

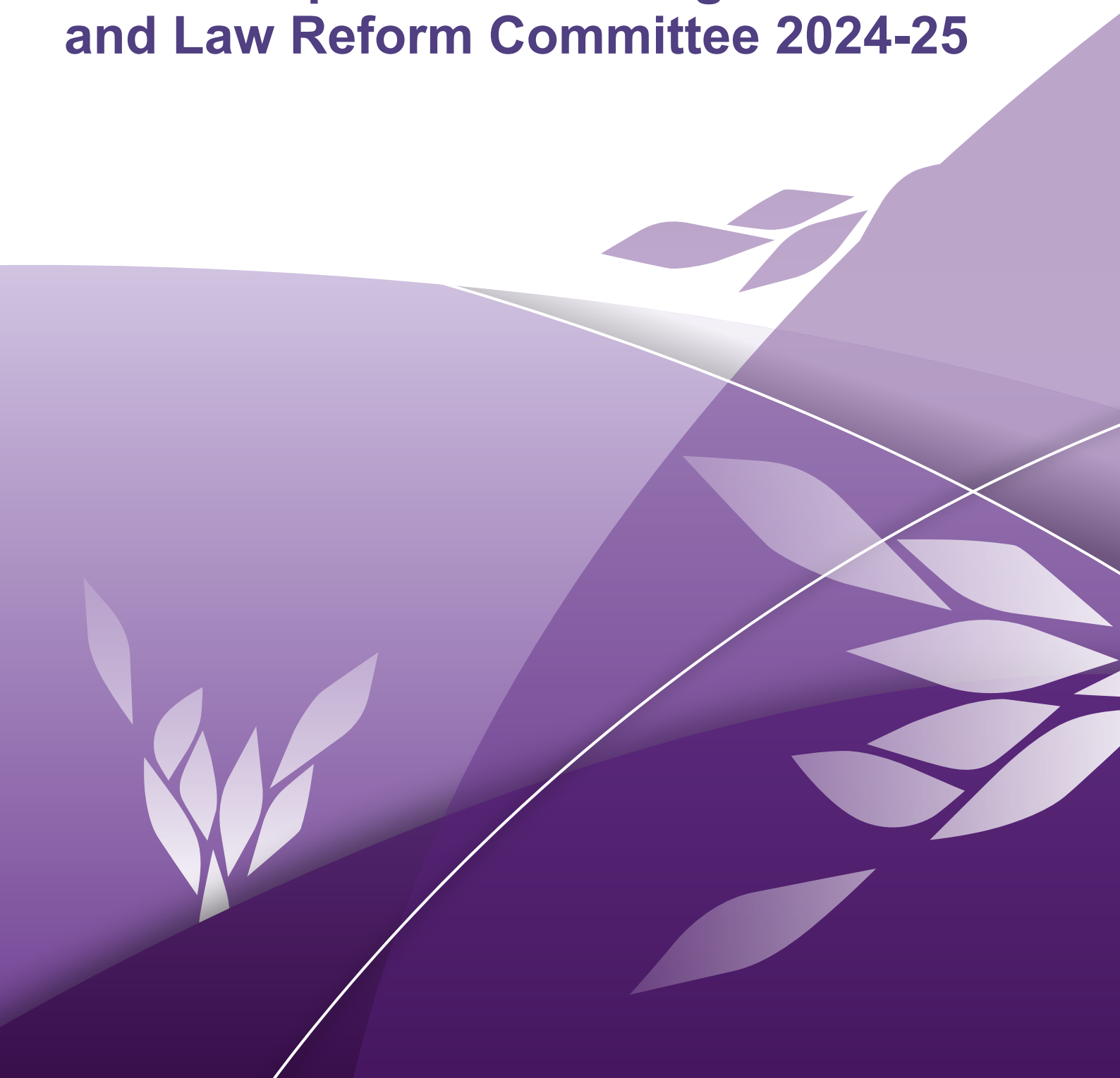


The Scottish Parliament
Pàrlamaid na h-Alba

Published 27 May 2025
SP Paper 798
36th Report, 2025 (Session 6)

Delegated Powers and Law Reform Committee

Annual report of the Delegated Powers and Law Reform Committee 2024-25



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Delegated Powers and Law Reform Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.

