

# Parliamentary Bureau – Approval of Scottish Statutory Instruments

## Affirmative Instruments

### [The National Health Service \(Scotland\) Act 1978 \(Independent Health Care\) Modification Order 2024 \(SSI 2024/Draft\)](#)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the National Health Service (Scotland) Act 1978 (Independent Health Care) Modification Order 2024 (SSI 2024/Draft) be approved.

## Purpose

2. The purpose of the instrument is to:
- enable Healthcare Improvement Scotland (HIS) to regulate independent clinics where services are provided by pharmacists and pharmacy technicians;
  - amend the definition of Independent Medical Agency to cover services provided by dental practitioners, registered nurses, registered midwives, dental care professionals, pharmacists and pharmacy technicians which will include wholly online services based in Scotland; and
  - enable HIS to cancel the registration of independent health care services that fail to pay their continuation fees.

## Consideration by committee

3. At its meeting on 21 May 2024, after debate, the Health, Social Care and Sport Committee agreed to recommend that the Instrument be approved. The [Committee's report was published on 3 June 2024](#).

### [The Healthcare Improvement Scotland \(Inspections\) Amendment Regulations 2024 \(SSI 2024/Draft\)](#)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that The Healthcare Improvement Scotland (Inspections) Amendment Regulations 2024 (SSI 2024/Draft) be approved.

## Purpose

5. To allow inspectors, authorised by HIS under [section 10K of the National Health Services \(Scotland\) Act 1978](#), to inspect medical records. The Policy Note states that the current list of professions restricts who HIS is able to draw upon to inspect medical records as part of their inspections is restricted to medical practitioners, registered nurses, pharmacists, and registered dentists.

## Consideration by committee

6. At its meeting on 21 May 2024, after debate, the Health, Social Care and Sport Committee agreed to recommend that the Instrument be approved. The [Committee's report was published on 3 June 2024](#).

### Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024 (SSI 2024/Draft)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024 (SSI 2024/Draft) be approved.

## Purpose

8. To set out provisions for amendments to current legislation setting out the eligibility criteria for Carer Support Payment, which is a form of assistance for people who provide regular and substantial care to someone who is in receipt of a qualifying disability benefit. It amends provision in the principal regulations on the initial period for applications, extending availability of the benefit to further local authority areas in a phased approach, to be available across Scotland by November 2024. It also brings forward the commencement date of existing provisions to extend eligibility to a specific group of students in full-time non-advanced education.

## Consideration by committee

9. At its meeting on 30 May 2024 the Social Security and Social Justice Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 7 June 2024](#).

### Scottish Pubs Code Regulations 2024 (SSI 2024/Draft)

10. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Scottish Pubs Code Regulations 2024 (SSI 2024/Draft) be approved.

## Purpose

11. This instrument creates a Scottish Pubs Code for tied pubs. The Tied Pubs (Scotland) Act 2021 requires that Scottish Ministers establish a pubs code in Scotland, and that this code must adhere to three principles—
  - fair and lawful dealing by pub-owning businesses in relation to their tied pub tenants;
  - tied-pub tenants should not be worse off than they would be if they were subject to neither a product tie nor a service tie; and

- any agreement between a pub-owning business and a tied-pub tenant should fairly share the risks and rewards amongst the parties.

### Consideration by committee

12. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

### [Tied Pubs \(Fees and Financial Penalties\) \(Scotland\) Regulations 2024 \(SSI 2024/Draft\)](#)

13. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 (SSI 2024/Draft) be approved.

### Purpose

14. To set out the maximum financial penalty that the Adjudicator can impose on a pub-owning business for not complying with the code. This is set at a maximum of 1% of the pub-owning businesses annual turnover (and where the pub-owning business is part of a group, this calculation will use the combined group turnover). This is consistent with the maximum financial penalties under the Pubs Code in England and Wales. It also sets the fee which will be payable by a tied-pub tenant who submits a dispute for resolution at £250. The Pubs Code in England and Wales set this equivalent fee at £200 in 2016.

### Consideration by committee

15. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

### [Scottish Pubs Code Adjudicator \(Miscellaneous Listings\) Order 2024 \(SSI 2024/Draft\)](#)

16. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Scottish Pubs Code Adjudicator (Miscellaneous Listings) Order 2024 (SSI 2024/Draft) be approved.

