



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 25 March 2026  
SP Paper 1109  
41st Report, 2026 (Session 6)

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

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



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

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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



**Jeremy Balfour**  
Independent



**Katy Clark**  
Scottish Labour



**Roz McCall**  
Scottish Conservative  
and Unionist Party

# Summary

1. This reporting period covers 27 January to 24<sup>i</sup> March 2026.
2. The Committee considered a total of **107** instruments (102 instruments laid by the Scottish Government, five laid by the Lord President's Private Office ("LPPO")).
3. The Committee also considered **one** document subject to Parliamentary control, laid by Environmental Standards Scotland. It also considered **one** Lobbying Resolution motion, lodged by the Convener of the Standards Procedures and Public Appointments Committee.
4. There were **nine** instruments reported by the Committee during this period. **One** draft instrument was withdrawn and re-laid as a result of issues raised by the Committee.
5. Furthermore, during this period, the Committee considered the delegated powers in **10** Bills after Stage 2.
6. The Committee considered Legislative Consent Memorandums and/or supplementary Legislative Consent Memorandums in relation to **seven** UK Parliament Bills.

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<sup>i</sup> This was the Committee's last meeting in the Parliamentary year before going into pre-campaign recess (until 8 April 2026) and thereafter dissolution.

# Introduction

7. 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 fourth quarter of the parliamentary year in 2025-26, covering the period 27 January to 24 March 2026.
8. This report—
  - sets out details of instruments 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
9. Links to all minutes of Committee meetings and Subordinate Legislation reports from this period can be found in Annexe A at the end of this report.

## Overview and analysis

10. During the reporting period 27 January to 24 March 2026, a total of **107** instruments were considered by the Committee. Five were laid by LPPO.
11. The **102** instruments laid by the Scottish Government can be broken down as follows—
  - 1 made affirmative instrument;
  - 35 affirmative instruments;
  - 48 negative instruments;
  - 17 laid only instruments; and
  - 1 proposed draft instrument subject to a bespoke procedure set out in the Convention Rights (Compliance) (Scotland) Act 2001<sup>ii</sup>.
12. The Committee also considered **one** document subject to parliamentary control, laid by Environmental Standards Scotland.
13. Additionally, the Committee considered one Lobbying Resolution motion (under Rule 3C.2 of the Parliament's Standing Orders), lodged by the Convener of the Standards, Procedures and Public Appointments Committee.
14. There were **nine** instruments reported by the Committee. This equates to **9%** of the instruments laid by the Scottish Government.
15. **Two** instruments were reported for more than one point:
  1. The draft Digital Waste Tracking (Scotland) Regulations 2026 – five points raised under the general reporting ground, [see Committee report of 27 January 2026](#).
  2. The Renters Rights Act 2025 Commencement (Scotland) Regulations 2026 (SSI 2026/113 (C.9)) – two points raised under the general reporting ground, [see Committee report of 17 March 2026](#).
16. For comparison, in the same quarter in the Parliamentary year 2024-25, Parliament's attention was drawn to 5% of instruments considered, and no instruments were withdrawn and re-laid as a result of Committee questions.

### Reporting grounds

17. Under paragraph (a) of Rule 6.11 of Standing Orders, the Committee may
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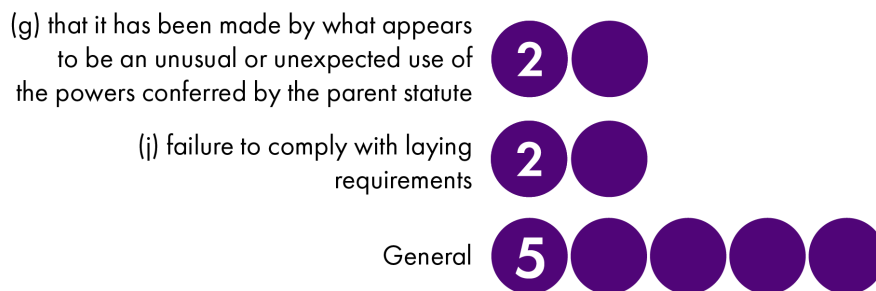
ii The Mental Health (Care and Treatment) (Scotland) Act 2003 Remedial Order 2026 is subject to the Parliamentary procedure set out in section 13 of the parent Act, which can be found [at this link](#). Under this procedure, at this stage, the proposed draft Order was laid before the Parliament for the initial 60 day 'pre-scrutiny' and comment phase, before the finalised draft of the Order is laid at a later date. Full technical scrutiny of the instrument will be carried out when the finalised draft Order is laid under the affirmative procedure.

