



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 27 June 2023

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

22nd Meeting 2023, 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)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

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

Tuesday 27 June 2023

[The Convener opened the meeting at 10:01]

**Decision on Taking Business in
Private**

The Convener (Stuart McMillan): Welcome to the 22nd meeting in 2023 of the Delegated Powers and Law Reform Committee. We have received apologies from Jeremy Balfour MSP. I remind everyone present to switch their mobile phones to silent.

The first item of business is to decide whether to take items 5 to 8 in private. Is the committee content to take those items in private?

Members *indicated agreement.*

**Instruments subject to
Affirmative Procedure**

10:02

The Convener: Under agenda item 2, we are considering three instruments subject to the affirmative procedure, on which no points have been raised.

**Agriculture and Horticulture Development
Board (Amendment) Order 2023 [Draft]**

**Land and Buildings Transaction Tax
(Green Freeports Relief) (Scotland) Order
2023 [Draft]**

**Deer (Firearms etc) (Scotland) Amendment
Order 2023 [Draft]**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:02

The Convener: Under agenda item 3, we are considering instruments subject to the negative procedure. An issue has been raised on the following instrument.

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No 3) Regulations 2023 (SSI 2023/178)

The Convener: The instrument makes various amendments to legal aid fees and eligibility in Scotland. The committee identified errors inserted by the instrument into schedule 2 to the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 in relation to chapter 1 of part 3 of the table of fees. In new paragraph 3(cb)(i), the reference to paragraph 1AA(d) should be to 1AA(e). In new paragraph 3(cb)(iii), the reference to paragraph 1AA(e) should be to 1AA(f). Those references are all in relation to chapter 1 of part 3 of the table of fees.

The Scottish Government has confirmed that those are cross-referencing errors and has undertaken to rectify them by correction slip, or at the next suitable legislative opportunity.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, for those cross-referencing errors?

Members indicated agreement.

The Convener: At the same time, does the committee wish to note that the Scottish Government has undertaken to correct the errors by correction slip, or at the next suitable legislative opportunity?

Members indicated agreement.

The Convener: The committee also identified an apparent error introduced by the instrument into the same schedule to the 1989 regulations by substituting the word “accused” for “expert” in paragraph 16A(1)(b), which results in heads (b) and (d) of the paragraph being identical. The Scottish Government has undertaken to rectify the duplication at the next suitable legislative opportunity.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (h), in that the meaning could be clearer and in relation to that duplication, as it could raise doubt in the mind of the reader as to what the provision is intended to say?

Members indicated agreement.

The Convener: Does the committee wish to note that the Scottish Government has undertaken to rectify the duplication at the next suitable legislative opportunity?

Members indicated agreement.

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

National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2023 (SSI 2023/181)

Deer (Close Seasons) (Scotland) Amendment Order 2023 (SSI 2023/184)

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 4, we are considering two instruments not subject to any parliamentary procedure, on which no points have been raised.

Management of Offenders (Scotland) Act 2019 (Commencement No 7) Regulations 2023 (SSI 2023/182 (C 18))

Good Food Nation (Scotland) Act 2022 (Commencement No 1) Regulations 2023 (SSI 2023/183 (C 19))

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting.

10:05

Meeting continued in private until 10:29.

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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