

PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENTS

AFFIRMATIVE INSTRUMENTS

Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 (SSI 2021/draft)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 (SSI 2021/draft) be approved.

Purpose

2. To support the implementation and commencement of the Age of Criminal Responsibility Act 2019. The 2019 Act provides for orders in relation to children to allow for the investigation of their actions notwithstanding that they will not have committed offences. These orders, when granted, largely permit the sort of interventions the police would otherwise be able to do in respect of suspects – searches, interviews and the taking of prints and samples etc. The legal aid provisions are to allow for representation in respect of applications for these orders, to ensure the rights of the children (and others in some cases) in the course of those proceedings.

Consideration by committee

3. At its meeting on 21 September 2021, the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the regulations be approved. The Committee report was published on 24 September 2021.

Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Amendment Regulations 2021 (SSI 2021/draft)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Amendment Regulations 2021 (SSI 2021/draft) be approved.

Purpose

5. To remove the licence condition in the Licensing Regulations, applicable to holders of a licence to engage in animal rehoming activities, which prohibits the supply of kittens (cats aged less than 6 months) as pets; and to introduce new licence conditions to schedule 5 of the Licensing Regulations, applicable to holders of a licence to operate an animal welfare establishment, which prohibit the supply of the following animals as pets: a) unweaned animals, b) mammals weaned at an age at which they should not have been weaned, c) non-mammals that are incapable of feeding themselves, and d) puppies, kittens, ferrets or kits, aged under 8 weeks old.

Consideration by committee

6. At its meeting on 22 September 2021, the Rural Affairs, Islands and Natural Environment Committee agreed to recommend that the regulations be approved. The Committee report was published on 28 September 2021.

The National Bus Travel Concession Scheme for Young Persons (Scotland) Amendment Order 2021 (SSI 2021/draft)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the National Bus Travel Concession Scheme for Young Persons (Scotland) Amendment Order 2021 (SSI 2021/draft) be approved.

Purpose

8. To amend the National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 No.175 to extend the eligibility provisions of the Order to include 19-21 year olds. It also amends the reimbursement terms for bus operators carrying concessionary passengers under the Young Persons Scheme, establishing a rate of 43.6% of the adult single fare for journeys made by under 16s and 81.2% for journeys made by 16- 21 year olds.

Consideration by committee

9. At its meeting on 28 September 2021, the Net Zero, Energy and Transport Committee agreed to recommend that the regulations be approved. The Committee report will be published on 1 October 2021.

Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021 (SSI 2021/draft)

10. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021 (SSI 2021/draft) be approved.

Purpose

11. To amend the Social Security (Advocacy Service Standards) (Scotland) Regulations 2020 to set revised Advocacy Service Standards for the purpose of section 11 of the Social Security (Scotland) Act 2018. The revised Advocacy Service Standards will allow advocacy providers to offer non-instructed advocacy services to Social Security Scotland clients if required because reference to instructed advocacy has been removed.

Consideration by committee

12. At its meeting on 30 September 2021, the Social Justice and Social Security Committee agreed to recommend that the regulations be approved. The Committee report will be published on 1 October 2021.

MADE AFFIRMATIVE SSIs – ELECTORAL ARRANGEMENTS

13. At its meeting on 28 September, the Local Government, Housing and Planning Committee considered six affirmative instruments making changes to electoral arrangements in six council areas which contain inhabited islands. The Committee report was published on 30 September 2021. The instruments are—

- the Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)
- the Orkney Islands (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)
- the Shetland Islands (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)
- the North Ayrshire (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)
- the Argyll and Bute (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)
- the Highland (Electoral Arrangements) Regulations 2021 (SSI 2021/draft)

14. The six instruments would give effect to proposals from Boundaries Scotland. The Scottish Government is mandated to give effect to proposals from Boundaries Scotland in legislation and cannot amend or reject the proposals.

15. Four of the instruments (relating to Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands and North Ayrshire Councils) were agreed to unanimously and the Bureau is invited to note that motions inviting the Parliament to approve the instruments will be taken in the Chamber as usual.

16. The instruments making changes to Argyll and Bute and Highlands and Islands Councils were not agreed to, also unanimously. A normal course of action in this circumstance would be for the Scottish Government to withdraw the instruments under Rule 10.8 of Standing Orders. However, in this case the primary legislation under which the instruments have been laid, the Local Government Act 1973, states that the Scottish Ministers must not withdraw a draft instrument laid before the Scottish Parliament under subsection (4)(b)(ii) or, as the case may be, (6)(a) except with the agreement of the Scottish Parliament.

17. The Bureau is therefore invited to agree to include an item on withdrawal of SSIs in this week's business programme and to note that, subject to this agreement, motions in the name of the Deputy First Minister seeking the Parliament's approval for withdrawal will be lodged and taken in the Chamber.

Decision

18. **Business Managers are invited note that the above motions will be lodged.**

19. Business Managers should reserve their position if their party intends to speak against or oppose the motions.

**Parliamentary Business Team
September 2021**