The Committee will meet at 10:30am in Committee Room 3, Committee Chambers, Edinburgh.

1. **Items in private:** The Committee will decide whether to consider agenda item 7 in private.

2. **Executive responses:** The Committee will consider the responses from the Scottish Executive to points raised on the following—

   - the National Health Service (Primary Medical Section 17C Agreements) (Scotland) Amendment Regulations 2004, *(SSI 2004/217)*
   - Framework Guidance on Preparing a National Park Plan (Draft), *(SE/2004/98)*.

3. **Draft instruments subject to approval:** The Committee will consider the following—

   - the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2004, *(SSI 2004/draft)*
   - the Town and Country Planning (Electronic Communications) (Scotland) Order 2004, *(SSI 2004/draft)*.

4. **Instruments subject to approval:** The Committee will consider the following—

   - the Farm Business Development (Scotland) Amendment Scheme 2004, *(SSI 2004/236)*
   - the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.3) (Scotland) Order 2004, *(SSI 2004/237)*.
5. **Instruments subject to annulment:** The Committee will consider the following—

- the Crofting Community Body Form of Application for Consent to Buy Croft Land etc. and Notice of Minister’s Decision (Scotland) Regulations 2004, *(SSI 2004/224)*
- the Crofting Community Right to Buy (Grant Towards Compensation Liability) (Scotland) Regulations 2004, *(SSI 2004/225)*
- the Crofting Community Right to Buy (Compensation) (Scotland) Order 2004, *(SSI 2004/226)*
- the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004, *(SSI 2004/227)*
- the Community Right to Buy (Ballot) (Scotland) Regulations 2004, *(SSI 2004/228)*
- the Community Right to Buy (Compensation) (Scotland) Regulations 2004, *(SSI 2004/229)*
- the Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004, *(SSI 2004/230)*
- the Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004, *(SSI 2004/231)*
- the Community Right to Buy (Forms) (Scotland) Regulations 2004, *(SSI 2004/233)*
- the St Mary’s Music School (Aided Places) (Scotland) Amendment Regulations 2004, *(SSI 2004/238)*
- the Education (Assisted Places) (Scotland) Amendment Regulations 2004, *(SSI 2004/239)*
- the Kava-kava in Food (Scotland) Amendment Regulations, *(SSI 2004/244)*
- the Horticultural Produce (Community Grading Rules) (Scotland) Revocation Regulations 2004, *(SSI 2004/245)*

The Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2004, *(SSI 2004/245).*
6. **Instruments not laid before the Parliament:** The Committee will consider the following—

   - the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Commencement No.3) Order 2004, *(SSI 2004/232)*
   - the Criminal Justice (Scotland) Act 2003 (Commencement No.4) Order 2004, *(SSI 2004/240)*.

7. **Inquiry into the regulatory framework in Scotland:** The Committee will consider the second draft of a consultation paper.

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**Alasdair Rankin**  
Clerk to the Committee  
Tel: 0131 348 5212

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**The following papers are attached for this meeting:**

**Agenda Items 2-6**

Legal Brief (for members only) – to follow  
SL/S2/04/18/1

**Agenda Item 2**

Executive Responses  
SL/S2/04/19/2

**Agenda Items 3-6**

Copies of instruments and Guidance (circulated to Committee members only)

**Agenda Item 7**

Second draft of Consultation Document (for members only)  
SL/S2/04/19/3

**Papers circulated for information:**

Minutes of 18\textsuperscript{th} meeting, 2004 (Session 2)  
SL/S2/04/18/M

Justice 2 Committee, 5\textsuperscript{th} Report, 2004 (Session 2)  
Stage 1 Report on Tenements (Scotland) Bill

Background Note on Henry VIIIth Provisions in Bills

Letter from Minister for Parliamentary Business to the Procedures Committee on its Bill Inquiry
SUBORDINATE LEGISLATION COMMITTEE

19th Meeting, 2004 (Session 2)

Tuesday, 1st June 2004

Executive Responses

- the National Health Service (Primary Medical Section 17C Agreements) (Scotland) Amendment Regulations 2004, (SSI 2004/217)

- Framework Guidance on Preparing a National Park Plan (Draft), (SE/2004/98)
1. On 25th May 2004 the Committee requested an explanation of the following matter-:

“The Committee asks the Executive why references to sub-paragraphs (8) and (9) of paragraph 23 have not been included in the reference to paragraph 23 contained in regulation 2(3)(b). Sub-paragraphs (8) and (9) appear to relate solely to sub-paragraph (6) which is referred to in that regulation.”

The Scottish Executive responds as follows:

2. Sub-paragraphs (8) and (9) of paragraph 23 have not been included in the reference to paragraph 23 contained in regulation 2(3)(b) because those sub-paragraphs are to be required terms of agreements to provide essential primary medical services. The sub-paragraphs of paragraph 23 which are referred to in regulation 2(3)(b) are ones that do not need to be given effect to by the terms of agreements, as they place duties on an assessment panel which is not party to an agreement and is not bound by the terms of an agreement. Sub-paragraphs (8) and (9) however do not place duties on an assessment panel. They place duties on the parties to an agreement to each other following an assessment panel’s decision. They are therefore not referred to, as they are needed as terms of agreements.

SCOTTISH EXECUTIVE HEALTH DEPARTMENT
In its letter of 25 May to Catherine Hodgson the Committee commented as follows –

“1. The Committee asks the Executive why there is no indication in the Guidance that it is in fact a draft and that it is subject to a form of Parliamentary procedure under its parent Act. Such information would be shown as a matter of course on a draft SSI and the Committee considers that it would be useful for it to be included in the draft Guidance perhaps as with an SSI as an italic header which could be removed once the time for annulment had passed or as a frontispiece to the draft Guidance.

2. The Committee considers that it might also be useful, following the SSI precedent, to record in the text the fact that the statutory procedure has been complied with in respect of the Guidance. The Committee asks the Executive to comment on this point.”

The Scottish Executive responds as follows –

1. The Executive notes the comments of the Committee on the absence of reference on the face of the draft to the fact that it is a draft and is subject to Parliamentary procedure. The Executive considers that the Committee’s suggestion is a very helpful one and will consider the use of this approach in any future guidance which may be issued under the National Parks (Scotland) Act 2000. It does not consider, however, that the absence of an italicised header in the form described affects the validity of the draft Guidance or its procedure.

2. The Executive is again grateful for this helpful indication from the Committee. It is happy, in future, to consider a reference on the face of draft Guidance under the National Parks (Scotland) Act 2000 or on a frontispiece both to the nature of the Parliamentary procedure and to the fact that the Guidance complies with the procedure. The Executive adds, however, that it has kept the two National Park Authorities informed of this procedure and had
intended in the event of successful completion of that Parliamentary procedure to advise the Park Authorities of that fact. The Executive does not, however, consider that the absence of such reference affects the validity of the draft Guidance or its procedure.

SCOTTISH EXECUTIVE