



The Scottish Parliament  
Pàrlamaid na h-Alba

## DELEGATED POWERS AND LAW REFORM COMMITTEE

### AGENDA

1st Meeting, 2016 (Session 4)

Tuesday 5 January 2016

The Committee will meet at 11.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 8 in private.
2. **Bankruptcy (Scotland) Bill:** The Committee will consider correspondence from the Scottish Government on the Bill.
3. **Bankruptcy (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Fergus Ewing, Minister for Business, Energy and Tourism; Graham Fisher, Head of Branch 1, Civil and Constitutional Law Division, Scottish Government Legal Directorate, Scottish Government; Gregor Clark, Parliamentary Counsel, Scottish Law Commission; Alex Reid, Head of Operational Policy & Compliance, Accountant in Bankruptcy.

4. **Instruments subject to affirmative procedure:** The Committee will consider the following—

[Dog Fouling \(Fixed Penalty\) \(Scotland\) Order 2016 \[draft\].](#)

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

[Food Information \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(SSI 2015/410\):](#)  
[Public Service Vehicles \(Registration of Local Services\) \(Scotland\) Amendment Regulations 2015 \(SSI 2015/420\).](#)

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

[Tribunals \(Scotland\) Act 2014 \(Commencement No.3\) Order 2015 \(SSI 2015/422 \(C.55\)\)](#);  
[Act of Sederunt \(Sheriff Court Rules Amendment\) \(Miscellaneous\) 2015 \(SSI 2015/424\)](#);  
[Welfare Funds \(Scotland\) Act 2015 \(Commencement\) Order 2015 \(SSI 2015/428 \(C.26\)\)](#).

7. **Enterprise Bill (UK Parliament legislation):** The Committee will consider the powers to make subordinate legislation conferred on Scottish Ministers in the [Enterprise Bill](#) (UK Parliament legislation).
8. **Burial and Cremation (Scotland) Bill:** The Committee will consider a draft report to the Health and Sport Committee.
9. **Bankruptcy (Scotland) Bill (in private):** The Committee will consider the evidence it has received on the Bill.

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The papers for this meeting are as follows—

**Agenda Items 2, 3 and 9**

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

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

**Agenda Item 3**

Briefing Paper (private)

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

**Agenda Items 4, 5 and 6**

Briefing on Instruments (private)

DPLR/S4/16/1/2(P)

**Agenda Item 5**

Instrument Responses

DPLR/S4/16/1/3

**Agenda Item 7**

[Enterprise Bill \(UK Parliament legislation\) -  
Legislative Consent Memorandum](#)

Briefing Paper (private)

DPLR/S4/16/1/4(P)

**Agenda Item 8**

[Burial and Cremation \(Scotland\) Bill - as introduced](#)

[Burial and Cremation \(Scotland\) Bill - Delegated Powers  
Memorandum](#)

Draft Report (private)

DPLR/S4/16/1/5(P)

**Agenda Item 9**

Briefing Paper (private)

DPLR/S4/16/1/6(P)

**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**1st Meeting, 2016 (Session 4)**

**Tuesday 5 January 2015**

**Instrument Responses**

**INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE**

**Food Information (Miscellaneous Amendments) (Scotland) Regulations 2015  
(SSI 2015/410)**

**On 11 December 2015, the Scottish Government was asked:**

The second paragraph of the preamble to the Regulations narrates that it makes an ambulatory reference to specified provisions of Regulation (EU) No 1169/2011 on the provision of food information to consumers. Regulation 3 makes several amendments to the Food Information (Scotland) Regulations 2014 (SSI 2014/312) ("the 2014 Regulations"). Regulation 2(1) of the 2014 Regulations defines Regulation (EU) 1169/2011 as the "FIC". Regulation 2(3) of the 2014 Regulations has made an ambulatory reference to any reference to, or provision of, the "FIC".

It appears that these 2015 Regulations do not make any reference to Regulation (EU) 1169/2011 (or provision of the Regulation) as amended from time to time. However regulation 3(6) and (7) makes some amendments to provisions in Schedule 3 to the 2014 Regulations, which Schedule specifies "FIC provisions" for the purposes of the 2014 Regulations.

Please explain therefore how this instrument makes an ambulatory reference to specified provisions of Regulation (EU) 1169/2011, or alternatively whether there is any error? If there is an error, is corrective action proposed?

**The Scottish Government responded as follows:**

We thank the Committee for drawing these matters to our attention

1. The ambulatory reference was intended to refer to FIC as part of Regulation 2, however, the reference to FIC was subsequently removed at which time the ambulatory reference should also have been removed.
2. As the ambulatory reference is effectively redundant we would not propose taking any corrective action.