



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

Tuesday 21 May 2024

Session 6



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Tuesday 21 May 2024**

**CONTENTS**

	<b>Col.</b>
<b>INSTRUMENTS SUBJECT TO AFFIRMATIVE PROCEDURE</b> .....	1
Scottish Pubs Code Regulations 2024 [Draft] .....	1
Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 [Draft] .....	2
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE</b> .....	3
Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2024 (SS1 2024/140) .....	3
Disability Assistance for Older People (Consequential Amendment and Transitional Provision) (Scotland) Regulations 2024 (SSI 2024/141) .....	3

---

**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**17<sup>th</sup> 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 21 May 2024

[The Convener opened the meeting at 10:02]

### Instruments subject to Affirmative Procedure

**The Deputy Convener (Bill Kidd):** Welcome to the 17th meeting in 2024 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 to switch off, or put to silent, mobile phones and other electronic devices.

Under the first agenda item, we are considering two instruments subject to the affirmative procedure. Issues have been raised on both instruments.

#### Scottish Pubs Code Regulations 2024 [Draft]

**The Deputy Convener:** The instrument sets out a Scottish pubs code for tied pubs. The draft code will govern the relationship between landlords and tenants of tied pubs. In correspondence with the Scottish Government, which is published alongside the papers for this meeting, the committee asked questions on three aspects of the regulations. The committee is content with the responses that it received in relation to two aspects, including in relation to compliance with convention rights.

The third question related to the end of the rent assessment period in regulation 17(10). The Scottish Government advised that the intention is for the rent assessment period to come to an end if the tenant does not accept the offer of a market-rent-only lease within two weeks of the offer, rather than within two weeks of the rent determination. The Government intends to correct that by amending instrument.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground in this regard?

**Members indicated agreement.**

**The Deputy Convener:** Does the committee wish to welcome that the Scottish Government intends to make an amending instrument to

correct the error, to come into force at the same time as this instrument?

**Members indicated agreement.**

**The Deputy Convener:** Does the committee wish to draw to the attention of the lead committee the explanation that the Scottish Government has provided in relation to the compliance of the code with convention rights?

**Members indicated agreement.**

#### Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 [Draft]

**The Deputy Convener:** The instrument sets the maximum penalty that can be imposed on the landlord of a tied pub for breaching the Scottish pubs code. In correspondence with the Scottish Government, the committee queried two aspects of the regulations.

First, the committee queried the reference in regulation 4(2) to a business being

“part of a group undertaking”.

The Scottish Government agreed that that reference is not sufficiently clear and advised that it will be corrected.

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

**Members indicated agreement.**

**The Deputy Convener:** Does the committee wish to welcome that the Scottish Government intends to correct the error in an amending instrument, which should come into force at the same time as this instrument?

**Members indicated agreement.**

**The Deputy Convener:** The committee also queried whether the drafting of regulation 4(5)(b) achieves the policy intention, since it has the result that the “annual turnover” of a business for the purposes of calculating the maximum permitted penalty could be more than the total relevant turnover for the year. The Scottish Government confirmed that that is the policy intention.

Does the committee wish to draw its correspondence with the Scottish Government on that point to the attention of the lead committee?

**Members indicated agreement.**

## **Instruments subject to Negative Procedure**

**The Deputy Convener:** The next meeting of the committee will take place on Tuesday 28 May.

*Meeting closed at 10:06.*

10:06

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

### **Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2024 (SSI 2024/140)**

### **Disability Assistance for Older People (Consequential Amendment and Transitional Provision) (Scotland) Regulations 2024 (SSI 2024/141)**

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

**Members** *indicated agreement.*

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.

---

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

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba