



The Scottish Parliament  
Pàrlamaid na h-Alba

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# **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 3 December 2024**



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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.

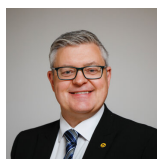


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# Committee Membership



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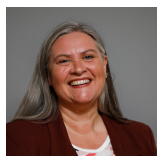
**Bill Kidd**  
Scottish National Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



**Daniel Johnson**  
Scottish Labour



**Roz McCall**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 3 December 2024, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
  - Burial (Applications and Register) (Scotland) Regulations 2024 (SSI 2024/334)
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 at the end of the report.

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

## Burial (Applications and Register) (Scotland) Regulations 2024 (SSI 2024/334)

4. The purpose of the instrument is to make provision about who may make applications for burials and what information should be included in those applications. Standardised application forms are included in the schedules.
5. The instrument also provides that each burial authority must retain records of such application forms for a period of 50 years, which must be treated as confidential.
6. In [correspondence with the Scottish Government](#), the Committee queried whether the wording of [regulation 3\(2\)\(a\)\(v\)](#) is sufficiently clear to the reader of the instrument.
7. In its [response](#), the Scottish Government advised that, while it considered the provision to be sufficiently clear, it accepted that the drafting could be improved. The Scottish Government therefore undertook to amend the instrument at the next available opportunity.
8. The Committee considers that the wording of the provision is incorrect and requires rephrasing, but that it will be clear to the reader that there is an error in the wording, and that it is unlikely to lead to genuine misunderstanding by the reader of the instrument.
9. The lead committee for this instrument is the Health, Social Care and Sport Committee.

10. **The Committee draws this instrument to the attention of the Parliament on the general reporting ground in respect of the wording of regulation 3(2)(a)(v).**

11. **The Committee welcomed that the Scottish Government has undertaken to amend the instrument to improve the drafting of that provision at the next available opportunity.**

# No points raised

## Equalities, Human Rights and Civil Justice Committee

Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules 2021 and Sheriff Court Rules Amendment) (Statutory Interveners) 2024 (SSI 2024/353)

## Health, Social Care and Sport Committee

Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2024 (SSI 2024/352)



