

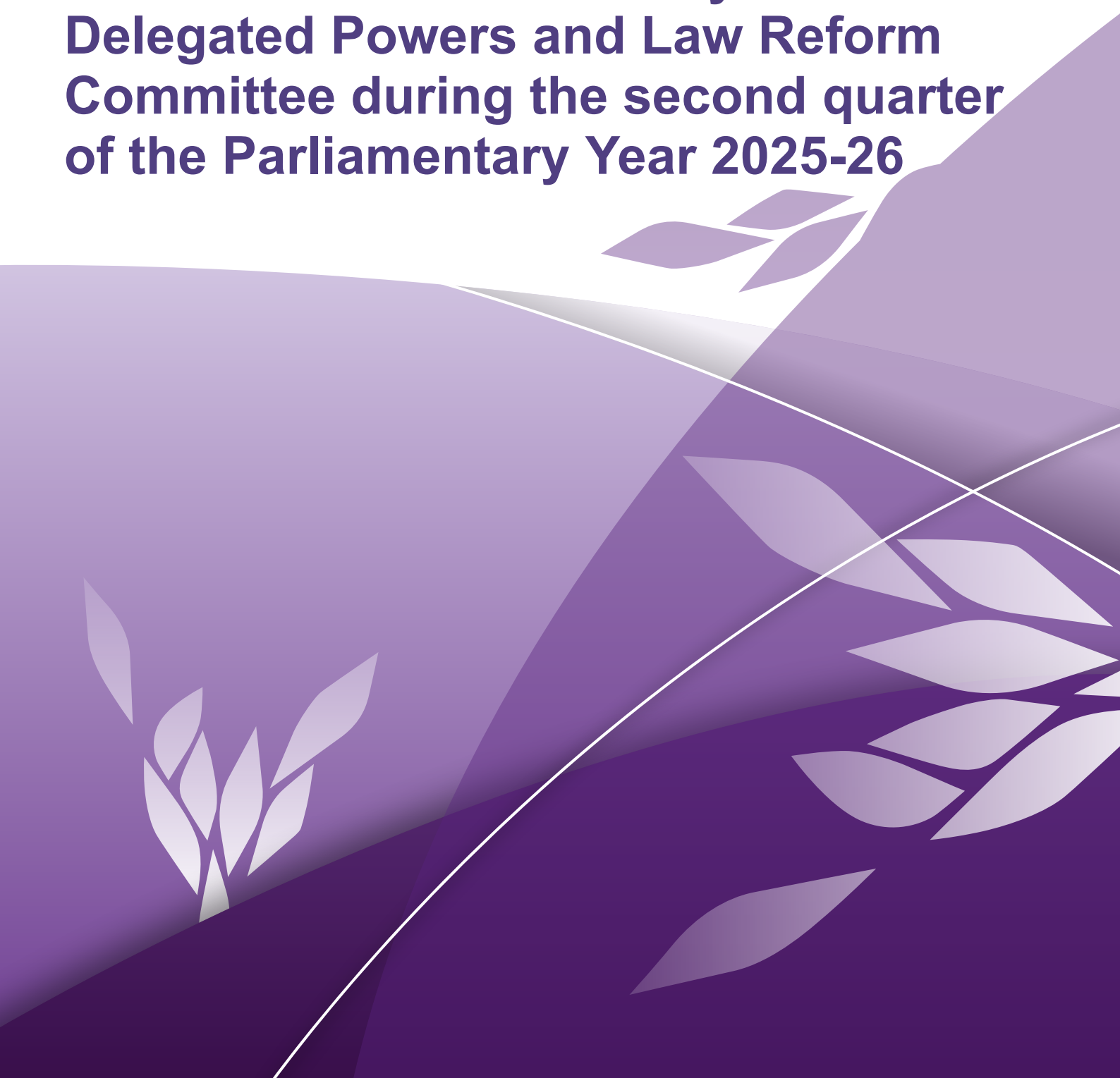


The Scottish Parliament  
Pàrlamaid na h-Alba

Published 6 January 2026  
SP Paper 947  
1st Report, 2026 (Session 6)

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

# **Instruments considered by the Delegated Powers and Law Reform Committee during the second quarter of the Parliamentary Year 2025-26**



**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>Summary</b>	<b>1</b>
<b>Introduction</b>	<b>2</b>
<b>Overview and analysis</b>	<b>3</b>
<b>Instruments referred to lead committees</b>	<b>6</b>
<b>Commitments</b>	<b>7</b>
<b>Other legislation</b>	<b>8</b>
<b>Annex A – Reporting grounds: 9 September to 17 November 2025.</b>	<b>10</b>
<b>Annex B – Historic Commitments</b>	<b>11</b>
<b>Annexe C – Reports and Meetings of the Committee</b>	<b>12</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



