



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 31 October 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**  
**29<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

**CLERK TO THE COMMITTEE**

Greg Black

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

## Delegated Powers and Law Reform Committee

Tuesday 31 October 2023

[The Convener opened the meeting at 10:00]

### Decision on Taking Business in Private

**The Convener (Stuart McMillan):** Welcome to the 29th meeting in 2023 of the Delegated Powers and Law Reform Committee. We have received apologies from Oliver Mundell. Before we move to the first item on the agenda, I remind everyone to switch off or put to silent mobile phones and electronic devices.

The first item of business is to decide whether to take items 5, 6, 7 and 8 in private. Is the committee content to take those items in private?

**Members indicated agreement.**

## Instruments subject to Affirmative Procedure

10:00

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

### Budget (Scotland) Act 2023 Amendment Regulations 2023 [Draft]

**The Convener:** The instrument amends the Budget (Scotland) Act 2023. It alters the Scottish Government's financial allocations for the various purposes for which the Scottish Administration may use resources in the financial year 2023-24.

In correspondence with the Scottish Government, the committee queried aspects of the drafting of three provisions of the instrument. Full details of the committee's questions and the Scottish Government's responses have been published online, alongside the agenda for this meeting.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, in that, first, regulation 2(b) makes an unnecessary substitution, by replacing the existing figure in section 4(3)(a) of the 2023 act with the same figure; secondly, the amendment made by regulation 3(2)(c)(iv) to purpose 3 in schedule 1 to the act leaves a reference to "programmes" which should be singular; and, thirdly, in the amendments made by regulation 3(2)(i)(ii) and (iv) to purpose 9 in schedule 1, it would be more helpful to the reader if the references to "the organisation", which are introduced into a provision that refers to various different bodies, were instead expressly to the Scottish Administration?

**Members indicated agreement.**

**The Convener:** In relation to regulation 3(2)(c)(iv), does the committee wish to welcome the Scottish Government's commitment to address the issue in the next amending instrument?

**Members indicated agreement.**

**The Convener:** In relation to regulation 3(2)(i)(ii) and (iv), does the committee wish to invite the Scottish Government to consider addressing the issue in the next amending instrument?

**Members indicated agreement.**

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

## Vehicle Emissions Trading Schemes Order 2023 [Draft]

### Plant Health (Fees) (Forestry) (Scotland) (Amendment) Regulations 2023 [Draft]

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

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

10:02

**The Convener:** Under agenda item 3, we are considering two instruments subject to the negative procedure. An issue has been raised on the following instrument.

### Public Procurement (Agreement on Government Procurement) (Miscellaneous Amendments) (Scotland) Regulations 2023 (SSI 2023/287)

**The Convener:** The instrument was made under powers in the Trade Act 2021. The United Kingdom is a party to the international agreement on Government procurement—the GPA—which is negotiated by members of the World Trade Organization.

North Macedonia will shortly accede to the GPA and its suppliers will then be entitled to the same treatment as UK suppliers bidding for public contracts in the UK, which are subject to the GPA. The instrument amends Scottish procurement legislation to enable that.

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 this requirement, as it was laid on 18 October and came into force on 30 October.

In correspondence with the Presiding Officer, the Scottish Government stated that it was not possible to meet the laying requirements, because officials were informed only on 2 October that North Macedonia had deposited its instrument of accession to join the GPA on 30 September. The GPA enters into force for a new member 30 days after the instrument of accession is deposited, which for North Macedonia is therefore 30 October.

The Scottish Government highlighted that, taking account of recess, there was insufficient time to prepare and lay the instrument to meet the laying requirements and comply with the international obligation to have the instrument in force by 30 October. The correspondence also indicates that the UK Government is in a similar position.

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, as it was not laid 28 days before it came into force?

**Members indicated agreement.**

**The Convener:** Is the committee content with the explanation that the Scottish Government has provided for this breach of the laying requirements?

**Members indicated agreement.**

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

**Non-Domestic Rating Contributions  
(Scotland) Amendment Regulations 2023  
(SSI 2023/288)**

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

**Members indicated agreement.**

**Instrument not subject to  
Parliamentary Procedure**

10:05

**The Convener:** Under agenda item 4, we are considering an instrument not subject to any parliamentary procedure, on which no points have been raised.

**Social Security (Iceland) (Liechtenstein)  
(Norway) (Further provision in respect of  
Scotland) Order 2023 (SSI 2023/282)**

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

**Members indicated agreement.**

**The Convener:** With that, I move the committee into private.

10:05

*Meeting continued in private until 10:57.*





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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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