

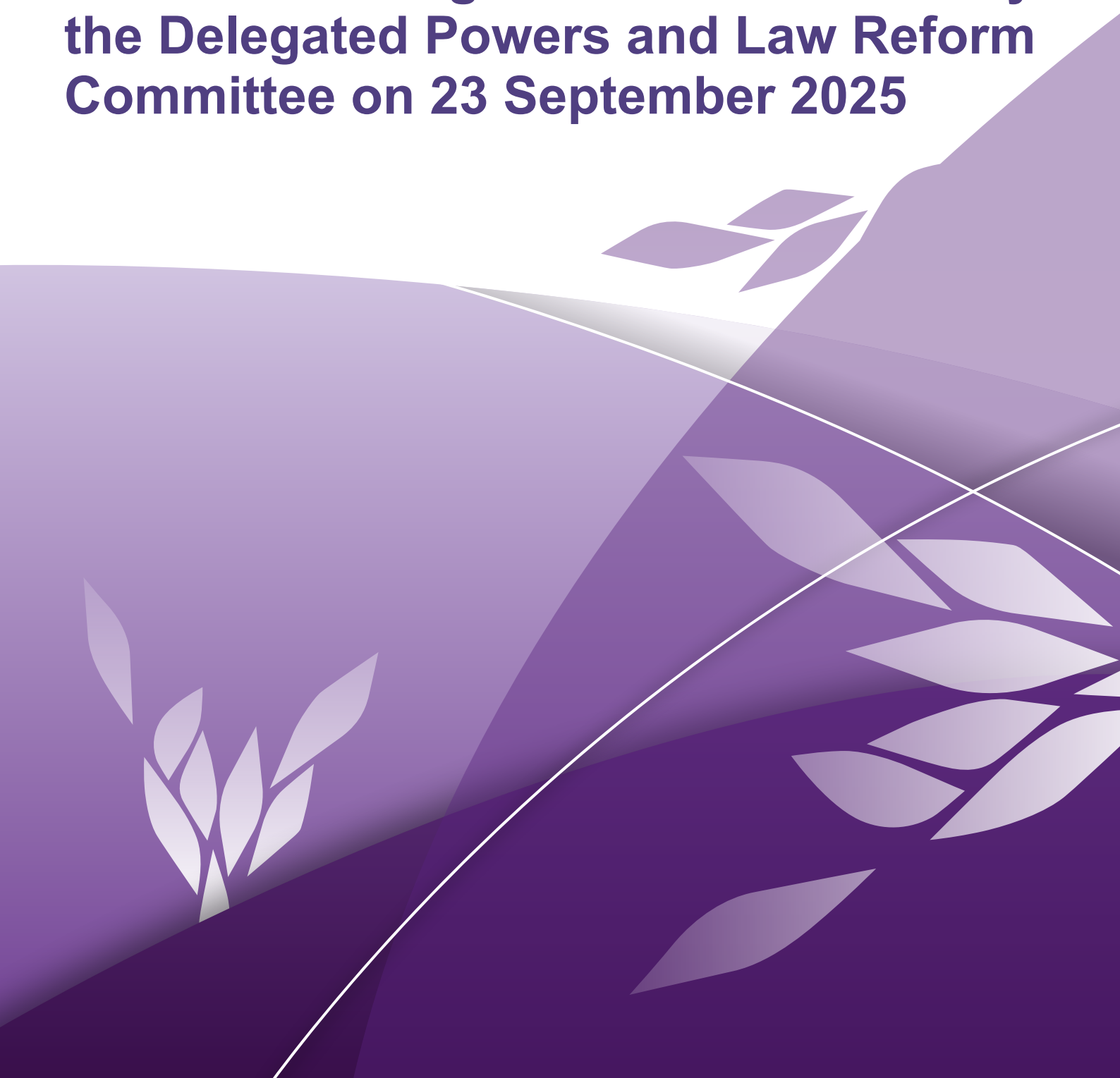


The Scottish Parliament  
Pàrlamaid na h-Alba

Published 25 September 2025  
SP Paper 871  
66th Report, 2025 (Session 6)

## **Delegated Powers and Law Reform Committee**

# **Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 23 September 2025**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish  
Parliament website at:  
<https://www.parliament.scot/documents>

For information on the Scottish Parliament contact  
Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>Introduction</b>	<b>1</b>
<b>Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament</b>	<b>2</b>
<b>No points raised</b>	<b>6</b>

