



The Scottish Parliament
Pàrlamaid na h-Alba

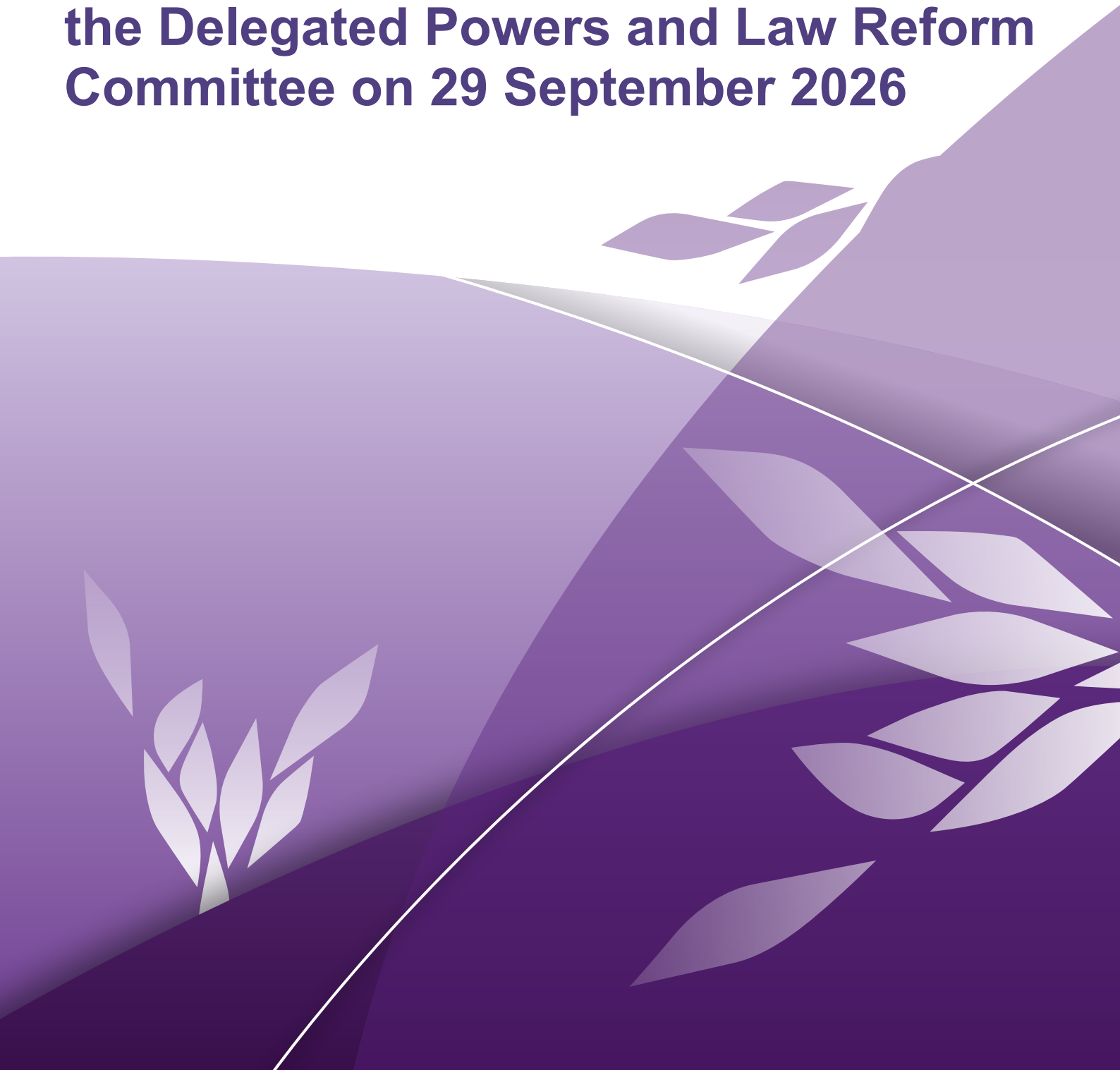
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8th Report, 2026 (Session 7)

Delegated Powers and Law Reform Committee

Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 29 September 2026



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No points raised	4

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



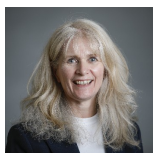
Convener
Calum Kerr
Scottish National Party



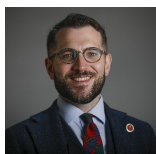
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Scottish National Party



Amanda Lindsay
Reform UK



Paul Sweeney
Scottish Labour

Introduction

1. At its meeting on 29 September 2026, the Committee considered the following instruments under its remit and agreed to draw them to the attention of the Parliament:
 - The Council Tax Reduction (Miscellaneous Amendment) (No. 2) (Scotland) Regulations 2026 (SSI 2026/259); and
 - The Children (Care, Care Experience and Services Planning) (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/258 (C.25)).
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.

