



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 13 June 2023  
SP Paper 399  
38th Report, 2023 (Session 6)

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

## **Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 13 June 2023**



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

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>Introduction</b>	<b>1</b>
<b>Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament</b>	<b>2</b>
<b>No points raised</b>	<b>3</b>
<b>Annex</b>	<b>4</b>

# 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.



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



0131 348 5212

# Committee Membership



**Stuart McMillan**  
Scottish National Party



**Bill Kidd**  
Scottish National Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



**Carol Mochan**  
Scottish Labour



**Oliver Mundell**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 13 June, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
  - Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023 (SSI 2023/161)
2. The Committee's recommendations in relation to this instrument are set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments at the end of the report.

# Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament

## Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023 (SSI 2023/161)

4. The purpose of the instrument is to list offences in relation to which Compliance Notices may be used as an alternative to criminal proceedings, as set out in the Food (Scotland) Act 2015.
5. The Committee identified a cross-referencing error in paragraph 33 of the schedule to the instrument.
6. The Scottish Government accepted this is a cross-referencing error and has undertaken to rectify it at the earliest available opportunity.
7. A copy of the correspondence can be found in the **Annex**.
8. The lead committee for this instrument is the Health, Social Care and Sport Committee.

9. **The Committee draws the instrument to the attention of the Parliament under the general reporting ground for a cross-referencing error, in that Paragraph 33 of the schedule should refer to regulation 4 of the Novel Foods (Scotland) Regulations 2017 instead of regulation 6(2).**

10. **The Committee also noted that the Scottish Government intends to correct this error by amendment at the earliest available opportunity.**

# No points raised

## Criminal Justice Committee

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (European Union (Future Relationship) Act 2020) 2023 (SSI 2023/169)

Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Early Expiry of Provisions) Regulations 2023 (SSI 2023/172)

## Education, Children and Young People Committee

Lews Castle College (Transfer and Closure) (Scotland) Order 2023 (SSI 2023/171)

## Equalities, Human Right and Civil Justice Committee

Act of Sederunt (Fees of Solicitors in the Court of Session, Sheriff Appeal Court and Sheriff Court) (Taxation of Judicial Expenses Rules) (Amendment) 2023 (SSI 2023/165)

Act of Sederunt (Rules of the Court of Session 1994 and Ordinary Cause Rules 1993 Amendment) (Attendance at Hearings) (SSI 2023/168)

## Health, Social Care and Sport Committee

National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2023 (SSI 2023/173)

## Local Government, Housing and Planning Committee

Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Date) Regulations 2023 (SSI 2023/Draft)

Valuation Timetable (Scotland) Amendment (No. 2) Order 2023 (SSI 2023/166)



# Annex

## **Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023 (SSI 2023/161)**

On 31 May 2023, the Committee asked the Scottish Government:

The schedule to the instrument specifies relevant offences in relation to which a compliance notice may be issued under section 42 of the Food (Scotland) Act 2015. Paragraph 33 of the schedule specifies “regulation 6(2) (as read with Articles 24 and 35(2))” of the Novel Foods (Scotland) Regulations 2017. Is this an incorrect cross-reference?

Please confirm whether any corrective action is proposed, and if so, what action and when.

On 6 June 2023, the Scottish Government responded:

Thank you for bringing this incorrect cross-reference to our attention. The cross-reference should be to regulation 4 of the Novel Foods (Scotland) Regulations 2017 rather than regulation 6(2). We propose to correct the error by amendment at the earliest available opportunity.

