



The Scottish Parliament
Pàrlamaid na h-Alba

DELEGATED POWERS AND LAW REFORM COMMITTEE

AGENDA

3rd Meeting, 2016 (Session 4)

Tuesday 19 January 2016

The Committee will meet at 11.00 am in the Adam Smith Room (CR5).

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

[Public Contracts \(Scotland\) Regulations 2015 \(SSI 2015/446\);](#)
[Local Government Pension Scheme \(Scotland\) Amendment \(No. 2\) Regulations 2015 \(SSI 2015/448\);](#)
[Public Bodies \(Joint Working\) \(Integration Joint Board Establishment\) \(Scotland\) Amendment Order 2016 \(SSI 2016/2\);](#)
[Health Boards \(Membership and Procedure\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/3\);](#)
[Community Right to Buy \(Scotland\) Amendment Regulations 2016 \(SSI 2016/4\);](#)
[Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2016 \(SSI 2016/6\);](#)
[Scottish Local Government Elections Amendment Order 2016 \(SSI 2016/7\);](#)
[Representation of the People \(Absent Voting at Local Government Elections\) \(Scotland\) Amendment Regulations 2016 \(SSI 2016/8\).](#)

2. **Instruments not subject to any parliamentary procedure:** The Committee will consider the following—

[Scottish Parliament Elections \(Returning Officer Fees and Charges\) Regulations 2016 \(SSI 2016/10\).](#)

3. **Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill:** The Committee will consider the response from the Member in charge of the Bill to its Stage 1 report.
4. **Report on instruments considered by the Committee during 2014-15:** The Committee will consider the Scottish Government's response to its report.

5. **Bankruptcy (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.

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The papers for this meeting are as follows—

Agenda Items 1 and 2

Briefing on Instruments (private)

DPLR/S4/16/3/1(P)

Agenda Item 1

Instrument Responses

DPLR/S4/16/3/2

Agenda Item 3

[Transplantation \(Authorisation of Removal of Organs etc.\)
\(Scotland\) Bill - as introduced](#)

[Transplantation \(Authorisation of Removal of Organs etc.\)
\(Scotland\) Bill - Delegated Powers Memorandum](#)

[Transplantation \(Authorisation of Removal of Organs etc.\)
\(Scotland\) Bill - DPLRC Stage 1 report](#)

Briefing Paper

DPLR/S4/16/3/3

Agenda Item 4

[60th Report, 2015: The work of the Delegated Powers and
Law Reform Committee in 2014-15](#)

Briefing Paper

DPLR/S4/16/3/4

Agenda Item 5

[Bankruptcy \(Scotland\) Bill - as introduced](#)

[Bankruptcy \(Scotland\) Bill - Accompanying Documents](#)

[Bankruptcy \(Scotland\) Bill - Drafter's Notes](#)

Draft Report (private)

DPLR/S4/16/3/5(P)

DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd Meeting, 2016 (Session 4)

Tuesday 19 January 2015

Instrument Responses

INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE

Public Contracts (Scotland) Regulations 2015 (SSI 2015/446)

On 8 January 2016, the Scottish Government was asked:

1. Regulation 2 defines the term “central government authority” as “the authorities listed in Schedule 1 and, where any such authority is succeeded by another authority which is itself a contracting authority, their successors”. Regulation 2 also defines the term “contracting authority” as “the state, a regional or local authority, body governed by public law or association formed by one or more such authorities or bodies”. Directive 2014/24/EU defines “central government authorities” as the contracting authorities listed in Annex 1 however regulation 2 does not refer to “contracting authorities”, but only to “authorities”.

Are the central government authorities listed in Schedule 1 intended to be “contracting authorities” for the purposes of the regulations? If it is so intended, is the definition of “central government authority” considered to be sufficiently clear?

