

Call for Views

How are laws passed by the Scottish Parliament working for you? The Rural Economy and Connectivity Committee is seeking views on how previous Acts passed by the Scottish Parliament are working in practice.

This could result in the Committee undertaking 'Post Legislative Scrutiny' where Acts are reviewed to see if they have been effective in meeting their aims.

Acts covered

The Committee would like to invite your views on:

- Sea Fisheries (Shellfish) Amendment (Scotland) Act 2000
- Transport (Scotland) Act 2001
- Agricultural Holdings (Scotland) Act 2003
- Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003
- Transport (Scotland) Act 2005
- Aquaculture and Fisheries (Scotland) Act 2007
- Crofting Reform etc Act 2007
- Transport and Works (Scotland) Act 2007
- Abolition of Bridge Tolls (Scotland) Act 2008
- Crofting Reform (Scotland) Act 2010
- Marine (Scotland) Bill 2010
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These are Acts from Sessions 1 to 3 of the Scottish Parliament which fall partly or fully within the current Committee remit. They are also several years old so sufficient time has passed to consider their effectiveness.

Please see the [Annex](#) to this call for further detail on each Act.

Checklist for selecting Acts

The Committee will use the below checklist from the [Public Audit and Post Legislative Committee](#) to guide its selection of Acts raised from the call for views for scrutiny. You are invited to consider these questions when proposing certain Acts for post-legislative scrutiny.

- **Do you consider that the Act has had sufficient time to have made a difference?** The Committee is unlikely to consider Acts that have only recently come into force.
- **Does the Act have a measurable outcome or policy objective, and has it fulfilled its intended purpose?** When a Bill is introduced, a separate document called the Policy Memorandum explains why the Bill has been proposed and describes the objectives and outcomes it is designed to achieve. Has the Act been effective in delivering these objectives and outcomes?

- **Has another committee of the Parliament already carried out post-legislative scrutiny of the Act?** Other committees of the Parliament have always been able to undertake post-legislative scrutiny and will continue to do so. It is therefore important to avoid possible duplication; having said that, if the scrutiny was undertaken more than five years ago, a committee may wish to revisit the legislation.
- **Does the Act contain an in-built mechanism for post-legislative scrutiny?** The High Hedges (Scotland) Act 2013, for example, was amended to allow for a review of the operation of the Act to take place within a specific timeframe. It is anticipated that the relevant subject committee would therefore undertake post-legislative scrutiny at the appropriate time.
- **Has the Act been subject to, or could it be subject to, significant revision?** The Scottish Government outlines its [legislative programme](#) on an annual basis, which may contain proposals for Bills that would alter existing Acts or perhaps even repeal an Act. MSPs and Committees can also seek to introduce bills. If the Government has said it will be reviewing or is planning to amend the legislation, we would not want to duplicate that work.
- **Has there been a call from relevant stakeholders for the Act to be reviewed?** For example have there been suggestions from those impacted by the provisions that the Act is not delivering on its objectives; has created practical difficulties; or is in need of revision to meet changed circumstances?
- **Would there really be merit in undertaking post-legislative scrutiny of the Act?** For example, does the Act deal with a very technical or minor issue?
- **Is the Act subject to legal challenge?** The Committee is not allowed to consider any matter that is *sub judice*; in other words, the Committee would not consider an Act that is being reviewed in the courts.

The Committee would particularly welcome written responses on the following questions:

- 1. Which Acts listed would benefit from post-legislative scrutiny by the Committee?**
- 2. Why do you think there is merit in reviewing these Acts?**
- 3. What is the likely benefit/outcome from reviewing this/these Acts?**
- 4. Do the Acts raise any equality or human right issues?**

Please feel free to answer some or all of these questions or focus your answer on other areas of particular interest to you or your organisation that are relevant to this call for views.

How to submit your evidence

Before making a submission, please read our [Policy on Treatment of Written Evidence by Subject and Mandatory Committees](#).

Please send your views **no later than 30 April 2018**.

Responses should be sent, wherever possible, electronically and in MS Word format to: rec.committee@parliament.scot

Hard copy responses may be sent to: *Rural Economy and Connectivity Committee, T3.60, Scottish Parliament, Edinburgh EH99 1SP*

Ideally, responses should be **no more than four sides of A4 in length**.

All written evidence received may be published by the Parliament and will be treated as a public document. If you wish to submit evidence in confidence or anonymously please read the policy at the link above or contact Deborah Cook or Jenny Goldsmith details below.

Contact

Should you require alternative formats of this information or further assistance in making a written submission to the Committee, please do not hesitate to contact the clerking team of the Committee.

For Committee information, contact: Deborah Cook/Jenny Goldsmith, tel 0131 348 5244, email: rec.committee@parliament.scot

For further information, the media contact is: Cat Synnot, tel 0131 348 5605, email: cat.synnot@parliament.scot

For general enquiries, contact: 0845 278 1999 (local call rate), email: sp.info@scottish.parliament.uk

Further information on how laws are passed:
<http://www.scottish.parliament.uk/visitandlearn/100529.aspx>

Annex: Relevant Acts of the Scottish Parliament during Sessions 1 to 3

This Annex only includes Acts which cover topics which are wholly or partly within the remit of the Rural Economy and Connectivity Committee.

