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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 17 December 2024



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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 Membership



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Scottish Conservative
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Introduction

1. At its meeting on 17 December 2024ⁱ, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
 - Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 (SSI 2024/369)
2. The Committee's recommendations in relation to this instrument are set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments at the end of the report.

ⁱ Jeremy Balfour MSP and Daniel Johnson MSP submitted their apologies for this meeting.

Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament

Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 (SSI 2024/369)

4. The instrument corrects a minor error in the table of fees which a planning authority can charge for the submission of various planning applications.
5. Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 ("the 2010 Act"), instruments subject to the negative procedure must be laid at least 28 counting days before they come into force. The instrument breaches this requirement as it was laid on 5 December 2024 and came into force on 11 December 2024.
6. As required by the 2010 Act, the Scottish Government wrote to the Presiding Officer setting out its reasons for breaching the 28 day rule. This letter is set out in full in the annexe.
7. The lead committee for this instrument is the Local Government, Housing and Planning Committee.

8. The Committee draws the instrument to the attention of the Parliament under reporting ground (j) for failure to comply with the laying requirements in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

9. The Committee is content with the reason stated for the failure to comply with the laying requirements.

No points raised

Finance and Public Administration Committee

Land and Buildings Transaction Tax (additional amount: transactions relating to second homes etc.) (Scotland) Amendment Order 2024 (SSI 2024/367)

Local Government, Housing and Planning Committee

Housing (Cladding Remediation) (Scotland) Act 2024 (Commencement) Regulations 2024 (SSI 2024/370 (C.24))

Rural Affairs and Island Committee

Conservation of Salmon (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/368)

Annexe

Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 (SSI 2024/369)

On 5 December 2024, the Scottish Government wrote to the Presiding Officer:

The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 (SSI 2024/292) were made under Section 252 of the Town and Country Planning (Scotland) Act 1997. They were laid before the Scottish Parliament on 31 October 2024 and are due to come into effect on 12 December 2024.

The general effect of the Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 is to increase the planning fees currently payable under the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 from 12 December 2024.

The Town and Country Planning (Fees for Applications) (Scotland) Amendment (Amendment) Regulations 2024 are required to correct a minor error in the SSI 2024/292.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with Section 31(3) of that Act, this letter explains why.

In Part 3, Table 1, introduced by regulation 8 of SSI 2024/292, paragraph 20(c) states £591 when this should in fact be £519.

It is therefore necessary to correct the new provisions.

The Scottish Government's view is, therefore, that it is necessary to breach the 28 day laying requirement to ensure that the errors identified are rectified in time for the coming into force of SSI 2024/292.

