



OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 7 October 2025

Session 6



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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE

28th 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

THE FOLLOWING ALSO PARTICIPATED:

Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)
Oliver Mundell (Dumfriesshire) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Greg Black

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 7 October 2025

[The Deputy Convener opened the meeting at 10:00]

Interests

The Deputy Convener (Bill Kidd): Welcome to the 28th 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 Stuart McMillan MSP and Roz McCall MSP; Rona Mackay MSP and Oliver Mundell MSP are here as their substitutes. Jeremy Balfour MSP has also sent his apologies.

The first item of business is a declaration of interests. In accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", I invite Oliver Mundell MSP to declare any interests that are relevant to the remit of the committee.

Oliver Mundell (Dumfriesshire) (Con): Although I do not think that it is directly relevant, I draw members' attention to the fact that I am a board member at Scotland's Rural College. That might loosely relate to rural support under agenda item 4.

The Deputy Convener: Thank you.

Decision on Taking Business in Private

10:01

The Deputy Convener: The second item of business is a decision on taking business in private. Is the committee content to take in private items 5, 6 and 7?

Members indicated agreement.

Instruments subject to Affirmative Procedure

10:01

The Deputy Convener: Under agenda item 3, we are considering three instruments, on which no points have been raised.

Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order 2025 [Draft]

Budget (Scotland) Act 2025 Amendment Regulations 2025 [Draft]

Early Release of Prisoners (Scotland) Regulations 2025 [Draft]

The Deputy Convener: Is the committee content that no reporting grounds are engaged?

Members indicated agreement.

The Deputy Convener: At this stage, Oliver Mundell would like to make a statement.

Oliver Mundell: I want to make it clear that I do not support the Early Release of Prisoners (Scotland) Regulations 2025. I believe that it is a disproportionate use of power and that such matters should not be decided by delegated legislation.

The Deputy Convener: Thank you for that.

Instruments subject to Negative Procedure

10:02

The Deputy Convener: Under agenda item 4, we are considering four instruments. An issue has been raised on the following instrument.

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2025 (SSI 2025/277)

The Deputy Convener: The instrument makes changes to allow a prison governor to authorise the deputy governor to exercise, on their behalf, the “Governor veto” in relation to early release of prisoners. That is connected to the Early Release of Prisoners (Scotland) Regulations 2025 that we have just considered.

This instrument fails to be reported to the Parliament under reporting ground (j), for a failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

The instrument was laid on 2 October 2025 and will come into force on 10 November 2025, breaching the 28-day rule in the 2010 act, which requires that an instrument must be laid before the Scottish Parliament

“at least 28 days before the instrument comes into force”.

Recess days are excluded for the purpose of counting the days between the instrument being laid and coming into force.

Does the committee wish to draw this 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 comes into force?

Members indicated agreement.

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

Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2025 (SSI 2025/263)

Rural Support (Simplification and Improvement) (Data Publication) (Scotland) Regulations 2025 (SSI 2025/274)

Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No 5) Regulations 2025 (SSI 2025/275)

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

Members indicated agreement.

The Deputy Convener: In relation to Scottish statutory instrument 2025/263, does the committee wish to highlight to the lead committee, for its information, its correspondence with the Scottish Government?

Members indicated agreement.

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

10:04

Meeting continued in private until 10:26.

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