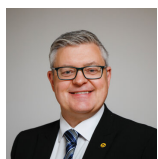


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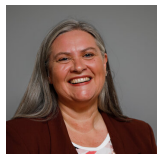
Committee Membership



Convener
Stuart McMillan
Scottish National Party



Deputy Convener
Bill Kidd
Scottish National Party



Roz McCall
Scottish Conservative
and Unionist Party



Jeremy Balfour
Scottish Conservative
and Unionist Party

Introduction

1. This Report covers the work of the Committee during the parliamentary year from 13 May 2024 to 12 May 2025. The Committee scrutinises subordinate legislation, such as Scottish Statutory Instruments ('SSIs'), delegated powers provisions within bills at Stage 1 and after Stage 2, as well as delegated powers provisions within UK bills which confer powers on Ministers to make subordinate legislation within devolved competence.
2. There were 5 membership changes in the reporting year:

Members

- Oliver Mundell MSP left the Committee on 29 May 2024 and was replaced by Jeremy Balfour MSP
- Foyso Choudhury MSP left the Committee on 3 September 2024 and was replaced by Daniel Johnson MSP.
- Tim Eagle MSP left the Committee on 10 October 2024 and was replaced by Roz McCall MSP.
- Daniel Johnson MSP left the Committee on 15 January 2025 and was replaced by Katy Clark MSP.

Substitute Members

- Alexander Stewart MSP was replaced by Oliver Mundell MSP on 10 October 2024.

Meetings

3. The Committee met 36 times during the parliamentary year. 31 of those meetings included a mixture of public and private items. Five were all in public. None were all in private.

Legislation

Bills

4. The Committee considers delegated powers provisions in Scottish Government and Members' bills. It then reports to subject committees and the Parliament on issues such as whether a power should be delegated, the scope of delegated powers and whether parliamentary procedures that would apply to subordinate legislation brought under the power would offer the appropriate level of scrutiny.
5. Through its scrutiny process, the Committee aims to ensure that the appropriate balance is struck in Bills between primary and secondary legislation. That is, between the provision being set out in full in the Bill itself or the Bill conferring a power on Ministers to make the provision in subordinate legislation. The Committee also aims to ensure that the Parliament will have appropriate scrutiny of subordinate legislation made under powers conferred by the Bill.
6. Over the reporting period, the Committee considered and reported on delegated powers in 15 Bills at Stage 1-
 - [Housing \(Scotland\) Bill](#)
 - [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Bill](#)
 - [Assisted Dying for Terminally Ill Adults \(Scotland\) Bill](#)
 - [Education \(Scotland\) Bill](#)
 - [Schools \(Residential outdoor Education\) \(Scotland\) Bill](#)
 - [Right to Addiction Recovery \(Scotland\) Bill](#)
 - [Budget \(Scotland\) \(No. 4\) Bill](#)
 - [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill](#)
 - [Land Reform \(Scotland\)](#)
 - [Leases \(Automatic Continuation etc.\) \(Scotland\) Bill](#)
 - [Dog Theft \(Scotland\) Bill](#)
 - Scottish Parliament (Recall and Removal of Members) Bill - considered on 25 March 2025, not reported yet, will publish in next Parliamentary year.
 - Tertiary Education and Training (Funding and Governance) (Scotland) Bill - considered on 18 March and 29 April, reported in next Parliamentary year (13 May 2025).
 - Natural Environment (Scotland) Bill - considered on 29 April 2025, not reported yet, will publish in next Parliamentary year.

7. The Committee also considered and reported on delegated powers in 12 Bills after Stage 2-
- [Housing \(Cladding Remediation\) \(Scotland\) Bill](#)
 - [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#)
 - [Agriculture and Rural Communities \(Scotland\) Bill](#)
 - [Circular Economy \(Scotland\) Bill](#)
 - [Aggregates Tax and Devolved Taxes Administration \(Scotland\) Bill](#)
 - [Social Security \(Amendment\) \(Scotland\) Bill](#)
 - [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Bill](#)
 - [Scottish Elections \(Representation and Reform\) Bill](#)
 - [Judicial Factors \(Scotland\) Bill](#)
 - [Welfare of Dogs \(Scotland\) Bill](#)
 - [Scottish Languages Bill](#)
 - [Regulation of Legal Services \(Scotland\) Bill](#)

Scottish Law Commission Bills

8. The Committee also considers certain Scottish Law Commission ('SLC') Bills and is the lead committee considering all aspects of the Bill, including the policy.
9. Over the reporting period, the Committee considered the following SLC bills:

Judicial Factors Bill

10. The [Bill](#) was introduced on 5 December 2023 and aims to reform the existing law associated with judicial factors.
11. A judicial factor is a person appointed by the court to manage property which is not being properly managed, or would not otherwise be properly managed.
12. As part of its scrutiny of the Bill, the Committee heard evidence from the SLC and the Scottish Government Bill team. It has also heard from academics, legal practitioners, the organisation Missing People and the Scottish Courts and Tribunal Service. For its final evidence session, the Committee heard from the Minister for Victims and Community Safety, Siobhian Brown MSP.
13. The Committee's [Stage 1 report](#) was published on 14 June 2024. The Stage 1 Chamber debate was held on 19 September 2024.
14. Stage 2 of the Bill was considered by the Committee on 19 November 2024. Stage 3 took place in the Chamber on 10 December 2024.