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. **No** instruments were reported under a significant reporting ground in this quarter.
21. 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 B—

### Reporting Ground



### Withdrawal of instruments

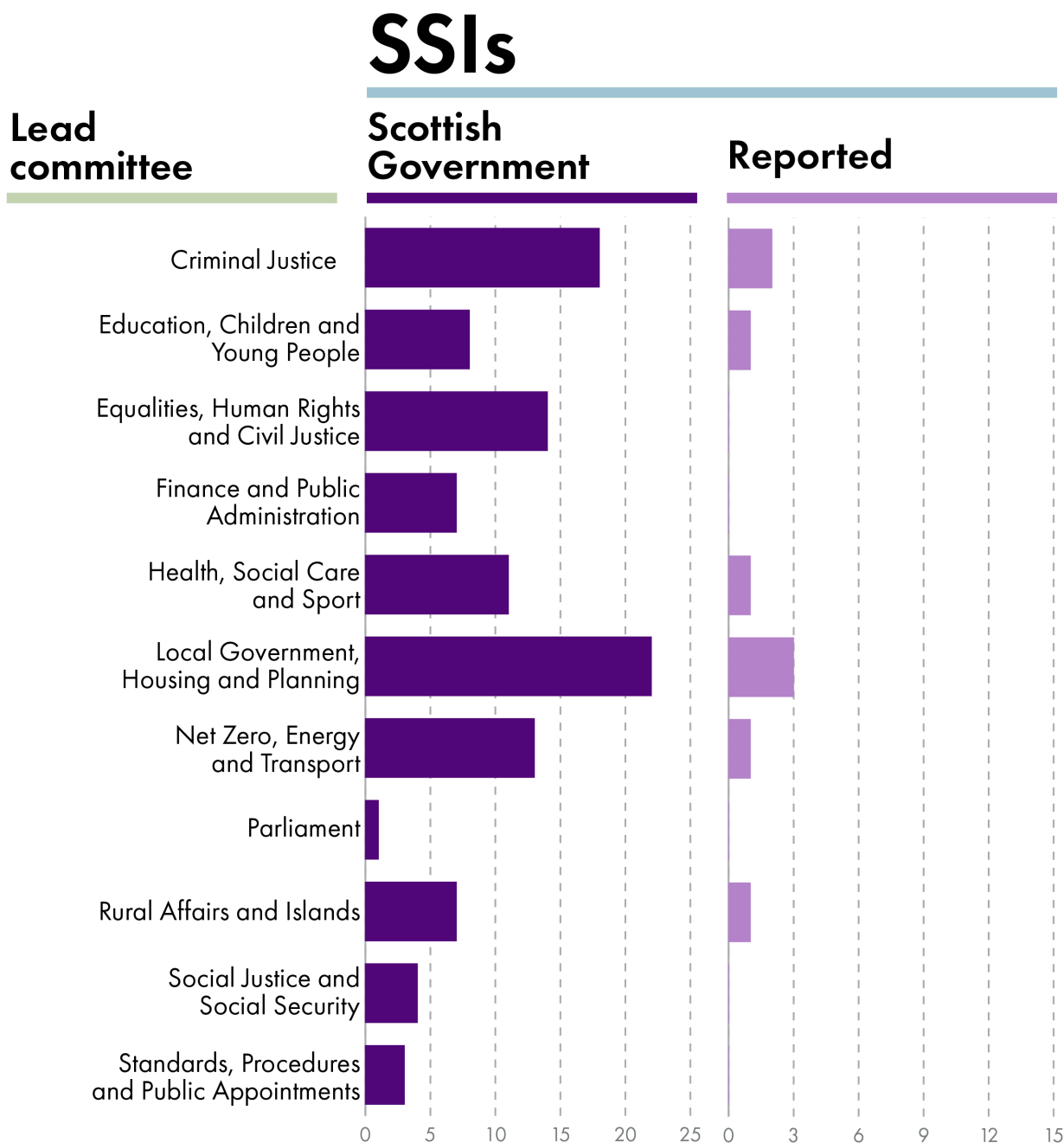
22. Draft instruments and documents can be withdrawn and re-laid. This sometimes happens after questions about an instrument are raised by the Committee with the Scottish Government, for example, to correct an identified drafting error.
23. **Three** instruments were withdrawn and re-laid during this period, **one** of which was to address issues raised by the Committee. In detail:
  - The draft National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 (withdrawn on 27 January 2026, re-laid on 29 January 2026) – this instrument was not withdrawn and re-laid due to defects in the drafting or questions from this Committee, but rather to enable a draft Code to be provided to the lead committee to aid its scrutiny of the draft

