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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 10 September 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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Scottish Labour



Alison Harris
Scottish Conservative
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Introduction

Instruments considered under the European Union (Withdrawal) Act 2018

1. At its meeting on 25 June 2019, the Committee considered the following instruments under the protocol agreed between the Scottish Government and the Scottish Parliament in respect of SSIs made using powers under the European Union (Withdrawal) Act 2018-
 - the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/273)
 - the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/274)
2. The Committee's recommendations and conclusions in relation to these instruments 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 Committees at the end of this report.

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

Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/273)

Purpose

4. The instrument makes minor and technical changes to the Management of Extractive Waste (Scotland) Regulations 2010. The amendments ensure references within the Regulations are up-to-date and that deficiencies arising from the withdrawal of the UK from the EU are addressed.

Committee consideration

5. The Scottish Government has laid this instrument under the negative procedure and has categorised it as of low significance under the SSI Protocol.
6. The Committee is content with the Scottish Ministers' explanation that the instrument does no more than appropriate, that there are good reasons for it, and that it is a reasonable course of action.
7. The Committee agrees that the negative procedure is appropriate and that the instrument is properly categorised as low in accordance with the protocol.

Recommendations

8. **The Committee recommends to the Local Government and Communities Committee that the negative procedure is the appropriate scrutiny procedure for the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/273).**
9. **The Committee recommends to the Local Government and Communities Committee that the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/273) are appropriately categorised as Low in terms of their significance under the SSI Protocol.**

Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/274)

Purpose

10. These Regulations change the coming into force date of, and rectify 3 minor drafting errors in, the Town and Country Planning and Electricity Works (EU Exit) (Scotland) Amendment Regulations 2019.

Committee consideration

11. The Scottish Government has laid this instrument under the negative procedure and has categorised it as of low significance under the SSI Protocol.
12. The Committee is content with the Scottish Ministers' explanation that the instrument does no more than appropriate, that there are good reasons for it, and that it is a reasonable course of action.
13. The Committee agrees that the negative procedure is appropriate and that the instrument is properly categorised as low in accordance with the protocol.

Recommendations

14. **The Committee recommends to the Local Government and Communities Committee that the negative procedure is the appropriate scrutiny procedure for the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/274).**
15. **The Committee recommends to the Local Government and Communities Committee that the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/274) are appropriately categorised as Low in terms of their significance under the SSI Protocol.**

No Points Raised

Environment Climate Change and Land Reform

Environmental Protection (Cotton Buds) (Scotland) Regulations 2019 (SSI 2019/271)

Local Government and Communities

Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/273)

Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (SSI 2019/274)