**Jeremy Balfour**  
Independent



**Katy Clark**  
Scottish Labour



**Roz McCall**  
Scottish Conservative  
and Unionist Party

# Summary

1. This reporting period covers 9 September to 17 November 2025.
2. The Committee considered a total of **58** instruments (56 instruments laid by the Scottish Government, 2 laid by the Lord President's Private Office). The Committee also considered **two** "super affirmative" advance drafts of instruments laid for consultation, and **three** documents subject to Parliamentary control, **one** of these documents being laid by Environmental Standards Scotland.
3. There were **seven** instruments reported by the Committee during this period. However, two of those were reported under reporting ground (j) where the Committee was content with the reason provided for the breach of the 28-day rule. Also, one instrument was reported under ground (e), the context for which is set out in this report. Additionally, **one** document subject to parliamentary control was reported.
4. Furthermore, during this period, the Committee considered the delegated powers in **nine** Bills at Stage 1 and **two** after Stage 2.
5. The Committee considered **five** Legislative Consent Memorandums and **three** Supplementary/second Supplementary Legislative Consent Memorandums.

# Introduction

6. The purpose of this report is to provide a record of the Committee's scrutiny of instruments and documents (Scottish Statutory Instruments (SSIs), UK Statutory Instruments (SIs) subject to joint procedure in the Scottish Parliament and documents subject to Parliamentary control) during the second quarter of the parliamentary year in 2025-26, covering the period 9 September to 17 November 2025.
7. This report—
  - sets out details of instruments and documents considered by the Committee which were drawn to the attention of the Parliament during the reporting period on one or more of the reporting grounds set out in Standing Orders;
  - touches briefly on the commitments made by the Scottish Government in response to the Committee's comments and details any action that has been taken; and
  - outlines the Committee's activity in respect of other matters within its remit.

## Overview and analysis

8. During the reporting period 9 September to 17 November 2025, a total of **58** instruments (not including advance draft super-affirmatives) were considered by the Committee.
9. 56 of the instruments were laid by the Scottish Government, broken down as follows—
  - 28 affirmative instruments;
  - 20 negative instruments; and
  - 8 laid only instruments.
10. The LPPO laid two instruments, neither of which were subject to any parliamentary procedure other than laying.
11. The Committee also considered two advance drafts of instruments laid by the Scottish Government for consultation under “super-affirmative” procedures, and two documents for parliamentary control laid by the Scottish Government. In addition, the Committee considered one document subject to Parliamentary control laid by Environmental Standards Scotland.
12. There were **seven** instruments reported by the Committee, and **one** document subject to Parliamentary control (laid by Environmental Standards Scotland) was also reported.
13. **Two** of the instruments were reported under reporting ground (j) for breaching the 28-day rule; the Committee was content with the explanation given for the breach on both of these occasions. Additionally, **one** instrument was reported under ground (e). However, this report arose from doubts about the consultation process the Electoral Commission was required to undertake before it submitted a draft Code to the Scottish Government, which the reported instrument brought into force. As the report does not arise from a defect in the Scottish Government’s drafting of the instrument, the Committee therefore agreed to reflect this context in its figures for reported instruments in this quarter.
14. Therefore, excluding these **three** instruments from the overall figure, of the instruments and documents laid by the Scottish Government **four** were reported, which equates to **7%** of the instruments laid by them.
15. **Two** instruments were reported for more than one point:
  1. The draft Carer’s Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 – three points reported under the general ground, [see Committee report of 23 September 2025](#);
  2. The Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025245) – reported under ground (i), and in respect of two points under the general ground, [see Committee report of 23](#)

[September 2025](#).

16. This is a significant reduction in the number of reports when compared with the first quarter of this parliamentary year, during which **28%** of instruments were reported by the Committee, including six instruments with multiple reports. This quarter is similar to most previous quarters in terms of percentage of reported instruments.

### Reporting grounds

17. Under paragraph (a) of Rule 6.11 of Standing Orders, the Committee may determine that the attention of the Parliament should be drawn to an SSI on one or more of a range of technical and legal grounds. These grounds are set out in Rule 10.3.1 of the Standing Orders.

