland) Regulations 2022 (SSI 2022/307)**

**The Convener:** The instrument temporarily modifies the Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017 and the Rent Regulation and Assured Tenancies (Forms) (Scotland) Regulations 2017 by making changes to certain forms and notices that a landlord is required to serve on a tenant when seeking to end a tenancy. The modifications are made in response to emergency measures that were introduced by the Cost of Living (Tenant Protection) (Scotland) Act 2022.

In correspondence with the Presiding Officer, the Scottish Government explained that the 28-day rule cannot be met due to the speed with which the new legislation is being introduced and because amending regulations are required to ensure that the forms reflect all eviction grounds on the date on which the 2022 act comes into force. The correspondence further states that the coming into force date of the act and regulations cannot be moved, as the measures are urgently needed to help protect tenants during the cost of living crisis.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument breaches that requirement, as it was laid on 28 October 2022 and came into force the same day.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), for failure to comply with laying requirements? At the same time, is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirements?

**Oliver Mundell (Dumfriesshire) (Con):** I wish to put on record that, in this instance, the primary legislation to which the instrument relates was rushed through Parliament, which is clearly a

contributing factor in the breach. Although I respect Parliament's decision, and understand the need now for the instrument to come into force, I am not content with the reason for the breach, as I believe that it could have been avoided if the primary legislation had followed the normal parliamentary procedure.

**The Convener:** Thank you, Oliver. Your comments are noted and are on the record.

Is the committee otherwise content with the two recommendations?

**Members** *indicated agreement.*

## **Instruments not subject to Parliamentary Procedure**

10:03

*Meeting continued in private until 12:18.*

10:03

**The Convener:** Under agenda item 4, we are considering two instruments, on which no points have been raised.

**Non-Domestic Rates (Scotland) Act 2020  
(Commencement No 2, Transitional and  
Saving Provisions) Amendment (No 2)  
Regulations 2022 (SSI 2022/301 (c 17))**

**Environment Act 2021 (Commencement  
and Saving Provision) (Scotland)  
Regulations 2022 (SSI 2022/305 (C 18))**

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

**Members** *indicated agreement.*



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