



Environment and Rural Development Committee

7th Meeting, 2005

Wednesday 2 March 2005

The Committee will meet at 10.00 am in Committee Room 6

1. **Subordinate legislation:** Lewis Macdonald MSP (Deputy Minister for Environment and Rural Development) to move S2M-2405 — That the Environment and Rural Development Committee recommends that the draft Landfill Allowances Scheme (Scotland) Regulations 2005 be approved.
2. **Subordinate legislation:** Andrew Welsh MSP to move motion S2M-2380 — That the Environment and Rural Development Committee recommends that nothing further be done under the Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005 (SSI 2005/24).
3. **Subordinate legislation:** The Committee will consider the following negative instruments:
 - the Conservation of Salmon (River Annan Salmon Fishery District) Regulations 2005 (SSI 2005/37);
 - the Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005 (SSI 2005/43);
 - the Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2005 (SSI 2005/53), and
 - the Water Services Charges (Billing and Collection) (Scotland) Order 2005 (SSI 2005/54).

Not before 11.45am

4. **Inquiry into climate change:** The Committee will take evidence from—
 - Tom McCabe MSP, Minister for Finance and Public Service Reform;
 - Nicol Stephen MSP, Minister for Transport, and
 - Allan Wilson MSP, Deputy Minister for Enterprise and Lifelong Learning.

Mark Brough
Clerk to the Committee
Direct Tel: 0131-348-5240

The following papers are attached:

<p><u>Agenda Item 1</u></p> <p>draft Landfill Allowances Scheme (Scotland) Regulations 2005</p> <p>Extract from the Subordinate Legislation Committee's 8th Report</p>	<p>ERD/S2/05/7/1a</p> <p>ERD/S2/05/7/1b</p>
<p><u>Agenda Item 2</u></p> <p>The Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005 (SSI 2005/24)</p>	<p>ERD/S2/05/7/2a</p>
<p><u>Agenda Item 3</u></p> <p>The Conservation of Salmon (River Annan Salmon Fishery District) Regulations 2005 (SSI 2005/37)</p> <p>The Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005 (SSI 2005/43)</p> <p>The Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2005 (SSI 2005/53)</p> <p>The Water Services Charges (Billing and Collection) (Scotland) Order 2005 (SSI 2005/54)</p>	<p>ERD/S2/05/7/3a</p> <p>ERD/S2/05/7/3b</p> <p>ERD/S2/05/7/3c</p> <p>ERD/S2/05/7/3d</p>
<p><u>Agenda Item 4</u></p> <p>Briefing paper from SPICe (<i>for members only</i>)</p>	<p>ERD/S2/05/7/4a</p>

SSI Title and No:	The Landfill Allowances Scheme (Scotland) Regulations 2005, (draft)						
Laid Date:	3 rd February 2005	Responsible Minister:	Ross Finnie, Minister for Environment and Rural Development				
SE Contact:	Charles Roper, ext. 40201						
Standing Order:	10.6.1(a) subject to affirmative procedure within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	These Regulations implement Articles 5(1) and (2) of Council Directive 99/31/EC on the landfill of waste in Scotland. Equivalent regulations have been introduced in the rest of the UK, with all allowances schemes due to start on 1 April 2005.						
Time Limit for Parliament to Deal with Instrument	23 rd March 2005	1st SLC Meeting	8 th February 2005				
		SLC reporting deadline	4 th March 2005				
Lead Committee To Report By:	14 th March 2005	*Other Committees To Report to the Lead Committee:					
SSI Attached	X	Draft Motion Attached if Required		Date Motion and Designation Form E-Mailed to the Bureau		Laying Clerk Advised of Designated Lead Committee	

* 10 days before the lead committee reporting date. "Other" committees may wish to negotiate timing of their report with the lead committee.