2. The following cross-referencing queries arise:

a) Paragraphs (5), (6) and (7) of regulation 4 refer to, respectively, paragraphs (5)(a), (5)(b) and (5)(c). Should these references be instead to paragraphs (4)(a), (4)(b) and 4(c)?

b) Regulation 38(1) refers to “paragraph (9)(a)”. There is no paragraph (9) in regulation 38. Can you explain whether this reference should be to another paragraph within regulation 38 or to a “paragraph (9)(a)” within another regulation?

c) Regulation 85(3)(a) and (b) refer to, respectively, regulation 43(11) and 43(10). Should these refer instead to regulation 43(14) and 43(13)?

d) Regulation 91(2) refers to “paragraph (10)(b)”. Should it refer instead to “regulation 92(1)(b)”?

e) Regulation 99(5) defines the term “the Utilities amendments” as the amendments made to the UCR by paragraph 9 of Schedule 6. Should the reference to paragraph 9 be instead to paragraph 8?

f) The new paragraphs (10)(1)(b) and 10(2) of schedule 3 to the Rehabilitation of Offenders (Exclusions and Exceptions) (Scotland) Order 2013 as substituted by paragraph 10 of Schedule 6 to the regulations refer to “regulation 80” of the 2015 regulations. Are the references to regulation 80 correct or should they be to regulation 79? Relatedly, the new sub-paragraph (4)(a) of schedule 3 to the 2013

Order refers to the reference to “regulation 79” of the 2015 regulations in subparagraph (1) although no such reference exists (there is, however, a reference to regulation 80).

3. In respect of the points raised above, does the Scottish Government propose to take any corrective action?

The Scottish Government responded as follows:

1. The definition of “contracting authority” is a broad one which accords with the terminology used in Directive 2014/24/EU. All of the central government authorities fall within that definition with the result that they are all contracting authorities. We do not think that it is necessary to define central government authorities as contracting authorities. Accordingly we are content that the definitions are sufficiently clear as they are drafted.

2. The Scottish Government acknowledges that, notwithstanding the normal checking process, the cross references were not all correct. In relation to each we clarify as follows:

a) Regulation 4(5), (6) and (7) should cross refer to paragraphs (4)(a), (4)(b) and (4)(c).

b) Regulation 38(1) refers to “central purchasing activity”, the definition of which had appeared in an earlier draft as paragraph (9) before being moved to the interpretation provision at regulation 2(1). The intention was to refer to paragraph (a) of the definition. On further reflection it is not necessary to refer to a specific paragraph and an amendment will be made accordingly.

c) Regulation 85(3)(a) and (b) should indeed refer to regulation 43(14) and 43(13) respectively.

d) Regulation 91(2) should cross refer to regulation 92(1)(b).

e) In regulation 99(5) “the Utilities amendments” are in paragraph 8 of Schedule 6 and the reference should therefore be to that paragraph.

f) In the substitutions made by paragraph 10 of Schedule 6 the references to regulation 80 of the 2015 Regulations should have been references to regulation 79. On correction of these the related point will fall as the cross-reference referred to these will, in fact, be correct.

3. The Scottish Government intends to make an amending instrument to address the points raised at paragraph 2. This will come into force at the same time as the principal instrument.

Local Government Pension Scheme (Scotland) Amendment (No. 2) Regulations 2015 (SSI 2015/448)

On 7 January 2016, the Scottish Government was asked:

Regulation 29(e) amends Schedule 1 of the Local Government Pension Scheme (Scotland) Regulations 2014 ('the Main Regulations') to insert a definition of "the Transitional and Savings Regulations 2014". The term "the Transitional and Savings Regulations 2014" does not however appear to be used anywhere in the Main Regulations.

Is the intention instead to insert a definition of "the Transitional Provisions and Savings Regulations 2014", which is a term used throughout the Main Regulations? If so, is any corrective action proposed?

The Scottish Government responded as follows:

The intention is to insert a definition of "the Transitional Provisions and Savings Regulations 2014" and the Scottish Government proposes to do this in a further amending instrument which will amend the Main Regulations and come into force at the same time as the Local Government Pension Scheme (Scotland) Amendment (No. 2) Regulations 2015.

DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd Meeting, 2016 (Session 4)

Tuesday 19 January 2016

**Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill
(Stage 1)**

Response from the Member in Charge

Background

1. The Committee reported on the delegated powers in the Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill¹ (“the Bill”) on 3 December 2015 in its [77th report of 2015](#). The Committee made recommendations in respect of two delegated powers provisions.
2. The response from the Member in Charge of the Bill, Anne McTaggart MSP (“the Member”), to the report is reproduced at the Annex.
3. This paper summarises the delegated power provisions, the Committee’s previous consideration of these and the Member’s response.

