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Delegated Powers and Law Reform Committee

Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 3 November 2026

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Delegated Powers and Law Reform Committee

To consider and report on the following —
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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Introduction

1. At its meeting on 3 November 2026, the Committee considered the following instruments under its remit and agreed to draw them to the attention of the Parliament:

    - The Police Service of Scotland (Conduct) Amendment Regulations 2026 (SSI 2026/276); and

    - The Police Service of Scotland (Senior Officers) (Conduct) Amendment Regulations 2026 (SSI 2026/277).

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 in the "No points raised" section of the report.

4. The Committee’s observations in relation to the following are contained in the “No points raised” section of this report:

    - The re-laid draft Electronic Monitoring (Use of Devices and Information) (Scotland) Amendment Regulations 2026;

    - The draft Deposit and Return Scheme for Scotland Amendment Regulations 2026; and

    - The draft Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Amendment Order 2026.

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

The Police Service of Scotland (Conduct) Amendment Regulations 2026 (SSI 2026/276)

5. The instrument amends the Police Service of Scotland (Conduct) Regulations 2014, which establish the procedures for dealing with allegations of misconduct and gross misconduct by constables in the Police Service of Scotland.

The Police Service of Scotland (Senior Officers) (Conduct) Amendment Regulations 2026 (SSI 2026/277)

6. The instrument amends the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013, which establish the procedures for dealing with allegations of misconduct and gross misconduct involving senior officers of the Police Service of Scotland.

7. The Committee asked the Scottish Government about a drafting error which appears in both instruments, in regulation 8 (suspension). The substitution of “at least one of” for “following” appears to leave a misplaced “the” in the sentence.

8. In its response, the Scottish Government has proposed to correct the error in both instruments at the next legislative opportunity, which it notes may be next year.

9. The lead committee for these instruments is the Criminal Justice Committee.

10. **The Committee draws the instruments to the attention of the Parliament under the general reporting ground, in respect of the drafting error in regulation 8.**

11. **The Committee also notes that the error is relatively minor, especially in the context of long instruments, and is therefore content with the Scottish Government's proposal to correct the wording at the next suitable legislative opportunity, which it expects to arise next year.**

No points raised

12. The Committee considered the following instruments under its remit, and agreed not to draw them to the attention of the Parliament.

Climate Action Committee

The draft Deposit and Return Scheme for Scotland Amendment Regulations 2026

The draft Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Amendment Order 2026

- In relation to the two instruments above, the Committee welcomes that they fulfil commitments made by the Scottish Government to correct errors in the Deposit and Return Scheme for Scotland Amendment Regulations 2025 (SSI 2025/188) and the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025 (SSI 2025/189), respectively.

The draft Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2026

Criminal Justice Committee

The re-laid draft Electronic Monitoring (Use of Devices and Information) (Scotland) Amendment Regulations 2026

- In relation to this instrument, the Committee notes that the original draft of this instrument was withdrawn and the present version re-laid to correct errors identified in the instrument.

The Electronic Monitoring (Approved Devices) (Scotland) Amendment Regulations 2026 (SSI 2026/285)

Economy, Tourism and Energy Committee

The draft Bankruptcy and Attachment (Miscellaneous Amendment) (Scotland) Regulations 2026

- In relation to this instrument, the Committee wrote to the Scottish Government regarding four drafting points. Having received the response, the Committee did not report the instrument.

Equalities, Human Rights and Civil Justice Committee

The Crofting and Scottish Land Court Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/283 (C. 32))

Social Justice, Housing and Local Government Committee

The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2026 (SSI 2026/288)

The Housing (Scotland) Act 2025 (Commencement No. 4 and Transitional

Provisions) Regulations 2026 (SSI 2026/286 (C. 33))