Acts which have been repealed by other legislation are not included in this list, as they have been replaced by other legislation.

More information about what each Act does is provided. Web links to each Act and the Bill as introduced to the Parliament are provided below.

Session 1

Sea Fisheries (Shellfish) Amendment (Scotland) Act 2000

- This [Bill](#) was introduced on 8 March 2000 and received Royal Assent on 2 November 2000.
- The [Act](#) allows Scottish Ministers to permit non-damaging fishing operations in areas which are covered by Several Fisheries Orders for shellfish farming.

Transport (Scotland) Act 2001

- This [Bill](#) was introduced on 5 June 2000 and received Royal Assent on 25 January 2001.
- The [Act](#) gave the Scottish Ministers powers to require public bodies to prepare a joint transport strategy. The Bill also contained provisions on bus services (e.g. ability to create quality partnership schemes and quality contract schemes) and road charging schemes by local authorities. It also gave the Scottish Ministers a power to require the creation of travel concession schemes and contained other measures.

Agricultural Holdings (Scotland) Act 2003

- This [Bill](#) was introduced into the Scottish Parliament on 16 September 2002 and received Royal Assent on 22 April 2003.
- The [Act](#) amended the law relating to agricultural holdings. This included creating new types of tenancies such as Modern Limited Duration Tenancies. It also provided the right for certain agricultural tenants to buy land and provided for arrangements for tenants to use certain agricultural land for other non-agricultural purposes. The Act made new provisions to resolve disputes between landlords and tenants, as well as other measures.
- This Act has been updated by the Land Reform Act 2016 and the Agricultural Holdings (Amendment) (Scotland) Act 2012

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

- This [Bill](#) was introduced on 27 November 2002 and received Royal Assent on 1 May 2003.

- This [Act](#) consolidated the law relating to salmon and freshwater fisheries in Scotland, including amendments recommended by the Scottish Law Commission.

Session 2

Transport (Scotland) Act 2005

- The [Bill](#) was introduced on 27 October 2004 and received Royal Assent on 5 August 2005.
- The [Act](#) provided for the creation of regional Transport Partnerships, the office of the Scottish Road Works Commissioner and introduced national concessionary travel schemes and other measures.

Aquaculture and Fisheries (Scotland) Act 2007

- This [Bill](#) was introduced on 29 June 2006 and received Royal Assent on 5 April 2007.
- The [Act](#) makes provision in relation to fish farms and shellfish farms (parasite control and escaping fish from fish farms. It also deals with the parasite *Gyrodactylus salaris* (salmon fluke) and other matters relating to aquaculture and fisheries.
- The Committee will be considering an inquiry on aquaculture in Scotland in 2018.

Crofting Reform etc Act 2007

- This [Bill](#) was introduced on 2 March 2006 and received Royal Assent on 1 March 2007.
- This [Act](#) made various provisions on crofting and the Scottish Land Court. For example, the Crofters Commission was re-constituted as a non-departmental public body.
- The Scottish Government has recently undertaken a consultation on the future of crofting legislation and is expected to bring forward a crofting bill later in the current session.
- The Committee published its [Report on Priorities for Crofting Law Reform](#) in March 2017, following what was, in effect, post-legislative scrutiny of crofting legislation.

Transport and Works (Scotland) Act 2007

- This [Bill](#) was introduced on 26 June 2006 and received Royal Assent on 14 March 2007.
- This [Act](#) provided Scottish Ministers with order-making powers to authorise certain transport developments such as construction or operation of railways, tramways etc. and to provide grants for specific transport purposes.

Session 3

Abolition of Bridge Tolls (Scotland) Act 2008

- This [Bill](#) was introduced on 3 September 2007 and received Royal Assent on 24 January 2008.
- The [Act](#) removed the tolls on the Forth and Tay Road Bridges. It also repealed the Erskine Bridge Tolls Act 1968 and Erskine Bridge Tolls Act 2001.

Crofting Reform (Scotland) Act 2010

- This [Bill](#) was introduced on 9 December 2009 and received Royal Assent on 6 August 2010.
- This [Act](#) provided for reform and renaming of the Crofters Commission to become the Crofting Commission. It also established a new register of crofts and provided for the registration of crofts, and common grazings. It also made provision about the duties of crofters and certain owner-occupiers of crofts and provided other measures in the area of crofting.
- The Scottish Government has recently undertaken a consultation on the future of crofting legislation and is expected to bring forward a crofting bill later in the current session.
- The Committee published its [Report on Priorities for Crofting Law Reform](#) in March 2017, following what was, in effect, post-legislative scrutiny of crofting legislation.

Marine (Scotland) Bill 2010

- This [Bill](#) was introduced on 29 April 2009 and received Royal Assent on 10 March 2010.
- This [Act](#) made provision in relation to functions and activities in the Scottish marine area, including provision about marine plans, licensing of marine activities, the protection of the area and its wildlife including seals and regulation of sea fisheries; and for connected purposes.