Member response

Section 2 – Designation of authorised investigating persons

Provision

4. Section 2A of the 2006 Act, as inserted by section 2 of the Bill, enables the Ministers to provide by regulations for the designation of persons, or categories of person, as authorised investigating persons for the purposes of the 2006 Act (as amended by the Bill).
5. The authorised investigating person has a key role in assessing and determining whether there is proxy authorisation, or authorisation by operation of law, for the removal of organs under the proposed new sections 6A and 6B of the 2006 Act. Paragraph 10 above sets out the conditions about which an authorised investigating person must be satisfied, before the removal of body parts would be authorised by operation of law, under the proposed “soft opt out” system.
6. The Delegated Powers Memorandum (“DPM”)² states that the Member envisages that the designation of authorised investigating persons by regulations is

¹ The Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill as introduced is available at the following website:
[http://www.scottish.parliament.uk/S4_Bills/\(1\)Transplantation%20\(Authorisation%20of%20Removal%20of%20Organs%20etc.\)%20\(Scotland\)%20Bill/b72s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/(1)Transplantation%20(Authorisation%20of%20Removal%20of%20Organs%20etc.)%20(Scotland)%20Bill/b72s4-introd.pdf) [accessed January 2016]

² The Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill Delegated Powers Memorandum is available at the following website:

likely to be done by reference to certain job descriptions and/or clinical grades within the NHS. Under section 59(2) of the 2006 Act, the negative procedure would apply to the regulations.

Committee consideration

7. In the course of its first consideration of the Bill, the Committee identified two areas for exploration with the Member to understand the scope and potential operation of the power. The Committee sought the Member's views on which persons would be classed as authorised investigating persons and whether it was possible to identify which persons would be identified as authorised investigating persons through reference to job roles and administrative grades.

8. Given the power's significance in how the opt-out system would operate, the Committee also sought to understand the reasoning behind the power being accorded the negative parliamentary procedure, rather than the affirmative procedure.

9. The Member detailed that the policy intention was NHS only staff could be designated as authorised investigating persons, and that an amendment would be brought forward at Stage 2 so that this applies only to relevant health professionals within the NHS.

10. The Committee noted the planned amendment by the Member and signalled its intention to consider the terms of any amended power after Stage 2 of the Bill.

Member response

11. The Member did not comment further on this recommendation.

Section 16 – Regulations in relation to certain adults resident outside Scotland

Provision

12. New section 6B(1)(a) of the 2006 Act (as inserted by section 6(1) of the Bill) excludes any adult who was not resident in Scotland on death from the new opt-out system "by operation of law". This ensures that adults from countries operating "opt-in" systems of organ donation (such as England) who die in Scotland cannot have their organs removed for transplantation under new section 6B. Such adults would not have had the opportunity to record any objection to removal.

13. There are however a number of other countries around the world which have "opt-out" systems of different types, and subject to different conditions. The DPM states that Wales has recently legislated for a system similar to the one contained in the Bill, and the system started on 1 December 2015. The number of these countries may increase in future. The DPM also states that it might be thought unreasonable that a person dying in Scotland, who met the requirements for authorisation by operation of law under their "home system", should be excluded from the "opt out" provisions in the proposed new section 6B.

[http://www.scottish.parliament.uk/S4_Bills/\(1\)Transplantation%20\(Authorisation%20of%20Removal%20of%20Organs%20etc.\)%20\(Scotland\)%20Bill/Delegated_Powers_Memorandum-final.pdf](http://www.scottish.parliament.uk/S4_Bills/(1)Transplantation%20(Authorisation%20of%20Removal%20of%20Organs%20etc.)%20(Scotland)%20Bill/Delegated_Powers_Memorandum-final.pdf)
[accessed January 2016]

14. Section 16 would enable the making of regulations to modify the 2006 Act (as amended by the Bill), to make particular provision for these circumstances.

Committee consideration

15. When the Committee first considered this matter, it noted that the power was exercisable by the affirmative procedure, which would allow the Parliament only to either approve or reject any extension of the opt-out system to adults' resident outside of Scotland. The Committee therefore asked the Member to consider whether a super-affirmative procedure might be appropriate; to enable the Parliament to comment on a draft of the regulations, before approval or rejection.

