Official Report
Aithisg Oifigeil

DRAFT

Delegated Powers and Law Reform Committee

Comataidh nan Cumhachdan Tiomnaichte agus Ath-leasachadh an Lagha

Tuesday 10 November 2026

Session 7

The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
10th Meeting 2026, Session 7

CONVENER

*Calum Kerr (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Q Manivannan (Edinburgh and Lothians East) (Green)

COMMITTEE MEMBERS

*Colm Merrick (Glasgow Anniesland) (SNP)
Kim Schmulian (Glasgow) (Reform)
*Paul Sweeney (Glasgow) (Lab)

*attended

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Delegated Powers and Law Reform Committee

Tuesday 10 November 2026

[The Convener opened the meeting at 10:08]

Decision on Taking Business in Private

The Convener (Calum Kerr): Good morning, and welcome to the 10th meeting of the Delegated Powers and Law Reform Committee in session 7. We have received apologies from Kim Schmulian MSP.

On behalf of the committee, I thank Amanda Lindsay MSP for her hard work and valuable contributions to the committee. We wish her all the very best for the future.

The first item of business is a decision on taking business in private. Is the committee content to take item 5 in private?

Members *indicated agreement*.

Draft Instruments subject to Approval

10:08

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

Procurement Reform (Scotland) Act 2014 (Thresholds) Amendment Order 2027 [Draft]

Criminal Justice and Public Order Act 1994 (Modification) (Scotland) Regulations 2027 [Draft]

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

Members *indicated agreement*.

Instruments subject to Annulment

10:09

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

Scotland Act 1998 (Specification of Functions and Transfer of Property etc) (Amendment) Order 2026 (SI 2026/1095)

The Convener: The committee asked the Scottish Government several questions about this instrument. All the questions, as well as the answers, are published in full alongside the papers for this meeting.

The instrument would enable agency arrangements to be made under section 93 of the Scotland Act 1998, whereby specified functions of the Scottish ministers could be exercised on their behalf by United Kingdom ministers. We asked for more information regarding the specification by the instrument of the functions in the official controls regulation (EU) 2017/62. We asked for confirmation that the policy intention is to specify all of the Scottish ministers' functions under the OCR, not just those that relate to forestry or plant health.

The Scottish Government confirmed that this was the case, but that the intention was that, in practice, only the functions relating to forestry and tree health would be exercised.

We also asked why it is considered appropriate to make this provision in an instrument that relates only to forestry and/or plant health. Finally on this point, we asked whether the accompanying documents should make it clear that the instrument specifies all of the Scottish ministers' functions under the OCR, not just those relating to forestry and/or plant health.

The committee will set out its full consideration of this instrument in its report on subordinate legislation to be published following today's meeting.

Following consideration of the Scottish Government's responses, does the committee wish to draw the instrument to the attention of the Parliament on reporting ground (g), in that specifying all of the Scottish ministers' functions under the OCR, when the stated policy intention is to make arrangements only in respect of forestry and tree health functions, appears to be an unusual and unexpected use of the power?

Members *indicated agreement*.

The Convener: Does the committee consider that it would be helpful to the end user if the accompanying documents made it clear that the instrument specifies all of the Scottish ministers' functions under the OCR, not just those relating to forestry and/or plant health?

Members *indicated agreement*.

The Convener: Does the committee also wish to welcome that this instrument fulfils a long-standing commitment by the Scottish Government to correct an error in the Scotland Act 1998 (Specification of Functions and Transfer of Property etc) Order 2019 (SSI 2019/183)?

Members *indicated agreement*.

The Convener: Also under this agenda item, the committee asked the Scottish Government two technical drafting questions on the following instrument.

Scottish Administration (Offices) Order 2026 (SI 2026/1097 (S 1))

The Convener: Is the committee content with the response provided by the Scottish Government?

Members *indicated agreement*.

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

Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 (SSI 2026/295)

Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 (SSI 2026/296)

Mobile Homes (Written Statement) (Scotland) Regulations 2026 (SSI 2026/320)

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

Members *indicated agreement*.

Instruments not subject to Parliamentary Procedure

10:13

The Convener: Under agenda item 4, we are considering one instrument, on which no issues have been raised.

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025 (Commencement No 2) Regulations 2026 (SSI 2026/294 (C 34))

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

Members *indicated agreement*.

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

10:13

Meeting continued in private until 10:23.

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