

HEALTH COMMITTEE

Tuesday 16 November 2004

Session 2

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HEALTH COMMITTEE

26th Meeting 2004, Session 2

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

*Mr David Davidson (North East Scotland) (Con)

*Helen Eadie (Dunfermline East) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Mr Duncan McNeil (Greenock and Inverclyde) (Lab)

*Shona Robison (Dundee East) (SNP)

*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Dr Jean Turner (Strathkelvin and Bearsden) (Ind)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Paul Martin (Glasgow Springburn) (Lab)

Mr Stewart Maxwell (West of Scotland) (SNP)

Mrs Nanette Milne (North East Scotland) (Con)

Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Tavish Scott (Deputy Minister for Finance and Public Service Reform)

CLERK TO THE COMMITTEE

Simon Watkins

SENIOR ASSISTANT CLERK

Tracey White

ASSISTANT CLERK

Roz Wheeler

LOCATION

Committee Room 2

Scottish Parliament

Health Committee

Tuesday 16 November 2004

[THE CONVENER *opened the meeting at 14:00*]

Item in Private

The Convener (Roseanna Cunningham): I call the meeting to order—we start on time. Jean Turner has sent her apologies; she is unwell and is unable to attend today.

The first item on the agenda is the proposal to discuss in private item 5, which is the paper on the work programme. It would be appropriate to take that item in private because doing so will allow members to give preliminary consideration to a range of options for our forward work programme, a number of which the committee might not agree to pursue and a number of which will in any case require to be negotiated with a number of bodies. It would therefore be premature for us to discuss some of those matters in public as a number of things might not pan out.

Does anybody object to item 5's being discussed in private?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I understand entirely why you suggest that we should discuss the item in private. I understand that it will involve, as you say, preliminary discussion of things that “might not pan out.” However, I do not like to go against the presumption in standing orders for openness in our dealings. We should be as open as we can be in all our dealings. We have already decided to discuss item 4 in private, so our discussing item 5 in private would mean that apart from legislation—which we are not allowed to discuss in private—we would discuss everything today in private.

I understand the argument, which is a legitimate one. However, I will give an example. If the committee wanted to go to Inverness, Aberdeen or wherever, but our application was knocked back, our having held the discussion in public would mean that at least people knew that we were interested in going there to discuss a particular issue, rather than their having the impression that we were not interested.

The Convener: I understand that. However, there are other matters in the paper on the work programme today that we need to discuss in private because they have not yet been put in the public domain by the Executive. We would not be able to discuss the upcoming legislation and

matters pertaining to it if we discuss the item in public. I appreciate what you say, however. Do you wish to move against the item being discussed in private?

Mike Rumbles: If other members of the committee feel as you do—that we should discuss the item in private—I will not force a vote. However, I have yet to hear other members comment on the matter.

The Convener: Is any other member of the view that we should not take item 5 in private?

Members indicated disagreement.

The Convener: There appears to be no support for the view that has been expressed by Mike Rumbles.

Mike Rumbles: We have our answer.

The Convener: Item 5 will be discussed in private.

Subordinate Legislation

Mental Health (Care and Treatment) (Scotland) Act 2003 Modification Order 2004 (draft)

14:04

The Convener: We move on to consider subordinate legislation. For a variety of reasons, about which I probably do not need to go into detail, the Deputy Minister for Finance and Public Service Reform, Tavish Scott, will move the motion on the draft Mental Health (Care and Treatment) (Scotland) Act 2003 Modification Order 2004. I thank the minister for coming. The officials who accompany the minister are not those about whom the committee was notified; perhaps the minister will introduce them.

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): Thank you, convener—I was just looking at your agenda because I was intrigued to know what item 5 was.

I am accompanied by Pauline Henderson and Colin Faulkner.

The Convener: The committee is asked to consider the instrument, which is subject to the affirmative procedure and would modify the Mental Health (Care and Treatment) (Scotland) Act 2003. The Subordinate Legislation Committee made no comment on the instrument. Does any member want to seek clarification from the minister and officials on the order?

Members: No.

The Convener: This might be a quick and quiet visit, minister.

Tavish Scott: I am sure that we would both be grateful for that, convener.

The Convener: If no member wants to debate the instrument, I invite the minister to move motion S2M-1913.

Motion moved,

That the Health Committee recommends that the draft Mental Health (Care and Treatment) (Scotland) Act 2003 Modification Order 2004 be approved.—[Tavish Scott.]

Motion agreed to.

The Convener: I think that that means that the minister and his officials can be released.

Genetically Modified Food (Scotland) Regulations 2004 (SSI 2004/432)

Genetically Modified Animal Feed (Scotland) Regulations 2004 (SSI 2004/433)

Feeding Stuffs (Scotland) Amendment (No 2) Regulations 2004 (SSI 2004/458)

Food Labelling Amendment (No 2) (Scotland) Regulations 2004 (SSI 2004/472)

The Convener: We move on to item 3, which is consideration of four instruments that are subject to the negative procedure. The Subordinate Legislation Committee made no comment on the Feeding Stuffs (Scotland) Amendment (No 2) Regulations 2004 (SSI 2004/458) or the Food Labelling Amendment (No 2) (Scotland) Regulations 2004 (SSI 2004/472), but commented on the Genetically Modified Food (Scotland) Regulations 2004 (SSI 2004/432) and the Genetically Modified Animal Feed (Scotland) Regulations 2004 (SSI 2004/433). Those comments have been reproduced in the paper that has been circulated to members. I have received no comments from members about the instruments.

Mr David Davidson (North East Scotland) (Con): Time and again the Subordinate Legislation Committee tells us about faulty drafting. I believe that we took up the matter with the Minister for Health and Community Care about a year ago, but I wonder whether we are again in a situation in which a meeting is needed with the Conveners Group—or whoever meets officials—to find out why such queries come up so often.

The Convener: I agree. The Subordinate Legislation Committee raised not a substantive but a drafting issue. David Davidson makes a fair point and we can relay his comments to the Conveners Group.

No other comments have been received from members and no motions to annul have been lodged in relation to the instruments. Does the committee agree to make no recommendation in relation to the four instruments?

Members indicated agreement.

The Convener: That concludes the public part of the meeting. We will have a brief break while visitors leave.

14:08

Meeting continued in private until 15:53.

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