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

1. **Delegated powers scrutiny**: The Committee will consider the response from the Promoter to the further point raised on the following Bills——
   - Edinburgh Tram (Line One) Bill at preliminary stage
   - Edinburgh Tram (Line Two) Bill at preliminary stage.

2. **Delegated powers scrutiny**: The Committee will consider responses from the Scottish Executive to points raised on the following Bill——
   - Further and Higher Education (Scotland) Bill at Stage 1.

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

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

5. **Instruments subject to annulment**: The Committee will consider the following——
   - The Building Standards Advisory Committee (Scotland) Regulations 2004, (SSI 2004/506)
   - The Building (Fees) (Scotland) Regulations 2004, (SSI 2004/508)

The Act of Sederunt (Fees of Sheriff Officers) 2004, (SSI 2004/513)

The Water Environment (Register of Protected Areas) (Scotland) Regulations, (SSI 2004/516)

The Road User Charging (Exemption from Charges) (Scotland) Regulations 2004, (SSI 2004/519).

6. **Instruments not subject to Parliamentary procedure:** The Committee will consider the following—


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

   The Fees in the Registers of Scotland Amendment Order 2004, (SSI 2004/507)

   The Agricultural Holdings (Scotland) Act 2003 (Commencement No. 4) Order 2004, (SSI 2004/511)

   Act of Sederunt (Rules of the Court of Session Amendment No. 6) (Miscellaneous) 2004, (SSI 2004/514)


Ruth Cooper
Clerk to the Committee
Tel: 0131 348 5212
The following papers are relevant to this meeting:

Agenda Items 1-7

Legal Brief (for members only) – to follow  

Agenda Item 1
Promoter responses

Agenda Item 2
Executive responses – to follow

Agenda Item 3
Executive responses

Agenda Items 4 - 7
Copies of instruments (circulated to Members only)

Papers circulated for information:

Minutes of 33rd meeting, 2004 (Session 2)
SUBORDINATE LEGISLATION COMMITTEE  

34th Meeting, 2004 (Session 2) 

Tuesday 7th December, 2004 

Edinburgh Tram (Line One) Bill and Edinburgh Tram (Line Two) Bill 

Promoter’s Response 

1. Thank you for your letter of 24 November in which you ask for further clarification from the promoter in relation to Section 44(3) of the Bill. 

Section 44(3) 

2. It is noted that the Committee is not unsympathetic to the promoter's position but has asked for clarification as to why there is a need for both the fare multiplier and the fixed penalty to be open to increase. 

3. As advised previously, the intention of the subsection was that either the fixed amount or the multiplier (or both) could be raised if desired, to reflect changes in penal policy or concerns about the effectiveness of the penalty fare as a deterrent, not just to compensate for inflation. Again, the power is one already possessed by the promoter in relation to the City of Edinburgh (Guided Busways) Order Confirmation Act 1998 (also section 44(3)). 

4. However the promoter understands the Committee's concerns and on reflection would be prepared to undertake to introduce an amendment at the Consideration Stage (in each Bill Committee) to the effect that the penalty fare will be 25 times the maximum single adult cash fare with no right to increase the multiplier and no fixed penalty of £40. The promoter considers that the level of multiplier will act as a deterrent and the inflationary increase in the maximum single adult cash fare would ensure that the penalty will increase over time. 

5. Consequential amendments would also be required to Section 44((2) and 44(3) would be removed.
SUBORDINATE LEGISLATION COMMITTEE

34th Meeting, 2004 (Session 2)

Tuesday, 7th December 2004

Executive Responses

- The Agricultural Holdings (Forms) (Scotland) Regulations 2004, (SSI 2004/497)
THE AGRICULTURAL HOLDINGS (FORMS) (SCOTLAND) REGULATIONS 2004 (SSI 2004/497)

On 30th November 2004 the Committee asked the Executive for an explanation of the following matter-

“The Notice of Proposal to Transfer Land set out at Schedule 2 to the Regulations does not require the owner to provide an up to date address. As the Notice may be made a significant time after Registration, the Committee asks the Executive whether it will consider updating the Notice to ensure that the tenant has an accurate address for the owner.”.

The Scottish Executive responds as follows:

The Scottish Executive notes the matter raised by the committee and is willing to consider the practical use of the form and any difficulty that might arise from the absence of an address for the landowner. If practical difficulties arise the Executive will of course consider amendment to the form. It is hoped, however, that the need to comply with the legislation in order to transfer a good title to a third party will result in all landowners and their advisers ensuring that all reasonable steps are taken to satisfy themselves that any right to buy has been either properly exercised or declined.

The Committee may be interested to note that the Executive has considered the matter in the context of the Community Right to Buy legislation as the form contained in Schedule 4 of SSI 2004/233 is in almost identical terms. No concerns have been raised to date in relation to that form. Any points arising from the use of either the forms of notice to transfer land in SSI 2004/497 or SSI 2004/233 will be considered for both uses.