



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 28 October 2025**

**Session 6**



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**Tuesday 28 October 2025**

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**29<sup>th</sup> 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:**

Graeme Dey (Minister for Parliamentary Business and Veterans)

Douglas Kerr (Scottish Government)

Steven MacGregor (Scottish Government)

Claire Trail (Scottish Government)

**CLERK TO THE COMMITTEE**

Greg Black

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Delegated Powers and Law Reform Committee

*Tuesday 28 October 2025*

*[The Convener opened the meeting at 10:01]*

### Decision on Taking Business in Private

**The Convener (Stuart McMillan):** Good morning and welcome to the 29th 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 Katy Clark MSP.

The first item of business is a decision on taking business in private. Is the committee content to take in private items 6 to 15?

**Members** *indicated agreement.*

### Instrument subject to Affirmative Procedure

10:01

**The Convener:** Under agenda item 2, we are considering one instrument, on which no points have been raised.

### Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [Draft]

**The Convener:** Is the committee content with the instrument?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

10:01

**The Convener:** Under agenda item 3, we are considering two instruments. An issue has been raised on the following instrument.

### National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025 (SSI 2025/280)

**The Convener:** The instrument creates exemptions from NHS charges for people who come to the United Kingdom for medical treatment under the Gaza medical evacuation scheme and for people who are authorised to accompany them, if the need for treatment arose during the visit.

This instrument falls 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 7 October 2025 and came into force on the next day, breaching the 28-day rule in the 2010 act, which requires that a negative instrument must be laid before the Scottish Parliament at least 28 days before it comes into force.

The 2010 act requires the Scottish Government to explain to the Presiding Officer why the laying requirements have not been complied with. The Scottish Government explained, in its letter dated 7 October, that the instrument was being brought into force on the next day in order to provide clarity to those who are responsible for making and recovering charges from overseas visitors, and to provide assurance to those who are in Scotland under the Gaza medical evacuation operation that no children under that operation or their accompanying persons will be charged for NHS services.

Does the committee wish to draw the 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 Convener:** Is the committee content with the reasons provided for the failure to comply with the laying requirements?

**Members indicated agreement.**

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

## Qualifications Scotland (Appointment of Initial Members) Regulations 2025 (SSI 2025/278)

**The Convener:** Is the committee content with the instrument?

**Members indicated agreement.**

## Draft Laid for Consultation

10:03

**The Convener:** Under agenda item 4, we are considering a document that has been laid for consultation. No points have been raised on the following document.

### Public Services Reform (Scottish Water) Order 2026 (SG/2025/238)

**The Convener:** Is the committee content with the proposed draft order?

**Members** *indicated agreement.*

10:04

*Meeting suspended.*

10:05

*On resuming—*

## Minister for Parliamentary Business and Veterans

**The Convener:** Under agenda item 5, we are taking evidence from Graeme Dey MSP, the Minister for Parliamentary Business and Veterans. This is one of our regular sessions with the minister on the aspects of Scottish Government work that are relevant to the committee. I welcome the minister back to his role and to the committee.

The minister is accompanied by three Scottish Government officials: Steven MacGregor, head of the Parliament and legislation unit; Claire Trail, SSI and UK legislation team leader; and Douglas Kerr, deputy legislation co-ordinator in the Scottish Government legal department. I welcome them all to the meeting and remind them not to worry about the microphones, which are controlled by our broadcasting colleagues and will come on automatically.

I invite the minister to make some opening remarks.

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** Thank you for inviting me to join you to discuss matters within the committee's remit. I am grateful to the committee for its work in considering around 100 SSIs since my predecessor appeared here on 1 April. When I took on this role, I was encouraged to note that fewer issues—and, particularly, fewer serious issues—had been experienced with instruments in 2024-25 than had been in the previous year.