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

The Council Tax Reduction (Miscellaneous Amendment) (No. 2) (Scotland) Regulations 2026 (SSI 2026/259)

4. This instrument amends the criteria for entitlement to a reduction in Council Tax.
5. [The Committee asked the Scottish Government](#) whether the title of this instrument should have been "... (Scotland) (No. 2)..." rather than "... (No. 2) (Scotland)...", in line with standard practice.
6. [The Scottish Government](#) accepted this point and advised that they do not intend to take any corrective action because the legal effect of the instrument is unaffected.
7. The Committee also asked about [Regulation 3\(3\)\(c\)](#), which amends the Council Tax Reduction (Scotland) Regulations 2021 ("2021 Regulations") so that that the following payments are disregarded when calculating an applicant's finances for the purpose of assessing their entitlement to a reduction in Council Tax:

"any payment made under the Mother and Baby Institutions Payment Scheme established by the Mother and Baby Institutions Payment Scheme Act 2023."

8. This is an Act of the Oireachtas of the Republic of Ireland.ⁱ It is unusual for an SSI to refer to legislation of other countries. Once this provision has been inserted into the 2021 Regulations there will be nothing in those Regulations to indicate that this reference is to an Irish Act. The instrument inserts equivalent text into the 2012 Regulations ([regulation 2](#)), and in this place there is a footnote identifying the Act as an Act of the Oireachtas and giving its number and year. The Committee asked whether the same footnote should appear in the text inserted by regulation 3(3)(c).
9. The Scottish Government responded that while it is not standard practice to repeat a footnote for second references to the same legislation on the same page, the Scottish Government acknowledged that this is an unusual case and that in these circumstances it will insert the footnote by correction slip.
10. The Committee notes this response.
11. The lead committee for this instrument is the Social Justice, Housing and Local Government Committee.

12. **The Committee draws this instrument to the attention of the Parliament under the general reporting ground for failure to follow standard drafting practice in the title of the instrument. The Committee is content that corrective action would be inappropriate.**

ⁱ [Mother and Baby Institutions Payment Scheme Act 2023](#)

The Children (Care, Care Experience and Services Planning) (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/258 (C.25))

13. This instrument brings various provisions of the Children (Care, Care Experience and Services Planning) Act 2026 into force in stages, on 1 October 2026 and 1 January 2027.
 14. [The Committee asked the Scottish Government](#) whether, in relation to the commencement of section 16(2) and section 64, certain definitions including “family group decision-making services” should also have been commenced.
 15. [The Scottish Government responded](#) that it does not consider it was legally necessary to commence the relevant definition provisions in order to enable the Scottish Ministers to comply with the consultation requirements brought into force by the instrument. However, they acknowledged that not commencing the definition of “family group decision-making services” for the purposes of section 16(2) resulted in an inconsistency in its drafting approach.
 16. The Scottish Government further stated that the definition of “family group decision-making services” should be commenced for the purposes of section 64. They advised that they intend to commence the definition in the next commencement instrument for the Act, and that this would ensure that the definition applies for all purposes, including the consultation requirement.
17. **The Committee draws the instrument to the attention of the Parliament on the general reporting ground, on the basis of the inconsistent approach taken to the commencement of definitions.**
18. **The Committee welcomes that the Scottish Government intends to address this in the next commencement SSI for the Act, which will be laid at the next opportunity.**
19. The Committee also asked the Scottish Government whether a reference in column 3 of the schedule, in relation to section 18(2), should be to section 73A(2) rather than section 73A(3) of the Children and Young People (Scotland) Act 2014.
 20. In their response, the Scottish Government accepted that reference to section 73A(3) was wrong and advised that they intend to correct this by correction slip.
 21. The lead committee for this instrument is the Education and Gaelic Committee.
22. **The Committee welcomes that the Scottish Government intends to address the point concerning section 73A(2) by correction slip.**

No points raised

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

Criminal Justice Committee

The draft First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Amendment Regulations 2026

The Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (Commencement No. 2 and Transitional Provision) Regulations 2026 (SSI 2026/262 (C. 27))

Economy, Tourism and Energy Committee

The Community Wealth Building (Scotland) Act 2026 (Commencement) Regulations 2026 (SSI 2026/265 (C. 28))

Education and Gaelic Committee

The Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/261 (C. 26))

Finance and Public Administration Committee

The draft Air Departure Tax (Administration) (Scotland) Amendment Regulations 2026

The draft Air Departure Tax (Scotland) Amendment Regulations 2026

Standards, Procedures and Public Appointments Committee

The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment (No. 2) Regulations 2026 (SSI 2026/263)

- In relation to this instrument, the Committee welcomes that this instrument fulfils a [commitment by the Scottish Government to correct an error, identified by this Committee, in the Representation of the People \(Absent Voting at Local Government Elections\) \(Scotland\) Amendment Regulations 2026 \(SSI 2026/251\)](#)

