



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 3 October 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**27<sup>th</sup> Meeting 2023, 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)

\*Mercedes Villalba (North East Scotland) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Greg Black

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

## Delegated Powers and Law Reform Committee

Tuesday 3 October 2023

[The Convener opened the meeting at 10:02]

### Decision on Taking Business in Private

**The Deputy Convener (Bill Kidd):** Welcome to the 27th meeting in 2023 of the Delegated Powers and Law Reform Committee. We have received apologies from our convener, Stuart McMillan MSP. In his place, I welcome Rona Mackay MSP.

Before we move to the first item on the agenda, I remind everyone present to switch mobile phones to silent.

The first item of business is to decide whether to take items 4, 5 and 6 in private. Is the committee content to take those items in private?

**Members indicated agreement.**

## Instruments subject to Affirmative Procedure

10:03

**The Deputy Convener:** Under agenda item 2, we are considering two instruments subject to the affirmative procedure. An issue has been raised on the following instrument.

### Mental Health (National Secure Adolescent Inpatient Service: Miscellaneous Amendments) (Scotland) Regulations 2023 [Draft]

**The Deputy Convener:** The instrument relates to a new medium secure mental health hospital, which is due to open in January 2024—the national secure adolescent in-patient service in Foxgrove. It will be a hospital for children and young people aged 12 to 17 inclusive.

In correspondence with the Scottish Government, which has been published alongside the agenda for this meeting, the committee asked for more information on whether consideration had been given to the appropriateness of applying to under-18s, without modification, a set of conditions for the right of appeal against being held in excessive security, when those conditions appeared to have been designed with adults in mind. Having considered the Scottish Government's response, the committee is satisfied that due consideration has been given to the matter.

The committee also highlighted that the title of the instrument appears unusual, particularly the use of a colon, and asked the Scottish Government whether that is in line with current standard drafting practice. In its response, the Scottish Government stated that the use of the colon is a suitable choice, because it links the two sections of connected text. Nevertheless, the committee considers that consistency in the naming conventions for instruments is desirable. The committee considers that it is unusual to use a colon in the title of the instrument and that this should be discouraged. The committee considers that it would have been more usual to have brackets around the term "Miscellaneous Amendments".

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, in that the title is not in line with standard drafting practice?

**Members indicated agreement.**

**The Deputy Convener:** Does the committee also wish to draw its correspondence with the Scottish Government to the attention of the Health,

Social Care and Sport Committee, for its information, in relation to the additional material that the Scottish Government provided in its response to the committee's first question?

**Members** *indicated agreement.*

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

### **Heat Networks (Supply Targets) (Scotland) Regulations 2023 [Draft]**

**The Deputy Convener:** Is the committee content with the instrument?

**Members** *indicated agreement.*

## **Instruments subject to Negative Procedure**

10:06

**The Deputy Convener:** Under agenda item 3, we are considering two instruments subject to the negative procedure, on which no points have been raised.

### **Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Amendment Regulations 2023 (SSI 2023/266)**

### **Nutritional Requirements for Food and Drink in Schools (Scotland) Amendment Regulations 2023 (SSI 2023/267)**

**The Deputy Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

10:06

*Meeting continued in private until 10:31.*

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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