However, it would be remiss of me not to acknowledge that there was an increase in the number of issues with SSIs in the first quarter of this year. I am sure that we will cover that issue. Although that is partly explained by a package of SSIs dealing with pensions, I reassure the committee at the outset that the Scottish Government is carefully considering what it can do to ensure that that does not become a trend and that we maintain our otherwise good record. In addition, I highlight that, in addition to secondary legislation, we have introduced seven bills since 1 April.

In conclusion, I thank you for your diligence in considering the legislation that comes before you and am grateful for the close working relationship between our officials. I know from my previous time in this role that the DPLR Committee is hugely important to the operation of this Parliament. Together with Douglas Kerr, Steven MacGregor and Claire Trail, I am happy to answer any questions from the committee and, if necessary, I will follow up in writing. Given that I

have been back in post for only a few weeks and am still getting fully up to speed, I will, with the convener's indulgence, lean on the officials for detail so that we can provide answers that will fully meet the committee's aspirations.

**The Convener:** Thank you for that, minister. I fully appreciate your point regarding detail and am relaxed about that.

You touched on the report that the committee published regarding the first quarter of this year. For the record, the committee has identified a lot more issues in SSIs over recent months, with 28 per cent of instruments considered between 13 May and 8 September being reported. One key thing for the committee was that we found 30 individual issues in just six of those reported instruments, including some quite serious issues of potentially defective drafting. So, notwithstanding the comments that you just made, are you concerned by the increase in the number of issues being identified?

**Graeme Dey:** I am concerned that that occurred and it would be wrong of me to say otherwise. The issue was brought to my attention within a few days of my coming back into post, and my question to officials and to the lawyers was how that could have happened.

In a moment, I will bring in Douglas Kerr to give some background to how that came about, but we take the matter seriously and I do not in any way want to be seen to be making excuses for what occurred. It is clear that a sizeable proportion of the errors pertain to a particular set of regulations relating to pensions, which is a very complex area, and there was another similarly complex area with an evolving situation of policy change. That has prompted us to go away and look at what more we must do. I will come to that in a moment but, if it would be useful, I will ask Douglas to explain the background to what occurred.

**Douglas Kerr (Scottish Government):** As the minister said, we regret that the pensions SSIs are not where we want them to be. We strive to get things right the first time. When we make errors, we reflect and identify why they have occurred in order to see what we can do to stop them from happening again.

A lot of areas are technical and complex, but that is particularly the case with pensions legislation. The pensions SSIs package was developed in response to the McCloud remedy, which was implemented to respond to a court judgment. I hesitate to say that everything is complex, but it was complex to implement that judgment. There is a bit of interplay in the reserved-devolved mix, because the policy is owned by the UK Government, but the Scottish ministers have some executive competence to

make and implement pensions SSIs. There was a degree of need to see what was happening and keep pace with the policy changes.

The pensions SSIs corrected previous SSIs, and there was a gap between them. That was partly because, as part of the implementation of the McCloud remedy, there was a need to make wider changes to the SSIs so that we could learn from how they were being implemented over time. Wider policy changes were made alongside fixing previous SSIs, and all that in the mix meant that some sight was lost of the previous commitments to make corrections.

We have reflected on what happened with those SSIs. We have circulated the committee's report, highlighted the particular concern that the committee raised in it and highlighted that the convener made a statement in the Parliament to highlight the report. The report has been circulated to all our teams to make them aware of the issue and to implore them to do everything that they can to minimise errors.

We have also looked at the particular issue of when we meet commitments to correct errors in previous SSIs. We have made a slight change to our quality assurance processes: we now require drafters to provide additional information to the people who conduct the checks to ensure that they have the full history and context of the instruments. We hope that that will provide additional material that aids in preventing such errors from reoccurring. We are looking at what further training we can provide on SSI checking, but we are also looking more broadly to see what we can do to minimise recurring errors.

**The Convener:** That is helpful. I will pick up on one of the points, which was the technical nature of the SSIs. I do not doubt in any way, shape or form that they are technical, but I probably do not fully support your argument, to be quite honest, because I am sure that we all recognise that the vast majority of legislation is technical in nature anyway.