### *Significant reporting grounds*

18. The Committee considers some reporting grounds to be of more significance than others. The Committee has therefore determined that it has concerns where an instrument is drawn to the attention of the Parliament on one of the following grounds:
- **ground (e)** – there appears to be a doubt whether it is *intra vires*;
  - **ground (f)** – raises a devolution issue; and
  - **ground (i)** – drafting appears to be defective.
19. These reporting grounds are referred to as *the significant reporting grounds*. The Committee considers every report under one of these grounds to be a serious matter as these raise fundamental legal questions and so there is the potential for the validity of the instrument to be questioned.
20. **One** instrument this quarter was reported under the significant reporting ground (e), 'there appears to be a doubt whether it is *intra vires*' by the Committee:
- Political Parties, Elections and Referendums Act 2000 (Non-Party Campaigner Code of Practice) (Appointed Date) (Scotland) Order 2025 (SSI 2025/288) on [11 November 2025](#).
21. However, the Committee noted that this report did not arise from a defect in the drafting of the instrument, but from doubts about the consultation process that the Electoral Commission was required to undertake before it submitted a draft Code to the Scottish Government for its consideration, which this instrument brought into force. The Committee therefore agreed to reflect this context in its figures for reported instruments in this quarter.
22. **One** instrument this quarter was reported under the significant reporting ground (i), 'drafting appears to be defective' by the Committee:
- Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245) on [23 September 2025](#).
23. The infographic below provides a breakdown of the number of instruments reported on by the relevant reporting ground. A detailed list of the instruments reported on

can be found at Annexe A —

## Reporting Ground

---

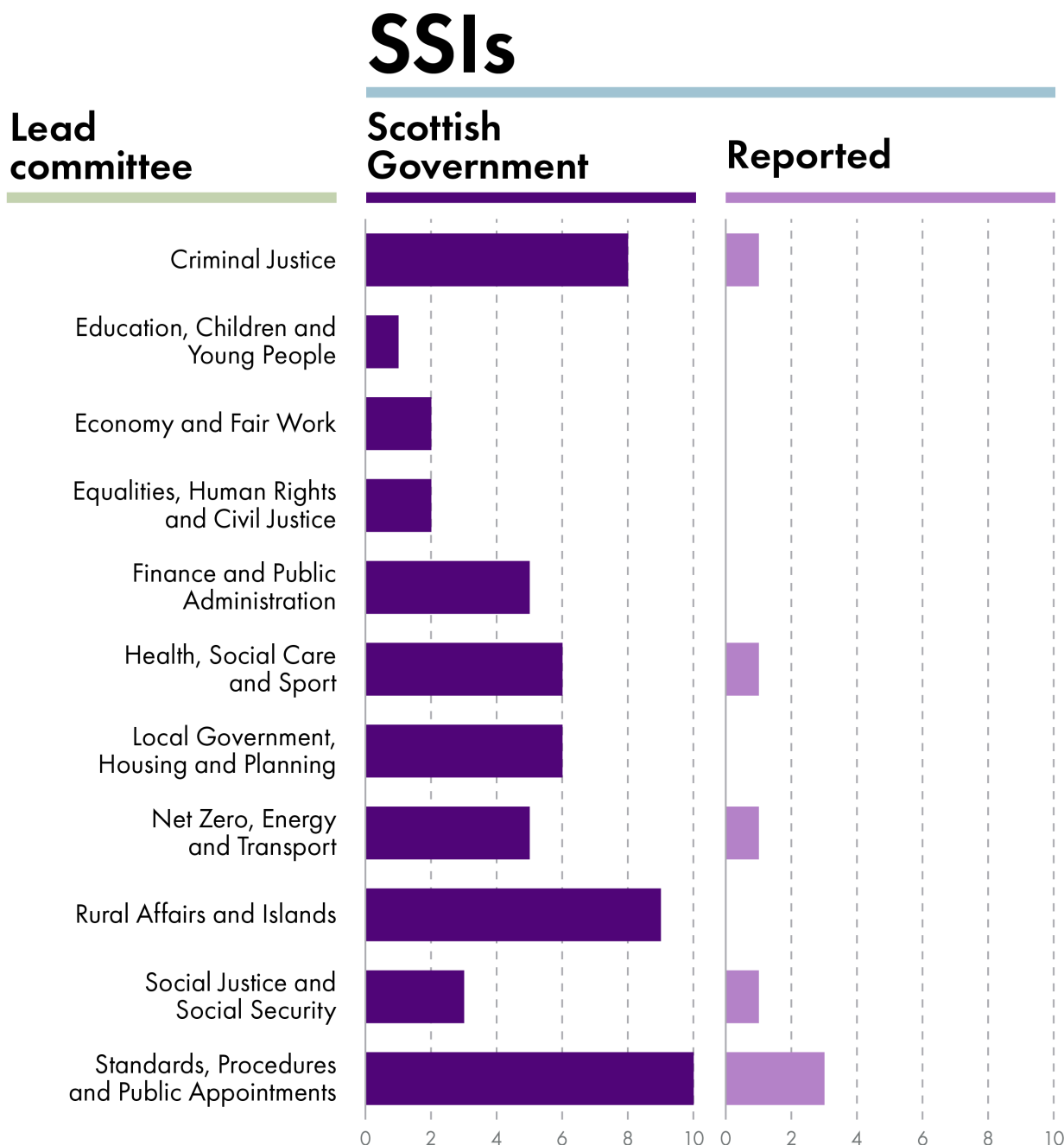
(e) Appears to be a doubt whether it is intra vires	1							
(i) Drafting appears to be defective	1							
(j) failure to comply with laying requirements	2							
General	8							

