



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 15 November 2022

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

29th Meeting 2022, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Oliver Mundell (Dumfriesshire) (Con)
*Paul Sweeney (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Lucy Scharbert

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 15 November 2022

[The Convener opened the meeting at 10:05]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 29th meeting in 2022 of the Delegated Powers and Law Reform Committee. I remind everyone present to switch mobile phones to silent.

The first item of business is to decide whether to take items 3 to 9 in private. Is the committee content to take those items in private?

Members indicated agreement.

Instruments subject to Negative Procedure

10:05

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

Scottish Child Payment (Ancillary Provision) Regulations 2022 (SSI 2022/326)

The Convener: The instrument makes ancillary provisions in connection with the amendments that were made to the Scottish Child Payment Regulations 2020 by the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. That latter instrument was laid in draft under the affirmative procedure and came into force yesterday.

In correspondence with the Presiding Officer, the Scottish Government acknowledged that this is the second Scottish statutory instrument breaching the 28-day rule that has been required to seek to ensure that the draft affirmative instrument works as intended. In respect of this latest instrument, the letter states that it was necessary to breach the 28-day rule to address further issues that have been identified. The short timescales are required to deliver the policy intent and ensure that the required provisions come into force at the same time as the substantive provisions in the draft affirmative instrument.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument breaches that requirement, as it was laid on 8 November 2022 and came into force on 14 November 2022.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (j), for failure to comply with laying requirements? Does the committee also wish to welcome the Scottish Government's apology for the breach while nevertheless indicating that the committee considers it to be unsatisfactory that this is the second amending instrument breaching the 28-day rule? In particular, does the committee wish to call on the Scottish Government to ensure that its quality assurance processes are sufficient to ensure that subordinate legislation that is laid before the Parliament is fit for purpose?

Members indicated agreement.

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

10:07

Meeting continued in private until 11:09.

Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Amendment Regulations 2022 (SSI 2022/310)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

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