The Committee will meet at 2.15 pm in Committee Room 4.

1. Decision on taking business in private: The Committee will decide whether to take items 4, 5 and 6 in private.

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

   - the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2010 (SSI 2010/222);
   - the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2010 (SSI 2010/225);
   - the National Health Service (Discipline Committees) (Scotland) Amendment Regulations 2010 (SSI 2010/226);
   - the Scottish Dental Practice Board Amendment Regulations 2010 (SSI 2010/228);
   - the Police Pension Account (Scotland) Regulations 2010 (SSI 2010/232);
   - the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 (SSI 2010/233);
   - the Local Government Pension Scheme Amendment (Scotland) Regulations 2010 (SSI 2010/234);
   - the Solvent Emissions (Scotland) Regulations 2010 (SSI 2010/236).

3. Instruments not subject to parliamentary procedure: The Committee will consider the following—

   - the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2010 (SSI 2010/231).

4. Historic Environment (Amendment) (Scotland) Bill: The Committee will consider the Scottish Government's response to points raised on the delegated powers provisions in this Bill at Stage 1, and the contents of a draft report.
5. **Criminal Justice and Licensing (Scotland) Bill:** The Committee will consider the delegated powers provisions in this Bill after Stage 2, and the contents of a draft report.

6. **Crofting Reform (Scotland) Bill:** The Committee will consider the delegated powers provisions in this Bill after Stage 2.

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The papers for this meeting are as follows—

Legal Brief
Summary of Recommendations

**Agenda item 2**
Instrument Responses

**Agenda item 4**
Scottish Government Response
Draft Report

**Agenda item 5**
*Criminal Justice and Licensing (Scotland) Bill (as amended at Stage 2)*
*Supplementary Delegated Powers Memorandum*
Draft Report

**Agenda item 6**
*Crofting Reform (Scotland) Bill (as amended at Stage 2)*
*Supplementary Delegated Powers Memorandum*
Briefing Paper
Summary of Recommendations

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

Agenda Item 2  Instruments subject to annulment

The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2010 (SSI 2010/222)

The Committee may wish to report that there is a drafting error in article 13, where the cross-reference to paragraph (3)(a)(iii) in Schedule 2 to the 2008 Regulations should be to paragraph (3)(d)(iii). It is not considered likely that this will affect the operation of the instrument, and the Scottish Government has undertaken to correct it by an amendment in due course.

The Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2010 (SSI 2010/225)

The National Health Service (Discipline Committees) (Scotland) Amendment Regulations 2010 (SSI 2010/226)

The Scottish Dental Practice Board Amendment Regulations 2010 (SSI 2010/228)

The Police Pension Account (Scotland) Regulations 2010 (SSI 2010/232)

The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 (SSI 2010/233)

The Local Government Pension Scheme Amendment (Scotland) Regulations 2010 (SSI 2010/234)

The Solvent Emissions (Scotland) Regulations 2010 (SSI 2010/236)

The Committee may wish to consider if it is content with these instruments.
Agenda Item 3  Instruments not laid before the Parliament

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) (Scotland) Amendment Order 2010 (SSI 2010/231)

The Committee may wish to consider if it is content with this instrument.
INSTRUMENTS SUBJECT TO ANNULMENT

The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2010 (SSI 2010/222)

On 10 June 2010 the Scottish Government was asked:
Whether the reference in article 13 to paragraph (3)(a)(iii) of column 2 of option 78 in Schedule 2 to the 2008 Regulations (SSI 2008/100) should be to paragraph (3)(d)(iii). If this is agreed, what is the effect of this error considered to be?

The Scottish Government responded:
The Scottish Government is grateful to the SLC for drawing this matter to their attention and agrees that the reference should be to paragraph (3)(d)(iii). It is not thought that this error is likely to cause any problem in practice but it will be rectified at the first appropriate legislative opportunity.
Thank you for your letter of 8 June to the Constitution and Parliamentary Secretariat requesting a response to the specific issues which were raised during the Committee’s recent consideration of the above Bill. Historic Scotland’s response is as follows:

- Paragraph 19 of the Delegated Powers Memorandum is more applicable to the provisions of section 15(3) of the Bill than section 15(2). Section 15(3) is largely modelled on provisions in section 10 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”) and section 35 of the Town and Country Planning (Scotland) Act 1997 (“the Planning Act”).

- As regards, section 15(2) of the Bill, this amendment will enable provisions to be made which, in particular, specify the form in which scheduled monument consent is given. There are broadly equivalent powers enabling Ministers to prescribe the form of the decision notice in sections 43 and 275 of the Planning Act and sections 14, 18, 19 and 82 of the Listed Buildings Act. Planning permission or listed building consent as the case may be is granted by such decision notice. Paragraph 19 in the Delegated Powers Memorandum was intended to indicate that the provisions conferred equivalent powers to those in the Planning Act and Listed Buildings Act rather than that they were directly modelled on the wording in those Acts. It is considered desirable to be able to prescribe the manner and form in which scheduled consent is granted.

- Currently paragraph 2 of Schedule 1 to the 1979 Act provides a discretion to refuse to entertain an application for scheduled monument consent unless it is accompanied by certain specified certificates. The purpose of section 15(3) is to confer essentially the same degree of discretion whilst enabling the administrative requirements for different certificates to be set out in regulations to allow administrative flexibility.

Please let me know if the Committee requires additional information.