Official Report
Aithisg Oifigeil

DRAFT

Delegated Powers and Law Reform Committee

Comataidh nan Cumhachdan Tiomnaichte agus Ath-leasachadh an Lagha

Tuesday 17 November 2026

Session 7

The Scottish Parliament
Pàrlamaid na h-Alba

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DELEGATED POWERS AND LAW REFORM COMMITTEE
11th 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 17 November 2026

[The Convener opened the meeting at 10:05]

Interests

The Convener (Calum Kerr): Welcome to the 11th meeting of the Delegated Powers and Law Reform Committee in session 7. The first item of business is a declaration of interests. In accordance with section 3 of the code of conduct, I invite Kim Schmulian MSP to declare any interests that are relevant to the remit of the committee.

Kim Schmulian (Glasgow) (Reform): I have no relevant interests to declare.

The Convener: Thank you. It is good to have you on board, and we welcome your experience.

Decision on Taking Business in Private

10:06

The Convener: The second item of business is a decision on whether to take item 6 in private. Is the committee content to take that item in private?

Members *indicated agreement*.

Draft Instruments subject to Approval

10:06

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

Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2027 [Draft]

Planning (Scotland) Act 2019 (Ancillary Provision) Regulations 2026 [Draft]

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

Members *indicated agreement*.

Documents subject to Parliamentary Control

10:06

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

Environmental Standards Scotland engine idling laws air quality investigation: Scottish Government improvement plan (SG 2026/281)

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

Members *indicated agreement*.

Instruments not subject to Parliamentary Procedure

10:07

The Convener: Under agenda item 5, we are considering three instruments. An issue has been raised on the following instrument.

Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 (Commencement No 3) Regulations 2026 (SSI 2026/319 (C 35))

The Convener: The committee noted that all but sections 18(3) and (4) of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 had been commenced by earlier instruments in 2019 and 2021. We asked the Scottish Government why these provisions are being commenced only now and whether there were any practical implications for local authorities preparing local housing strategies as a result.

The Scottish Government explained that commencement was not possible in 2019 because the definition of "fuel poverty" was not fully operational until further regulations were introduced in 2020. The Scottish Government accepts that not commencing the provisions after that time was an oversight. However, the relevant guidance was updated in 2020 to reflect the more detailed definition in the 2019 act, and the Scottish Government does not consider that there are any significant practical implications for the strategies. All of the questions and answers are published in full alongside the papers for this meeting.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground, for the oversight in failing to commence section 18(3) and (4) of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 at an earlier date?

Members *indicated agreement*.

The Convener: Does the committee wish to highlight to the Economy, Tourism and Energy Committee the Scottish Government's correspondence relating to the oversight?

Members *indicated agreement*.

The Convener: Kim Schmulian would like to raise a point.

Kim Schmulian: The Scottish Government did give an explanation about guidance coming into force, but I checked what type of guidance it had been, and it was not statutory guidance. It is worth the committee noting that, if it is not statutory guidance, no one is obliged to follow it, even though they may have followed it.

The Convener: Paul Sweeney, did you want to put something else on the record?

Paul Sweeney (Glasgow) (Lab): Yes, convener. Although the action that we will take based on the general reporting grounds is satisfactory, it is worth noting that this is another example of poor legislative housekeeping on the part of the Government and that these commencement regulations ought to have superseded the existing statute seven years ago. That is quite a glaring oversight, so it would be good to understand what provisions the Government will put in place so that this sort of error will not occur again and we can be satisfied that, with regard to this kind of issue, the letter of the law is aligned more thoroughly with practice.

The Convener: Thank you both for putting your points on the record. These are valid points that we should pick up in our work going forward, including when the Minister for Parliamentary Business and Veterans appears before us. I agree with Paul Sweeney that some themes are emerging over time, and we should call them out.

Also under this agenda item, no issues were raised on the following instruments.

Transport (Scotland) Act 2019 (Commencement No 9) Regulations 2026 (SSI 2026/326 (C 38))

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) (No 2) 2026 (SSI 2026/328)

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.

10:11

Meeting continued in private until 10:21.

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