OFFICIAL REPORT
AITHISG OIFIGEIL

Delegated Powers and Law Reform Committee

Tuesday 13 January 2026

Session 6

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Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
2nd Meeting 2026, 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 13 January 2026

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Stuart McMillan): Good morning, and welcome to the second meeting in 2026 of the Delegated Powers and Law Reform Committee. I remind everyone to switch off, or put to silent, mobile phones and other electronic devices.

Under agenda item 1, does the committee agree to take in private items 5, 6, 7 and 8?

Members *indicated agreement.*

Instruments subject to Affirmative Procedure

10:01

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

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]

First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure and Composition) (Miscellaneous Amendment) Regulations 2026 [Draft]

Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [Draft]

Land and Buildings Transaction Tax (Co-ownership Authorised Contractual Schemes) (Scotland) Regulations 2026 [Draft]

Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]

Scotland Act 1998 (Modification of Schedule 5) Order 2026 [Draft]

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026 [Draft]

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

Members *indicated agreement.*

The Convener: In relation to the draft Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026, does the committee wish to welcome that the Scottish Government proposes to amend the policy note to explain that regulations 5(3)(i) and 5(4), which amend references to “the 2024 Regulations”, are correcting previous errors?

Members *indicated agreement.*

The Convener: Also in relation to those regulations, does the committee wish to welcome that the Scottish Government intends, at the next suitable legislative opportunity, to correct other erroneous references to “the 2024 Regulations” in the Civil Legal Aid (Scotland) Regulations 2002, and to address a minor drafting point on regulation 6(4)(b)?

Members *indicated agreement.*

The Convener: Does the committee wish to note that the draft Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026 has been withdrawn and relaid twice—first, due to errors identified by the responsible minister and, subsequently, following questions raised by the committee with the Scottish Government?

Members *indicated agreement.*

The Convener: In relation to the draft Scotland Act 1998 (Modification of Schedule 5) Order 2026, does the committee wish to write to the lead committee and the Scottish Government to highlight that, in addition to this order, further subordinate legislation would also be expected in the United Kingdom Parliament in relation to the Assisted Dying for Terminally Ill Adults (Scotland) Bill, and that the approach proposed may result in some scrutiny challenges for the Scottish Parliament?

Members *indicated agreement.*

Instruments subject to Negative Procedure

10:03

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

Removing from Heritable Property (Form of Charge) Amendment (Scotland) Regulations 2025 (SSI 2025/402)

Bankruptcy and Diligence etc (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025 (SSI 2025/403)

Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025 (SSI 2025/404)

Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Amendment Order 2025 (SSI 2025/405)

Retained EU Law (Revocation and Reform) Act 2023 (Agricultural Products) (Consequential Amendment) (Scotland) Regulations 2025 (SSI 2025/407)

Social Security (Residence in an EEA State or Switzerland) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/415)

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

Members *indicated agreement.*

Instruments not subject to Parliamentary Procedure

10:03

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

Good Food Nation (Scotland) Act 2022 (Commencement No 4) Revocation Regulations 2025 (SSI 2025/395)

Domestic Abuse (Protection) (Scotland) Act 2021 (Commencement No 1) Regulations 2025 (SSI 2025/400 (C33))

Housing (Scotland) Act 2025 (Commencement No 2) Regulations 2025 (SSI 2025/408 (C 34))

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

Members *indicated agreement.*

The Convener: In relation to Scottish statutory instrument 2025/395, does the committee wish to note that it would have been helpful if the detail provided in the Scottish Government's response to the committee had been included in the instrument's policy note, and to highlight its correspondence to the lead committee?

Members *indicated agreement.*

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

10:04

Meeting continued in private until 10:18.

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