Parliamentary Bureau – Approval of Statutory and Scottish Statutory Instruments

Affirmative Instruments

Scotland Act 1998 (Modification of Schedule 5) Order 2026 (SI 2026/Draft)

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

> **Graeme Dey on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Scotland Act 1998 (Modification of Schedule 5) Order 2026 (SI 2026/Draft) be approved.

Purpose

2. This UK Statutory Instrument is required to be laid under affirmative procedure in both the Scottish Parliament and at the UK Parliament and then (if approved by both Parliaments) made at a meeting of the Privy Council (under Type A procedure as set out in Schedule 7 of the 1998 Act).

3. The Order provides for a limited exception to the list of reserved matters in Schedule 5 of the Scotland Act 1998, in respect of the identification and regulation of substances and devices for use in assisted dying. This is being made in the context of the Assisted Dying for Terminally Ill Adults (Scotland) Bill which is currently being considered by the Scottish Parliament.

4. This Order enables the Scottish Parliament (subject to certain limitations) to:
   - confer a power on the Scottish Ministers, by way of subordinate legislation made with the agreement of the Secretary of State, to identify substances and devices for use in assisting a terminally ill adult to voluntarily end their own life,
   - confer a power on the Secretary of State to regulate such substances and devices, by way of subordinate legislation.

Consideration by committee

5. The lead Committee agreed to consider and report on the Order to a slightly expedited timetable, to allow it to be considered by the Chamber in time to be considered by the Privy Council by 4 March. At its meeting on 20 January 2026 the Health, Social Care and Sport Committee agreed to recommend that the Instrument be approved. The Committee's report will be published on 2 February 2026 and available on the website here.

Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 (SSI 2026/Draft)

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

> **Graeme Dey on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 (SSI 2026/Draft) be approved.

Purpose

7. To establish a fixed penalty notice (FPN) scheme for certain offences under animal health and bee legislation in Scotland. The policy note explains that, after mandatory housing measures were introduced to protect poultry and captive birds from highly pathogenic avian influenza, existing enforcement methods such as educational advice or warning letters were often ineffective. A small number of keepers repeatedly failed to comply, leaving no effective alternative to ensure compliance. The FPN scheme is proposed in order to allow such offences to be dealt with more efficiently and appropriately than referral to the COPFS for prosecution.

Consideration by committee

8. At its meeting on 21 January 2026 the Rural Affairs and Islands Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 27 January 2026.

Decision

9. Business Managers are invited to note that the above motions will be lodged.

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

Parliamentary Business Team
January 2026