



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 14 May 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

16th Meeting 2024, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

*Tim Eagle (Highlands and Islands) (Con)

*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 14 May 2024

[The Convener opened the meeting at 10:05]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 16th meeting in 2024 of the Delegated Powers and Law Reform Committee. I remind everyone to switch off, or put to silent, their mobile phones and other electronic devices.

The first item of business is to decide whether to take items 4 to 8 in private. Is the committee content to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:06

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

Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024 [Draft]

The Convener: The instrument amends the eligibility criteria for carer support payment, which is a form of assistance for people who provide regular and substantial care to someone who is in receipt of a qualifying disability benefit.

In correspondence with the Scottish Government, which is published alongside the papers for this meeting, the committee queried whether the instrument delivers the policy intention in relation to when a carer is in legal detention for a period, which is that that can still qualify as a "temporary break in care". The Scottish Government responded that it considers that the regulations are in line with the intended policy and as such, does not plan any corrective action.

The committee considers that the drafting could have the result that, where a carer is in legal detention for a period, that period qualifies as a temporary break in care only if all of the circumstances that are set out in regulation 40(1)(b) of the principal regulations—SSI 2023/302—also apply; that is, that the carer or the cared-for person was an in-patient.

Does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (h), that the meaning could be clearer, in that the instrument could be clearer in that regard?

Members *indicated agreement.*

The Convener: Does the committee wish to invite the Scottish Government to reconsider whether any action to address the point would be appropriate?

Members *indicated agreement.*

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

**Scottish Pubs Code Adjudicator
(Miscellaneous Listings) Order 2024 [Draft]**

**Scottish Pubs Code Adjudicator (Duty to
Publish Certain Information) Regulations
2024 [Draft]**

**Tied Pubs (Scottish Arbitration Rules)
Amendment Order 2024 [Draft]**

**Protected Trust Deeds (Miscellaneous
Amendment) (Scotland) Regulations 2024
[Draft]**

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

**Instrument not subject to
Parliamentary Procedure**

10:08

The Convener: Under agenda item 3, we are considering one instrument, on which no points have been raised.

**Tied Pubs (Scotland) Act 2021
(Commencement No 2) Regulations 2024
(SSI 2024/136 (C 12))**

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting, and I will move the committee into private.

10:08

Meeting continued in private until 11:17.

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