



Environment and Rural Development Committee

18th Meeting, 2006

Wednesday 24 May 2006

The Committee will meet at 10.00 am in Committee Room 4.

1. **Subordinate legislation:** The Committee will consider the following negative instruments—

the TSE (Scotland) Amendment (No. 2) Regulations 2006, (SSI 2006/231);

the Plant Protection Products (Scotland) Amendment Regulations 2006, (SSI 2006/241); and

the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2006 (SSI 2006/244).

2. **Crofting Reform etc. Bill (in private):** The Committee will consider a draft Stage 1 report.

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

The following papers are attached:

<p><u>Agenda Item 1</u></p> <p>The TSE (Scotland) Amendment (No. 2) Regulations 2006, (SSI 2006/231)</p> <p>Extract from the Subordinate Legislation Committee's 20th Report, 2006</p> <p>The Plant Protection Products (Scotland) Amendment Regulations 2006, (SSI 2006/241)</p> <p>The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2006 (SSI 2006/244)</p>	<p>ERD/S2/06/18/1a</p> <p>ERD/S2/06/18/1b</p> <p>ERD/S2/06/18/1c</p> <p>ERD/S2/06/18/1d</p>
<p><u>Agenda Item 2</u></p> <p>Paper by the Clerk [<i>Members only</i>]</p>	<p>ERD/S2/06/18/2a</p>

SSI DESIGNATION FORM

SSI Title & No:	The TSE (Scotland) Amendment (No. 2) Regulations 2006, (SSI 2006/231)						
Responsible Minister	Rhona Brankin, Deputy Minister for Environment and Rural Development						
Standing Order	Affirmative	10.6.1(a)		Negative	10.4		✓
		10.6.1(b)			10.5		
	10.6.1(c)		Other	NL		NP	
Lead Committee	Environment & Rural Development		Other Committee				
Purpose of Instrument	The purpose of instrument is to remove restrictions on the export of British beef and cattle within the EU.						

Laid Date	2 nd May 2006	40 day date	22 nd May 2006
1st SLC Meeting	9 th May 2006	20 day date	10 th June 2006
Lead Committee Report Due	5 th June 2006	Other Committee Report Due	

SE Contact	Andrew Brown, 46642
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule	✓	PO Letter dated	2 nd May 2006	PO Letter received	✓
Revocations	Revokes	See Purpose of Instrument		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment	✓	European Regulations/ Directives	✓			
Additional Information								

Agenda Item 1

**Environment and Rural
Development Committee**

24 May 2006
ERD/S2/06/18/1b

Subordinate Legislation Committee

Extract from 20th Report, 2006 (Session 2)

Subordinate Legislation

The Committee reports to the Parliament as follows—

Instrument subject to annulment

The TSE (Scotland) Amendment (No. 2) Regulations 2006, (SSI 2006/231)

1. At regulation 19(b) of this instrument, reference is made to the slaughter of animals under section 17 of the Animal Health Act 1981, which provides the authority for Ministers to make orders as to the declaration of infected places. The Committee noted that sections 31 to 34 of that Act contain provisions concerning slaughter and asked the Executive to explain why the reference is to section 17 and not to sections 31 to 34.
2. The Executive, in its response in Appendix 1, agreed that the reference should be to section 32 of the 1981 Act and will ensure that the necessary amendment is included in consolidation Regulations planned for later this year.
3. **The Committee draws the attention of the lead Committee and the Parliament to this instrument on the grounds of defective drafting, as acknowledged by the Executive and which it has undertaken to amend.**

APPENDIX 1

The TSE (Scotland) Amendment (No. 2) Regulations 2006, (SSI 2006/231)

On 9 May 2006, the Subordinate Legislation Committee, having considered the above instrument sought further information on the following matters:-

(a) The Committee noted that, at regulation 19(b) of the instrument, reference is made to the slaughter of animals under section 17 of the Animal Health Act 1981, which provides the authority for Ministers to make orders as to the declaration of infected places. The Committee notes that sections 31 to 34 of that Act contain provisions concerning slaughter and asks the Executive to explain why the reference is to section 17 and not to sections 31 to 34.

The Scottish Executive responds as follows:-

8. The Executive welcomes the opportunity to provide an explanation of the matter raised in the Committee's letter.

9. Regulation 19(b) of the instrument provides that a new paragraph 4 be substituted for the existing paragraph 4 of Schedule 7 to the TSE (Scotland) Regulations 2002. A number of the sub-paragraphs of paragraph 4 were incorporated in the substitute paragraph 4 without the need for amendment from a policy point of view. Unfortunately, the fact that one of these contained an error in the reference to the slaughter power in the Animal Health Act 1981 was overlooked.

10. The original slaughter power was contained in section 17 of the Diseases of Animals Act 1950, which was replaced by section 32 of the Animal Health Act 1981. It appears that when the TSE (Scotland) Regulations 2002 were drafted the reference to the statute was updated but not the reference to the slaughter provision.

11. The Executive is grateful to the Committee for drawing this matter to its attention. It will be rectified in the TSE consolidation Regulations which are to be introduced later this year.

SSI DESIGNATION FORM

SSI Title & No:	The Plant Protection Products (Scotland) Amendment Regulations 2006, (SSI 2006/241)					
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development					
Standing Order	Affirmative	10.6.1(a)		Negative	10.4	✓
		10.6.1(b)			10.5	
	10.6.1(c)		Other	NL		NP
Lead Committee	Environment & Rural Development		Other Committee			
Purpose of Instrument	The purpose of the instrument is to amend regulations concerning the placing of plant protection products on the market.					

Laid Date	9 th May 2006	20 day date	29 th May 2006
1st SLC Meeting	16 th May 2006	40 day date	17 th June 2006
Lead Committee Report Due	12 th June 2006	Other Committee Report Due	

SE Contact	Mary Lourie, 44403
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes	See Purpose of Instrument		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment		European Regulations/ Directives	✓			
Additional Information								

SSI DESIGNATION FORM

SSI Title & No:	The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2006, (SSI 2006/244)					
Responsible Minister	Ross Finnie, Minister for Environment and Rural Development					
Standing Order	Affirmative	10.6.1(a)		Negative	10.4	✓
		10.6.1(b)			10.5	
	10.6.1(c)		Other	NL		NP
Lead Committee	Environment & Rural Development		Other Committee			
Purpose of Instrument	The purpose of instrument is to enforce provisions made at the Agriculture and Fisheries Council in December.					

Laid Date	9 th May 2006	20 day date	29 th May 2006
1st SLC Meeting	16 th May 2006	40 day date	17 th June 2006
Lead Committee Report Due	12 th June 2006	Other Committee Report Due	

SE Contact	Philip Gilbraith, 46066
Committee Contact	Mark Brough, 85240

For SLC use:

Article 10 Compliance	Breaks 10(1) rule		Breaks 10(2) rule		PO Letter dated		PO Letter received	
Revocations	Revokes	See Purpose of Instrument		Partially Revokes				
Executive Note	✓	Regulatory Impact Assessment		European Regulations/ Directives	✓			
Additional Information								