



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 8 February 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

5th Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Craig Hoy (South Scotland) (Con)

*Graham Simpson (Central Scotland) (Con)

*Paul Sweeney (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Andrew Proudfoot

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 8 February 2022

[The Convener opened the meeting at 10:06]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the Delegated Powers and Law Reform Committee's fifth meeting in 2022. Before we move to the first item on the agenda, I remind everyone present to switch their mobile phones to silent.

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

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:06

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

Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2022 [Draft]

Non-Domestic Rates (Valuation Roll) (Modification) (Scotland) Regulations 2022 [Draft]

Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2022 [Draft]

Legal Aid and Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2022 [Draft]

Social Security Up-rating (Scotland) Order 2022 [Draft]

Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 [Draft]

Digital Government (Scottish Bodies) Regulations 2022 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:07

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

Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No 2) Order 2022 (SSI 2022/35)

The Convener: The Sea Fish (Conservation) Act 1967 allows the Scottish ministers to prohibit, by order, sea fishing in specified waters. The instrument reduces the size of the cod spawning closure areas in which fishing by any method is prohibited, within two areas of the Firth of Clyde, which are mapped in the schedule to the instrument. The aim is to protect cod in the Firth of Clyde from fishing mortality during the spawning period in a recognised spawning ground. The prohibition applies to British fishing boats from 14 February until 30 April during 2022 and 2023.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure are required to be laid at least 28 days before they come into force, not counting recess periods of more than four days. In correspondence with the Presiding Officer, the Scottish Government explained that it has recently reconsidered and reduced the extent of the areas for closure. As the cod closure begins on 14 February, it is necessary for the amendments to come into force on 12 February, which breaches the 28-day rule.

If members have no comments, does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), in relation to its failure to lay the instrument in accordance with laying requirements under the 2010 act?

Members indicated agreement.

The Convener: At the same time, is the committee content with the explanation that the Scottish Government has provided for the breach of the laying requirement?

Members indicated agreement.

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

M8/M73/M74 Motorways (30mph, 40mph and 50mph Speed Limit) Regulations 2022 (SSI 2022/26)

Carer's Allowance Up-rating (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/28)

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/30)

Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Amendment Regulations 2022 (SSI 2022/34)

The Convener: I believe that Mr Sweeney would like to comment on SSI 2022/26.

Paul Sweeney (Glasgow) (Lab): I have a general point about SSI 2022/26, which makes speed limit adjustments on the central Scotland motorway network. Although this particular instrument relates to slip roads, there is a wider practice whereby speed limit changes to the trunk road network are not generally consulted on publicly. Such changes would benefit from wider public consultation, particularly given recent reports of the significant effects of noise pollution in the centre of Glasgow because of the motorway network. For example, it has been reported that the noise pollution at Charing Cross is equivalent to the noise pollution experienced when standing on the runway at Glasgow airport.

There are significant environmental effects on the general public. The practice should be to have a public consultation on any adjustments to speed limits, rather than there simply being a closed shop involving councils and the emergency services. Perhaps the lead committee could take that into consideration.

Graham Simpson (Central Scotland) (Con): Mr Sweeney makes a very good point. Too often, such changes are decided between public bodies such as Transport Scotland, councils and the police, and the public do not get to hear about any of it. It is worth highlighting that point to the lead committee.

The Convener: Is it okay with members if, in the report that we produce on the instrument, we notify the lead committee of the points that have been raised?

Members indicated agreement.

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

10:12

The Convener: Under agenda item 4, we are considering an instrument subject to the laid only procedure, on which no points have been raised.

Non-Domestic Rates (Scotland) Act 2020 (Commencement No 2, Transitional and Saving Provisions (Amendment) and Commencement No 3 and Saving Provision) Regulations 2022 (SSI 2022/23 (C 2))

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

10:12

Meeting continued in private until 10:46.

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