



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 28 February 2023

Session 6



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Pàrlamaid na h-Alba

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CONTENTS

	Col.
INSTRUMENT SUBJECT TO MADE AFFIRMATIVE PROCEDURE	1
Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2023 (SSI 2023/50)	1
INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE	2
Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2023 [Draft]	2
Health and Care (Staffing) (Scotland) Act 2019 Amendment Regulations 2023 [Draft]	2
Local Government Finance (Scotland) Order 2023 [Draft]	2
INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE	3
Road Works (Reinstatement Quality Plans, Qualifications of Supervisors and Operatives and Miscellaneous Amendments) (Scotland) Regulations 2023 (SSI 2023/33)	3
Non-Domestic Rates (Restriction of Relief) (Scotland) Regulations 2023 (SSI 2023/28)	4
Non-Domestic Rate (Scotland) Order 2023 (SSI 2023/29)	4
Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2023 (SSI 2023/30)	4
Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2023 (SSI 2023/31)	4
Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 (SSI 2023/35)	4
Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2023 (SSI 2023/36)	4
Education (Scotland) Act 1980 (Modification) Regulations 2023 (SSI 2023/37)	4
Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2023 (SSI 2023/38)	4
Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2023 (SSI 2023/39)	4

DELEGATED POWERS AND LAW REFORM COMMITTEE

7th Meeting 2023, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Carol Mochan (South Scotland) (Lab)

*Oliver Mundell (Dumfriesshire) (Con)

*attended

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 28 February 2023

[The Convener opened the meeting at 10:03]

Instrument subject to Made Affirmative Procedure

The Convener (Stuart McMillan): Welcome to the Delegated Powers and Law Reform Committee's seventh meeting in 2023. Before we move to the first item on the agenda, I remind everyone present to switch their mobile phones to silent.

Under the first item on the agenda, we are considering one instrument, on which no points have been raised.

Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2023 (SSI 2023/50)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:03

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

Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2023 [Draft]

Health and Care (Staffing) (Scotland) Act 2019 Amendment Regulations 2023 [Draft]

Local Government Finance (Scotland) Order 2023 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:04

The Convener: Under agenda item 3, we are considering 10 instruments. Two issues have been raised on the following instrument.

Road Works (Reinstatement Quality Plans, Qualifications of Supervisors and Operatives and Miscellaneous Amendments) (Scotland) Regulations 2023 (SSI 2023/33)

The Convener: The instrument implements road works reform in various policy areas. The committee identified an error in regulation 5. The reference to regulation 7 in the definition of “type of work” should be to regulation 6. The Scottish Government proposes to rectify the error by way of a correction slip.

The instrument amends regulation 3(2)(f) of the Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008, which refers to the statutory code of practice issued in 2003, entitled “Specification for the Reinstatement of Openings in Roads”. The instrument also amends the Road Works (Reinstatement) (Scotland) Regulations 1992 to insert a definition of the current statutory code of practice, which was issued in 2019.

The Scottish Government has confirmed that the intention is that the 2008 regulations also refer to the current version of the code, which was issued in 2019, and not the code that was issued in 2003. Consequently, the 2008 regulations appear to refer to an obsolete code of practice.

Does the committee wish to draw the instrument to the Parliament’s attention on the general reporting ground, for a cross-referencing error in regulation 5?

Members indicated agreement.

The Convener: Does the committee wish to note that the Scottish Government intends to correct this error by correction slip?

Members indicated agreement.

The Convener: Does the committee also wish to draw the instrument to the Parliament’s attention on reporting ground (h), in that it could be clearer that regulation 3(2)(f) of the Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008, as amended by this instrument, is intended to refer to the current version of the statutory code of practice entitled “Specification for

the Reinstatement of Openings in Roads”, rather than the 2003 version?

Members indicated agreement.

The Convener: Finally, does the committee wish to call on the Scottish Government to clarify the position at a suitable legislative opportunity?

Members indicated agreement.

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

Non-Domestic Rates (Restriction of Relief) (Scotland) Regulations 2023 (SSI 2023/28)

Non-Domestic Rate (Scotland) Order 2023 (SSI 2023/29)

Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2023 (SSI 2023/30)

Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2023 (SSI 2023/31)

Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 (SSI 2023/35)

Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2023 (SSI 2023/36)

Education (Scotland) Act 1980 (Modification) Regulations 2023 (SSI 2023/37)

Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2023 (SSI 2023/38)

Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2023 (SSI 2023/39)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Meeting closed at 10:07.

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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