You touched on the requirement to provide additional information to drafters. Can you elaborate a bit more on that? In the past, the committee has tried to improve its understanding of the process that takes place when SSIs are drafted. Two or three years ago, some changes were put in place, so I am keen to flesh out where we are with those.

**Douglas Kerr:** As we have explained in the past, when SSIs are submitted for their checks at different levels, the official lines and guidance are that the drafters provide the SSI, the details of any relevant enabling powers and information about the instrument. We have added to our formal requirements to say that the information that the

drafter provides should include any previous correspondence with the committee, such as questions and answers; the DPLRC's report on the instrument, so that we can see exactly what the committee said and what it is looking for when it comes to our commitment; and any additional context, so that the person doing the check can pinpoint which provision is meeting which commitment.

That has been done with a view to making things specifically clear for the person doing the check. It could be the case—I expect that it has been in the past—that some drafters might provide such information as a matter of course, but we have now made it an official part of what we ask them to do.

As for keeping track of commitments, we have always captured and kept a log of them, but we have refreshed things to ensure that we present the information in a clearer way. The information is now much more clearly at our fingertips, and it will enable much more active monitoring.

10:15

**Graeme Dey:** There is that additional level of checking—in other words, a fresh pair of eyes, which I think that we would all agree is a useful exercise. You are right to say that all legislation is technical, but it can be very complex, too, as was the case with the pension regs. That is why it is important to have a fresh pair of eyes looking at this at some stage in the process. At some point, you will see only what you think you see in front of you, so you need an experienced pair of fresh eyes looking at it, too.

I should also expand on Douglas Kerr's point about additional training. We are actively looking at making available to colleagues a very specific SI-related training stream, because we absolutely take seriously the committee's concerns in this instance.

**The Convener:** On that point, has there been much staff turnover in the department, or have staff numbers remained fairly stable both over this quarter and before?

**Douglas Kerr:** I think that they have remained fairly stable. We have taken on some new lawyers, but that happened more recently than quarter 1. The pool of stylists who conduct the final review of an SSI has remained fairly stable; as time goes on, one or two individuals might leave a group and one or two others might join, but on the whole, the numbers have, as I have said, remained fairly stable.

**The Convener:** Would it be possible to send the committee details of the updated process that you have?

**Graeme Dey:** Absolutely.

**The Convener:** That would be helpful.

Going back to your comments about the SI training, it would be also useful if the committee could have sight of what that would entail.

**Graeme Dey:** And whether it will give additionality to what is already in place, do you mean?

**The Convener:** Yes.

**Graeme Dey:** We can happily write to you on that. I just want to get across the point that we take this matter extremely seriously, and I expect to see our performance improve from that of the first quarter.

**The Convener:** That was helpful. Thank you.

On a related matter, an unusual issue has arisen in recent months with amending instruments that have not addressed all the issues that the Scottish Government undertook to correct, and which have actually introduced further problems. You have already touched on the overarching checking process, but does that also cover this type of situation, in which something that has already come to the committee, and which we have highlighted, has had to go back to the Government to be looked at again? Is there a separate process for that?

**Graeme Dey:** I will bring in Douglas Kerr to answer that.

**Douglas Kerr:** We are specifically addressing that situation by asking drafters to give those who are conducting the checks additional information about previous DPLRC correspondence and reports.

**The Convener:** Okay. Thank you. If no one else wants to comment on that, I will bring in Roz McCall.

**Roz McCall (Mid Scotland and Fife) (Con):** Hello, minister, and welcome back. You will have to bear with me—I am having to squint a little, because, unfortunately, you are silhouetted from my angle.

The Net Zero, Energy and Transport Committee recently raised concerns about the policy note for the Vehicle Emissions Trading Scheme (Amendment) Order 2025, suggesting that it had been written with assumed knowledge of technical matters. What are you and your officials doing to ensure that policy notes are accessible, particularly to laypeople, stakeholders and members such as ourselves who are scrutinising instruments?