## Withdrawal of instruments

24. Draft instruments and documents can be withdrawn and re-laid. This sometimes happens after questions about an instrument are raised by a Committee with the Scottish Government, for example, to correct an identified drafting error.
25. **One** document was withdrawn and re-laid during this period:
  - Draft Code of Practice: The Non-Party Campaigner Campaign Expenditure (Scottish Parliament Elections) Code of Practice 2025 (withdrawn on 5 November 2025, re-laid on 10 November 2025) ([Committee report of 23 September 2025](#)).
26. This document was withdrawn following issues identified by the lead committee regarding the statutory consultation process, rather than following questions from the Delegated Powers and Law Reform Committee.

# Instruments referred to lead committees

27. The infographic below shows how many instruments each lead committee received, and of those, how many were reported by the DPLR Committee :



28. The Equalities, Human Rights and Civil Justice Committee also received two instruments from the LPPO, neither of which were reported.

# Commitments

29. The Scottish Government made the following commitments to the Committee during the period:

- the Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 ( [SSI 2025/Draft](#) ) ( [Committee report of 23 September 2025](#) ); in relation to this instrument the Scottish Government undertook to correct the errors either by correction slip or amending instrument. A [correction slip](#) has now addressed some of the errors. There is one point outstanding, being a missing year in the date referred to in regulation 17(1)(b).
- the Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245) (also in the [Committee report of 23 September 2025](#)); in relation to this instrument, the Scottish Government undertook to correct an error at the earliest possible opportunity.

This was done by an amending instrument, the Motor Vehicles (Competitions and Trials) (Scotland) Amendment Regulations 2025 (SSI 2025/300) ( [Committee report of 11 November 2025](#) ).

30. The Scottish Government also met one of its commitments to the Committee during this quarter:

- The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/259) ( [Committee report of 30 September 2025](#) ); this instrument fulfilled a commitment to address errors in the National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023 (SSI 2023/246) by an amending instrument.

31. A list of all outstanding commitments can be found at Annexe B.

## Minor Points

32. The Committee identified a total of **22** instruments, all laid by the Scottish Government, on which minor points were raised (generally relating to minor typographical matters, and which do not affect the operation of the instrument).

# Other legislation

## Bills

33. During the reporting period, the Committee considered the delegated powers in **nine** bills at Stage 1—
- [Ecocide \(Scotland\) Bill](#)
  - [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#)
  - [Crofting and Scottish Land Court Bill](#)
  - [Prostitution \(Offences and Support\) \(Scotland\) Bill](#)
  - [Freedom of Information Reform \(Scotland\) Bill](#)
  - [Building Safety Levy \(Scotland\) Bill](#)
  - [Contract \(Formation and Remedies\) \(Scotland\) Bill](#)
  - [Digital Assets \(Scotland\) Bill](#)
  - [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#)
34. The Committee considered the delegated powers in **two** bills after Stage 2—
- [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill](#)
  - [Land Reform \(Scotland\) Bill](#)

## Legislative Consent Memorandums (LCMs)

35. The Committee considered powers to make subordinate legislation within devolved competence in **five** LCMs—
- [Sustainable Aviation Fuel Bill](#)
  - [Crime and Policing Bill](#) (LCM, supplementary LCM and second supplementary LCM considered together)
  - [Terminally Ill Adults \(End of Life\) Bill](#)
  - [Biodiversity Beyond National Jurisdiction Bill](#)
  - [Pension Schemes Bill](#)
36. The Committee also considered powers to make subordinate legislation within devolved competence in **three** supplementary LCMs—
- [Planning and Infrastructure Bill \(supplementary LCM\)](#)
  - [Crime and Policing Bill \(LCM, supplementary and second supplementary](#)

**Delegated Powers and Law Reform Committee**

Instruments considered by the Delegated Powers and Law Reform Committee during the second quarter of the Parliamentary Year 2025-26, 1st Report, 2026 (Session 6)

[considered together](#)

Lead Committee

37. As the lead committee, the Committee began scrutiny of the [Contract \(Formation and Remedies\) \(Scotland\) Bill](#) at Stage 1.

