



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# SUBORDINATE LEGISLATION COMMITTEE

Tuesday 1 November 2011

Session 4

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**Tuesday 1 November 2011**

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**SUBORDINATE LEGISLATION COMMITTEE**  
**9<sup>th</sup> Meeting 2011, Session 4**

**CONVENER**

\*Nigel Don (Angus North and Mearns) (SNP)

**DEPUTY CONVENER**

James Dornan (Glasgow Cathcart) (SNP)

**COMMITTEE MEMBERS**

\*Chic Brodie (South Scotland) (SNP)

\*Kezia Dugdale (Lothian) (Lab)

\*Mike MacKenzie (Highlands and Islands) (SNP)

\*John Scott (Ayr) (Con)

\*Drew Smith (Glasgow) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Marco Biagi (Edinburgh Central) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Irene Fleming

**LOCATION**

Committee Room 6



**Scottish Parliament**  
**Subordinate Legislation**  
**Committee**

*Tuesday 1 November 2011*

[The Convener *opened the meeting at 14:30*]

**Decision on Taking Business in**  
**Private**

**The Convener (Nigel Don):** I welcome members to the ninth meeting of the Subordinate Legislation Committee in session 4. As usual, I ask members to turn off their mobile phones and any other electrical equipment if they have not already done so.

Item 1 is a decision on taking business in private. It is proposed that the committee discuss in private item 5, which is consideration of correspondence from the Scottish Government about commencement orders and transitional provisions.

Do members agree to consider item 5 in private?

**Members** *indicated agreement.*

**Instrument subject to Affirmative**  
**Procedure**

**Budget (Scotland) Act 2011 Amendment**  
**Order 2011 [Draft]**

14:31

*The committee agreed that no points arose on the instrument.*

**Instruments subject to Negative**  
**Procedure**

**Town and Country Planning (General**  
**Permitted Development) (Scotland)**  
**Amendment Order 2011 (SSI 2011/357)**

**Scotland Act 1998 (Agency Arrangements)**  
**(Specification) Order 2011 (SI 2011/2439)**

14:31

*The committee agreed that no points arose on the instruments.*

## Instruments not subject to Parliamentary Procedure

### Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 (Commencement) Order 2011 (SSI 2011/352)

### Act of Adjournal (Criminal Procedure Rules Amendment No 6) (Sexual Offences Prevention Order) 2011 (SSI 2011/355)

14:32

**The Convener:** The legal advisers have raised no points on either the commencement order or the act of adjournal.

Members might wish to note that the criminal procedure rules of 1996, which SSI 2011/355 modifies, have now been amended on 60 occasions. We might wish to consider whether to include the matter in a wider review of consolidation. We hope to return to that subject next week—or very soon, anyway.

**Chic Brodie (South Scotland) (SNP):** Is there any guidance, or should there be guidance, on the number of changes that we should regard as a threshold? Sixty seems an inordinate number.

**The Convener:** We are exploring that and we will bring the matter back for discussion soon. It might be that, although there have been 60 occasions when one paragraph has been deleted and replaced by something else, it is entirely obvious what the rules say. Otherwise, the rules might be a complete mess. Those are the kind of things that we need to explore. I take your point, and we are working on it. We hope to return to the subject soon.

**Chic Brodie:** Thank you.

14:34

*Meeting continued in private until 15:00.*

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