### Purpose

17. To make the Adjudicator subject to duties on records management and freedom of information, consistent with other public bodies, and to allow Scottish Ministers to make provision to improve efficiency, effectiveness, and economy in the Adjudicator under Part 2 of the Public Services Reform (Scotland) Act 2010.

## Consideration by committee

18. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

### Scottish Pubs Code Adjudicator (Duty to Publish Certain Information) Regulations 2024 (SSI 2024/Draft)

19. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Scottish Pubs Code Adjudicator (Duty to Publish Certain Information) Regulations 2024 (SSI 2024/Draft) be approved.

## Purpose

20. To require the Adjudicator to publish certain information under the Public Services Reform (Scotland) Act 2010. The requirements are that the Adjudicator publishes an annual statement on expenditure on public relations, hospitality, entertainment, overseas travel, and external consultancy, on any payments over £25,000 and the number of staff who receive more than £150,000 in remuneration during the financial year.

## Consideration by committee

21. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

### Tied Pubs (Scottish Arbitration Rules) Amendment Order 2024 (SSI 2024/Draft)

22. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Tied Pubs (Scottish Arbitration Rules) Amendment Order 2024 (SSI 2024/Draft) be approved.

## Purpose

23. To allow the Adjudicator to choose to apply the Scottish Arbitration Rules, which were established in the Arbitration (Scotland) Act 2010, rather than either the Chartered Institute of Arbitrators or any other dispute resolution body as required by the Tied Pubs (Scotland) Act 2021. The adjudicator would need to apply the rules consistently to all arbitrations.

## Consideration by committee

24. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

[Protected Trust Deeds \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024 \(SSI 2024/Draft\)](#)

25. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Protected Trust Deeds (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/Draft) be approved.

**Purpose**

26. To bring forward stakeholder-led recommendations to introduce improvements to the current Protected Trust Deed process. The provisions will help ensure this statutory debt solution is fit for purpose and provides the necessary support and protection to those who need to access debt relief through this solution.

**Consideration by committee**

27. At its meeting on 5 June 2024 the Economy and Fair Work Committee agreed to recommend that the Instrument be approved. The [Committee's report will be published by 11 June 2024](#).

**Affirmative Instrument – expedited timetable**

[Early Release of Prisoners and Prescribed Victim Supporters \(Scotland\) Regulations 2024 \(SSI 2024/Draft\)](#)

28. The above instrument was lodged on 29 May 2024 and is subject to the Affirmative procedure. As set out in last week's Bureau paper, due to the urgent nature of the regulations, the Criminal Justice Committee has agreed to consider and report on the instrument to an expedited timetable, to allow it to be considered by Parliament and come into force on 13 June, if it is agreed. In a correction to the paper issued last week, Business Managers were informed that, as the instrument is due to come into force on 00.01 am on 13 June, Parliament will be required to consider the instrument on the 12 June (and not 13 June), which is the same day that the motion to approve the instrument will be considered by the lead Committee.

29. If the Committee agrees to recommend that Parliament approve the instrument, Business Managers will be updated on the outcome of the Committee's consideration and informed when the below motion is lodged in accordance with Rule 10.6.5 and added to the Business Programme for consideration that evening—

**Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 (SSI 2024/Draft) be approved.

## Purpose

30. The First purpose of the instrument is to make provision using Scottish Ministers powers under section 3C of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (the 1993 Act) (as introduced by Section 11 of the Bail & Release from Custody (Scotland) Act 2023 (the 2023 Act)), to release certain categories of persons early from prison.

[The Policy Note sets out more detail on the eligibility criteria and exclusions.](#)

31. The second purpose of the instrument is to prescribe victim support organisations (VSOs) for the purposes of section 14 of the 2023 Act. Section 14 makes provision so that victims can nominate a victim support organisation to receive information at the same time as the victim, or on their behalf, under either of the two statutory schemes of information for victims: the Victim Notification Scheme for victims of offenders sentenced to more than 18 months' imprisonment, or the short-term information scheme which enables victims of offenders sentenced to fewer than 18 months' imprisonment to receive more limited information.

## Decision

32. Business Managers are invited to note that the above motions will be lodged.

33. Business Managers should reserve their position if their party intends to speak against or oppose the motions.

Parliamentary Business Team

June 2024