



The Scottish Parliament  
Pàrlamaid na h-Alba

## Delegated Powers and Law Reform Committee

Angela Constance MSP  
Cabinet Secretary for Justice and Home Affairs

**10 March 2026**

Dear Cabinet Secretary

### Northern Ireland Troubles Bill

At today's meeting, the Delegated Powers and Law Reform Committee considered both the LCM and supplementary LCM ("sLCM"), and powers to make subordinate legislation within devolved competence, in the above Bill, and agreed to write to the Scottish Government. It will also simultaneously publish its report on the LCM and sLCM to the lead committee, given the short period remaining in this Parliamentary Session.

The Committee's question focuses on clauses which confer powers solely on the Secretary of State 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.

As such, in relation to:

- **Clause 21(1)** - Regulations about the holding and handling of information;
- **Clause 22(1)** - Biometric material

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email: [dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot). We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

- **Clause 25 (1)** - Conclusion of the Legacy Commission's work
- **Clause 59(7)** - Legal representation and other expenses
- **Clause 60(1)** - Regulations about procedure and evidence;
- **Clause 74 (5)** - Requests by families for information;
- **Clause 81(4)** - Legal privileges;
- **Clause 83(3)&(4)** - Conclusion of the ICIR's work; and
- **Clause 85(1)** - Inquests directed by Law Officers after winding up of Legacy Commission;

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 **how it intends to facilitate scrutiny by the Scottish Parliament of the exercise of these powers within legislative competence by the Secretary of State?**

The Committee seeks a response by **Friday, 13 March 2026**.

This letter is also being copied to the lead committee for the LCM and the sLCM, the Criminal Justice Committee, to enable them to take account of this Committee's question, ahead of their evidence session with the Scottish Government. Please also copy your response to them.

Yours sincerely



**Stuart McMillan MSP**  
**Convener**