16. The Member described the rationale behind using the affirmative procedure for this power; noting that exercise of the power would amend primary legislation. The Member also highlighted that careful judgement would be needed to decide whether a jurisdiction operates a similar enough system to warrant their resident's inclusion in the opt-out system. An example future scenario was given where the rest of the UK may operate a similar system. The Member argued that the super-affirmative approach was appropriate in cases of controversial issues or strong conflicting views are present.

17. The Committee reported to the lead Committee that it remained concerned about the scope of the power, given that it could amend aspects of the Human Tissue (Scotland) Act 2006, subject to requirements and the terms of any regulations. The Committee was concerned that the power defined which relevant persons might be affected, rather than defining the system of organ donation. This approach could lead to a different system of organ donation being applied to such persons from the system described in the Bill. The Committee therefore recommended that consideration be given to narrowing the power, rather than allowing any modification of the 2006 Act in relation to the relevant persons.

18. In line with the Member's policy intentions, the Committee also recommended considering whether the power could be narrowed to extend to the remainder of the UK, to apply in the event that the other jurisdictions operate a "soft opt-out system" in the future.

Member's response

19. The Member has replied that the power is drafted to enable changes to be made for people from particular jurisdictions, so as not to capture people who would have been outwith the scope of the opt-out system in their jurisdiction. An example was provided where opt-out systems use different age thresholds. The Member recognises that the power could result in more significant changes. The Member has signalled her willingness to consider a Stage 2 amendment, to narrow the scope of the power, in line with the policy intention to "fine tune" the system by regulations.

20. The Member has identified that she is potentially open to amending the provision at Stage 2, so it is limited to the other parts of the UK. The Member indicates that this could be done, if in relation to jurisdictions outwith the UK, the following conditions would *never* be met:

- (i) the relevant country's opt-out system being similar to the one provided for in the Bill
- (ii) the number of people from that country who visit Scotland being large enough to make an impact on donor numbers.

Conclusion

21. Members are invited to make any comments. Should the Bill proceed to Stage 2 and new powers are proposed, or substantial amendments to the powers are proposed, the Committee will have a further opportunity to consider the Bill after Stage 2.

Recommendation

22. **Members are invited to note the Member's response on the Bill, and to make any comments.**

ANNEX

Correspondence from the Member, dated 15 December 2015

I thank the Committee for its scrutiny of the delegated powers provisions in the above Bill and its report at Stage 1. The Committee has raised a couple of issues, please see my responses below.

Section 16 – Regulations in relation to certain adults resident outside Scotland

The Committee raised a concern that the Scottish Ministers' power to modify the 2006 Act where the criteria in section 16(2) are met is drawn too widely. The concern is that the requirements define the persons who would be subject to this power, rather than defining the system of organ donation which might be applied to them in future. The Committee asked me to give consideration to amending this power so that it is drawn more narrowly to enable the application of the pertinent provisions of the 2006 Act (as amended by the Bill) to relevant persons, rather than permitting any further modification of the 2006 Act in relation to those persons.

There are different types of opt-out systems of organ donation in operation in different jurisdictions and therefore it might not be appropriate to apply the 2006 Act (as amended by the Bill) to people from another opt-out jurisdiction unchanged – since that would risk applying it to some individuals who would not have fallen within the opt-out element of their home country's system (for example, because of a different age-threshold). That is why, if a power to extend the application of the Act to deceased adults from other opt-out jurisdictions is to be workable in practice, it needs to include some power to allow specific adjustments to be made to the 2006 Act in relation to each such jurisdiction. But I accept that the current drafting does not limit Ministers' ability to "further modify" the 2006 Act to the sort of fine-tuning just described, and could allow more significant changes to be made. That was not the intention of the provision and I would be willing to consider a stage 2 amendment to the Bill to draft the scope more narrowly.

The Committee asked me to consider amending the requirements in section 16(2), so that an adult must be resident immediately before death in a jurisdiction in the remainder of the UK, rather than any jurisdiction other than Scotland, and to consider how practicable it would be to apply the Bill provisions to an adult who was resident outwith the UK.

The most likely application of the section 16 delegated power would be to allow Scotland's new soft opt-out system to apply to deceased adults who were resident in another part of the UK. At the same time, the provision was drafted so it could also be used to cover deceased adults who were resident in other countries with a similar soft opt-out system of organ donation. However, I recognise that Ministers would only use the power in that latter way if the relevant country's opt-out system was similar to the one provided for in the Bill, and if the number of people from that country who visit Scotland was large enough to make an impact on donor numbers. If there are good reasons to think these conditions are never likely to be met, I would

be willing to see this provision amended at Stage 2 to restrict its application to other UK jurisdictions.

