



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 25 March 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 25 March 2025

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DELEGATED POWERS AND LAW REFORM COMMITTEE

1st Meeting 2025, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Katy Clark (West Scotland) (Lab)

*Roz McCall (Mid Scotland and Fife) (Con)

*attended

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 25 March 2025

[The Convener opened the meeting at 10:05]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 11th meeting in 2025 of the Delegated Powers and Law Reform Committee. I remind everyone to please switch off or put to silent their mobile phones and other electronic devices.

The first item of business is a decision on whether to take items 3 to 6 in private. Is the committee content to take those items in private?

Members indicated agreement.

Instrument subject to Negative Procedure

10:05

The Convener: Under agenda item 2, we will consider one instrument, on which an issue has been raised.

Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment (No 2) Regulations 2025 (SSI 2025/78)

The Convener: The instrument revokes and replaces the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment Regulations 2025, which the committee considered at its meeting on 4 March. The previous instrument was defective due to an error in the statutory consultation process, as narrated in correspondence from the Scottish Government to the Presiding Officer, which will be published in the committee's report on the subordinate legislation that has been considered at today's meeting. Specifically, the Scottish Government erroneously overlooked, and therefore did not consider, one of the responses to the consultation.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, an instrument subject to the negative procedure must be laid at least 28 days before it comes into force, not counting recess periods of more than four days. The instrument breaches that requirement, as it was laid on 18 March 2025 and will come into force partially on 30 March 2025.

Does the committee wish to draw the instrument to the attention of the Parliament under reporting ground (j), for failure to comply with laying requirements, as it was not laid 28 counting days before it will come into force?

Members indicated agreement.

The Convener: Is the committee content with the reasons provided by the Scottish Government for its failure to comply with the laying requirements?

Members indicated agreement.

The Convener: With that, I move the committee into private session.

10:07

Meeting continued in private until 10:26.

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