**Graeme Dey:** I will bring in one of the officials to give you some detail on that, but I absolutely get

the general point. When I was previously in post, we introduced a cover note for SSIs that explained on one side of A4 what the regulations set out to do, because they are very technical and are often written in lawyer speak, which is not always easy for the layperson to understand.

I think that the point about assumed knowledge is a very good one, although the example that you have highlighted predates my time, and I was not alive to it. However, I will bring in officials to respond, because it is a really important issue.

**Claire Trail (Scottish Government):** That is linked to what my colleague Douglas Kerr said about the quality assurance process. A fresh pair of eyes looks through things, not just from a legal perspective, but to check for plain English. We offer guidance and support to policy officials who prepare statutory instruments. We continuously review central SSI guidance in a similar way to the lawyers and we look at common issues that arise through committee scrutiny that officials need to be more mindful of when preparing SSIs. Recently, we introduced a monthly drop-in session for policy officials who are working on SSIs to share their experience and to ask questions of one another and of us so that we can communicate about the live issues that are arising in the Parliament.

**Roz McCall:** That is interesting. How recently was that introduced? Are the sessions well attended?

**Claire Trail:** The sessions started over the summer. A new team in the Parliament legislation unit introduced them and we are also continuing our own learning in the team. The sessions have been well attended. We have had them for a good few months now and they are going well.

**Graeme Dey:** Roz McCall's contribution has made me think that we need to reflect on that with a view to the next parliamentary session. There will be a substantial intake of brand new MSPs who will not have even the four years of knowledge that some of our current MSPs have. When you first become an MSP, it is difficult to try to get to grips with those things. I will take that away and reflect on what we need to do to try to ensure that the new intake of MSPs in particular are able to hit the ground running. If the committee writes to me on the back of the session with any thoughts about how we could do that, I would be interested in the committee's views.

**Jeremy Balfour (Lothian) (Ind):** Good morning. Your officials provide us and subject committees with a helpful weekly update of instruments that are expected to be laid in the following two weeks. Can you or your officials provide an indication of the anticipated volume of SSIs that are likely to be laid between now and the

end of the session? Will particular lead committees have more SSIs than others?

**Graeme Dey:** As of now, we are anticipating circa 151 SSIs and four dual-Parliament SIs to be laid before the Parliament dissolves. I should add that we are currently going through an additional triaging process on several other instruments, so the number will rise. That is positively comparable with this point during previous Parliamentary sessions. By way of example, in session 5, 259 SIs were laid during the same time period. I will give the breakdown, if it is helpful, Mr Balfour: there will be 53 affirmative SSIs, two made affirmative instruments, five super-affirmative instruments and 77 negative instruments, while 18 instruments will be laid with no procedure.

We are acutely aware of managing workloads, which is what I think that you are getting at. The officials work closely with committee clerks and we scan ahead to see what the workload will be. As an experienced committee member, you will appreciate that, sometimes, committees take on additional work at short notice, which complicates things.

I will give you the committee-by-committee breakdown: out of the 151 SSIs, we expect the Local Government, Housing and Planning Committee to receive 24 instruments; the Health, Social Care and Sport Committee to receive 23 SSIs; the Criminal Justice Committee will receive 20; Net Zero, Energy and Transport Committee will have 17; the Finance and Public Administration Committee will have 12; the Rural Affairs and Islands Committee will have 12; and the Social Justice and Social Security Committee will have 10. The remaining committees will have eight or fewer.

**Jeremy Balfour:** That is very helpful. One of the differences in this Parliamentary session is the number of bills that are also outstanding that we need to get through before dissolution. What are your officials doing with the Parliament clerks to ensure that committees that have several bills that are at stage 1 or stage 2 will also have time to properly scrutinise the SSIs?