# Annex A – Reporting grounds: 9 September to 17 November 2025.

As set out in the [Committee's remit](#), the Committee may determine that the attention of the Parliament should be drawn to an instrument. It may do so on a number of reporting grounds (and one instrument may engage one or more of those grounds). The reporting grounds engaged in this quarter are set out below:

## **(e) - Doubt whether the instrument is *intra vires***

- Political Parties, Elections and Referendums Act 2000 (Non-Party Campaigner Code of Practice) (Appointed Date) (Scotland) Order 2025 (SSI 2025/288) (see the context set out at paragraph 21)

## **(i) - Drafting appears to be defective**

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

## **(j) - Failure to comply with laying requirements**

- Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2025 (SSI 2025/277) (Committee content with the reason for the 28-day breach)
- National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025 (SSI 2025/280) (Committee content with the reason for the 28-day breach)

## **General - includes more minor drafting errors and failures to follow proper drafting practice**

- Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2025 (SSI 2025/Re-laid draft)
- Scottish Parliament (Disqualification of Members of the House of Commons) Regulations 2025 (SSI 2025/Draft)
- Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 (SSI 2025/Draft) (Three points in this instrument were reported under the general reporting ground)
- Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/245) (Two points in this instrument were reported under the general reporting ground, in addition to the report on ground (i) mentioned above)
- Environmental Standards Scotland - Strategy 2026-2031 (ESS/2025/01) (This was a document subject to parliamentary control, laid by Environmental Standards Scotland.)

# Annex B – Historic Commitments

## Commitments made by the Scottish Government

### Commitment from 2019

- [Scotland Act 1998 \(Specification of Functions and Transfer of Property etc.\) Order 2019 \(SSI 2019/183\)](#) [11<sup>th</sup> Report, 2019. Published 06/03/2019] *commitment to bring forward an amendment at the earliest opportunity*<sup>i</sup>

### Commitment from 2024

- [Burial \(Applications and Register\) \(Scotland\) Regulations 2024 \(SSI 2024/334\)](#) (73rd Report 2025, Published 4 December 2024) *commitment to amend the instrument to improve the drafting of the provision at the next available opportunity.*

## Commitment made by the LPPO

### Commitment from 2024

- [Act of Adjournment \(Criminal Procedure Rules 1996 Amendment\) \(United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024\) 2024 \(SSI 2024/174\)](#) (47<sup>th</sup> Report 2024, Published 26 June 2024) *The LPPO has advised that the definition will be removed at the next available opportunity.*

---

<sup>i</sup> This will require a further Scotland Act Order to be brought forward at Westminster. The Scottish Government does not consider that the problems identified are particularly problematic nor that they will impede proper functioning of the devolution arrangements for forestry. [See letters from the Minister of Parliamentary Business, 2 March 2023 and 25 October 2023, and the UK Government, 30 October 2023.](#)

# Annexe C – Reports and Meetings of the Committee

## **Subordinate Legislation Reports**

- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 9 September 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 16 September 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 23 September 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 30 September 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 7 October 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 28 October 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 4 November 2025 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 11 November 2025 | Scottish Parliament](#)

## **Minutes of the Committee Meetings**

- [Minutes for Delegated Powers and Law Reform Committee 24th Meeting, 2025 Tuesday, September 9, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 25th Meeting, 2025 Tuesday, September 16, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 26th Meeting, 2025 Tuesday, September 23, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 27th Meeting, 2025 Tuesday, September 30, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 28th Meeting, 2025 Tuesday, October 7, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 29th Meeting, 2025 Tuesday, October 28, 2025 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 30th Meeting, 2025 Tuesday, November 4, 2025 | Scottish Parliament Website](#)

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

Instruments considered by the Delegated Powers and Law Reform Committee during the second quarter of the Parliamentary Year 2025-26, 1st Report, 2026 (Session 6)

- [Minutes for Delegated Powers and Law Reform Committee 31st Meeting, 2025 Tuesday, November 11, 2025 | Scottish Parliament Website](#)