Subordinate Legislation Committee

Extract of 8th Report, 2005

The Committee reports to the Parliament as follows—

1. At its meeting on 22nd February 2005 the Committee determined that it did not need to draw the attention of Parliament to the instruments listed in the Annex to this report on any of the grounds within its remit.
2. The report is also addressed to the following committees as the lead committees for the instruments specified:

Environment and Rural Development	The Landfill Allowances Scheme (Scotland) Regulations 2005, (draft)
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Draft instruments subject to approval

The Landfill Allowances Scheme (Scotland) Regulations 2005, **(draft)**

The Committee asked the Executive for clarification of the meaning and effect of the definition of “P” in regulations 19(3) and 19(4). The Executive responded with a full explanation of the background to this provision. The Executive’s response is attached at the appendix to this report.

The Committee draws the attention of the lead Committee and Parliament to the Executive’s response as having provided the clarification requested.

The Committee also asked the Executive to confirm whether, in the definition of European Waste Catalogue in regulation 2(1), the Commission Directive is correctly cited.

The Executive confirmed that the citation should read 75/442/EEC rather than 74/442/EEC. The Executive proposed that this typographical error be corrected in the version of the Regulations to be signed by Ministers should they be approved by Parliament.

The Committee was content that this error should be dealt with as suggested by the Executive in its correspondence.

APPENDIX

THE LANDFILL ALLOWANCES SCHEME (SCOTLAND) REGULATIONS 2005 (DRAFT)

On 8 February the Committee asked the Executive for an explanation of the following matters-

“1.The Committee notes that the definition of “P” in regulation 19(3) and 19(4) refers to the amount of penalty already paid “under regulation 21”. As regulation 21 provides simply for the method of payment of penalties the Committee asks the Executive for clarification of the meaning and effect of the definition.

2.The Committee asks the Executive to confirm whether, in the definition of European Waste Catalogue in regulation 2(1), the Commission Directive is correctly cited.”

The Scottish Executive responds as follows:

1.“P” in regulation 19(3) and (4) is the amount of any penalty already actually paid by a waste disposal authority following a notification by the Scottish Ministers under regulation 21(1)(b). The policy is that where an authority has paid such a penalty it should be taken account of in assessing any future supplementary penalty. Regulation 21 is referred to, in preference, for example, to regulation 19(1), since the amount of the penalty in the notification may be lower than that assessed under regulation 19 because of the powers of waiver which the Scottish Ministers have under section 26 of the Waste and Emissions Trading Act 2003 (c.33). Those include for example, a power (in section 26(1)(c)(ii) of that Act) to “relieve the waste disposal authority, in whole or in part, from liability to the penalty or any interest on it”.

2.The Executive regrets that the citation of Council Directive 75/442/EEC in the definition of the “European Waste Catalogue” in regulation 2(1) does indeed contain a typographical error, namely, ‘Council Directive 74/442/EEC’ should read ‘Council Directive 75/442/EEC’. There is however, no effect in substance in so far as the definition also includes details of where the European Waste Catalogue can be found. This Directive is correctly cited in the definitions of “disposal” and “recovery” also in regulation 2(1). Subject to the Committee’s views, the Executive would propose that this typographical error be corrected in the version to be signed by the Minister should the Parliament approve these draft affirmative Regulations. The Executive is grateful to the Committee for drawing this to their attention.

SSI Title and No:	The Conservation of Salmon (Esk Salmon Fishery District) Regulations 2005, (SSI 2005/24)						
Laid Date:	21 st January 2005	Responsible Minister:	Lewis Macdonald, Deputy Minister for Environment and Rural Development				
SE Contact:	David Dunkley, ext. 45245						
Standing Order:	10.4 – SSI subject to annulment within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	These Regulations introduce measures for the catch and release of salmon caught by rod and line and the restriction of the level of net fishing in the Esk Salmon Fishery District for the period specified. The objective of introducing these measures is to increase the egg deposition from salmon that return to the district during the early months of the year.						
Time Limit for Parliament to Deal with Instrument	10 th March 2005	1st SLC Meeting	1 st February 2005		SLC reporting deadline	10 th February 2005	
Lead Committee To Report By:	7 th March 2005	*Other Committees To Report to the Lead Committee:					
SSI Attached	X	Draft Motion Attached if Required		Date Motion and Designation Form E-Mailed to the Bureau		Laying Clerk Advised of Designated Lead Committee	

* 10 days before the lead committee reporting date. "Other" committees may wish to negotiate timing of their report with the lead committee.

