

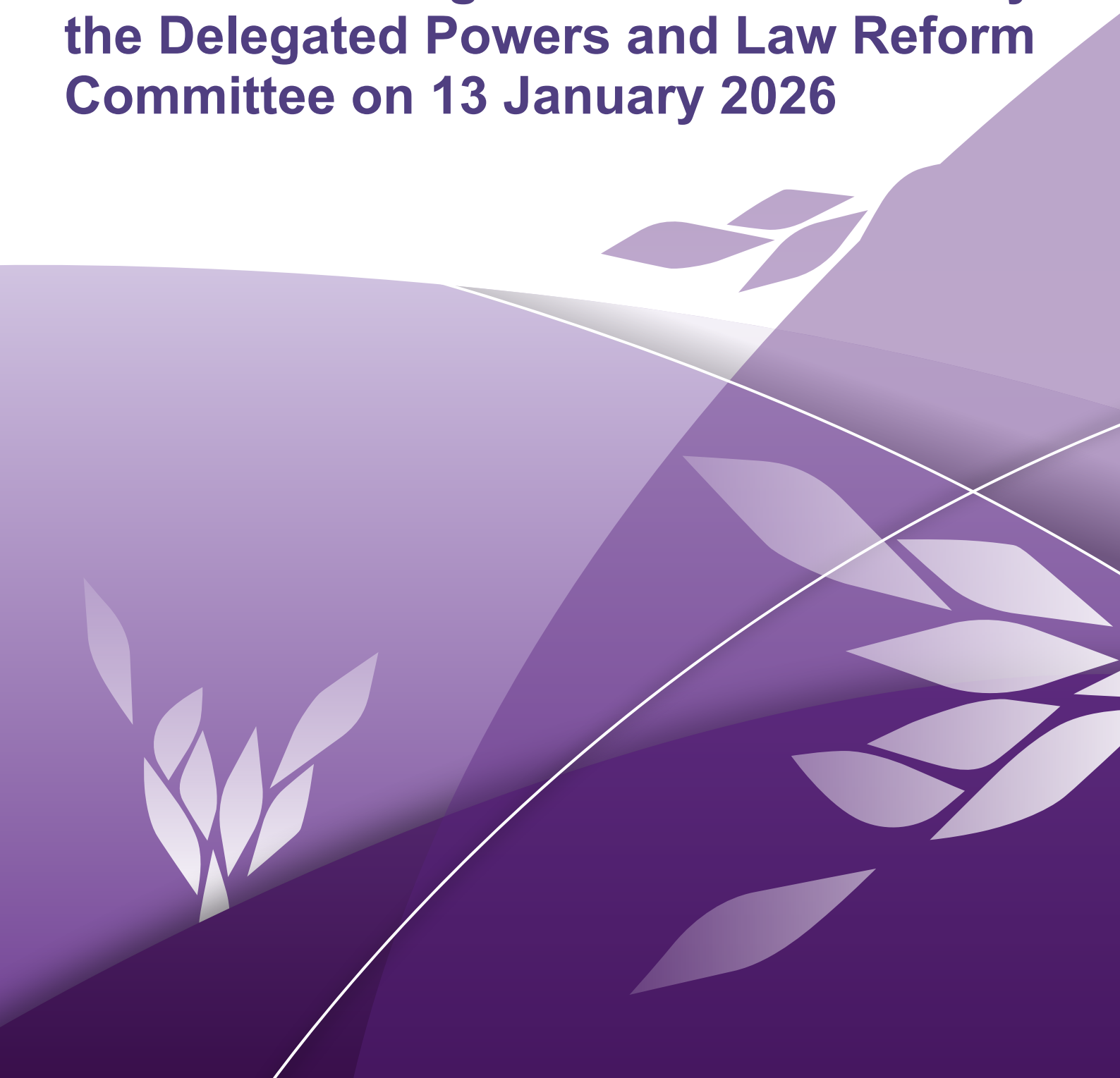


The Scottish Parliament
Pàrlamaid na h-Alba

Published 14 January 2026
SP Paper 960
6th Report, 2026 (Session 6)

Delegated Powers and Law Reform Committee

Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 13 January 2026



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No points raised	1
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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



Katy Clark
Scottish Labour



Roz McCall
Scottish Conservative
and Unionist Party



Jeremy Balfour
Independent

No points raised

1. At its meeting on 13 January 2026, the Committee considered the following instruments under its remit and agreed not to draw them to the attention of the Parliament.

Economy and Fair Work Committee

Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/Draft)

Equalities, Human Rights and Civil Justice Committee

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/Draft)

- In relation to this instrument, the Committee welcomes that the Scottish Government proposes to amend the Policy Note to explain that regulation 5(3)(i) and (4), which amend references to “the 2024 Regulations”, are correcting previous errors, as set out in the [Instrument Responses paper for the meeting](#).
- Also in relation to this instrument, and as set out in the [Instrument Responses paper](#), the Committee welcomes 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).

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

Finance and Public Administration Committee

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

Health, Social Care and Sport Committee

Scotland Act 1998 (Modification of Schedule 5) Order 2026 (SI 2026/Draft)

- In relation to this instrument, the Committee agreed to write to the [lead committee](#) and the [Scottish Government](#) with further questions and to highlight that in addition to this Order, further subordinate legislation would also be expected in the UK Parliament in relation to the Bill, and that the approach proposed may result in some scrutiny challenges for the Scottish Parliament.

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

Local Government, Housing and Planning Committee

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

Net Zero, Energy and Transport Committee

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026 (SI 2026/Draft)

- In relation to this instrument, the Committee notes that this draft instrument has been withdrawn and re-laid twice: first due to errors identified by the responsible Minister and subsequently following [questions raised by the Committee](#) with the Scottish Government.

Rural Affairs and Islands Committee

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

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

- In relation to this instrument, the Committee notes 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 agreed to highlight this correspondence to the lead committee.

Social Justice and Social Security Committee

Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 (SSI 2026/Draft)

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)

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

Domestic Abuse (Protection) (Scotland) Act 2021 (Commencement No. 1) Regulations 2025 (SSI 2025/400 (C.33))

