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Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Subordinate Legislation considered by the Rural Economy and Connectivity Committee on 11 September 2019



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Rural Economy and Connectivity Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and the matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/rural-committee.aspx>



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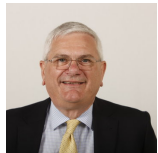
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Executive summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the draft Additional Powers Request (Scotland) Regulations 2019.

The Committee agreed to recommend to the Parliament that it approves the draft instrument.

Additional Powers Request (Scotland) Regulations 2019 [draft]

The Committee reports to the Parliament as follows—

2. On 5 July 2019, the Additional Powers Request (Scotland) Regulations 2019 [draft] were laid before the Parliament. The regulations were subject to the affirmative resolution procedure.

Purpose of the instrument

3. The draft Additional Powers Request (Scotland) Regulations 2019 create a scheme under sections 15 and 21 of the Islands (Scotland) Act 2018 under which the local authorities listed in the schedule of the Act may request additional functions, duties or responsibilities (“additional powers”) from Scottish Ministers. They also set out the period within which Scottish Ministers must give notice of their decision, provide for the information which the decision notice must contain and set out actions to be taken where Scottish Ministers decide to give effect to an additional powers request. The Regulations also make provision for the relevant local authority that made the request to seek a review of a decision to refuse an additional powers request.
4. These Regulations have been re-laid to correct a minor error in the original version. In the original version, the Regulations stated at Para 11(c) that Ministers must publish any representations made in response to a notice within 10 days of the notice being published. However, they also stated at Para 9(2)(f)) that representations can be made within a period not less than 20 days after the notice was published. Taken together these provisions would have meant that Ministers were required to publish representations before the deadline for making such representations had passed. This discrepancy has been resolved by changing the reference to 10 days to ‘as soon as practicable following receipt’ in the revised version.

Delegated Powers and Law Reform Committee consideration

5. The Delegated Powers and Law Reform (DPLR) Committee considered the draft regulations at its meeting on [3 September 2019](#) and agreed not to draw the Parliament's attention to them on any grounds within its remit.

Rural Economy and Connectivity Committee consideration

6. At its 24th meeting of 2019, held on 11 September, the Rural Economy and Connectivity Committee took evidence on this instrument from Paul Wheelhouse, the Minister for Energy, Connectivity and the Islands, and his officials.
7. The Minister subsequently moved the following motion in his name—

S5M-18217-That the Rural Economy and Connectivity Committee recommends that the Additional Powers Request (Scotland) Regulations 2019 [draft] be approved.
8. The Committee agreed the motion without division.
9. The [Official Report](#) of the meeting is a full transcript of the discussion.

Recommendation

10. The Rural Economy and Connectivity Committee recommends to the Parliament that the Additional Powers Request (Scotland) Regulations 2019 [draft] be approved.

