

# Parliamentary Bureau – Approval of Scottish Statutory Instruments

This paper covers the following Affirmative Scottish Statutory Instruments—

- [Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2026 \(SSI 2026/Draft\)](#)
- [Conservation of Habitats and Species \(Offshore Wind\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)
- [Budget \(Scotland\) Act 2025 Amendment Regulations 2026 \(SSI 2026/Draft\)](#)
- [National Bus Travel Concession Schemes \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Order 2026 \(SSI 2026/Draft\)](#)
- [Legal Aid and Advice and Assistance \(Fees\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)
- [Care Home Services \(Visits to and by Care Home Residents\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)
- [Community Care \(Personal Care and Nursing Care\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/Draft\)](#)
- [Early Removal of Prisoners from the United Kingdom \(Amendment of Specified Time Periods\) \(Scotland\) Order 2026 \(SSI 2026/Draft\)](#)
- [Social Security Up-rating \(Scotland\) Order 2026 \(SSI 2026/Draft\)](#)
- [Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)

## Affirmative Instruments

### Scottish Statutory Instruments

#### [Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2026 \(SSI 2026/Draft\)](#)

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 Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2026 (SSI 2026/Draft) be approved.

#### Purpose

2. To extend the exemptions regime for the deposit of substances into the marine environment from 3 nautical miles to up to 12 nautical miles. The policy note accompanying the instrument said this would "reduce regulatory duplication" resulting from the changes to SEPA's regulatory responsibilities. The draft Order also seeks to amend the exemptions in place for depositing fish and equipment from fish farms. The policy note states that this amendment is intended to "confirm that the exemption applies to all equipment used directly in the course of the propagation or cultivation of fish and shellfish, where the relevant conditions on the application of the exemption are met".

#### Consideration by committee

3. At its meeting on 25 February 2026 the Rural Affairs and Islands Committee agreed (by division: For 7, Against 0, Abstentions 1) to recommend that the Instrument be approved. The Committee's [report was published on 26 February 2026](#).

#### [Conservation of Habitats and Species \(Offshore Wind\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)

4. 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 Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026 (SSI 2026/Draft) be approved.

#### Purpose

5. To give more flexibility in how environmental compensation can be provided, so Scotland can expand offshore wind projects while still meeting nature protection duties.

#### Consideration by committee

6. At its meeting on 17 February 2026 the Net Zero, Energy and Transport Committee agreed (by division: For 5, Against 0, Abstentions 2) to recommend

that the Instrument be approved. The Committee's report was published on 24 February 2026.

[Budget \(Scotland\) Act 2025 Amendment Regulations 2026 \(SSI 2026/Draft\)](#)

7. 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 Budget (Scotland) Act 2025 Amendment Regulations 2026 (SSI 2026/Draft) be approved.

Purpose

8. To make in-year changes to the Budget (Scotland) Act 2025, which authorised the Scottish Government's spending plans for the current financial year.

Consideration by committee

9. At its meeting on 17 February 2026 the Finance and Public Administration Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 26 February 2026](#).

[National Bus Travel Concession Schemes \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Order 2026 \(SSI 2026/Draft\)](#)

10. 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 National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026 (SSI 2026/Draft) be approved.

Purpose

11. To set out the capped level of funding for the National Bus Travel Concession Scheme for Older and Disabled Persons (ODPS) and the National Bus Travel Concession Scheme for Young Persons (YPS) in respect of the financial year 2026-27. It also sets out reimbursement rates for bus operators in respect of 2026-27 for both schemes:

- the reimbursement rate for the ODPS will be 53% of the adult single fare. The capped level of funding for 2026-27 has been set at £248.2 million.
- the reimbursement rate for the YPS will be 48.1% (of the adult single fare) for journeys made by those aged 5 to 15 years old and 72.5% (of the adult single fare) for journeys made by those aged 16 to 21 years old. The policy note says patronage and cardholders for the YPS have "shown signs of stabilising, allowing for a cap to be applied in line with the legislation underpinning the scheme for the first time". The capped level of funding in 2026-27 has been set at £220.6 million.

### Consideration by committee

12. At its meeting on 17 February 2026 the Net Zero, Energy and Transport Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 23 February 2026](#).

### [Legal Aid and Advice and Assistance \(Fees\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)

13. 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 Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/Draft) be approved.

### Purpose

14. To make provision to implement an increase of 13% to legal aid and advice and assistance solicitor fees. It also makes some changes omitted from previous regulations and makes minor drafting and clarificatory changes.

