



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Delegated Powers and Law Reform Committee

Tuesday 16 September 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 16 September 2025

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DELEGATED POWERS AND LAW REFORM COMMITTEE

25th 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

COMMITTEE SUBSTITUTES

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 16 September 2025

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 25th meeting in 2025 of the Delegated Powers and Law Reform Committee. I remind everyone to switch off, or put to silent, mobile phones and other electronic devices. We have received apologies from Jeremy Balfour MSP.

The first item of business is to decide whether to take items 6 and 7 in private. 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 five instruments. I believe that Katy Clark wants to come in.

Katy Clark (West Scotland) (Lab): I would like to declare an interest, in that I am a member of the House of Lords, on leave of absence.

The Convener: Thank you.

Issues have been raised on two of the instruments.

Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025 [Draft]

The Convener: This draft instrument would update the rules governing the conduct of Scottish Parliament elections ahead of next year's parliamentary election. The present draft instrument was relaid by the Scottish Government on 28 August. The previous version, which was laid on 23 June, was withdrawn on 26 August. Correspondence between the committee and the Scottish Government on the original draft instrument, the Government's letter withdrawing that draft, and further correspondence on the present draft instrument have been published online, alongside the papers for today's meeting.

As noted in that correspondence, the original version of the draft instrument was withdrawn in order to address an issue with article 9, relating to changing the date on which a person becomes a candidate, which was raised by the committee with the Scottish Government.

In relation to the original draft instrument, the committee asked four questions. Does the committee wish to draw that correspondence to the attention of the lead committee, as the answers to questions 1 and 2 provide additional information and explanation that may be of interest for its consideration of articles 14 and 15?

Members indicated agreement.

The Convener: In relation to the new provision in article 16(2) of the relaid draft instrument, the committee asked about the use of the words "where it first appears". The Scottish Government agreed that that is superfluous, but considered that the provision is sufficiently clear so as not to need any corrective action.

The committee agrees that the error is unlikely to affect the operation of the legislation, and the committee may have been content not to report

the matter if it had appeared in a less significant context. However, the committee considers it desirable to ensure the greatest possible clarity in relation to changes to the wording of electoral forms, given their importance to individuals' exercise of their democratic right to vote.

As such, does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, in respect of superfluous references to "where it first appears" in the amendments that are made by articles 16(2)(a), 16(2)(d) and 16(2)(e) of the draft instrument to the "Getting Help" section of postal voting statement forms K, T and U respectively?

Members indicated agreement.

Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 [Draft]

The Convener: The purpose of the draft instrument is to disqualify a person from being an MSP if they are also a member of the House of Commons, and it does so by making amendments to the Scotland Act 1998. The instrument is one of a package of three draft disqualification instruments. The other two instruments would disqualify a person from being an MSP if they are a member of the House of Lords or a councillor.

The committee asked the Scottish Government about the wording of proposed new subsection (2A) in section 82 of the Scotland Act 1998, which is intended to prevent an MSP who is also an MP from receiving an MSP salary. The committee asked whether it is sufficiently accurate, given the contrast with the wording of section 81(1) of that act.

The Scottish Government's response was that it considers the wording to be sufficiently accurate and does not intend to take any corrective action. The committee considers that the provision should achieve the desired effect, because it specifies that it is "in accordance with section 81(1)". However, given that this is an amendment to a constitutional act, it is desirable for it to be as accurate and consistent as possible with the other provisions of the act.

As such, does the committee wish to draw the draft instrument to the attention of the Parliament on the general reporting ground, in that the wording of new subsection (2A), which is to be inserted by regulation 5(c) of the draft instrument into section 82 of the Scotland Act 1998, could be more consistent with the provision in sections 81 and 82 of that act?

Members indicated agreement.

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

Scottish Parliament (Disqualification of Members of the House of Lords) Regulations 2025 [Draft]

Scottish Parliament (Disqualification of Councillors) Regulations 2025 [Draft]

Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025 [Draft]

The Convener: Is the committee content with the instruments?

Members indicated agreement.

Instrument subject to Negative Procedure

10:05

The Convener: Under agenda item 3, we are considering one instrument, on which no points have been raised.

National Health Service (Common Staffing Method) (Scotland) Amendment (No 2) Regulations 2025 (SSI 2025/244)

The Convener: Is the committee content with the instrument?

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.

Aggregates Tax and Devolved Taxes Administration (Scotland) Act 2024 (Commencement No 2) Regulations 2025 (SSI 2025/243)

The Convener: Is the committee content with the instrument?

Members *indicated agreement.*

Instrument Laid for Consultation

10:06

The Convener: Under agenda item 5, we are considering proposed draft regulations laid for consultation, on which no points have been raised.

Proposed Draft Regulations: Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) Amendment Regulations 2026 (SG 2025/179)

The Convener: Is the committee content with the item?

Members *indicated agreement.*

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

10:06

Meeting continued in private until 10:07.

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