OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 2 September 2025

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

23rd Meeting 2025, Session 6

CONVENER

*Stuart McMillan (Greenock and Inverclyde) (SNP)

DEPUTY CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Ind)
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 2 September 2025

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 23rd meeting in 2025 of the Delegated Powers and Law Reform Committee. We have received apologies from Katy Clark. 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 whether to take in private items 5, 6, 7 and 8. Is the committee content to take those items in private?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:00

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

Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [Draft]

Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [Draft]

Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025 [Draft]

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:01

The Convener: Under agenda item 3, we are considering four instruments. Issues have been raised on two of the instruments.

Teachers' Pensions (Remediable Service) (Scotland) Amendment (No 2) Regulations 2025 (SSI 2025/197)

The Convener: The instrument corrects outstanding errors in the Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (SSI 2023/141) that were not corrected by the previous amending instrument.

In correspondence with the Scottish Government, which was published alongside the papers for this meeting, the committee asked why there was no headnote providing that the instrument would be issued free of charge, which would be expected, given that the sole purpose of the instrument is to correct errors. The Scottish Government confirmed that that was an oversight that would be corrected and that any costs incurred by purchasers would be refunded.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground of not including the appropriate headnote for a correcting instrument?

Members *indicated agreement.*

The Convener: Does the committee wish to welcome that the instrument fulfils commitments by the Scottish Government to correct errors that the committee identified in SSI 2023/141?

Members *indicated agreement.*

Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No 4) Regulations 2025 (SSI 2025/212)

The Convener: The instrument makes amendments to ensure that, subject to the conditions set out in the instrument, people coming to Scotland from Israel, the occupied Palestinian territories—the West Bank, including East Jerusalem, and Gaza—or the occupied Golan Heights, are not excluded automatically from entitlement to council tax reduction on account of not being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. This is in light of the escalation of violence between Israel and Iran that began on 13 June 2025.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than four days. The instrument breaches this requirement, as it was laid on 24 July 2025 and came into force the next day.

As required under the 2010 act, the Scottish Government has set out its reasons for this breach in a letter to the Presiding Officer, which will be published in the committee's report on subordinate legislation that is considered at today's meeting. The letter explains that, although the need for such regulations became clear in the days following the escalation of violence on 13 June, there was not sufficient time to prepare them prior to recess beginning on 28 June and, as such, it was necessary to make them during recess. The letter also states that the Government considered it necessary for the instrument to be made on that timescale due to the urgent need for support for people fleeing the violence.

Does the committee wish to draw the instrument to the attention of the Parliament under reporting ground (j), for failure to lay the instrument in accordance with section 28(2) of the Interpretation of Legislative Reform (Scotland) Act 2010?

Members *indicated agreement.*

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

Members *indicated agreement.*

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

Firefighters' Pensions (Remediable Service) (Scotland) Amendment (No 2) Regulations 2025 (SSI 2025/187)

Vehicle Emissions Trading Schemes (Amendment) Order 2025 (SI 2025/678)

The Convener: Is the committee content with the instruments?

Members *indicated agreement.*

The Convener: In relation to SSI 2025/187, does the committee wish to welcome that the instrument fulfils commitments by the Scottish Government to correct errors that the committee identified in the Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (SSI 2023/242) and the Firefighters' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025 (SSI 2025/113)?

Members *indicated agreement.*

Instrument not subject to Parliamentary Procedure

10:05

The Convener: Under agenda item 4, we are considering one instrument, on which no points have been raised.

Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (Commencement No 2 and Transitional Provision) Regulations 2025 (SSI 2025/179 (C 19))

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

The Convener: Does the committee wish to welcome that the Scottish Government has corrected an error in the original policy note for this instrument about the applicable parliamentary procedure and that the corrected policy note has now been published?

Members *indicated agreement.*

The Convener: Does the committee wish to highlight to the lead committee, for its information, the correspondence that was published alongside the papers for this meeting, which, in relation to this instrument, provides an explanation from the Scottish Government regarding the time taken to commence the relevant provisions?

Members *indicated agreement.*

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

10:05

Meeting continued in private until 10:29.

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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