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Delegated Powers and Law Reform Committee

Annual report of the Delegated Powers and Law Reform Committee 2025-26



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

Contents

Introduction	1
Meetings	2
Legislation	3
Bills	3
Subordinate legislation	5
Legislative Consent Memorandums	6
Highlighted scrutiny	8
Equal opportunities	9

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.

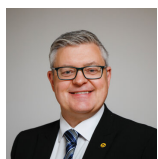


DPLR.Committee@parliament.scot



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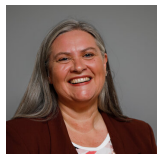
Committee Membership



Convener
Stuart McMillan
Scottish National Party



Deputy Convener
Bill Kidd
Scottish National Party



Roz McCall
Scottish Conservative
and Unionist Party



Jeremy Balfour
Independent



Katy Clark
Scottish Labour

Introduction

1. This report covers the work of the Committee during the parliamentary year from 13 May 2025 to 8 April 2026ⁱ.
2. 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.
3. There was one membership change in the reporting year:

Substitute Members

- Rhoda Grant MSP was replaced by Foysol Choudhury MSP on 10 September 2025.

ⁱ The Committee's last meeting in this parliamentary year was on 24 March 2026.

Meetings

4. During the parliamentary year, the Committee held 33 meetings. Of these, one was entirely in public, none were entirely in private and 32 included a mixture of public and private items.

Legislation

Bills

5. 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.
6. 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.
7. Over the reporting period, the Committee considered and reported on delegated powers in 20 Bills at Stage 1-
 - [Natural Environment \(Scotland\) Bill](#)
 - [UEFA European Championship \(Scotland\) Bill](#)
 - [Scottish Parliament \(Recall and Removal of Members\) Bill](#)
 - [Community Wealth Building \(Scotland\) Bill](#)
 - [Wellbeing and Sustainable Development \(Scotland\) Bill](#)
 - [Restraint and Seclusion in Schools \(Scotland\) Bill](#)
 - [Greyhound Racing \(Offences\) \(Scotland\) Bill](#)
 - [Prevention of Domestic Abuse \(Scotland\) Bill](#)
 - [Children \(Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty\) \(Scotland\) Bill](#)
 - [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](#)
- [Visitor Levy \(Amendment\) \(Scotland\) Bill](#)
- [Budget \(Scotland\) \(No. 5\) Bill](#)

8. The Committee also considered and reported on the following 18 bills after Stage 2-

- [Victims, Witnesses and Justice Reform \(Scotland\) Bill](#)
- [Care Reform \(Scotland\) Bill](#)
- [Education \(Scotland\) Bill](#)
- [Housing \(Scotland\) Bill](#)
- [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill](#)
- [Land Reform \(Scotland\) Bill](#)
- [Dog Theft \(Scotland\) Bill](#)
- [Schools \(Residential Outdoor Education\) \(Scotland\) Bill](#)
- [UEFA European Championship \(Scotland\) Bill](#)
- [Tertiary Education and Training \(Funding and Governance\) \(Scotland\) Bill](#)
- [Natural Environment \(Scotland\) Bill](#)
- [Assisted Dying for Terminally Ill Adults \(Scotland\) Bill](#)
- [Community Wealth Building \(Scotland\) Bill](#)
- [Scottish Parliament \(Recall and Removal of Members\) Bill](#)
- [Building Safety Levy \(Scotland\) Bill](#)
- [Greyhound Racing \(Offences\) \(Scotland\) Bill](#)
- [Crofting and Scottish Land Court Bill](#)
- [Children \(Care, Care Experience and Services Planning\) \(Scotland\) Bill](#)
- [Non-surgical Procedures etc. \(Scotland\) Bill](#)
- [Visitor Levy \(Amendment\) \(Scotland\) Bill](#)
- [Restraint and Seclusion in Schools \(Scotland\) Bill](#)

Scottish Law Commission Bills

9. The Committee also considers certain Scottish Law Commission ('SLC') bills and is

the lead committee considering all aspects of the bill, including the policy.

10. Over the reporting period, the Committee considered the following SLC bills.

Leases (Automatic Continuation etc.) (Scotland) Bill

11. The [Bill](#) was introduced on 11 December 2024 and sought 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 was limited to commercial leases only, and the Committee's scrutiny of the Bill began in the previous parliamentary year.
12. As part of its scrutiny of the Bill within this parliamentary year the Committee took evidence from the Minister for Victims and Community Safety, Siobhian Brown MSP on 20 May 2025.
13. The Committee published its [Stage 1 report on the Bill on 23 June 2025](#). The Bill was withdrawn on 10 September 2025.

Contract (Formation and Remedies) (Scotland) Bill

14. The [Bill](#) was introduced on 2 October 2025 and sought to introduce a set of rules that apply to different types of contract. These rules cover:
 1. how a contract is agreed (also known as the formation of the contract), and
 2. what happens if the terms of the contract are not met (also known as remedies for breach of the contract).
15. As part of its scrutiny of the Bill, the Committee took evidence from the SLC, academics, legal practitioners and representatives from the business sector. The Committee heard from the Minister for Victims and Community Safety, Siobhian Brown MSP, on 2 December 2025.
16. The Committee published its [Stage 1 report on the Bill on 10 December 2025](#). The Stage 1 debate took place on 18 December 2025.
17. Stage 2 of the Bill was considered by the Committee on 3 February 2026. Stage 3 took place in the Chamber on 3 March.

