



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Michael Matheson MSP
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By email

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1 October 2019

Dear Michael,

Transport (Scotland) Bill

The Delegated Powers and Law Reform Committee today considered the delegated powers provisions in the Transport (Scotland) Bill as amended at Stage 2. The Committee has subsequently [published its report on these new and revised powers](#).

I am writing to highlight a number of recommendations the Committee has made on these powers in its report and ask whether you intend to lodge Stage 3 amendments in light of the issues raised. Further information is also sought in relation to the power in section 58Z12(1). This will help to inform its consideration of this provision at its meeting on Tuesday 8 October.

Summary of recommendations

You will see in the report that the Committee has called on the Scottish Government lodge amendments to the Bill on the following powers:

Sections 51(1), 52(1) and 53(1) – Removal of vehicles, moving vehicles parked contrary to parking prohibitions and disposal of removed vehicles

Committee recommendation

“The Committee calls on the Scottish Government to lay an amendment to the Bill at Stage 3 to include a requirement to consult organisations representative of drivers and other applicable road users when making regulations under sections 51 to 53 of the Bill as enacted.”

Section 58B – Circumstances when workplace parking space provided

Committee recommendation

“The Committee calls on the Scottish Government to lay an amendment to section 72 of the Bill at Stage 3 to apply the affirmative procedure to regulations made under section 58B(5) in line with the position set out at paragraph 70 of the Supplementary DPM.”

Section 58N(1) – Penalty charges in relation to workplace licensing schemes

Committee recommendation

“The Committee calls on the Scottish Government to lay an amendment to the Bill at Stage 3 to apply the affirmative procedure to regulations that make provision for or in connection with the acts, omissions, events or circumstances in which a penalty charge may be imposed under section 58N.”

The Committee would be grateful if you could indicate whether or not you intend to lodge such amendments by **9 am on Tuesday 2 October**.

Further information requested

Section 58Z12(1) – Power to modify aspects of Part 4B on recovery of unpaid parking charges

Section 58Z12(1) confers power on the Scottish Ministers to amend the definition of “relevant land” in section 58. It also confers power on the Scottish Ministers to add, remove or amend any of the conditions to which the right conferred by section 58Z is for the time being subject. Included within this part of the power is the power to add to, remove, or amend any provisions that are applicable for the purposes of a condition and any powers of the Scottish Ministers to prescribe anything for the purposes of a condition by regulations (section 58Z(2)(b)).

The provision made in section 58Z12(2)(b), which would permit regulations to modify any powers of the Scottish Ministers to prescribe anything for the purposes of a condition by regulations, appears to be wide in its scope.

It is usually considered appropriate for Parliament to confer and set the scope of delegated powers in primary legislation, rather than for legislation to make provision permitting subordinate legislation to add or remove, or amend the scope of, a power to make regulations.

The Committee would therefore appreciate further information on why it is considered necessary to have a power in the Bill at section 58Z12(2)(b) that is capable of amending other delegated powers in the Bill?

The Committee would be grateful for a response on this issue, by **5 pm on Wednesday 2 October**.

Finally, the Committee would also like to thank you for the changes the Scottish Government made to the Bill at Stage 2 following its recommendations at Stage 1. This was very much welcomed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Graham". The signature is written in a cursive style with a large initial 'G' and a long horizontal stroke at the end.

Convener of the Delegated Powers and Law Reform Committee