



The Scottish Parliament
Pàrlamaid na h-Alba

Published 16 May 2023
SP Paper 368
31st Report, 2023 (Session 6)

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

Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 16 May 2023



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

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

Contents

No points raised	1
------------------	---

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.



dplr.committee@parliament.scot



0131 348 5212

Committee Membership



Stuart McMillan
Scottish National Party



Bill Kidd
Scottish National Party



Jeremy Balfour
Scottish Conservative
and Unionist Party



Oliver Mundell
Scottish Conservative
and Unionist Party



Mercedes Villalba
Scottish Labour

No points raised

1. At its meeting on 16 Mayⁱ, the Committee considered the following instruments under its remit and agreed not to draw them to the attention of the Parliament.

Criminal Justice Committee

Criminal Justice (Scotland) Act 2016 (Commencement No. 8) Order 2023 (SSI 2023/139 (C.13))

Social Justice and Social Security Committee

Council Tax (Discounts) (Scotland) Amendment (No. 2) Order 2023 (SSI 2023/141)

Scottish Parliament

Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023 (SSI 2023/Draft)

It has been agreed that the above instrument, which is subject to the affirmative procedure, will be considered under an expedited timetable. It was laid on Wednesday 10 May, and it is expected to be considered by the Scottish Parliament on Wednesday 17 May.

The purpose of this instrument is to amend social security legislation relating to certain benefits, to remove the habitual residence test and “past presence” test for those benefits for certain persons arriving in Scotland from Sudan. This means that those people can be entitled to the benefits immediately if they meet other eligibility criteria.

The UK Government is making equivalent provision regarding the above benefits. This instrument ensures parity of access to benefits in Scotland for which Scottish Ministers have responsibility.

ⁱ Oliver Mundell MSP submitted apologies for this meeting.