**Graeme Dey:** I will bring in officials to respond in detail on engagement, but, as a general point, it always feels like this at this stage in a parliamentary session, but, actually, the volume of bills, particularly Government bills, is no higher than it has been in previous parliamentary sessions. The volume of members' bills is perhaps slightly higher than in previous sessions, but it is still fairly comparable. One of the complicating factors in this parliamentary session, as experienced colleagues around the room might recognise, is that committees have been taking longer at stage 2. There have been additional evidence sessions, and some stage 3 sittings

have also been taking longer, as we can see from this week's business. That has increased the sense that the pressure is greater than it was in the past. In strict number terms, it is not, but we are alive to the demands that some committees are facing. Steven MacGregor or Claire Trail might be able to talk about the engagement that happens.

**Steven MacGregor (Scottish Government):**

We plan ahead to try to avoid a large legislative programme in the last year of a parliamentary session, which is why the year 5 programme, as we call it, is smaller than normal. We try to avoid introducing bills to committees that are already busy. Extensive engagement is going on at the moment between us and parliamentary officials about the sequencing and scheduling of stages 1, 2 and 3, because we realise that there are not many parliamentary days left in this session. That is a key piece of work for us at the moment.

**Jeremy Balfour:** It is interesting and helpful to put that on the record, because there is a feeling among some MSPs that the workload is perhaps greater than it was in previous sessions. SSIs come in different shapes and sizes and require different types of scrutiny. Looking at what is coming forward, are there any particular SSIs that you expect might require more scrutiny and work from committees, or are they all roughly of the same size and complexity?

**Graeme Dey:** There is nothing to say with regard to the 289-page environmental amendment regs, which you will all recall, but there are two large SSIs that are due to be laid—one of around 90 pages that is due on 24 November and one of around 84 pages that is due at the beginning of December. Those are the two significantly large SSIs that we are anticipating—unless officials think that we should bring anything else to the committee's attention.

**Claire Trail:** There is nothing in addition to those, but I just note that, on the back of the particularly large SSIs from last year, we committed to—and we are—engaging with the clerks and letting them know ahead of time when large instruments are going to be laid. We are also looking at limiting the overall volume of SSIs that are laid in Parliament when large instruments are being laid.

**Graeme Dey:** There might be a further two SSIs to come in the new year, but those are the two large ones in the immediate future.

**Jeremy Balfour:** Minister, you will put yourself in the history books if you not only answer this question but deal with it. It relates to an SSI that you will have had on your desk previously. Do you have an update on the amendment to the Scotland Act 1998 (Specification of Functions and Transfer

of Property etc.) Order 2019? As you will appreciate, Noah came out of ark around the time that this was first dealt with. What engagement have your predecessors and officials had with the UK Government to find a solution? Do we have to admit that we are never going to find a solution and that the matter is just going to lie there, or is there any possibility that we could deal with it in this parliamentary session?

**Graeme Dey:** I recognised that description, because this SSI fell in my previous tenure as the Minister for Parliamentary Business and Veterans. I am just as keen as anyone to see this dealt with, and I recall a commitment that I made in 2019. My understanding is that, following an evidence session in April, the Cabinet Secretary for Rural Affairs, Land Reform and Islands provided a letter to the convener outlining the situation and the next steps with regard to the order under section 93 of the Scotland Act 1998, which will correct the previous order. At the time, some complexities that related to interaction with another proposed instrument were still to be resolved. However, I am pleased to advise—this is hot off the press—that those issues have since been resolved, allowing the process to move forward from that sticking point, and I can confirm to the committee that, since then, official-level agreement has been reached in relation to the order and that the Cabinet Secretary for Rural Affairs, Land Reform and Islands has sent a letter to the UK Government this week seeking in-principal ministerial agreement to make the order.

10:30

**Jeremy Balfour:** That is helpful. I am not absolutely au fait with the timescales. I am not asking you to make any commitment, but is it possible that that could be resolved before the end of March?

