Parliamentary Bureau – Approval of Scottish Statutory Instruments

This paper covers the following Scottish Statutory Instruments—

Affirmatives

I. Energy Performance of Buildings (Scotland) Amendment Regulations 2026 (SSI 2026/draft)

II. Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 (SSI 2026/draft)

III. The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2026 (SSI 2026/draft)

IV. First-Tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 (SSI 2026/Draft)

V. Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 (SSI 2026/Draft)

VI. Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026 (SSI 2026/Draft)

VII. Mental Health (Care and Treatment) (Scotland) Act 2003 Remedial Order 2026 (SSI 2026/Draft)

Documents subject to Parliamentary Control

VIII. Welfare of Equidae Code of Practice (Revocation) (Scotland) Notice 2026 (SG/2026/193)

Affirmative Instruments

I. Energy Performance of Buildings (Scotland) Amendment Regulations 2026 (SSI 2026/draft)

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

- **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Energy Performance of Buildings (Scotland) Amendment Regulations 2026 (SSI 2026/Draft) be approved.

Purpose

2. This instrument amends the Energy Performance of Buildings (Scotland) Regulations 2008 and the Energy Performance of Buildings (Scotland)

Regulations 2025. These regulations provide the legislative basis for the operation of the Energy Performance Certificate (EPC) system and EPC assessor market within Scotland.

3. The instrument makes amendments that delay the date on which the 2025 Regulations come fully into force from 31 October 2026 to 30 April 2028, and alter the dates of saving and transitional provisions in accordance with the amended dates.

4. The delay in bringing the 2025 Regulations into force responds to the UK Government's decision to move the launch of its plans for EPC reform to the second half of 2027. This means the Scottish regulations could not come into force as planned in October 2026. The Scottish and UK Governments are jointly developing the technical and operational infrastructure needed to support the 2025 Regulations coming into force.

5. The instrument also ensures that increases in the fees which may be charged for registration of energy performance data relating to buildings will still increase on 31 October 2026 as originally planned under Regulation 15 of the 2025 Regulations.

Consideration by committee

6. At its meeting on 29 September 2026 the Economy, Tourism and Energy Committee to recommend that the Instrument be approved. The Committee's report was published on 7 October 2026.

II. Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 (SSI 2026/draft)

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

> **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 (SSI 2026/Draft) be approved.

Purpose

8. This instrument extends the time limit for employees in Scotland to bring certain contract of employment claims to an employment tribunal from three months to six months.

9. The instrument brings Scotland into line with England and Wales to create a consistent six-month limit for these claims. The Scottish Government considers that the longer period should give workers more time to resolve disputes, including through internal procedures and ACAS conciliation, potentially reducing the need for tribunal claims.

Consideration by committee

10. At its meeting on 29 September 2026 the Economy, Tourism and Energy Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 30 September 2026.

III. The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2026 (SSI 2026/draft)

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

> **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2026 (SSI 2026/Draft) be approved.

Purpose

12. The purpose of the instrument is to amend the Provision of Early Learning and Childcare (Specified Children) Order 2014 to protect eligibility for two-year-old children who qualify for access to funded early learning and childcare (ELC) due to their parents' receipt of certain qualifying benefits.

Consideration by committee

13. At its meeting on 6 October 2026 the Education and Gaelic Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 7 October 2026.

IV. First-Tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 (SSI 2026/Draft)

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

> **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that the First-Tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026 (SSI 2026/Draft) be approved.

Purpose

15. These Regulations make a consequential amendment (of Regulations[i] made in 2025 that modify the Police and Fire Reform (Scotland) Act 2012) to ensure that a new right of appeal for senior police officers introduced by the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 operates as intended following the transfer of the functions of the Police Appeals Tribunal to the First-tier Tribunal for Scotland and the subsequent abolition of the Police Appeals Tribunal. Without this amendment, the new appeal right would refer to the Police Appeals Tribunal, which no longer exists, rather than the First-tier Tribunal for Scotland.

16. The new right of appeal is being brought into force through the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (Commencement No. 2 and Transitional Provision) Regulations 2026.

17. Together, these instruments implement provisions already approved by the Scottish Parliament through the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025.

Consideration by committee

18. At its meeting on 7 October 2026 the Criminal Justice Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 8 October 2026.

V. Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026

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

> **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 (SSI 2026/Draft) be approved.

Purpose

20. The Policy Note accompanying the draft Regulations states that the instrument seeks to "amend the deadline for an elector to seek a replacement for a spoilt or lost ballot paper from 10pm to 5pm on the day of poll". It also notes that, if passed, the changes to the deadline would take effect in advance of the next Scottish Local Government elections in May 2027.

Consideration by committee

21. At its meeting on 1 October 2026 the Standards, Procedures and Public Appointments Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 9 October 2026.

VI. Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026

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

> **Jamie Hepburn on behalf of the Parliamentary Bureau:** That the Parliament agrees that The Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026 (SSI 2026/Draft) be approved.

Purpose

23. The Policy Note accompanying the draft Order states that the instrument amends a number of aspects which govern the administration of elections in Scotland to

ensure these are in place ahead of the next Scottish Local Government elections in May 2027. In particular, the draft Order would:

- Allow an election agent, or a candidate acting as their own election agent to specify an alternative address to their home address for public notice purposes;
- Increase candidates' expenditure limits in line with inflation;
- Clarify how expense limits will be applied if local government elections are postponed; and
- Clarify how postal ballot boxes should be electronically aggregated for publication of voting information.

Consideration by committee

24. At its meeting on 1 October 2026 the Standards, Procedures and Public Appointments Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 9 October 2026.

VII. Mental Health (Care and Treatment) (Scotland) Act 2003 Remedial Order 2026 (SSI 2026/Draft)

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

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that The Mental Health (Care and Treatment) (Scotland) Act 2003 Remedial Order 2026 (SSI 2026/Draft) be approved.

Purpose

26. The draft Order amends Parts 9, 10 and 11 of the Mental Health Care and Treatment (Scotland) Act 2003 (the 2003 Act) to remove an incompatibility with the European Convention on Human Rights (ECHR).

Consideration by committee

27. At its meeting on 7 October 2026 the Health, Care and Sport Committee agreed to recommend that the Instrument be approved. The Committee's Report was published on 15 October 2026.

Documents subject to Parliamentary Control

VIII. Welfare of Equidae Code of Practice (Revocation) (Scotland) Notice 2026 (SG/2026/193)

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

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Welfare of Equidae Code of Practice (Revocation) (Scotland) Notice 2026 (SG/2026/193) be approved.

Purpose

29. The purpose of the Notice is to revoke the Code of Practice for the Welfare of Equidae, which was made by the Scottish Ministers under section 37 of the Animal Health and Welfare (Scotland) Act 2006 on 19 February 2009. The code is being replaced by the Welfare of Equids: Guidance, which the Scottish Government published on 25 August 2026.

30. In evidence to the Rural Affairs Committee the Minister for Agriculture, Marine said that revoking the 2009 code would avoid confusion and ensure that owners follow the most up-to-date advice, as animal welfare knowledge, management practices and science had moved on considerably since 2009.

Consideration by committee

31. At its meeting on 23 September 2026 the Rural Affairs Committee agreed to recommend that the Instrument be approved. The Committee's report was published on 7 October 2026.

Decision

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

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

Parliamentary Business Team
October 2026