Subordinate legislation

18. The Committee considered 270 instruments during this parliamentary year. It also considered five documents subject to parliamentary control, two "super-affirmative" advance drafts of instruments laid for consultation and one Lobbying Resolution motion.
19. Of the 270 instruments, 260 were laid by the Scottish Government and 10 by the Lord President's Private Office.
20. In relation to the 260 instruments laid by the Scottish Government:
 - 1 was subject to made affirmative procedure;

- 101 were subject to affirmative procedure;
- 110 were subject to negative procedure;
- 46 were not subject to any parliamentary procedure (laid only); and
- 2 were subject to bespoke procedures set out in sections 13 and 14 of the [Convention Rights \(Compliance\) \(Scotland\) Act 2001](#).

21. The Committee produced 33 Subordinate Legislation reports.

Legislative Consent Memorandums

22. 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.
23. The Committee considered the powers to make subordinate legislation within devolved competence in 21 UK Parliament Bills, scrutinising 30 LCMs and/or supplementary LCMs in relation to those Bills. A breakdown of the Bills and outputs in relation to them is provided below:
- Employment Rights Bill ([report on supplementary LCM](#)) ([report on second supplementary LCM](#))
 - Planning and Infrastructure Bill ([report on LCM](#))
 - Public Authorities (Fraud, Error and Recovery) Bill ([letter on LCM to the Scottish Government](#))
 - Product Regulation and Metrology Bill ([second supplementary LCM](#))
 - Animal Welfare (Import of Dogs, Cats and Ferrets) Bill ([letter on LCM to the Scottish Government](#))
 - Children's Wellbeing and Schools Bill ([letter on LCM to the Scottish Government](#))
 - Absent Voting (Elections in Scotland and Wales) Bill ([letter on LCM to the Scottish Government](#))
 - Crime and Policing Bill ([report on LCM, supplementary and second supplementary LCMs](#)) ([report on third supplementary LCM](#)) ([report on fourth supplementary LCM](#))
 - Planning and Infrastructure Bill ([report on the supplementary LCM](#))
 - Sustainable Aviation Fuel Bill ([report on LCM](#)) ([report on second supplementary LCM](#))
 - Terminally Ill Adults (End of Life) Bill ([report on LCM](#))

- Pension Schemes Bill ([report on LCM](#))
- Biodiversity Beyond National Jurisdiction Bill ([report on LCM](#)) ([letter on the supplementary LCM to the Scottish Government 7 January 2026](#))
- Public Office (Accountability) Bill ([report on LCM](#))
- Finance (No. 2) Bill ([report on LCM](#))
- Medical Training (Prioritisation) Bill ([report on LCM](#))
- Railways Bill ([report on LCM and supplementary LCM](#))
- Public Office (Accountability) Bill ([letter on the supplementary LCM to the lead committee](#))
- Northern Ireland Troubles Bill ([report on LCM and supplementary LCM](#))
- Tobacco and Vapes Bill ([report on second supplementary LCM](#))
- Representation of the People Bill (LCM noted only at the Committee's meeting of 17 March 2026)

Highlighted scrutiny

Drafting of SSIs

24. Following an increase in SSIs which engaged reporting grounds in the first quarter of this parliamentary Year – in which 28% of instruments were reported, some for multiple issues – the Committee agreed to take the unprecedented step of using a [Committee Announcement in the Scottish Parliament Chamber](#) to highlight the issue, and to encourage the Scottish Government to work to improve the overall quality of instruments that are laid before the Parliament.
25. The issue was also raised by the Convener at a Conveners' Group meeting with the First Minister.
26. In subsequent quarters, the number of instruments engaging reporting grounds has returned to a level close the historical average.

Minister for Parliamentary Business

27. Related to the above issue of drafting of SSIs, the Committee held two further bi-annual meetings with the Minister for Parliamentary Business, 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.

Taking oral evidence on Bills

28. The Committee scrutinises all Bills in the Scottish Parliament which containing delegated powers provisions.
29. In this parliamentary Year, more significant questions in relation to such provisions led the Committee to take oral evidence on two occasions. It questioned Graham Simpson MSP in relation to a power in his Scottish Parliament (Recall and Removal of Members) Bill on 3 June 2025, and then the Minister for Public Health and Women's Health, Jenni Minto MSP, in relation to a power in the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill on 9 December 2025.
30. Changes in relation to both sections the Committee highlighted in their oral questioning were subsequently made at Stage 2.

Framework legislation and Henry VIII powers

31. Following the Committee's inquiry into this issue in the previous parliamentary Year, it has now produced [guidance on Framework legislation and Henry VIII powers](#).
32. This guidance sets out the Committee's expectations, and is intended to be of interest and assistance to the Scottish Government in the development of legislation, as well as individual MSPs, committees, stakeholders and anyone with an involvement in the scrutiny of legislation at the Scottish Parliament.

Equal opportunities

33. 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.
34. 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.

