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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Disclosure (Scotland) Bill: Stage 1



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



dplr.committee@parliament.scot



0131 348 5212

Committee Membership



Convener
Graham Simpson
Scottish Conservative
and Unionist Party



Deputy Convener
Stuart McMillan
Scottish National Party



Tom Arthur
Scottish National Party



Jeremy Balfour
Scottish Conservative
and Unionist Party



Mary Fee
Scottish Labour

Introduction

1. At its meeting on 24 September 2019, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Disclosure (Scotland) Bill ("the Bill") at Stage 1.ⁱ
2. The Committee submits this report to the lead Committee for the Bill (the Education and Skills Committee) under Rule 9.6.2 of Standing Orders.
3. The Scottish Government has provided the Parliament with a memorandum on the delegated powers provisions in the Bill.ⁱⁱ

ⁱ Disclosure (Scotland) Bill, as introduced (SP Bill 50, Session 5 (2019)).

ⁱⁱ Disclosure (Scotland) Bill. Delegated Powers Memorandum (SP Bill 50-DPM, Session 5 (2019)).

Overview of the Bill

4. This Scottish Government Bill was introduced by Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, on 12 June 2019.
5. The Bill's purpose is to reform the system of disclosure of criminal records administered by the Scottish Government through their executive agency Disclosure Scotland. The Policy Memorandum states that the Bill "focuses on safeguarding children and vulnerable adults, whilst balancing an individual's right to move on from offending and get on with their life."ⁱⁱⁱ
6. The Bill is comprised of 94 sections and five schedules split over three parts.

ⁱⁱⁱ Disclosure (Scotland) Bill. Policy Memorandum (SP Bill 50-PM, Session 5 (2019)).

Delegated Powers Provisions

7. There are over 50 delegated powers provisions in the Bill. The full list of these can be found in the Delegated Powers Memorandum.^{iv}
8. After considering each of the proposed delegated powers, the Committee determined that it did not need to draw any of the powers to the attention of the lead Committee.
9. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.

^{iv} Disclosure (Scotland) Bill. Delegated Powers Memorandum (SP Bill 50-DPM, Session 5 (2019)).

