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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 22 February 2022



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Contents

Introduction	1
No points raised	2

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.



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Committee Membership



Stuart McMillan
Scottish National Party



Bill Kidd
Scottish National Party



Convener
Graham Simpson
Scottish Conservative
and Unionist Party



Craig Hoy
Scottish Conservative
and Unionist Party



Paul Sweeney
Scottish Labour

Introduction

1. At its meeting on 22 February, the Committee considered 20 instruments under its remit.
2. The Committee determined that it did not need to draw the Parliament's attention to 18 of the instruments considered. These are listed in the next section of the report. Additional details are provided for the relevant committee's consideration in relation to the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 (SSI 2022/draft).
3. The Committee also agreed to defer the consideration of two instruments to its next meeting. These are:
 - Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (SSI 2022/40); and
 - Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Amendment Regulations 2022 (SSI 2022/Draft).

No points raised

COVID-19 Recovery Committee

Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (SSI 2022/53)

Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 (SSI 2022/Draft)

- The instrument extends the date on which the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 expire from 28 February to 24 September 2022.
- The 2021 regulations make provision for the collection and sharing of information by businesses such as restaurants, cafes, bars, and pubs. They also require the wearing of face coverings in certain indoor settings and on public transport, and provide for vaccine passports or proof of a negative test.
- Some concerns were raised on the instrument.
- The Committee therefore voted and agreed, by division, that no points arose on the instrument and was content not to draw the Regulations to the attention of the Parliament:

Committee votes

For 3 (Stuart McMillan MSP, Bill Kidd MSP and Paul Sweeney MSP)

Against 2 (Craig Hoy MSP and Maurice Golden MSP)

Abstentions 0

- Full details can be found in the [Official Report](#) .

Finance and Public Administration Committee

Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2022 (SSI 2022/46)

Budget (Scotland) Act 2021 Amendment Regulations 2022 (SSI 2022/Draft)

Health, Social Care and Sport Committee

Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 (SSI 2022/Draft)

Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 (SSI 2022/Draft)

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 Commencement Regulations 2022 (SSI 2022/24 (C.3))

Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2022 (SSI 2022/45)

Delegated Powers and Law Reform Committee

Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 22 February 2022, 13th Report, 2022 (Session 6)

Victims and Witnesses (Scotland) Act 2014 (Commencement No. 9) Order 2022 (SSI 2022/22 (C.1))

Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 5) Regulations 2022 (SSI 2022/43 (C.4))

Local Government, Housing and Planning Committee

Non-Domestic Rate (Scotland) Order 2022 (SSI 2022/36)

Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2022 (SSI 2022/37)

Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/48)

Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (SSI 2022/50)

Non-Domestic Rating (Unoccupied Property) (Scotland) Amendment Regulations 2022 (SSI 2022/51)

Rural Affairs, Islands and Natural Environment Committee

Red Rocks and Longay Urgent Marine Conservation (No. 2) Order 2021 (Urgent Continuation) Order 2022 (SSI 2022/39)

Social Justice and Social Security Committee

Disability Assistance for Working Age People (Consequential and Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (SSI 2022/31)

Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (Scotland) Regulations 2022 (SSI 2022/42)