**Graeme Dey:** I am not trying to blame the UK Government for any delay, but that will depend on its response to the cabinet secretary's letter. The officials may be able to give you some idea of the timescales that we would work to in such circumstances.

**Claire Trail:** We have certainly added the voice of the committee to the urgent need to have the order delivered and the UK Government officials that we are working with are very much aware of that. As the minister said, we have been able to secure agreement at official level on the content of the order. We should soon have a timetable for the pending exchange of ministerial letters; the UK Government officials are very aware of our preferred timetable and our desire to have that dealt with as quickly as possible. In theory, that should be doable.

**Graeme Dey:** We will write to the committee to update you once we have that timetable.

**Jeremy Balfour:** I was going to ask for that, so that would be very kind.

**Roz McCall:** I like to look at things at committee level, but let us move on to the subject of bills. A delegated power in the Children (Care, Care Experience and Services Planning) (Scotland) Bill was missed from the Scottish Government's delegated powers memorandum. Can you reassure us that you are taking steps to ensure that that does not happen again in the future?

**Graeme Dey:** I will ask the officials to talk about the process that we put in place to address that.

**Steven MacGregor:** I am sorry; I missed the question.

**Roz McCall:** The commencement power in the Children (Care, Care Experience and Services Planning) (Scotland) Bill was missed from the Scottish Government's delegated powers memorandum.

**Steven MacGregor:** I understand the question now: you are asking specifically about commencement. We would expect all powers to be included, explained and justified, and if something has been missed we will take a look at what happened. There is already extensive guidance and that sort of thing should not be happening, so we will take that issue away and have a look at it.

**Roz McCall:** That would be wonderful. It would be great if you could give us an update on how we can ensure that.

Minister, you have already highlighted how busy the committee stages of bills are. We are noticing, particularly with regard to delegated powers, that more bills are being altered at stage 2, but this committee needs sufficient time to consider any reports on changes to delegated powers before a bill reaches stage 3. Can you reassure us that we will get adequate time to scrutinise that upturn in SSIs at stage 2?

**Graeme Dey:** I absolutely agree that committees have a crucial role in scrutinising delegated powers in bills. Since April, the Government has consistently provided more than the minimum amount of time that is required between bill stages, including having a voluntary 14-day gap between stages 2 and 3—a period that exceeds by four days the period set out in standing orders. We are trying to do everything that we can to support further scrutiny, but I understand the frustrations that committees sometimes feel about finding time for that, given their other workloads.

**Roz McCall:** Given what you have just said, can you give us any commitment that you will raise that concern with the relevant individuals, ministers and civil servants to ensure that some thought is given to the time between stages 2 and 3?

**Graeme Dey:** The timings between stages 2 and 3 are agreed in conjunction with Parliament. I said earlier that, in comparison with some other years, we are not facing an overly congested legislative landscape between now and the end of the session, but there is no doubt that it is busy. Scheduling stages 2 and 3 of legislation can be challenging at times and I cannot sit here and say that there is a magic wand we can wave to resolve that. We work in conjunction with committees to set deadlines: they suggest the deadlines that they would like and we try to accommodate those or to get as close to them as possible. I assure you that a lot of work goes into that, but I cannot sit here today and assure you that we can magically improve that situation overnight.

**Roz McCall:** I appreciate that, but are there any relevant conversations with ministerial staff and civil servants to highlight how important that is now that we are, as you say, in a congested legislative landscape?

**Graeme Dey:** One thing that I will be doing during the next few weeks—I would have started to do it by now, but for the fact that we are spending a lot of time in the chamber because of stage 3s—is meeting with each convener to hear of any concerns that they have.

I recall that, when I was previously in this role, towards the end of that session of Parliament, I worked very closely with a Conservative convener of one of the committees to reorder some of the work that it had coming to it, because he felt that that would allow the committee to complete its work programme. We did that successfully. In situations in which I can work with my officials to accommodate requests from committees, I give it assurance that we will look to do that to try to help to manage their workloads.

