



SUBORDINATE LEGISLATION COMMITTEE

REVISED AGENDA

9th Meeting, 2007 (Session 2)

Tuesday 6 March 2007

The Committee will meet at 10.30am in Committee Room 4.

1. **Delegated powers scrutiny:** The Committee will consider the delegated powers provisions in the following bill—

Custodial Sentences and Weapons (Scotland) Bill as amended at Stage 2

and take oral evidence from—

Barry McCaffrey, Office of the Solicitor to the Scottish Executive
Gery McLaughlin, Bill Team Leader
Annette Sharp, Custodial Sentences Policy Manager.

2. **Executive responses:** The Committee will consider the Executive response in relation to the following—

the National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2007, **(SSI 2007/102)**.

3. **Instruments subject to annulment:** The Committee will consider the following—

the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, **(SSI 2007/108)**

the Police Grant (Scotland) Order 2007, **(SSI 2007/109)**

the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2007, **(SSI 2007/112)**

the Education (Assisted Places) (Scotland) Amendment Regulations 2007, **(SSI 2007/114)**

the St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2007, **(SSI 2007/115)**

the Dairy Produce Quotas (Scotland) Amendment Regulations 2007, **(SSI 2007/118)**

the Plant Protection Products (Scotland) Amendment Regulations 2007, **(SSI 2007/119)**

the Supervised Attendance Order (Prescribed Courts) (Scotland) Order 2007, **(SSI 2007/120)**

the Divorce etc. (Pensions) (Scotland) Amendment Regulations 2007, **(SSI 2007/122)**

the Town and Country Planning (Prescribed Date) (Scotland) Regulations 2007, **(SSI 2007/123)**

the Valuation Appeal Committee (Electronic Communications) (Scotland) Order 2007, **(SSI 2007/124)**

the Football Banning Orders (Regulated Football Matches) (Scotland) Order 2007, **(SSI 2007/125)**

the Conservation of Seals (Scotland) Order 2007, **(SSI 2007/126)**

the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2007, **(SSI 2007/127)**

the Licensing (Appointed Day and Transitional Provisions) (Scotland) Order 2007, **(SSI 2007/128)**

the Testing of Arrested Persons for Class A Drugs (Prescribed Area) (Scotland) Order 2007, **(SSI 2007/131)**

the Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007, **(SSI 2007/132)**

the Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2007, **(SSI 2007/133)**

the Police (Scotland) Amendment Regulations 2007, **(SSI 2007/134)**.

4. Instruments not laid before the Parliament: The Committee will consider the following—

Act of Sederunt (Registration Appeal Court) 2007, **(SSI 2007/113)**

the Charities and Trustee Investment (Scotland) Act 2005
(Commencement No. 4) Order 2007, **(SSI 2007/117)**

the Licensing (Scotland) Act 2005 (Commencement No. 3) Order 2007,
(SSI 2007/129)

the Planning etc. (Scotland) Act 2006 (Commencement No. 2) Order
2007, **(SSI 2007/130)**.

Ruth Cooper
Clerk to the Committee
Tel: 0131 348 5212

The following papers are relevant to this meeting:

Agenda Items 1 – 4

Legal brief (Private)

SL/S2/07/09/1

Agenda Item 1

Delegated powers memorandum (circulated to Members only)

Agenda Item 2

Executive responses

SL/S2/07/09/2

Agenda Items 3 - 4

Copies of instruments (circulated to Members only)

The following papers are attached for information:

Correspondence from the Executive regarding Custodial Sentences and Weapons (Scotland) Bill as amended at Stage 2. [SL/S2/07/09/3](#)

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Executive Responses

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2007, (SSI 2007/102)

1. On 27 February 2007 the Committee asked the Executive-

“Given that this is the 9th relevant amendment of the principal Regulations, the Committee asks the Executive what, if any, plans it has to consolidate this series of instruments.”

The Scottish Executive responds as follows:

2. The Scottish Executive is aware of the need to consolidate the 1992 Regulations and will consider doing so at an appropriate time in the future.

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Executive Correspondence

Custodial Sentences and Weapons (Scotland) Bill as amended at Stage 2

1. I write to confirm that the commitment given to the Committee in my letter of 16 November 2006 to make the power under section 6(10) (amended at Stage 2 by Amendment 23 to insert it as a new section 6B) subject to affirmative procedure will be lodged as an amendment at Stage 3 of the Bill. The power allows Scottish Ministers to amend the proportion of the sentence specified as a custody part. I apologise for not clarifying this in the Supplementary Delegated Powers Memorandum.
2. Some further Stage 3 amendments are presently being considered. If Scottish Ministers agree that these need to be made, they will be lodged with the Parliament by Thursday, 8 March at the latest. I will provide the Committee with the details of any of these amendments that change the delegated powers provisions as soon as they are agreed.
3. I would be grateful in the meantime if you could confirm whether Scottish Executive officials are still required to give evidence to the Committee next week in relation to the Supplementary Delegated Powers Memorandum.

1 March 2007

Scottish Executive Justice Department