



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 10 May 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

15th 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 10 May 2022

[The Convener opened the meeting at 10:00]

Decision on Taking Business in
Private

The Convener (Stuart McMillan): Good morning, and welcome to the Delegated Powers and Law Reform Committee's 15th 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 items 6 and 7 in private. Is the committee content to take those items in private?

Members *indicated agreement.*

European Union (Withdrawal) Act
2018: Instrument Procedure and
Category

10:01

The Convener: Under agenda item 2, we are considering whether the appropriate scrutiny procedure and categorisation have been applied to the following instrument.

Environment and Trade in Animals and
Related Products (EU Exit) (Scotland)
(Miscellaneous Amendment) Regulations
2022 (SSI 2022/138)

The Convener: The instrument amends various pieces of primary and secondary legislation to ensure that environmental protection legislation continues to operate effectively following the United Kingdom's withdrawal from the European Union.

Is the committee content that the appropriate scrutiny procedure and categorisation have been applied to the instrument?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:01

The Convener: Under agenda item 3, we are considering four instruments. This agenda item was amended on Friday, due to the following two emergency Scottish statutory instruments being laid by the Scottish Government.

Private Landlord Registration (Modification) (Scotland) Order 2022 [Draft]

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Homes for Ukraine Sponsorship Scheme) (Scotland) Amendment Order 2022 [Draft]

The Convener: The aim of the instruments is to ensure that the appropriate level of disclosure checks can be undertaken on all individuals who are being assessed as suitable to provide accommodation under the homes for Ukraine sponsorship scheme, to help provide safer housing options for those fleeing the war in Ukraine.

The Scottish Government is seeking to have the SSIs come into force on 12 May 2022. As I have said before, the committee needs sufficient time to properly consider each and every SSI that is laid before the Parliament to make sure that it is correct as a matter of law. However, members will have seen a letter from Gerard Hart, the chief executive of Disclosure Scotland, explaining the reasons for the urgency of the instruments. I have allowed them to be added to today's agenda, but I nevertheless reserve the right for the committee to look at the instruments again next week should any issues subsequently be found. We could then write to the Scottish Government to highlight those issues.

Taking that into account, is the committee content with the instruments?

Members *indicated agreement.*

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

Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2022 [Draft]

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

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

instrument corrects a drafting error that the committee identified at its meeting on 19 April?

Members *indicated agreement.*

10:03

The Convener: Under agenda item 4, we are considering three instruments. An issue has been raised on the following instrument.

Genetically Modified Food and Feed (Authorisations) (Scotland) Regulations 2022 (SSI 2022/137)

The Convener: The instrument authorises five new types of genetically modified maize and soybean products for use in food and animal feed that are sold in Scotland. It also renews authorisation for the continuing use of four genetically modified maize products. The committee has identified a document reference error in schedules 3, 4 and 7.

In response to correspondence with the committee, the Scottish Government acknowledged that there is a referencing error in the instrument but does not consider it necessary to correct the error. The correspondence is published online, in paper 3.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, in respect of an error in paragraph 4(2) of each of schedules 3, 4 and 7?

Members *indicated agreement.*

The Convener: Does the committee wish to call on the Scottish Government to amend the instrument to correct the error at the next legislative opportunity?

Members *indicated agreement.*

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

Environment and Trade in Animals and Related Products (EU Exit) (Scotland) (Miscellaneous Amendment) Regulations 2022 (SSI 2022/138)

Offensive Weapons Act 2019 (Prescribed Documents) (Scotland) Order 2022 (SSI 2022/148)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: In relation to SSI 2022/138, does the committee wish to welcome that the

Instruments not subject to Parliamentary Procedure

10:05

Meeting continued in private until 10:17.

10:05

The Convener: Under agenda item 5, we are considering two instruments, on which no points have been raised.

Social Security Administration and Tribunal Membership (Scotland) Act 2020 (Commencement No 6) Regulations 2022 (SSI 2022/146 (C 8))

Offensive Weapons Act 2019 (Commencement No 2) (Scotland) Regulations 2022 (SSI 2022/150 (C 9))

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

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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