# 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.



[DPLR.Committee@parliament.scot](mailto:DPLR.Committee@parliament.scot)



0131 348 5974

# Committee Membership



**Convener**  
**Stuart McMillan**  
Scottish National Party



**Deputy Convener**  
**Bill Kidd**  
Scottish National Party



**Katy Clark**  
Scottish Labour



**Roz McCall**  
Scottish Conservative  
and Unionist Party



**Jeremy Balfour**  
Independent

# Introduction

1. At its meeting on 23 September 2025, the Committee considered the following instruments under its remit and agreed to draw them to the attention of the Parliament:
  - Carer’s Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 (SSI 2025/Draft); and
  - Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245).
2. The Committee's recommendations in relation to these instruments are set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments at the end of the report.

# Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament

## Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 (SSI 2025/Draft)

4. The main purpose of the instrument is to amend the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 to make provision for the introduction of Carer Support, consisting of Carer Support Payment, Carer Additional Person Payment, and Scottish Carer Supplement.
5. The instrument also:
  - extends the period a carer continues to get support after the death of a cared for person from 8 to 12 weeks,
  - removes the requirement for carers to have been providing care for at least 14 or 22 of the past 26 weeks to become entitled to continue to be paid during a temporary break in care,
  - provides for the extension of eligibility for Young Carer Grant to 19-year-olds.
6. The Committee [asked the Scottish Government three questions](#) about the instrument.
7. First, the Committee asked about an apparently missing year in a date given in the instrument where it states in regulation 17(1)(b) "the individual's entitlement to Carer's Allowance ceased before 15 March".
8. The Scottish Government, in its [response](#), clarified that the correct year would have been 2026, and has committed to correcting this by correction slip or amending instrument to ensure this is sufficiently clear.

9. **The Committee reports, on the general reporting ground, that there is a missing year in the date referenced in regulation 17(1)(b).**

10. The Committee also asked the Scottish Government about references to paragraph 3 in regulation 17(3).
11. The Scottish Government responded that these are typographical errors, and the references should be to paragraph 2 of regulation 17. Again, the Scottish Government has undertaken to address these errors, either by correction slip or an amending instrument, to ensure the regulation is sufficiently clear.

12. **The Committee reports, on the general reporting ground, that there are erroneous references to paragraph (3) in regulation 17(3).**

13. Finally, the Committee asked the Scottish Government about a date given in Schedule 2, paragraph 1(4)(a)(iii) of the instrument. It asked whether a reference to 15 March 2025, in relation to entitlement to Carer Additional Person Payment, was correct. This was on the basis that it appears from the instrument that the intention is that there is no entitlement to Carer Additional Person Payment before 15 March 2026.
14. The Scottish Government agreed this was an error, and that the reference should have been to 15 March 2026. Again, the Scottish Government committed to addressing this by correction slip or amending instrument.

**15. The Committee reports, on the general reporting ground, that there is an erroneous reference to 15 March 2025 in schedule 2, paragraph 1(4)(a)(iii).**

**16. The Committee welcomes that the Scottish Government has committed to correcting the errors reported above.**

17. The lead committee for this instrument is the Social Justice and Social Security Committee.

### **Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245)**

18. This instrument is made under sections 13(2) and 13A(1) of the Road Traffic Act 1988.
19. It amends the Motor Vehicles (Competitions and Trials) (Scotland) Regulations 1976, which concerns motor events on public roads. The purposes of the instrument include:
  - To increase the fees for applying to hold a motorsports event on public roads. These were last changed in 2002.
  - To change the body to which the Scottish Ministers delegate responsibility for receiving and considering applications to hold such events. This body is currently the Royal Scottish Automobile Club (a company established by Royal Charter). Under the instrument will be RSAC Motorsport Limited, a private company limited by guarantee.
  - To change the list of rallies which are “specified events”, to which different conditions apply. The new list of “specified events” would be:
    - The [Roger] Albert Clark Rally (see comment below)
    - Mull Rally
    - Jim Clark Rally
    - Argyll Rally.
20. The instrument also amends the Motor Vehicles (Off Road Events) Regulations

1995 to replace the Royal Scottish Automobile Club with RSAC Motorsport Limited as the body which may authorise a motor event in a public place other than a road.