### Consideration by committee

15. At its meeting on 24 February 2026 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 24 February 2026](#).

### [Care Home Services \(Visits to and by Care Home Residents\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)

16. 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 Care Home Services (Visits to and by Care Home Residents) (Scotland) Regulations 2026 (SSI 2026/Draft) be approved.

### Purpose

17. To impose new duties and responsibilities relating to visiting arrangements on providers of care home services for adults in the form of regulations under section 78(2) of the Public Services Reform (Scotland) Act 2010 as required following modifications made by section 14 of the Care Reform (Scotland) Act 2025.

### Consideration by committee

18. At its meeting on 17 February 2026 the Health, Social Care and Sport Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 24 February 2026](#).

[Community Care \(Personal Care and Nursing Care\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/Draft\)](#)

19. 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 Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2026 (SSI 2026/Draft) be approved.

**Purpose**

20. To increase the value of payments for free personal care and nursing care by 2.23%.

**Consideration by committee**

21. At its meeting on 17 February 2026 the Health, Social Care and Sport Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 24 February 2026](#).

[Early Removal of Prisoners from the United Kingdom \(Amendment of Specified Time Periods\) \(Scotland\) Order 2026 \(SSI 2026/Draft\)](#)

22. 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 Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026 (SSI 2026/Draft) be approved.

**Purpose**

23. To facilitate the earlier removal from prison of prisoners who are liable to removal from the United Kingdom, or have the settled intention of residing permanently outside the United Kingdom once removed from prison. The Scottish Government's Policy Note states that it will align with other aspects of release legislation in Scotland and help mitigate the high prison population.

24. The instrument will align the release provisions with recent changes approved by Parliament, to Home Detention Curfew, so:

- that the minimum sentence required to be served before removal is possible will be 15% of sentence rather than one quarter;
- and the number of days, working backwards from point of automatic release, within which the prisoner can be removed from prison would change from 180 to 210.

**Consideration by committee**

25. At its meeting on 25 February 2026 the Criminal Justice Committee agreed to recommend that the Instrument be approved. The Committee's report will be published 28 February 2026 and available on the [Committee report site here](#).

[Social Security Up-rating \(Scotland\) Order 2026 \(SSI 2026/Draft\)](#)

26. 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 Social Security Up-rating (Scotland) Order 2026 (SSI 2026/Draft) be approved.

**Purpose**

27. To uprate a range of devolved and agency-delivered benefits from 1 April 2026 to reflect inflation. It increases weekly rates for Attendance Allowance, Carer's Allowance, Disability Living Allowance, Personal Independence Payment, Severe Disablement Allowance, and Industrial Injuries benefits, including Industrial Injuries Disablement Benefit and Industrial Death Benefit. Most benefits are uprated by 3.8%, in line with the September 2025 Consumer Prices Index, while Industrial Death Benefit pensions increase by 4.8% in line with earnings growth.

28. The Order also increases the Adult Dependency Increase and other associated Severe Disablement Allowance and Industrial Injuries Scheme benefits. It maintains parity with uprating applied in England and Wales, ensuring benefits keep pace with inflation, is compatible with the UN Convention on Rights of a Child, and has no financial impact on the Scottish Budget or need for business and regulatory impact assessment (BRIA).

[Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2026 \(SSI 2026/Draft\)](#)

29. 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 Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 (SSI 2026/Draft) be approved.

**Purpose**

30. To deliver the Scottish Ministers' statutory duty to review and uprate devolved social security assistance in line with inflation. The Regulations increase a wide range of Scottish benefits by 3.8%, reflecting the September 2025 CPI, including Scottish Child Payment, disability benefits, carers' benefits, Best Start payments, funeral support payments, and winter heating assistance. Although not required by the uprating duty, the earnings limits for Carer's Allowance and Carer Support Payment are also increased from £196 to £204.

31. The Regulations additionally make minor technical, saving and transitional amendments to correct errors, clarify operational provisions, and ensure correct payment of the transitional rate of Adult Disability Payment for 2025–26. The instrument is compatible with the UNCRC, not relevant to EU alignment, and is expected to have no financial impact beyond planned inflationary increases. The Scottish Commission on Social Security scrutinised the draft Regulations and

made no recommendations for change, with Ministers confirming continued engagement on future uprating methodology.

### Consideration by committee

32. At its meeting on 19 February 2026 the Social Justice and Social Security Committee agreed to recommend that the above Instruments be approved. The Committee's [report was published on 26 February 2026](#).

### Decision

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

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

Parliamentary Business Team

February 2026