I trust that the above is sufficient to respond to the Committee's questions.

DELEGATED POWERS AND LAW REFORM COMMITTEE

3rd Meeting, 2016 (Session 4)

Tuesday 19 January 2016

**Scottish Government Response to the Committee's Report on Instruments
considered in 2014-15**

Introduction

1. As members will be aware, the Committee published its report on instruments considered in 2014-15 on 9 October 2015. The report can be found [here](#).
2. In so doing, the Committee wrote to the Scottish Government, drawing its attention to the report and inviting it to respond to the report's conclusions.
3. In addition the Minister for Parliamentary Business gave evidence to the Committee on the report and related issues at its meeting on 15 December 2015.
4. The letter from the Minister for Parliamentary Business, attached as an Annex to this paper, responds to the Annual Report and the further issues raised in the oral evidence session.

Recommendation

5. **The Committee is invited to note the response from the Minister for Parliamentary Business.**

Annex

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Our ref: A13121108

13 January 2016

Dear Nigel

Thank you for your letter of 13 October covering the Committee's Annual Report for 2014-15. Having now had time to consider both the content of the report and the points raised at the meeting on 15 December, this is my formal response.

As a general point, I commend the work which produced this detailed report and the even-handed approach it takes. As this the Committee's final annual report of this parliamentary session I should also record, as I did on 15 December, my thanks to Members and yourself as Convener for your commitment, and the professionalism you demonstrate in scrutiny of legislation. In particular, as the main subject of the report, I believe the scrutiny process for subordinate legislation works well and that this is reflected in the willingness of the Scottish Government to engage constructively with the Committee and its Clerking Team.

Turning now to the content of the report, I offer the following comments on the points raised.

Response to the report

Number of instruments laid

As I said at our meeting in December, I do not think there is any specific reason why the number of instruments have fluctuated significantly in this session beyond the fact that the number of instruments laid will inevitably vary according to need and the implementation requirements of individual Bills.

The Committee acknowledged the improvements that have been made in reducing the size and frequency of peaks in instruments laid by the Scottish Government. This is an issue I am keeping under active review as we approach the end of the session, however I must also bear in mind that a number of instruments which would in normal years be laid

Annex

in early March, must be cleared before Parliament dissolves. There are tax, pensions, other finance instruments and a number of instruments deriving from EU requirements in this category. Deadlines have been set to ensure that a sensible amount of time is available for Committee consideration and in general these will be met.

However, it is not possible to smooth the number of instruments which will be referred to individual subject committees to any great extent. There are also a small number of instruments which will not meet the cut-off dates for various good reasons. My officials continue to work closely with Committee's Clerks and over recent months have made further refinements the information supplied. This includes providing a longer-term overview of when we anticipate instruments will be laid to help resource allocation.

Number of instruments reported

I reiterate what I said to the Committee - that overall the quality of instruments in Session 4 has improved compared to Session 3, and I expect this improvement to continue in Session 5. In response to the Committee's concern about the number of instruments reported on multiple grounds, I stand by my assertion that the main issue was in relation to a significant number of large pensions instruments which were subject to extreme time constraints - the unprecedented requirement to reform all public service pensions from a common date was dictated by the UK Government. As a mainly reserved area, the Scottish Government continues to be subject to the timetables laid down by UK Government which do not always take account of Scottish practice and processes.

Lessons have been learned and changes in practice put in place to mitigate against a recurrence of the problems with occurred last year. This experience is being used to inform the management of complex instruments and packages of instruments on other subjects. Changes include regular meetings between my officials in Parliament and Legislation Unit and the Scottish Government Legal Directorate which allow solutions to current problems to be discussed, and future potential problems to be highlighted and managed. Bill Teams are also being encouraged to think beyond Royal Assent for their Bill to the implementation phase – what that will look like, including any requirement for subordinate legislation, and to what timescale. My officials continue to stress the need for policy teams to meet Committee Clerks to discuss implementation planning for Bills, and I understand that these meetings continue to be helpful to everyone.

