



The Scottish Parliament
Pàrlamaid na h-Alba

Clerk to the Delegated Powers and Law Reform Committee
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Child Poverty (Scotland) Bill at Stage 1

The Delegated Powers and Law Reform Committee considered the above Bill on Tuesday 7 March and seeks an explanation of the following matters:

Section 3 – Absolute poverty base date amendment regulations

Power conferred on:	Scottish Ministers
Power exercisable by:	Regulations
Parliamentary procedure:	Negative

Section 3(2) provides that the Scottish Ministers may by regulations change the base date mentioned for the time being in subsection (1) (currently financial year beginning 1st April 2010) for measuring the absolute poverty target. Section 3(3) provides that this power is subject to the negative procedure.

The Committee asks Scottish Government to explain the following, in connection with Section 3(2) and 3(3):

- a. **Section 3(2) provides that the Scottish Ministers may by regulations change the base date mentioned for the time being in subsection (1) of that section (currently financial year beginning 1st April 2010) for the absolute poverty target.**

Please explain why, instead of this regulation-making power, section 3 of the Bill itself could not have expressed the 1st April 2010 baseline date to apply until 31st March 2020 and thereafter to

change automatically to 1st April 2020 for the 10-year period leading to the target date of 1st April 2030.

- b. Section 3(3) provides that the power to make regulations in section 3(2) is subject to the negative procedure. The Delegated Powers Memorandum indicates that the current baseline date of 1st April 2010 is set to allow a ten year period for comparison between that base year and the 2020 target year which was originally set out in the UK Child Poverty Act 2010. It also explains that it is likely that the future baseline date will need to be changed to 2020 to reflect the move towards a target date in 2030. The Memorandum also indicates that it is the Scottish Government's intention that the regulation-making power would only be exercised once.**

In light of the stated intention that the power to make regulations would be made as a consequence of a 10-year comparison between equivalised net household incomes, would it not be more appropriate that, if a power to make regulations is necessary, it is subject to the affirmative procedure rather than the negative procedure, to ensure that the Parliament can exercise an enhanced level of control over the setting of the baseline date for absolute poverty?

Please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 5pm on Tuesday 21 March 2017.

Thank you.

Euan Donald
Clerk to the Delegated Powers and Law Reform Committee