



The Scottish Parliament  
Pàrlamaid na h-Alba

## Delegated Powers and Law Reform Committee

The Rt Hon Shabana Mahmood MP  
Secretary of State for the Home Department

**21 January 2026**

Dear Secretary of State

## Crime and Policing Bill - third supplementary LCM

The Scottish Parliament's Delegated Powers and Law Reform Committee considered the above LCM and powers to make subordinate legislation within devolved competence in the above Bill at its meeting on 20 January 2026 and agreed to write to the UK and Scottish Governments to ask further questions.

The Committee's questions focus on clauses which confer powers on UK Ministers and which may be exercised within devolved competence. The Committee's position in relation to such powers is that, in general:

- (a) The Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence.
- (b) Where such powers are exercised by the Secretary of State in devolved areas, there is no formal means by which the Scottish Parliament can scrutinise such regulations or be notified that they had been laid before the UK Parliament.
- (c) If such powers contain a requirement for the Scottish Ministers' consent when exercised within devolved competence, the Scottish Parliament can scrutinise the Scottish Ministers' consent decision.

The Committee will scrutinise powers conferred on UK Ministers not subject to a requirement for Scottish Ministers' consent and may suggest matters for the lead committee to consider.

- (d) As a minimum, powers when exercised by the Secretary of State in devolved areas should be subject to the process set out in the [SI Protocol 2](#) where the powers is within the scope of that protocol.

In relation to:

- Clause 36: Power to make provision about the reporting of remote sales of knives etc. in bulk (inserting new section 141D(1) in the Criminal Justice Act 1988);

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- Clause 36: Power to amend definition of a reportable sale of bladed articles (inserting new section 141D(15) in the Criminal Justice Act 1988);
- New clause: “Obscenity etc offences: technology testing defence” (after clause 84) – Subsection (1): Power to authorise technology to be tested for prohibited material, without offences being committed in the course of the testing; and
- New clause: “Technology testing defence: Meaning of relevant offence” (after clause 84) – Subsection (1): Power to amend the meaning of “relevant offence”.

in light of the Committee’s general position on the conferral of devolved delegated powers on UK Government Ministers, the Committee asks the UK Government:

- 1) **Why it is considered appropriate for the powers to be exercisable by the Secretary of State within legislative competence, and not by the Scottish Ministers?**
- 2) **What consideration has been given to:**
  - (i) **Conferring the powers on the Scottish Ministers (solely or concurrently), or**
  - (ii) **Requiring the consent of the Scottish Ministers, instead of a consultation requirement, before the powers may be exercised by the Secretary of State within legislative competence?**

The Committee seeks a response to its questions by **Friday, 30 January 2026**.

Yours sincerely



**Stuart McMillan MSP**  
Convener