**Bill Kidd (Glasgow Anniesland) (SNP):** Although we note that the timing of LCMs is not entirely in the Scottish Government's gift, the impact of some of the very short timescales on the committee's scrutiny has been noted. Standing orders have had to be suspended in relation to lead committees' roles for the Bus Services (No 2) Bill and the Public Authorities (Fraud, Error and Recovery) Bill. What updates can the minister provide on the discussions that the Scottish Government has had with the UK Government about powers to make UK secondary legislation within devolved competence, and, in particular, what arrangements have been considered for

notifying Parliament about that secondary legislation?

**Graeme Dey:** I will ask officials to come in on some of the detail that you asked about but, as a general point, although I absolutely understand the frustration of Parliament about this, some of the issues that we have had are the result of an improved relationship with the UK Government. Concerns that have been raised by the Scottish Government and the Scottish Parliament about proposals have led to amendments and bills, and that has created issues with the LCM process. I am not trying to make excuses or to defend that but, in some ways, it is the consequence of improved working. However, of course we want the process to be better. I would much rather see LCMs going to committees than straight to Parliament. The committee should have the opportunity for scrutiny.

As to the direct conversations that have been taking place, perhaps my officials can expand on that.

**Claire Trail:** On the timetabling of LCMs, we regularly reiterate through our engagement with counterparts the need to allow full opportunity for the Scottish Parliament to consider LCMs and motions. We should keep in mind that parliamentary recess dates are different. Most notably, we are looking ahead to the Scottish election and what that means for the timetabling of UK bills that require the consent of this Parliament before and/or after the election.

Similarly, we work closely with the UK Government on identifying forthcoming SIs to understand the volumes and the nature of them, and we push to get the most complete picture as possible. We continue with conversations about engaging the Scottish Parliament in its role, most notably in the context of retained European Union law issues and the EU reset, to get as much possible information for us and for the Scottish Parliament.

**Bill Kidd:** Although I recognise that, as we have been talking about, the timetabling for LCMs is not entirely in the Scottish Government's gift, the committee has encountered issues in relation to not being able to report on six LCMs since June. In two cases, standing orders were suspended as we were unable to consider the provisions in an LCM. What more can the Scottish Government do to allow sufficient time for consideration of LCMs by the Parliament and committees?

**Graeme Dey:** That is a difficult question to answer, Mr Kidd, other than by assuring you that we are going to do everything that we can to avoid such situations. As I said earlier, particularly with supplementary LCMs, that is a consequence of more collaborative and constructive working with

the UK Government, which I think we would all welcome.

I hope to have meetings with UK Government ministers in short order, and one of the topics will be what we can do collectively to try to improve the situation.

Again, as I said to Roz McCall on another topic, I do not have any magic wand for addressing this, but in our conversations with UK ministers, we will reiterate the views of the DPLR Committee, as they have been expressed to date.

**Bill Kidd:** That is fair enough.

Let me just narrow things down slightly with a more general question. Can you or your team update the committee on the latest position with upcoming LCMs, particularly any that are likely to engage the committee's remit between now and the end of the session?

**Graeme Dey:** I will pass that to Claire Trail, who is the expert on this.

**Claire Trail:** We are aware from the King's speech of a number of bills that are still to come in this first session of the UK Parliament, with LCMs expected on the Public Office (Accountability) Bill, formerly known as the duty of candour bill; the cyber security and resilience bill; the Northern Ireland legacy (no 2) bill; the National Wealth Fund bill; the railways bill; the elections and democracy bill; the armed forces bill; the UK energy independence bill; and an artificial intelligence bill. We are also expecting legislation in the space of EU reset, pending the outcome of the EU-UK negotiations, and a major sporting events bill.

**Bill Kidd:** At least you were well prepared for the question, so thank you very much.

That is a very considerable number, is it not? A lot of those bills are going to be substantial, and I presume that a number of them will head into the next parliamentary session, never mind anything else. They will not all happen within the next few months, will they?