instrument ( [Committee report of 10 February 2026](#) ).

- The draft Investigation and Commencement of Repair (Scotland) Regulations 2026 (withdrawn on 4 February 2026, re-laid on 5 February 2026) – this instrument was withdrawn and re-laid following questions raised by the Committee with the Scottish Government ( [Committee report of 17 February 2026](#) ).
  - The draft Antisocial Behaviour (Fixed Penalty Offences) (Miscellaneous Amendment) (Scotland) Order 2026 (withdrawn on 26 February 2026, re-laid on 27 February 2026) – this instrument was withdrawn and re-laid by the Scottish Government for policy reasons ( [Committee report of 10 March 2026](#) ).
24. On 27 January 2026, the Committee considered the re-laid draft Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026 ( [Committee Report of 27 January 2026](#) ), which had been withdrawn on 15 January 2026. The original instrument was withdrawn before the Committee considered it, due to the Scottish Government identifying a conflict with newly passed UK Government legislation.
25. On 24 February 2026, the Committee considered the re-laid Environmental Standards Scotland Strategy 2026 to 2031 (ESS/2026/01) ( [Committee report of 24 February 2026](#) ), a document subject to parliamentary control laid by Environmental Standards Scotland. The original document had been withdrawn on 14 November 2025, following the Committee’s scrutiny of the draft Strategy ( [Committee report of 4 November 2025](#) ).

# Instruments referred to lead committees

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



# Commitments

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

- The draft Digital Waste Tracking (Scotland) Regulations 2026 ([Committee report of 27 January 2026](#)); in relation to this instrument, the Scottish Government made a commitment to correct five errors in the instrument at the earliest opportunity. At the time of publication, this has not been done.

Also regarding this instrument, the Scottish Government undertook to correct an error in the Policy Note at the time the Regulations were made. The Regulations were made on 11 March 2026 but the Policy Note was not corrected at that time. This remains outstanding.

