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Pàrlamaid na h-Alba

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

## **Subordinate legislation considered by the Delegated Powers and Law Reform Committee on 25 June 2019**



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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>



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# Committee Membership



**Convener**  
**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Tom Arthur**  
Scottish National Party



**Mary Fee**  
Scottish Labour



**Alison Harris**  
Scottish Conservative  
and Unionist Party

# Introduction

## *Instrument considered under the European Union (Withdrawal) Act 2018*

1. At its meeting on 25 June 2019, the Committee considered the following instrument under the protocol agreed between the Scottish Government and the Scottish Parliament in respect of SSIs made using the powers under the European Union (Withdrawal) Act 2018-
  - Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No.2) Regulations 2019 (SSI 2019/209)
2. The Committee's recommendations and conclusions in relation to this instrument are set out in the following section of this report.

## *Technical scrutiny of instruments*

3. The Committee determined that it did not need to draw the Parliament's attention to the instruments set out by the relevant lead Committee at the end of this report.

# Instrument considered under the SSI Protocol under the European Union (Withdrawal) Act 2018 (scrutiny procedure and categorisation)

## Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No.2) Regulations 2019 (SSI 2019/209) (Rural Economy and Connectivity)

### Purpose

4. The instrument amends the following regulations:
  - Rural Development (Scotland) Regulations 2015 (“the 2015 Regulations”),
  - Marketing of Horticultural Produce (Scotland) Regulations 2009,
  - Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019; and
  - Marketing of Horticultural Produce and Bananas (EU Exit) (Scotland) (Amendment) Regulations 2019.
5. The instrument updates the 2015 Regulations so that three further instruments, largely revoked – but saved for the limited purposes of continuing to allow the funding of legacy schemes under the Scotland Rural Development Programme 2007-2013 – are updated. Further amendments correct deficiencies in EU-derived legislation arising from the UK’s withdrawal from the EU.

### Committee consideration

6. The Scottish Government has laid this instrument under the negative procedure and has categorised it as of low significance under the SSI Protocol.
7. The Committee is content that the negative procedure is appropriate given that the amendments are relatively minor and technical, and affect the policy no more than is necessary to ensure the continued functioning of the legislation.
8. The Committee is also content with the Scottish Government's categorisation of the instrument given that the amendments being made are relatively minor and technical in nature ensuring continuity of law.

### Recommendations

9. **The Committee recommends to the Rural Economy and Connectivity Committee that the negative procedure is the appropriate scrutiny**

**procedure for the Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No.2) Regulations 2019 (SSI 2019/209).**

10. **The Committee recommends to the Rural Economy and Connectivity Committee that the Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No.2) Regulations 2019 (SSI 2019/209) are appropriately categorised as Low in terms of their significance under the SSI Protocol.**



# No points raised

## **Education and Skills**

University of the West of Scotland Order of Council 2019 (SSI 2019/212)

Queen Margaret University, Edinburgh (Scotland) Amendment Order of Council 2019 (SSI 2019/213)

## **Equality and Human Rights**

Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018  
(Commencement) Regulations 2019 (SSI 2019/205 (C.7))

## **Local Government and Communities**

Building (Scotland) Amendment Regulations 2019 (SSI 2019/210)

## **Rural Economy and Connectivity**

Common Agricultural Policy (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019  
(SSI 2019/209)

