



The Scottish Parliament
Pàrlamaid na h-Alba

Published 4 February 2022
SP Paper 102
10th Report, 2022 (Session 6)

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

Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill: After Stage 2



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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.



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Committee consideration

1. At its meeting on 1 February 2022, the Delegated Powers and Law Reform Committee considered the revised delegated powers provisions in the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill ("the Bill") after Stage 2.ⁱ
2. All three of the amendments agreed at Stage 2 apply to regulations under section 3 of the Bill which provides a power to change the expiry date of section 1 of the Bill. The purpose of the [amendments](#), as outlined by the Deputy First Minister and Cabinet Secretary for Covid Recovery during Stage 2 proceedings of the Billⁱⁱ, are to:
 - require the Scottish Government to consult health boards before making regulations that would either prolong the modifications to the 2008 Act or expire the modifications early;
 - disapply this consultation requirement when regulations prolonging the modifications are made urgently using the made affirmative procedure; and
 - provide that should the made affirmative procedure be needed in urgent circumstances, an explanation of that urgency will be included in the statement of reasons.
3. In its consideration of the revised powers in the Bill, the Committee noted that during Stage 2 proceedings, the Deputy First Minister said that the consultation revisions:
 - ” ...give effect to the commitment that I made to the Delegated Powers and Law Reform Committee to examine the matter, following its suggestion that consultation with health boards should be required before regulations altering the expiry date are made.
4. The Committee is content with the revised powers in the Bill.
5. The Committee submits this report to the Parliament for the Bill under Rule 9.7.9(b) of Standing Orders.

ⁱ The Bill as amended at Stage 2 as well as the Revised Delegated Powers Memorandum are available [here](#).

ⁱⁱ The Official Report for the meeting of the COVID-19 Recovery Committee on 27 February 2022 is available [here](#).

