



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 13 May 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 13 May 2025

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DELEGATED POWERS AND LAW REFORM COMMITTEE

16th 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 13 May 2025

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Deputy Convener (Bill Kidd): Welcome to the 16th meeting in 2025 of the Delegated Powers and Law Reform Committee. We have received apologies from our convener, Stuart McMillan. I remind everyone to switch off or put to silent their mobile phones and other electronic devices.

The first item of business is a decision on taking business in private. Is the committee content to take item 4 in private?

Members indicated agreement.

Instruments subject to Affirmative Procedure

10:00

The Deputy Convener: Under agenda item 2, we are considering two instruments, on which no points have been raised.

Social Security (Miscellaneous Amendment) (Scotland) Regulations 2025 [Draft]

Regional Strategic Bodies and Regional Colleges (Glasgow and Lanarkshire) Order 2025 [Draft]

The Deputy Convener: Is the committee content with the instruments?

Members indicated agreement.

Instruments subject to Negative Procedure

10:01

The Deputy Convener: Under agenda item 3, we are considering five instruments. Points have been raised on three of the instruments, which form a package.

Firefighters' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025 (SSI 2025/113)

Police Pensions (Remediable Service) (Scotland) Amendment Regulations 2025 (SSI 2025/114)

Teachers' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025 (SSI 2025/121)

The Deputy Convener: The instruments amend different sets of regulations from 2023 and make some new provisions. The 2023 regulations made changes that were necessary following a successful court challenge in 2018, which was related to public sector pension schemes.

The committee considered the earlier instruments at its meeting of 19 September 2023. In its report from that meeting, the committee drew all of them to the attention of the Parliament, having identified drafting points in each instrument.

In relation to the present instruments, the committee has raised further issues with the Scottish Government. The full correspondence, which was published alongside the papers for this meeting, sets out its questions in full. The committee's full findings will be set out in its report, which will be published in due course and will detail its consideration of subordinate legislation at this meeting.

In relation to Scottish statutory instrument 2025/113, does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (i)—defective drafting—in respect of the issues that it raised in relation to its questions 1 and 3 on this instrument; and on the general reporting ground in respect of the issues that it raised in relation to questions 2(2), 4, 5(1), 7, 8(1) and 9 on this instrument?

Members indicated agreement.

The Deputy Convener: Does the committee wish to note that the Scottish Government intends to address, in an amending instrument, the points in questions 1, 2(2), 3, 4, 5(1) and (2), 6, 8(1) and

9, and to address, by correction slip, the point in question 7?

Members indicated agreement.

The Deputy Convener: In relation to SSI 2025/114, does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, in that the Scottish Government's commitment of 12 September 2023 to correct, by correction slip, an error in the preamble of the Police Pensions (Remediable Service) (Scotland) Regulations 2023 ("the Principal Regulations") has not been fulfilled; that, in line with standard drafting practice, regulation 3 of the instrument should specify that the substitution is to be made in both instances where "an immediate choice election" appears; that, in line with standard drafting practice, regulation 5 of the instrument should specify that the substitution is to be made in both instances where "deferred choice election decision" appears; and that the erroneous reference to "regulation 22(3) and (4)" in regulation 7 of this instrument should be to "regulation 23(3) and (4)"?

Members indicated agreement.

The Deputy Convener: Does the committee wish to note that the Scottish Government intends to resolve, by correction slip, the issues that are highlighted in points 1 and 4 as soon as practicable and, in any event, before the summer recess?

Members indicated agreement.

The Deputy Convener: Does the committee also wish to highlight to the lead committee the Scottish Government's response to its question 5 on the instrument?

Members indicated agreement.

The Deputy Convener: In relation to SSI 2025/121, does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground in that, in line with standard drafting practice, regulation 2(2) of the instrument should specify that the substitution is to be made in both instances where "deferred choice election decision" appears; that, in line with standard drafting practice, regulation 2(7) of the instrument should specify that the substitution is to be made in both instances where "compensatable" appears; and that this instrument does not fulfil the Scottish Government's commitment of 12 September 2023 to correct the references to "immediate choice election" in paragraph 1(1) of the schedule of the Principal Regulations?

Members indicated agreement.

The Deputy Convener: Does the committee wish to note that the Scottish Government intends to address point 3 in an amending instrument?

Members indicated agreement.

The Deputy Convener: Also under this agenda item, no points have been raised on the following instruments.

Education (Fees and Student Support) (Miscellaneous Amendment and Revocation) (Scotland) Regulations 2025 (SSI 2025/136)

Human Tissue (Supply of Information about Transplants) (Scotland) Regulations 2025 (SSI 2025/139)

The Deputy Convener: Is the committee content with the instruments?

Members indicated agreement.

The Deputy Convener: That concludes the public part of the meeting.

10:06

Meeting continued in private until 10:09.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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