SSI Title and No:	The Conservation of Salmon (River Annan Salmon Fishery District) Regulations 2005, (SSI 2005/37)						
Laid Date:	25 th January 2005	Responsible Minister:	Lewis Macdonald, Deputy Minister for Environment and Rural Development				
SE Contact:	David Dunkley, ext. 46227						
Standing Order:	10.4 – SSI subject to annulment within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	These Regulations prohibit the retention of salmon caught by rod and line in the River Annan Salmon Fishery District for the period specified. The objective of introducing these measures is to increase the egg deposition from salmon that return to the River Annan during the early months of the year.						
Time Limit for Parliament to Deal with Instrument	14 th March 2005	1st SLC Meeting	1 st February 2005				
		SLC reporting deadline	23 rd February 2005				
Lead Committee To Report By:	7 th March 2005	*Other Committees To Report to the Lead Committee:					
SSI Attached	X	Draft Motion Attached if Required		Date Motion and Designation Form E-Mailed to the Bureau		Laying Clerk Advised of Designated Lead Committee	

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SSI Title and No:	The Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005, (SSI 2005/43)						
Laid Date:	3 rd February 2005	Responsible Minister:	Lewis Macdonald, Deputy Minister for Environment and Rural Development				
SE Contact:	Duncan McNab, ext. 40393						
Standing Order:	10.4 subject to annulment procedure within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	These Regulations set down the maximum levels of noise which may be emitted at specific times of the day from property which is subject to the noise nuisance provisions in Part 5 of the 2004 Act. The Regulations also approve specified types of device for the measurement of noise emissions and the use and testing of such devices.						
Time Limit for Parliament to Deal with Instrument	23 rd March 2005	1st SLC Meeting	8 th February 2005				
		SLC reporting deadline	4 th March 2005				
Lead Committee To Report By:	14 th March 2005	*Other Committees To Report to the Lead Committee:					
SSI Attached	X	Draft Motion Attached if Required		Date Motion and Designation Form E-Mailed to the Bureau		Laying Clerk Advised of Designated Lead Committee	

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SSI Title and No:	The Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2005, (SSI 2005/53)						
Laid Date:	3 rd February 2005	Responsible Minister:	Lewis Macdonald, Deputy Minister for Environment and Rural Development				
SE Contact:	Sue Spencer, ext. 40275						
Standing Order:	10.4 subject to annulment procedure within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	These Regulations provide for reductions in water and sewerage charges in Scotland from 1 April 2005 until 31 March 2006.						
Time Limit for Parliament to Deal with Instrument	23 rd March 2005	1st SLC Meeting	8 th February 2005				
		SLC reporting deadline	4 th March 2005				
Lead Committee To Report By:	14 th March 2005	*Other Committees To Report to the Lead Committee:					
SSI Attached	X	Draft Motion Attached if Required		Date Motion and Designation Form E-Mailed to the Bureau		Laying Clerk Advised of Designated Lead Committee	

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SSI Title and No:	The Water Services Charges (Billing and Collection) (Scotland) Order 2005, (SSI 2005/54)						
Laid Date:	3 rd February 2005	Responsible Minister:	Lewis Macdonald, Deputy Minister for Environment and Rural Development				
SE Contact:	Dr Rosemary Greenhill, ext. 47971						
Standing Order:	10.4 subject to annulment procedure within 40 days						
RECOMMENDATION							
Lead Committee:	Environment and Rural Development	Other Committees:					
Clerk Contact Room & No:	Mark Brough 85240	Clerk Contact No:					
Reason:	This Order provides for each local authority in Scotland to be responsible for demanding and recovering charges in respect of water supply and sewerage services provided by Scottish Water to dwellings in the area of the local authority.						
Time Limit for Parliament to Deal with Instrument	23 rd March 2005	1st SLC Meeting	8 th February 2005				
		SLC reporting deadline	4 th March 2005				
Lead Committee To Report By:	14 th March 2005	*Other Committees To Report to the Lead Committee:					
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