



The Scottish Parliament
Pàrlamaid na h-Alba

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

The Delegated Powers and Law Reform Committee considered the above Bill on Tuesday 5 September and seeks an explanation of the following matters:

Section 7(3) – Duty to have regard to island communities

Power conferred on: the	Scottish Ministers
Power exercisable by:	Regulations
Parliamentary procedure:	Affirmative

Section 7(3) provides that the Scottish Ministers may by regulations amend the schedule which lists the bodies, office-holders and other persons which are to be subject to the duty imposed by section 7(1). That duty is to have regard to island communities in carrying out their functions. Regulations may amend the schedule by either adding an entry for any person, body or office-holder, or removing an entry.

The Committee notes, however, that other Acts include a power to modify a list of authorities contained in the schedule, by modifying an entry in the list. For example, section 6 of the British Sign Language (Scotland) Act 2015. Section 8 of the Gender Representation on Public Boards (Scotland) Bill presently before the Parliament contains powers by regulations to modify the list of authorities in schedule 1, so as to add an entry, vary the description of an entry, or remove an entry.

The Committee therefore asks the Scottish Government, in relation to section 7(3), why it has been considered appropriate not to extend the power to modifying an entry in the schedule, in addition to the power to add or remove an entry?

Section 21- Regulations

In regard to the power in section 21 to add supplementary, incidental or consequential provisions to the regulations under sections 7(3) or 18, the Delegated Powers Memorandum provides no explanation of why these powers are necessary or appropriate.

The Committee therefore asks the Scottish Government, in relation to the ancillary powers in section 21(1)(a) to add supplementary, incidental or consequential provisions in the regulations under either sections 7(3) or 18, for explanation why these powers are considered to be necessary or appropriate?

In particular:

(a) why are these powers appropriate in addition to the powers to make ancillary provisions by regulations in section 22, and

(b) why is the power to add supplementary provision appropriate, in respect of both regulations under section 7(3) and section 18?

Please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 5pm on Tuesday 3 October.

Thank you.

Euan Donald
Clerk to the Delegated Powers and Law Reform Committee