- The draft Care Leaver Payment (Scotland) Regulations 2026 ([Committee report of 10 February 2026](#)); in relation to this instrument, the Scottish Government undertook to correct a typographical error either by correction slip or at the next suitable legislative opportunity. At the time of publication, this has not been done.
- The draft Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026 ([Committee report of 17 February 2026](#)); in relation to this instrument, the Scottish Government undertook to revise the Policy Note to correct an erroneous assertion in relation to the transitional provision. This has been done.
- The Environmental Authorisations (Scotland) Amendment Regulations 2026 (SSI 2026/55) ([Committee report of 24 February 2026](#)); in relation to this instrument, the Scottish Government undertook to correct referencing errors by correction slip, or, if the Registrar does not agree to correct the errors in this way, to correct the more substantive error at the next legislative opportunity. At the time of publication, this has not been done.
- The Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2026 (SSI 2026/72) ([Committee report of 24 February 2026](#)); in relation to this instrument, the Scottish Government undertook to correct a drafting error as soon as possible, and in any event by 1 April 2026 (when the instrument comes into force). The Scottish Government intended to do this by correction slip or, if that is not permissible, by an amending provision in a forthcoming SSI. At the time of publication, this has not been done.
- The Housing (Scotland) Act 2025 (Commencement No. 3) Regulations 2026 (2026/115 (C.10)) ([Committee report of 17 March 2026](#)); in relation to this instrument, the Scottish Government undertook to correct an error in the Explanatory Note via correction slip at the earliest opportunity. At the time of publication, this has not been done.
- The Renters' Rights Act 2025 (Commencement) (Scotland) Regulations 2026 (SSI 2026/113 (C. 9)) ([Committee report of 17 March 2026](#)); in relation to this instrument, the Scottish Government agreed that the enabling power cited for

the transitional provision was incorrect, and that the instrument's title should contain reference to the transitional provision. The Scottish Government decided to revoke the instrument and make replacement provision addressing these issues. This was done by the Renters' Rights Act 2025 (Commencement No. 2, Transitional Provision and Revocation) (Scotland) Regulations 2026 (SSI 2026/125), which the Committee considered at the same meeting.

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

- The draft Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 ([Committee report of 10 February 2026](#)); this instrument fulfils the Scottish Government's commitment to correct an error (a missing year) in regulation 17(1)(b) of the Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025. Commitments to correct other errors identified by the Committee in those Regulations were fulfilled by correction slip before the instrument was made.
- The draft Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 ([Committee report of 10 February 2026](#)); through this instrument, the Scottish Government has fulfilled a commitment made to the Committee in relation to the draft Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026: to correct, at the next suitable legislative opportunity, erroneous references in the Civil Legal Aid (Scotland) Regulations 2002, and a minor drafting point which that instrument introduced in the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003.

29. A list of all outstanding commitments can be found at Annexe C.

#### Minor Points

30. The Committee identified a total of **30** instruments on which minor points were raised (generally relating to minor typographical matters, and which do not affect the operation of the instrument). 29 of these were laid by the Scottish Government, one by the LPPO.

# Other legislation

## Bills

31. During the reporting period, the Committee considered the delegated powers in **10** bills after Stage 2—
- [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](#)
  - [Restraint and Seclusion in Schools \(Scotland\) Bill](#)
  - [Visitor Levy \(Amendment\) \(Scotland\) Bill](#)
  - [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#)

## Legislative Consent Memorandums (LCMs)

32. The Committee considered powers to make subordinate legislation within devolved competence in 10 Legislative Consent Memorandums and/or supplementary Legislative Consent Memorandums, in relation to seven UK Parliament Bills—
- Medical Training (Prioritisation) Bill ([report on LCM](#))
  - Crime and Policing Bill ([report on third supplementary LCM](#)) ([report on fourth supplementary LCM](#))
  - Public Office (Accountability) Bill (No report on LCM, [letter to lead committee, the Finance and Public Administration Committee](#))
  - Railways Bill ([report on LCM and supplementary LCM](#))
  - 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)

## Lead Committee

33. As the lead committee, the Committee completed [Stage 2 proceedings](#) on the [Contract \(Formation and Remedies\) \(Scotland\) Bill](#).

