

PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENTS AND A LAID DOCUMENT

MADE AFFIRMATIVE INSTRUMENT

Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/322)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/322) be approved.

Purpose

2. To consolidate the existing International Travel Regulations contained within several instruments, as well as their various corresponding amendment regulations, into one and to do so upon the expiry of the existing regulations. The Scottish Ministers are required to review the need for the requirements imposed by these Regulations at least once every 28 days. The first review is to be carried out by 18 October 2021. The Regulations will expire at the end of 16 May 2022 (at the same time as the current regulations for England).

Consideration by committee

3. Bureau members should note that the deadline for approving these regulations is Friday 29 October 2021. The COVID-19 Recovery Committee will consider the regulations at its meeting on Thursday 28 October and report straight after, in order for Parliament to consider the motion to approve the instrument later that afternoon. The report will be made available to Members as soon as it is published and any issues raised flagged to Business Managers.

AFFIRMATIVE INSTRUMENT

Forestry (Exemptions) (Scotland) Amendment Regulations 2021 (SSI 2021/draft)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Forestry (Exemptions) (Scotland) Amendment Regulations 2021 (SSI 2021/draft) be approved.

Purpose

5. To remove the ability for trees to be felled without felling permissions, in relation to peatland restoration projects, where planning permission has been granted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (article 3 and paragraph 20A of schedule 1). These Regulations make an exception to the exemption at regulation 4(e) of the Forestry (Exemptions) (Scotland)

Regulations 2019 (“the Principal Regulations”) the effect of which is, despite having planning permission for a peatland restoration project, felling a tree without a felling permission will constitute an offence under section 23 of the 2018 Act.

Consideration by committee

6. At its meeting on 29 September 2021, the Rural Affairs, Islands and Natural Environment Committee agreed to recommend that the regulations be approved. The Committee report was published on 11 October 2021.

APPROVAL OF LAID DOCUMENTS

Code of Conduct for Councillors SG/2021/229

7. The Ethical Standards in Public Life etc. (Scotland) Act 2000 provided for the introduction of a new Code of Conduct (“the Code”) for local authority Councillors. The Code is to be agreed by a resolution of the Parliament, following consideration by the lead Committee. The Parliament considers the Code in the same way as it would consider an affirmative instrument and therefore the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Code of Conduct for Councillors (SG/2021/229) be approved.

Purpose

8. The Code sets out the standards that all councillors must comply with when carrying out their council duties. This draft Code amends the previous iteration of the Code to make it more user-friendly and bring it up to date.

Consideration by committee

9. The Local Government and Communities Committee took evidence on the Code from the Minister for Social Security and Local Government at its meeting on 5 October. During evidence and in its subsequent report, the Committee sought an assurance from the Scottish Government that training to accompany the Code will make clear that is not the intention of paragraph 23 of Annex A to the Code to prohibit councillors from making any criticism of their Council. The Committee agreed to recommend to Parliament that the Code be approved. The Committee’s report was published on 6 October 2021.

Model Code of Conduct for Members of Devolved Public Bodies (SG/2021/230)

10. The Ethical Standards in Public Life etc. (Scotland) Act 2000 requires Scottish Ministers to issue a Model Code of Conduct for members of devolved public bodies (“Model Code”) for those organisations listed in the Act.

11. The Model Code is to be agreed by a resolution of the Parliament, following consideration by the lead Committee. The Parliament considers the Model Code in the same way as it would consider an affirmative instrument and therefore the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Model Code of Conduct for Members of Devolved Public Bodies (SG/2021/230) be approved.

Purpose

12. The purpose of the Model Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland. The current version of the Model Code was originally issued in 2010 and amended in 2014. The Scottish Government considered that it was important to take account of new developments, such as social media, since the current Model Code was issued and consulted on the revision of the Model Code in late 2020.

Consideration by committee

13. The Standards, Procedures and Public Appointments Committee took evidence on the Model Code from the Minister for Public Finance, Planning and Community Wealth at its meeting on 7 October. After debate, the Committee agreed by division (For 3; Against 0; Abstentions 2) to recommend to Parliament that the Model Code be approved. The Committee's report was published on 21 October 2021.

Decision

14. **Business Managers are invited note that the above motions will be lodged.**

15. **Business Managers should reserve their position if their party intends to speak against or oppose the motions.**

**Parliamentary Business Team
October 2021**