Leases (Automatic Continuation etc.) (Scotland) Bill

15. The [Bill](#) was introduced on 11 December 2024 and aims to modernise and clarify the law around how certain leases can continue automatically past their termination date, and other procedural elements related to ending leases. The scope of the Bill is limited to commercial leases only.
16. As part of its scrutiny of the Bill, the Committee heard evidence informally from the SLC and the Scottish Government Bill team. It has also formally heard from the SLC, academics, legal practitioners and representatives from the business sector. The Committee will hear from the Minister for Victims and Community Safety, Siobhian Brown MSP on 20 May 2025 (after the end of the period covered by this report).

Subordinate legislation

17. The Committee considered 209 statutory instruments during this parliamentary year and 2 Documents subject to parliamentary control.
18. 198 of these instruments were laid by the Scottish Government and 11 by the Lord President's Private Office.
19. In relation to the 198 statutory instruments laid by the Scottish Government:
 - 2 were subject to made affirmative procedure;
 - 59 were subject to affirmative procedure;
 - 105 were subject to negative procedure; and
 - 32 were not subject to any parliamentary procedure (Laid only).
20. The Committee produced 36 Subordinate Legislation reports.

Legislative Consent Memorandums

21. Legislative Consent Memorandums ('LCMs') relate to consent for UK Parliament bills which seek to change the law or alter Scottish Ministers' or the Scottish Parliament's powers in relation to devolved matters.
22. The Committee considered and reported on 6 LCMs. A breakdown is provided below:

LCMs

- [Renters Rights Bill](#)
- [Product Regulation and Metrology Bill](#)
- [Tobacco and Vapes Bill](#)
- [Employment Rights Bill](#)

- [Border Security, Asylum and Immigration Bill](#)
- Planning and Infrastructure Bill (considered on 6 May, not reported yet)

On 14 May 2024, the Committee also considered the following LCMs. At the dissolution of the 2019-2024 UK Parliament, the Bills fell on 30 May 2024. The committee therefore took no further action.

- Renters (Reform) Bill
- Tobacco and Vapes Bill

The Committee also considered 2 Supplementary LCMs

- [Tobacco and Vapes Bill](#)
- Product Regulation and Metrology Bill - the Committee considered this on 18 March 2025 but decided not to report to the lead committee.

Highlighted scrutiny

Framework Legislation and Henry VIII Powers

23. The Committee held an inquiry on Framework Legislation and Henry VIII Powers to find out more about how framework bills impact on parliamentary scrutiny and stakeholders engaging with the Parliament on legislation.
24. Framework legislation sets out principles for a policy, but does not provide substantial detail on the face of the bill as to how that policy will be given practical effect. Instead, this type of legislation seeks to give broad powers to Ministers or others to fill in this detail at a later stage.
25. As part of its scrutiny, the Committee heard evidence from academics, the Office of the Parliamentary Counsel, legal bodies, legislators and former officials. For its final evidence session, the Committee heard from the Minister for Parliamentary Business, Jamie Hepburn MSP.
26. On 6 December 2024, the Committee members met with members of the House of Lords' Delegated Powers and Regulatory Reform Committee, Lord Lisvane (former Clerk to the House of Commons) and the Office of the Parliamentary Counsel to hear about their experience of framework legislation and Henry VIII powers.
27. On 22 January 2025, Committee members met (online) with the Hon. Natasha Maclaren-Jones, Chair of the New South Wales Legislative Council Regulation Committee, to hear about the New South Wales' experience of framework legislation and Henry VIII powers.
28. The Committee's [report](#) was published on 24 March 2025. The [Chamber debate](#) was held on 24 April 2025.

Minister for Parliamentary Business

29. The Committee held two further bi-annual meetings with the Minister for Parliamentary Business, Jamie Hepburn MSP, as part of its ongoing commitment to scrutinising and pushing for the Scottish Government to maintain high standards for matters within the remit of the Committee.

Equal opportunities

30. It is part of the Committee's remit to consider whether legislation is compatible with Convention Rights as set out in the Humans Rights Act 1998. The Committee will draw the attention of the lead committees and the parliament to any instrument that, in its opinion, may not be compatible with those rights.
31. The Committee is keen to ensure that it hears from a diverse range of people when taking evidence. It asks witnesses to fill out diversity questionnaires following appearance at the Committee, and seeks to target a wide range of stakeholders when issuing calls for views on its work.

