



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 20 December 2017  
SP Paper 251  
62nd Report, 2017 (Session 5)

# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at Stage 1**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)



0131 348 5212

# Committee Membership



**Alison Harris**  
Scottish Conservative  
and Unionist Party



**Monica Lennon**  
Scottish Labour



**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Convener**  
**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**David Torrance**  
Scottish National Party

# Introduction

1. At its meeting on 19 December 2017, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at Stage 1 ("the Bill").<sup>i</sup>
2. The Scottish Government has provided the Parliament with a memorandum on the delegated powers provisions in the Bill.<sup>ii</sup>

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<sup>i</sup> The Bill is available [here](#).

<sup>ii</sup> The Delegated Powers Memorandum is available [here](#).

## Overview of the Bill

3. The Bill was introduced by the Cabinet Secretary for Justice, Michael Matheson MSP, on 6 November 2017. The lead committee for the Bill is the Equalities and Human Rights Committee.
4. As outlined in the Financial Memorandum, the Bill aims to correct an historical wrong, in terms of how certain criminal laws in the past were used to discriminate against same-sex sexual activity, where the same activity if undertaken between people of different sexes was not criminalised.
5. The Bill aims to ensure that people convicted under those historical laws will receive a pardon, and will separately be able to apply to the Scottish Ministers to seek to have such criminal conviction information removed (disregarded) from specific sets of official central records, if certain criteria are met. Both the pardon and the "disregard" will apply where the same activity would now be lawful.

## Delegated Powers Provisions

6. The Committee considered each of the delegated powers in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:

- Section 10(3), (4) and (5): Removal of disregarded convictions from official records
- Section 15: Ancillary provision
- Section 17: Commencement

**7. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.**