21. The Committee asked three questions about this instrument.
22. The first concerned the legislation under which different types of motor vehicle events are regulated. There is a distinction between:
  - a “**race or trial of speed between motor vehicles**” that can be authorised under section [12G](#) and [12H](#) of the parent Act, and which is regulated by the [Motor Sport on Public Roads \(Scotland\) Regulations 2019](#) (SSI 2019/138) (“the Motor Sport Regulations”), and
  - a “**competition or trial (other than a race or trial of speed) involving the use of motor vehicles**” that can be authorised under [section 13](#) of the parent Act and the principal regulations, the [Motor Vehicles \(Competitions and Trials\) \(Scotland\) Regulations 1976](#), SI 1976/2019 (“the Competitions Regulations”).
23. The instrument makes amendments to the second of these instruments, the Competitions Regulations, including by designating the four rallies mentioned above as “specified events” for the purposes of those regulations.
24. In [correspondence with the Scottish Government](#), the Committee asked for an explanation of the background and for confirmation that the four named rallies named are of the type regulated by the Competitions Regulations.
25. The Committee noted in the question that road traffic legislation, such as speed limits, can be disapplied for the first type of events (under the Motor Sport Regulations) but that this does not appear to be the case for the second type (under the Competitions Regulations). Also, the [Policy Note](#) for the Motor Sport Regulations mentions specifically two of the four named rallies: the Jim Clark Rally and the Isle of Mull Rally, and clearly suggests that these two rallies were intended to be regulated under the Motor Sport Regulations.
26. In [response](#), the Scottish Government advised that the four named rallies are in fact “trials of speed”, subject to authorisation under the Motor Sport Regulations rather than the Competitions Regulations, that designating them in the Competitions Regulations was an “oversight”, and that they are not events capable of being authorised under the Competitions Regulations.
27. The Committee considers that inserting reference to these four rallies in the Competitions Regulations is a very significant drafting error, and is capable of causing confusion as to the applicable authorisation process.
28. The Scottish Government intends to make amending regulations to correct this error at the earliest possible opportunity.
29. The lead committee for this instrument is the Net Zero, Energy and Transport Committee.
30. **The Committee draws this error to the attention of the Parliament under reporting ground (i) – that the drafting appears to be defective.**

31. **The Committee notes that the Scottish Government intends to correct this error at the earliest possible opportunity, and calls upon the Scottish Government to do so as a matter of urgency.**

32. The Committee also asked the Scottish Government about one of the rallies specified in the legislation, as the name appeared to be incorrect.

33. The Scottish Government confirmed that the reference should have been to the **Roger** Albert Clark Rally, rather than the **Robert** Albert Clark Rally, and it also intends to correct this error by amending instrument at the earliest possible opportunity.

34. **The Committee reports this error on the general reporting ground, and notes that the Scottish Government intends to correct it.**

35. Finally, the Committee asked the Scottish Government whether the reference to “public way” in the final line of new regulation 7 of the Competitions Regulations could be clearer. The Competitions Regulations instead use the term “public highway”, reflecting its usage in the Competition Regulations’ parent Act.

36. The Scottish Government responded that it considers the reference to be unambiguous given the definition of the term in the enabling Act, but undertook to reflect on whether consistency of approach would be desirable.

37. **The Committee reports this point on the general reporting ground.**

38. **The Committee notes the Scottish Government's undertaking to reflect on this point.**

# No points raised

39. At its meeting on 23 September 2025, the Committee considered the following instruments and proposed draft regulations under its remit and agreed not to draw them to the attention of the Parliament.

## Local Government, Housing and Planning Committee

Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2025 (SSI 2025/249)

Redemption of Heritable Securities (Excluded Securities) (Scotland) Order 2025 (SSI 2025/251)

## Rural Affairs and Islands Committee

Plant Health (Export Certification) (Scotland) Amendment Order 2025 (SSI 2025/241)

- In relation to the above instrument the Committee sent [questions to the Scottish Government](#). The Scottish Government [responded](#). In relation to the response, the Committee:
  - was content with the explanation provided by the Scottish Government regarding the application of [section 46 of the United Kingdom Internal Market Act 2020](#) to this instrument, and was content with the assurance that special regard has been had to the matters specified in that section.
  - invites the Scottish Government to consider whether it would be appropriate to make reference, in the accompanying documents for any future relevant instruments, to the application of section 46 and to the factors that have been taken into account in complying with that section.

## Standards, Procedures and Public Appointments Committee

Draft Code of Practice: The Non-Party Campaigner Campaign Expenditure (Scottish Parliament Elections) Code of Practice 2025 (SG/2025/214)

Draft statutory guidance on imprints for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland (SG/2025/215)

