The Committee will meet at 2.15 pm in Committee Room 6.

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

   the Road Traffic (Permitted Parking Area and Special Parking Area) (Renfrewshire Council) Designation Order 2010 (SSI 2010/96);
   the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment (No. 2) Regulations 2010 (SSI 2010/127);
   the Special Restrictions on Adoptions from Nepal (Scotland) Order 2010 (SSI 2010/130).

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

   the Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Amendment Order 2010 (SSI 2010/114);
   the Offences (Aggravation by Prejudice) (Scotland) Act 2009 (Commencement) Order 2010 (SSI 2010/115 (C.3));
   the Local Government in Scotland Act 2003 (Commencement No. 5 and Saving) Order 2010 (SSI 2010/119 (C.4));
   Act of Sederunt (Ordinary Cause Rules) Amendment (Child Maintenance and Other Payments Act 2008) 2010 (SSI 2010/120);
   the Education (Additional Support for Learning) (Scotland) Act 2009 (Commencement No. 1) Order 2010 (SSI 2010/129 (C.5));
   the Pollution Prevention and Control (Designation of Directives) (Scotland) Order 2010 (SSI 2010/131);
   the Scottish Local Government (Elections) Act 2009 (Commencement) Order 2010 (SSI 2010/132 (C.6));
   the Protection of Vulnerable Groups (Scotland) Act 2007 (Commencement No. 3) Order 2010 (SSI 2010/133 (C.7)).
Irene Fleming
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Edinburgh
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The papers for this meeting are as follows—

Legal Brief SL/S3/10/11/1 (P)

Summary of Recommendations SL/S3/10/11/2

**Agenda item 1**

Instrument Responses SL/S3/10/11/3
SUBORDINATE LEGISLATION COMMITTEE

11th Meeting, 2010 (Session 3)

Tuesday 13 April 2010

Summary of Recommendations

The Committee will be invited to consider the following recommendations at the meeting. Decisions are a matter for the Committee.

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**Agenda Item 1  Instruments subject to annulment**

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**The Road Traffic (Permitted Parking Area and Special Parking Area) (Renfrewshire Council) Designation Order 2010 (SSI 2010/96)**

The Committee may wish to report that an explanation was sought and provided by the Scottish Government on the effect of paragraph 3(b) of Schedule 3, Part I to the Regulations, with which the Committee is satisfied.

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**The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment (No. 2) Regulations 2010 (SSI 2010/127)**

The Committee may wish to be content with this instrument and to find the reasons given by the Scottish Government for the failure to comply with the 21 day rule to be satisfactory for its interests.

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**The Special Restrictions on Adoptions from Nepal (Scotland) Order 2010 (SSI 2010/130)**

The Committee may wish to consider if it is content with this instrument.
Agenda Item 2 Instruments not laid before the Parliament

The Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Amendment Order 2010 (SSI 2010/114)

The Offences (Aggravation by Prejudice) (Scotland) Act 2009 (Commencement) Order 2010 (SSI 2010/115)

The Local Government in Scotland Act 2003 (Commencement No. 5 and Saving) Order 2010 (SSI 2010/119)

Act of Sederunt (Ordinary Cause Rules) Amendment (Child Maintenance and Other Payments Act 2008) 2010 (SSI 2010/120)

The Education (Additional Support for Learning) (Scotland) Act 2009 (Commencement No. 1) Order 2010 (SSI 2010/129)

The Pollution Prevention and Control (Designation of Directives) (Scotland) Order 2010 (SSI 2010/131)

The Scottish Local Government (Elections) Act 2009 (Commencement) Order 2010 (SSI 2010/132)

The Protection of Vulnerable Groups (Scotland) Act 2007 (Commencement No. 3) Order 2010 (SSI 2010/133)

The Committee may wish to consider if it is content with these instruments.
The Road Traffic (Permitted Parking Area and Special Parking Area) (Renfrewshire Council) Designation Order 2010 (SSI 2010/96)

On 19 March 2010 the Scottish Government was asked:
To explain, in relation to paragraph 3(b) of Schedule 3, Part I, what the effect of this modification to section 63A(4) of the 1984 Act is, given that section 63A(4) (as inserted by section 44(1) of the 1991 Act) refers to “Parking attendants in Greater London” but does not appear to refer to “Greater London Authority”?

The Scottish Government responded:
The effect of the Designation Order is to make new arrangements for enforcing parking controls which are already available in London and certain other areas in England and Scotland. The way that this will apply to Renfrewshire Council area would be by designating Renfrewshire as a permitted parking area and a special parking area in accordance with Schedule 3 to the Road Traffic Act 1991 (c.40). To do this the Order makes certain modifications to the Road Traffic Act 1991 and to the Road Traffic Regulation Act 1984 (c.27).

Reference to “Greater London Authority” was included in 63A(4) of the Road Traffic Regulation Act 1984 as per the amendment created by s.289(2) of the Greater London Authority Act 1999 c.29.

s.425(8) of the Greater London Authority Act 1999 provides that:

“(8) Any amendment or repeal made by this Act shall have the same extent as the enactment to which it relates.”

As such s.63A(4) of Road Traffic Regulations Act 1984 has been amended by the Greater London Authority Act 1999.

Therefore, it is appropriate to substitute the term “Greater London Authority” with “Scottish Ministers” as this leaves no confusion as to who will determine the type of uniform to be worn by parking attendants for Renfrewshire Council Parking Area.

This modification provides clarity that it is the Scottish Ministers that may make determinations over parking attendants uniforms and not the Greater London Authority.

Furthermore, for matters of consistency this Designation Order has adopted similar modifications to previous Designation Orders.