



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 23 September 2025

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

26th 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 23 September 2025

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Welcome to the 26th 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.

The first item of business is a decision on whether to take in private items 5, 6, 7, 8 and 9. Is the committee content to take those items in private?

Members indicated agreement.

Instrument subject to Affirmative Procedure

10:00

The Convener: Under agenda item 2, we are considering one instrument, on which issues have been raised.

Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 [Draft]

The Convener: The main purpose of the instrument is to amend the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 to make provision for the introduction of carer support, consisting of the carer support payment, the carer additional person payment and the Scottish carer supplement. The instrument also makes some other changes related to carers.

In correspondence, which has been published alongside the papers for this meeting, the committee asked the Scottish Government three questions about the instrument. First, we asked about an apparently missing year in a date that is given in the instrument. The Scottish Government clarified that the correct year should be 2026 and has committed to amend that by correction slip or amending instrument to ensure that it is sufficiently clear.

Does the committee wish to report the instrument on the general reporting ground, in that there is a missing year in the date that is referenced in regulation 17(1)(b)?

Members indicated agreement.

The Convener: The committee also asked the Scottish Government about references in regulation 17(3) to paragraph (3). The Scottish Government responded that those are typographical errors and that the references should be to paragraph (2) of regulation 17. Again, the Scottish Government committed to address that, either by correction slip or by an amending instrument, to ensure that the regulation is sufficiently clear.

Does the committee wish to report the instrument on the general reporting ground, in that there are erroneous references in regulation 17(3) to paragraph (3)?

Members indicated agreement.

The Convener: Finally, the committee asked the Scottish Government about a date—15 March 2025—that is given in schedule 2 of the instrument. The Scottish Government agreed that that was an error and that the date should be 15 March 2026. Again, the Scottish Government committed to address that by correction slip or amending instrument.

Does the committee wish to report the instrument on the general reporting ground, in that there is an erroneous reference to 15 March 2025 in schedule 2, paragraph 1(4)(a)(iii)?

Members indicated agreement.

The Convener: In relation to all of the reported errors that are noted above, does the committee wish to welcome that the Scottish Government has committed to correcting the errors?

Members indicated agreement.

Instruments subject to Negative Procedure

10:03

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

Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245)

The Convener: The committee asked the Scottish Government a number of questions on the instrument, and they are set out in full in the papers for today's meeting.

The legislation that regulates motor vehicle events makes a distinction between a "race or trial of speed between motor vehicles" that can be authorised under the Motor Sport on Public Roads (Scotland) Regulations 2019, which I will refer to as the motor sport regulations, and a "competition or trial (other than a race or trial of speed) involving the use of motor vehicles"

that can be authorised under the Motor Vehicles (Competitions and Trials) (Scotland) Regulations 1976, which I will refer to as the competitions regulations.

The instrument that is before the committee today makes amendments to the second set of regulations—the competitions regulations—including by designating four named rallies as "specified" events for the purposes of those regulations.

We asked the Scottish Government for an explanation of the background and for confirmation that the four named rallies are of the type that is regulated by the competitions regulations.

The Scottish Government provided further information regarding the two different types of motor events. The Government advised that the four named rallies are trials of speed, which are subject to authorisation under the motor sport regulations rather than the competitions regulations, and that they are not a type of event that is, in fact, capable of being authorised under the competitions regulations.

Designating those rallies in the competitions regulations was described as an "oversight". Designating them as "specified" events does not mean that they can, in fact, be authorised under the competitions regulations. Authorisation is subject to an application process, and we understand that, if an application was made for

authorisation under the competitions regulations for those four rallies in their traditional form—as trials of speed—they would not meet the criteria, and authorisation would not be granted.

The committee considers that inserting reference to those four rallies in the competitions regulations is a very significant drafting error and is capable of causing confusion with regard to the applicable authorisation process. The Scottish Government intends to make amending regulations to correct that error at the earliest possible opportunity.

Does the committee wish to draw the error to the attention of the Parliament under reporting ground (i), in that the drafting appears to be defective?

Members indicated agreement.

The Convener: Does the committee wish to note that the Scottish Government intends to correct the error at the earliest possible opportunity, and to call on the Scottish Government to do so as a matter of urgency?

Members indicated agreement.

The Convener: Also in relation to the instrument, the committee asked the Scottish Government about one of the rallies that is specified in the legislation, as the name appeared to be incorrect. The Scottish Government confirmed that the reference should have been to the Roger Albert Clark rally, rather than the Robert Albert Clark rally, and it intends to correct that error by amending instrument.

Does the committee wish to report the error on the general reporting ground, and to note that the Scottish Government intends to correct it?

Members indicated agreement.

The Convener: Finally on this instrument, the committee asked the Scottish Government whether the reference to "public way" in the final line of new regulation 7 of the principal regulations could be clearer. The principal regulations instead use the term "public highway", reflecting the principal regulations' parent act.

The Scottish Government responded that it considers the reference to be unambiguous, given the definition of the term in the enabling act, but undertook to reflect on whether consistency of approach would be desirable.

Does the committee wish to report that point on the general reporting ground?

Members indicated agreement.

The Convener: Does the committee wish to note the Scottish Government's undertaking to reflect on that point?

Members indicated agreement.

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

Plant Health (Export Certification) (Scotland) Amendment Order 2025 (SSI 2025/241)

Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2025 (SSI 2025/249)

Redemption of Heritable Securities (Excluded Securities) (Scotland) Order 2025 (SSI 2025/251)

The Convener: Is the committee content with the instruments?

Members indicated agreement.

The Convener: In relation to Scottish statutory instrument 2025/241, is the committee content with the explanation that has been provided by the Scottish Government regarding the application of section 46 of the United Kingdom Internal Market Act 2020 to the instrument, and content with the assurance that special regard has been given to the matters that are specified in that section?

Members indicated agreement.

The Convener: Does the committee wish to invite the Scottish Government to consider whether it would be appropriate, in the accompanying documents for any future relevant instruments, to make reference to the application of section 46 and to the factors that have been taken into account in complying with that section?

Members indicated agreement.

Documents subject to Parliamentary Control

10:08

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

Non-Party Campaigner Campaign Expenditure (Scottish Parliament Elections) Code of Practice 2025 (SG 2025/214) [Draft]

Statutory Guidance on Imprints for Non-party Campaigners at Scottish Parliamentary Elections and Council Elections in Scotland (SG 2025/215) [Draft]

The Convener: Is the committee content with the documents?

Members indicated agreement.

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

10:08

Meeting continued in private until 10:43.

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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