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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 3 November 2020



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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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Stuart McMillan
Scottish National Party



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Scottish Conservative
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Gil Paterson
Scottish National Party

Introduction

1. At its meeting on 3 November 2020, the Committee considered the following instrument under the [SSI 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:

The Insolvency (Amendment) (EU Exit) (Scotland) Regulations 2020 (SSI 2020/337)

2. The Committee's recommendation in relation to this instrument is set out in the following section of this report.
3. In relation to its scrutiny of instruments under its remit, 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 European Union (Withdrawal) Act 2018

The Insolvency (Amendment) (EU Exit) (Scotland) Regulations 2020 (SSI 2020/337)

Purpose

4. These Regulations amend the saving provision in regulation 9 of the Insolvency (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI 2019/94) (“the 2019 Regulations”).
5. The 2019 Regulations, which are not yet in force, address failures of the law to operate effectively and other deficiencies in devolved legislation on cross-border insolvencies arising from the withdrawal of the United Kingdom from the European Union.
6. The effect of the amendment is to provide that the EU Insolvency Regulation (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings) will continue to apply in respect of main proceedings (as defined in that EU Regulation) which are opened before 31 December 2020 at 11pm. This gives effect to Article 67(3)(c) of the Withdrawal Agreement.

Committee consideration

7. The instrument has been categorised by the Scottish Government as of low significance under the SSI Protocol.
8. The Committee is content that the instrument may be considered as being of low significance.
9. The Committee recommends to the Economy, Energy and Fair Work Committee that the Regulations are appropriately categorised as low in terms of their significance under the SSI Protocol.

No points raised

Economy, Energy and Fair Work Committee

The Insolvency (Amendment) (EU Exit) (Scotland) Regulations 2020 (SSI 2020/337).

Health and Sport Committee

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020 (SSI 2020/330).

Standards, Procedures and Public Appointments Committee

Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2020 (SSI 2020/draft).

