



The Scottish Parliament
Pàrlamaid na h-Alba

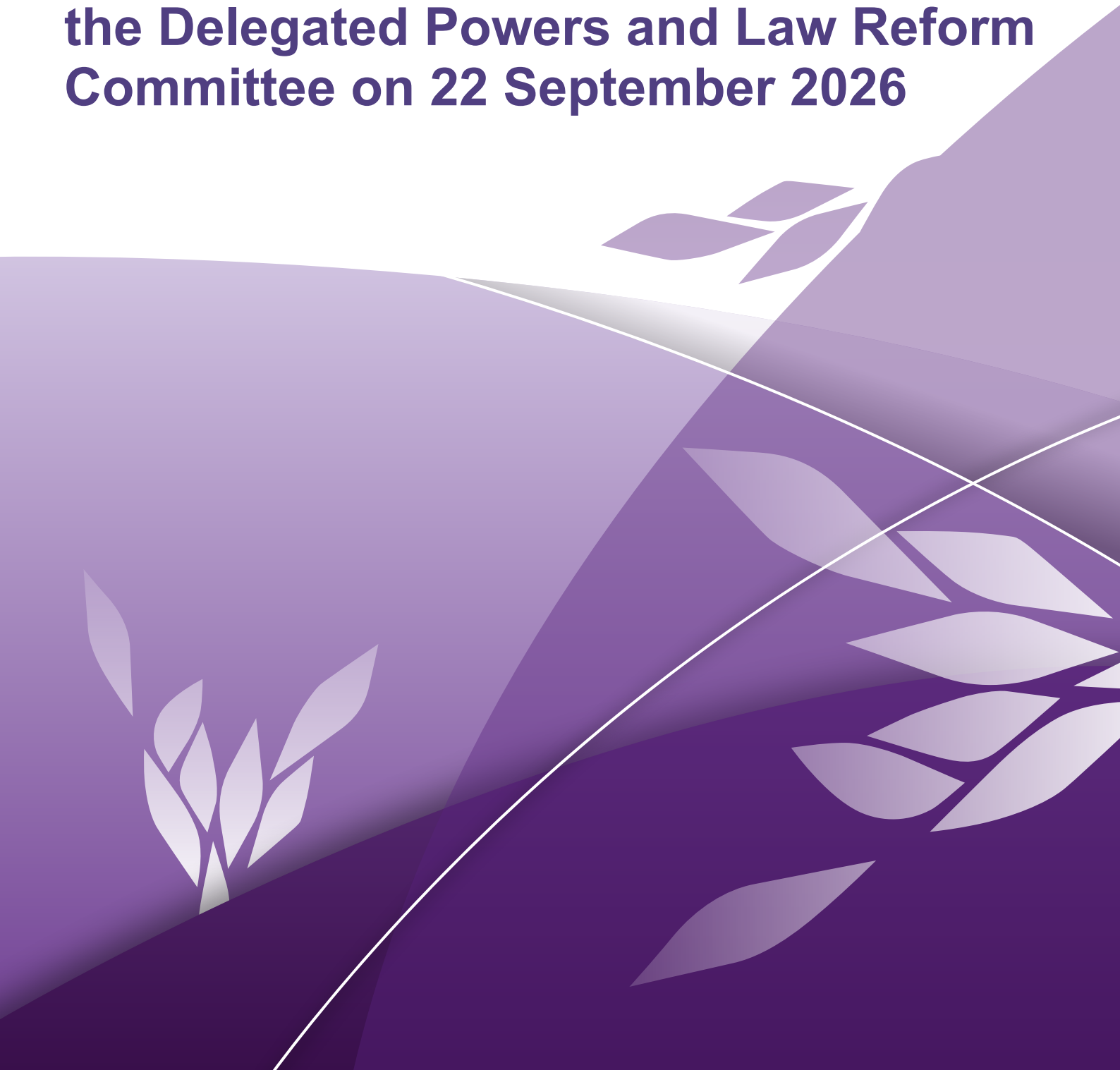
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7th Report, 2026 (Session 7)

Delegated Powers and Law Reform Committee

Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 22 September 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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Committee Membership



Convener
Calum Kerr
Scottish National Party



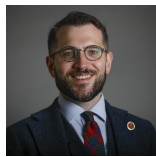
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Amanda Lindsay
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Paul Sweeney
Scottish Labour

Introduction

1. At its meeting on 22 September 2026, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
 - The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 (SSI 2026/251).
2. The Committee's recommendations in relation to this instrument 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 Air Departure Tax (Scotland) Act 2017 (Commencement No. 1) Regulations 2026; and
 - The Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2026.

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

The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2026 (SSI 2026/251)

5. The purpose of the instrument is to enable a new category of elector to apply for an emergency proxy vote. The new category covers electors who are unable to vote in person on the day of the election because they will be accompanying another person to receive medical care or treatment.
6. The [Committee asked the Scottish Government](#) to identify the provision giving effect to the statement in the Policy Note that applications may be made until 5 p.m. on polling day.
7. In its response, the Scottish Government acknowledged that the instrument does not specify that deadline and accepted that this was an error. It advised that a correcting instrument would be laid on 18 September 2026 and come into force at the same time as these Regulations. The correcting instrument was laid on 18 September 2026.
8. The omission of a specific closing date means that applications under the new emergency proxy voting category would not benefit from the intended polling-day deadline. Instead, they would fall to be made by 5 p.m. on the sixth day before the poll, producing an outcome that is the opposite of the policy objective underlying the amendment.
9. The lead committee for this instrument is the Standards, Procedures and Public Appointments Committee.

10. **The Committee draws this instrument to the attention of the Parliament under reporting ground (i) (drafting appears to be defective) due to the omission of a closing date for the new category of emergency proxy vote applications.**

11. **The Committee notes and welcomes the Scottish Government's prompt action to remedy this omission.**

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.

Europe, External Affairs and Culture Committee

The UEFA European Championship (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/257 (C. 24))

Finance and Public Administration Committee

The Air Departure Tax (Scotland) Act 2017 (Commencement No. 1) Regulations 2026 (SSI 2026/248 (C. 23))

- In relation to this instrument, [the Committee highlights its correspondence with the Scottish Government, in particular the explanation for the time it has taken to commence the Act](#) to the Finance and Public Administration Committee.

Health, Care and Sport Committee

The Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2026 (SSI 2026/247)

- In relation to this instrument, the [Committee notes the response of the Scottish Government](#), to the Committee's questions querying the address given for Auchinleck Talbot's ground, and the name given for the ground in Invergordon.

