



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 7 June 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
18th Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

Jeremy Balfour (Lothian) (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 7 June 2022

[The Convener opened the meeting at 10:00]

Instruments subject to Affirmative Procedure

The Convener (Stuart McMillan): Welcome to the Delegated Powers and Law Reform Committee's 18th meeting in 2022. I remind members to switch their mobile phones to silent.

We have received apologies from Jeremy Balfour MSP. Before I move on, I would like to take this opportunity to thank Craig Hoy MSP for his time on the committee. It certainly has been a busy first year for the committee, and his commitment and enthusiasm were very welcome. I wish Craig all the best in his new role.

Under the first agenda item, we are considering three instruments subject to affirmative procedure, on which no points have been raised.

Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 [Draft]

Registers of Scotland (Information and Access, etc) Miscellaneous Amendment Order 2022 [Draft]

Scottish Tribunals (Listed Tribunals) Regulations 2022 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:01

The Convener: Under agenda item 2, we are considering seven instruments. An issue has been raised on the following instrument.

St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2022 (SSI 2022/173)

The Convener: The instrument amends the St Mary's Music School (Aided Places) (Scotland) Regulations 2015. The amendments make provision to maintain eligibility for aided places for European Economic Area nationals and their children who were resident in the British Islands before the end of the European Union withdrawal transition period.

The regulations also amend the income levels that determine eligibility for financial assistance and extend eligibility to displaced Ukrainian nationals who are taking part in a United Kingdom Government relocation scheme.

In correspondence with the committee, the Scottish Government confirmed that it is the parent, and not the grandparent, of a child who must be eligible for a remission of fees to meet the criteria for an aided place at the school. Nevertheless, the Government accepted that there may be some ambiguity as a result of the drafting of the instrument. The Scottish Government intends to clarify that ambiguity at the next available opportunity and, in any event, in time for the following school year.

Does the committee wish to draw regulation 2(2)(a) of the instrument to the attention of the Parliament on reporting ground (h), on the basis that the meaning of the residency criteria applying to children of EEA nationals in new paragraph 2(1)(ba) of schedule 1 to the 2015 regulations could be clearer?

Members *indicated agreement.*

The Convener: At the same time, does the committee wish to welcome that the Scottish Government intends to clarify the ambiguity at the next available opportunity and, in any event, in time for the following school year?

Members *indicated agreement.*

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

**Welfare Foods (Best Start Foods)
(Scotland) Amendment Regulations 2022
(SSI 2022/167)**

**Novel Foods (Authorisations) and Smoke
Flavourings (Modification of
Authorisations) (Scotland) Regulations
2022 (SSI 2022/168)**

**National Health Service (Optical Charges
and Payments and General Ophthalmic
Services) (Scotland) Amendment
Regulations 2022 (SSI 2022/169)**

**National Health Service (Vocational
Training for Dentists) (Miscellaneous
Amendment) (Scotland) Regulations 2022
(SSI 2022/170)**

**Education (Scotland) Act 1980
(Modification) Regulations 2022
(SSI 2022/172)**

**Seed (Fees) (Scotland) Amendment
Regulations 2022 (SSI 2022/186)**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: The committee's next meeting will take place on Tuesday 14 June.

Meeting closed at 10:03.

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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