# Annexe A– Reports and Meetings of the Committee

## **Subordinate Legislation Reports**

- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 27 January 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 3 February 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 10 February 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 17 February 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 24 February 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 3 March 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 10 March 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 17 March 2026 | Scottish Parliament](#)
- [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 24 March 2026 | Scottish Parliament](#)

## **Minutes of the Committee Meetings**

- [Minutes for Delegated Powers and Law Reform Committee 4th Meeting, 2026 Tuesday, January 27, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 5th Meeting, 2026 Tuesday, February 3, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 6th Meeting, 2026 Tuesday, February 10, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 7th Meeting, 2026 Tuesday, February 17, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 8th Meeting, 2026 Tuesday, February 24, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 9th Meeting, 2026 Tuesday, March 3, 2026 | Scottish Parliament Website](#)

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

Instruments considered by the Delegated Powers and Law Reform Committee during the fourth quarter of the Parliamentary Year 2025-26, 41st Report, 2026 (Session 6)

- [Minutes for Delegated Powers and Law Reform Committee 10th Meeting, 2026 Tuesday, March 10, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 11th Meeting, 2026 Tuesday, March 17, 2026 | Scottish Parliament Website](#)
- [Minutes for Delegated Powers and Law Reform Committee 12th Meeting, 2026 Tuesday, March 24, 2026 | Scottish Parliament Website](#)

# Annexe B– Reporting grounds: 27

## January to 24 March 2026

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:

### **(g) - that it has been made by what appears to be an unusual or unexpected use of the powers conferred by the parent statute**

- National Health Service (Functions of the Common Services Agency) (Miscellaneous Amendments) (Scotland) Order 2026 (SSI 2026/20)
- Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026 (SSI 2026/Draft)

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

- Sea Fish (Prohibition on Fishing) (Firth of Clyde) Revocation Order 2026 (SSI 2026/95)
- Non-Domestic Rates (Miscellaneous Amendment) (Scotland) Regulations 2026 (2026/135)

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

- Digital Waste Tracking (Scotland) Regulations 2026 (SSI 2026/Draft)
- Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2026 (SSI 2026/30)
- Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026 (SSI 2026/60)
- Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations 2026 (SSI 2026/72)
- Renters Rights Act 2025 Commencement (Scotland) Regulations 2026 (2026/113 (C.9))

# Annexe C– 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>iii</sup>*

### Commitments from 2025

- [Teachers' Pension Scheme \(Scotland\) \(Amendment\) Regulations 2025 \(SSI 2025/152\) \(42<sup>nd</sup> Report of 2025. Published 4 June 2025\)](#); *commitment to clarify an issue in the next amending instrument.*
- [Deposit and Return Scheme for Scotland Amendment Regulations 2025 \(made as SSI 2025/188\) \(35<sup>th</sup> Report of 2025. Published 22 May 2025\)](#), *commitment to take corrective action in response to issues raised by the Committee.*
- [Deposit and Return Scheme for Scotland \(Designation of Scheme Administrator\) Order 2025 \(made as SSI 2025/189\) \(35<sup>th</sup> Report of 2025. Published 22 May 2025\)](#), *commitment to take corrective action in response to issues raised by the Committee.*

### Commitments from 2026

- [Firefighters' Pension Scheme \(Scotland\) Amendment Order 2025 \(SSI 2025/406\) \(8<sup>th</sup> Report of 2026. Published 22 January 2026\)](#) *commitment to address issues in next suitable amending instrument.*

## Commitment made by the LPPO

### Commitment from 2024

- [Act of Adjournal \(Criminal Procedure Rules 1996 Amendment\) \(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.*

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<sup>iii</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.](#) See also the [cols. 13-15 of the Official Report from the Committee's meeting on 28 October 2025.](#) In a [letter to the Committee on 14 January 2026](#), the Minister for Parliamentary Business and Veterans confirmed there is now an in-principle ministerial agreement, and that officials met on 14 January 2026 to discuss drafting, timeframes and roles and responsibilities. It is anticipated the Order will go to the Privy Council early after the summer recess.