**Claire Trail:** A number are expected to be introduced in the next couple of months, but we do not have the same level of detail on a lot of them. As I alluded to in my answer to an earlier question, that is exactly the issue that we are pressing with counterparts at Westminster—the timing of the election and some understanding of when the consent process will be engaged.

**Graeme Dey:** That is particularly the case with regard to the EU element, so that we understand the timings in the context of both the pre-election period and going into the next session of Parliament.

I would like to think—indeed, I would like to be assured—that good conversations are happening

between my officials and your clerks to keep the committee apprised of what is happening. If you feel that that engagement can be improved, we will be happy to take that away and look at it.

**Bill Kidd:** Thank you very much.

Just going off into some tangentials, I note that the committee published the report on its inquiry into framework legislation and Henry VIII powers—a term that I absolutely hate—on 24 March 2025, with a chamber debate involving the former minister on 24 April. You will be aware that, following our inquiry and the publication of our report in March, the committee agreed to look at producing guidance that we hope might be helpful not just to the Scottish Government but to stakeholders, other parliamentarians and, indeed, anybody with an interest in public policy. Would the Scottish Government wish to see and engage on the draft guidance and work with the committee to develop it and move it in that direction?

**Graeme Dey:** I think that that would be quite a useful exercise, and we would be happy to engage with you on it. We might spot things that you have not spotted and perhaps be helpful in that way. I think that it would be useful for the Parliament to have that guidance, so I am happy to commit to working closely with the committee on it.

**Bill Kidd:** That sounds very positive. Thank you very much.

**The Convener:** Coming back to Bill Kidd's question on LCMs, I recall that, at the end of the previous parliamentary session, we were clearly facing very different circumstances compared with what we are facing now. For a start, Covid was still very much a live issue, and the parliamentary rules were altered to leave MSPs as MSPs until the day before the election, which was an unusual move. Moreover, a different Government is now in power in Westminster.

I am just thinking about what planning is being done for the period after Parliament dissolves for the election, as well as the timescales on which the current UK Government will be looking to bring forward legislation and, therefore, any potential LCMs. What will be the impact on parliamentary scrutiny? After all, there will be no Scottish Parliament for a period.

**Graeme Dey:** And no committees, either.

**The Convener:** Indeed. I am just considering that element. Ms Trail touched a moment ago on the timescales of bills, and the LCMs, that might be coming forward, but could the Parliament end up in the position of not being able to scrutinise some of that legislation at all?

10:45

**Graeme Dey:** The premise of your question is that, from early April until, potentially, the end of May, there will be no committees.

**The Convener:** Yes.

**Graeme Dey:** I am sure that officials have been thinking about that.

**Claire Trail:** Our starting position in our conversations with our counterparts is that bills should be timetabled to avoid the scenario of the Sewel convention being breached as a result of Westminster legislating without the Scottish Parliament being around to give consent. We have communicated the point that, as the minister has alluded to, we are not expecting committees to be operational until after the summer recess in 2026. Obviously, if a situation emerged that needed to be dealt with, there might well be an opportunity to do that in chamber business after the election, but our starting position is that committees will not be able to look at LCMs until September 2026.

**Graeme Dey:** That brings me back to the conversations that I would hope to have with UK ministers in which I would reinforce that point, on the back of which I would be happy to update the committee on where we have got to.

**The Convener:** That would be helpful. Thank you.

I see that colleagues have no further questions, so do you have any final comments?

**Graeme Dey:** As I have said, I look forward to working with the committee. We have committed to writing back to you over a period of time on various issues, but if there is anything that the committee feels that it wants to advise us further on, we will be happy to look at that. I am thinking, in particular, of the piece of work that Mr Kidd suggested.

**The Convener:** Thank you very much. I thank you and your team for your very useful evidence, which the committee will discuss under a later item.

That concludes the public part of the meeting. We will now move into private session.

10:47

*Meeting continued in private until 11:24.*

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