



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Neil Gray MSP
Cabinet Secretary for Health and Social Care

3 February 2026

Dear Cabinet Secretary

Medical Training (Prioritisation) Bill LCM

The 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 today and agreed to write to the Scottish and UK 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 3(1)(d):** Specialty training programmes: offers made from 2027 onwards;

- **Clause 3(2)(d):** Specialty training programmes: offers made from 2027 onwards;
- **Clause 4(6):** “UK medical graduate” and “the priority group”; and
- **Clause 5(4)(d):** “UK Foundation Programme”, “UK Specialty Programme” etc.

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

- 1. Why it is considered appropriate for the power to be exercisable by the Secretary of State within legislative competence? and**
- 2. How decisions will be made regarding which authority will exercise the power?**

In addition, in relation to clause 4(6), the Committee notes this is the only devolved power in the Bill that is not subject to a requirement for the Scottish Ministers’ consent when exercised by the Secretary of State. The Committee therefore asks:

- 3. What consideration has been given to requiring the consent of the Scottish Ministers before the power may be exercised by the Secretary of State within legislative competence?**

The Committee seeks a response to these questions by **Friday, 6 February 2026**.

This letter is also being copied to the lead committee for the LCM, the Health, Social Care and Sport Committee, to enable them to take account of this Committee’s questions, ahead of their evidence session with the Scottish Government on 10 February 2026. Please also copy your response to them.

Yours sincerely



Stuart McMillan MSP
Convener