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# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Delegated powers in the Greyhound Racing (Offences) (Scotland) Bill (as amended at Stage 2)**



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# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is 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; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(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



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and Unionist Party



**Jeremy Balfour**  
Independent

# Introduction

1. At its meeting on 3 March 2026, the Delegated Powers and Law Reform Committee considered the delegated powers contained in the [Greyhound Racing \(Offences\) \(Scotland\) Bill](#) as amended at Stage 2
2. The Committee previously considered the delegated powers in this Bill at Stage 1 and published its [report](#) on 25 June 2025. The Committee was content with the two delegated powers contained in the Bill at that stage.
3. The Bill completed Stage 2 on 18 February 2026. At that point, the Bill was amended to include one revised and one new delegated power.

# Overview of the Bill

4. This Members' Bill was introduced by Mark Ruskell MSP ("the Member") on 23 April 2025. The lead committee was the Rural Affairs and Islands Committee. As this report is after Stage 2, it is addressed to the Parliament.
5. The Policy Memorandum states that the objective of the Bill is "to improve and protect the welfare of greyhounds in Scotland by making it an offence to race greyhounds on greyhound racetracks in Scotland."
6. The Bill provides that a person commits an offence if they own or are responsible for a greyhound and allow that greyhound to run on a racetrack or permit another person to allow that greyhound to run on a racetrack. A racetrack is defined as premises in Scotland provided for the purpose of running greyhounds on a track that is oval in shape. The Bill also provides that a person commits an offence if they own or are responsible for the operation of an oval racetrack and allows or permits another person to allow a greyhound to run on that racetrack.

# Delegated Powers

7. The amended Bill contains one revised and one new power to make subordinate legislation conferred on Scottish Ministers. The Member has prepared a [Supplementary Delegated Powers Memorandum](#) (“SDPM”) which sets out the revised and new powers and provides an explanation of what the powers allow for, why they have been taken and why the Parliamentary procedures are considered appropriate.
8. The Committee is required by Rule 9.7.9(b) of the Standing Orders to consider and report to the Parliament on new or substantially altered delegated powers after Stage 2.

# Review of relevant powers

## Section 1(5): Power to modify the definition of “racetrack”

**Power conferred on: Scottish Ministers**

**Power exercisable by: Regulations**

**Parliamentary procedure: Affirmative**

**Revised or new power: Revised**

### Provision and Revision

9. The Bill as introduced defined racetrack as premises provided for the purpose of running greyhounds on a track that is oval in shape (section 1(4)). It conferred a power on Scottish Ministers to modify this definition to include other categories of premises used for the purpose of the competing of running greyhounds (in section 1(5)).
10. At Stage 2, the power to modify the definition of racetrack was amended. Amendments specified that the definition applies to premises “in Scotland”, and limited the power to modify the definition of racetrack so that it may only be used “for the purpose of preventing harm to greyhounds”.

### Committee consideration

11. During the Stage 2 debate on the Bill, the Minister for Agriculture and Connectivity, who proposed the amendments to section 1, stated that he wished to clarify on the face of the Bill that the offence of racing a greyhound on a track will arise only when the race occurs at a track in Scotland. Therefore, keeping or kenneling a greyhound in Scotland and training a greyhound in Scotland for racing in England will remain lawful, as will transporting a greyhound to England for racing. This, he says, is to ensure that greyhound owners have certainty about what they can and cannot do with their dogs.
12. The power to modify the definition of a racetrack was also clarified at Stage 2 with the addition of premises “in Scotland” and limited so that it may only be used for the purpose of preventing harm to greyhounds. The Minister stated that this is consistent with the policy behind the Bill and will ensure that the power is used to expand the definition beyond oval tracks to include other shapes of racetrack in Scotland only where there is an animal welfare justification.
13. During the Stage 2 debate on the amendments to the Bill, the Member stated that while he was content that the Bill as introduced was sufficiently clear that offences will apply only where a greyhound has been raced on a track in Scotland, he accepted the Scottish Government’s suggestion that setting that out expressly would be helpful, particularly given the legal position in relation to greyhound racing will be different in other parts of the UK. The Member also noted that a similar amendment to the Prohibition of Greyhound Racing (Wales) Bill had gone through the Welsh Senedd.

14. Further, as the policy intention for the power to amend the definition of a racetrack is to allow the definition to be changed should racing on circular or straight tracks, or other types of premises, develop and prove to be harmful to greyhounds, the Member was content to accept the addition of “may only be exercised for the purposes of preventing harm” to this power.
  15. The Member explains in the SDPM that the reason for taking the power are as he explained in the [Delegated Powers Memorandum](#) (“the DPM”). Further, this addition expressly sets out that the exercise of this power is conditional on there being an animal welfare basis, and ensures its exercise is clear on the face of the Bill and is consistent with the aims of the Bill.
  16. The Member also explains in the SDPM that the choice of and the justification for the procedure remains as set out in the DPM.
  17. In its Stage 1 Report, the Committee found this power acceptable in principle and was content that it is subject to the affirmative procedure. The Committee therefore, for the reasons outlined above, is content with the addition of premises “in Scotland” and that the power “may only be exercised for the purpose of preventing harm to greyhounds.”
18. **The Committee is content with the revised power in principle and that it is subject to the affirmative procedure.**

## **Section 13 Commencement**

### **Power conferred on: Scottish Ministers**

### **Power exercisable by: Regulations**

### **Parliamentary procedure: Laid, no procedure**

### **Revised or new power: New**

### **Provision**

19. Section 13 of the Bil, at introduction, provided for the Act to come into force at the end of the period of 12 months beginning with the day of Royal Assent.
20. New section 13 provides that sections 11, 13 and 14 come into force on the day after Royal Assent. The other provisions of this Bill come into force on such day as Scottish Ministers may by regulations appoint. Regulations under this section may include transitional, transitory or saving provisions, and make different provision for different purposes.

### **Committee consideration**

21. During the Stage 2 debate on the Bill, the Minister for Agriculture and Connectivity, who proposed the amendment to section 13, stated that this provides for the main provisions of the Bill to commence on a date specified by Scottish Ministers. This ensures that the substantive provisions of the Bill can be brought into force at an appropriate time, when all the resources, processes and procedures are in place.

22. The Member stated that he accepts the Scottish Government's reasoning that, by commencing the provisions of the Bill by regulations, it can be assured that all the appropriate measures have been put into place before the Bill comes into force.
23. As the Member explains in the SDPM, this enables Scottish Ministers to commence the provisions taking into account the views of key stakeholders such as Police Scotland and the Crown Office and Procurator Fiscal Service. This approach would provide the flexibility to commence the substantive provisions when appropriate and to make transitional, transitory or saving provision. Allowing for different provision to be made for different purposes in the commencement regulations also allows for flexibility in the approach to commencing the substantive provisions of the Bill.
24. The Member also explains in the SDPM that, as is usual for commencement regulations, the default laying requirement applies in that these are laid before the Parliament but are not subject to further parliamentary procedure. This is considered appropriate because the policy behind the provisions will have already been considered by the Parliament during the passage of the Bill.
25. The Committee agrees that it is standard to take a power at the end of a Bill to commence those sections where provision has not been made in the Bill for commencement. It is also standard that commencement regulations are laid before the Parliament but are not subject to further parliamentary procedure.

26. **The Committee is content with the power in principle and that it is not subject to any parliamentary procedure.**