Withdrawal of affirmative instruments

It is worth noting that while the number of instruments withdrawn has risen, so has the number of affirmative procedure instruments laid - there were 81 in 2014/15 compared with 31 in 2011/12. In 2015/16, 27 were laid in the first quarter alone, so the trend of increasing numbers of affirmative instruments laid continues.

I agree with the committee that legislation should be clearly drafted and so far as possible, easily understood. The Scottish Government values the fresh perspective which the Parliament offers. We are grateful to the Committee's advisers for pointing out ambiguous or incorrect drafting but I think we need to differentiate between actual errors and things which are a matter of legal opinion. While our practice is to correct errors in instruments, there have always been instances where we have agreed to differ. In terms of things which are a matter of legal opinion then, some points are significant, others are not, so minor points which do not materially affect the operation of the instrument will not necessarily be cleared up urgently.

Annex

If the Scottish Government agrees with DPRLC 's legal advisers that there is an error in an affirmative instrument or that the drafting is ambiguous and there is time to do so, the instrument will normally be withdrawn to tidy it up and it will be laid again. That contributes to the outcome that we would all like to achieve - that legislation should be clear and easily understood.

Commitments to remedy defects

As I note above, where time permits and where value can be added by withdrawing an affirmative instrument, making an amendment and laying it again, the Scottish Government will endeavour to do so. This is not possible with negative procedure instruments and where there are significant changes to negative procedure instruments, the equivalent to withdrawing and laying again is to make an amendment instrument. This will always be done where there is a significant error. In the case of both types of instrument a commitment to remedy a minor defect at a future date is accepted practice.

As I said at committee, it is necessary to consider appropriate use of official and parliamentary time. Simply because a commitment has lain unmet for some time is not always a good reason to make an instrument, particularly to correct a minor point, and it may be that the requirement to legislate on that subject occurs infrequently. It can be argued in such cases, that as the legislation is operating satisfactorily the amendment is not urgently required. Nonetheless, the commitment stands and will be acted on when the next opportunity arises regardless of how far into the future that might be.

Primary legislation scrutiny

As with subordinate legislation, the Scottish Government values the Committee's involvement in primary legislation, particularly at Stage 1, and recommendations which may be made in the resulting report. Time constraints may mean that for a very small number of the remaining Bills of this Parliamentary session those recommendations made may not be as thoroughly considered as we have been able to do earlier in the session. We do however intend to continue to meet the commitment to allow 14 days between Stages 2 and 3 in the majority of the remaining Bills before Parliament. If this is not possible for any particular Bill, then we will of course make this Committee aware of discussions with the lead Committee and the conclusions reached, and ensure that accompanying information such as a supplementary Delegated Powers Memorandum is as clear and comprehensive as possible.

Bills containing 'framework' provisions

I understand that the Committee are concerned that the detail of how the Bill will be implemented is sometimes not available. There is however, a place for Bills that provide an outline within which policy can be fully developed with stakeholders then implemented by subordinate legislation. The flexibility secondary legislation provides is valuable. In most cases, the shorter lead time from inception to completion allows the Scottish Government to develop different responses to changes of circumstances promptly and makes better use of parliamentary time - focussing on the principles involved while leaving the detail to secondary legislation. That will in turn be subject to detailed scrutiny by this Committee and in most cases by the appropriate subject committee, again to a shorter timescale than is required for primary legislation. We do recognise that there is a balance to be struck between clarity and detail and the level of scrutiny which Committees can undertake.

AnnexRole as lead committee on Scottish Law Commission Bills

As we agreed at the meeting on 15 December, the role of the Committee in leading on these Bills is now established with the Legal Writings (Counterparts and Delivery) Bill having been completed last year and the Succession (Administration of Estates) Bill nearing completion as I write. I acknowledge that this increases the workload the Committee faces, particularly at busy times for subordinate legislation but welcome the Committee's enthusiasm for the task. I anticipate that this programme will continue into Session 5 with the consequent benefit of implementing the Commission's recommendations and the improvement in the currency of Scots Law.

Conclusion

I hope you find this helpful and invite you to publish the Scottish Government response alongside your report to enable readers to obtain a comprehensive view when considering the issues which have been raised by the Committee.

Yours for Scotland

A handwritten signature in blue ink, appearing to read 'Joe Fitzpatrick', with a large, sweeping horizontal stroke at the end.

JOE FITZPATRICK