



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 29 May 2018  
SP Paper 334  
27th Report, 2018 (Session 5)

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

**Historical Sexual Offences (Pardons  
and Disregards) (Scotland) Bill after  
Stage 2**



**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>



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# Committee Membership



**Convener**  
**Graham Simpson**  
Scottish Conservative  
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**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Tom Arthur**  
Scottish National Party



**Neil Findlay**  
Scottish Labour



**Alison Harris**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 29 May 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill as amended at Stage 2 ("the Bill").<sup>i</sup> The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
2. The Bill was introduced by the Cabinet Secretary for Justice, Michael Matheson MSP, on 6 November 2017. The Bill completed Stage 2 on 17 May 2018. The Equalities and Human Rights Committee is the lead Committee.
3. The Delegated Powers and Law Reform Committee published its Stage 1 Report on the Bill on 20 December 2017.<sup>ii</sup> The Committee reported that it was content with the powers proposed in the Bill at Stage 1.
4. As outlined in the Financial Memorandum, the Bill aims to correct a 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. 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.

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<sup>i</sup> The Bill as amended at Stage 2 is available [here](#).

<sup>ii</sup> Delegated Powers and Law Reform Committee, 62nd Report, 2017 (Session 5), is available [here](#).

## Delegated powers provisions as amended at Stage 2

5. The Government has lodged a Revised Delegated Powers Memorandum after Stage 2.<sup>iii</sup>
6. The Committee considered each of the delegated powers provisions in the Bill as amended at Stage 2.
7. The Committee determined that it did not need to draw the Parliament's attention to the delegated powers in the following provisions:
  - Section 10(3) and (4) - Prescribing the manner in which references to disregarded convictions are removed from official records
  - Section 10(5) - Prescribing who "relevant record keepers" are for the purposes of the disregard scheme

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

