

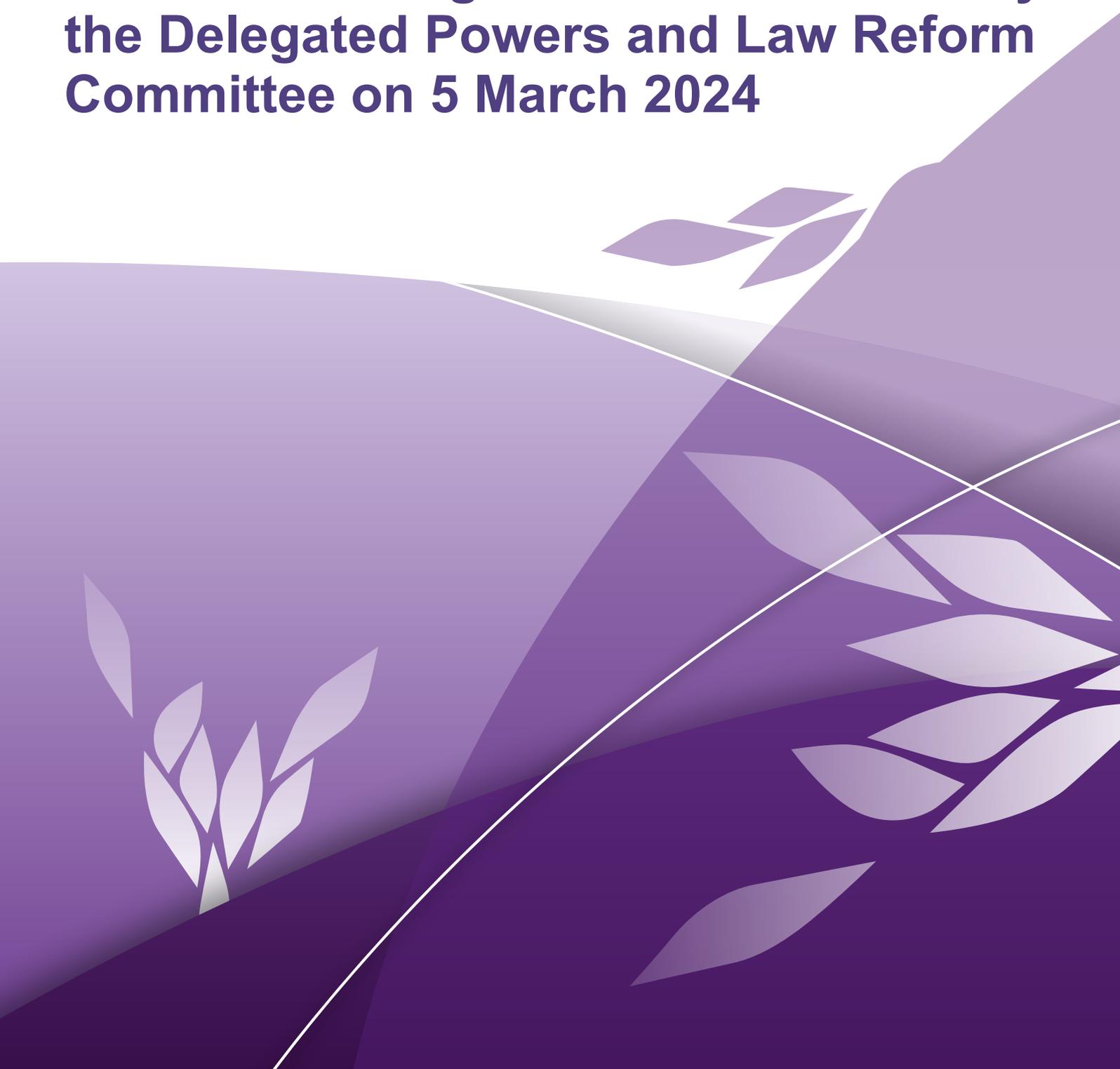


The Scottish Parliament
Pàrlamaid na h-Alba

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Delegated Powers and Law Reform Committee

Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 5 March 2024



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Contents

Introduction	1
Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament	2
No points raised	3

Delegated Powers and Law Reform Committee

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;

(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



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Jeremy Balfour
Scottish Conservative
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Foyso Choudhury
Scottish Labour



Oliver Mundell
Scottish Conservative
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Introduction

1. At its meeting on 5 March 2024, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
 - Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (SSI 2024/42).
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: instruments drawn to the attention of the Parliament

Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (SSI 2024/42)

4. The instrument makes a number of amendments to the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 (“the 2023 Regulations”).
5. The 2023 Regulations require producers of products to collect and/or report data on the amount and type of packaging that they place on the market as part of Extended Producer Responsibility for packaging.
6. Given the length and complexity of the regulations, the [Committee asked the Scottish Government](#) about the adequacy of the Explanatory Note for the regulations, which amounted to just one substantive paragraph.
7. In its [response](#), the Scottish Government agreed upon reflection that additional information would aid the understanding of the instrument and has undertaken to amend the Explanatory Note by way of correction slip at the earliest opportunity.
8. The lead committee for this instrument is the Net Zero, Energy and Transport Committee.

9. **The Committee draws this instrument to the attention of the Parliament on the general reporting ground, on the basis that the Explanatory Note is too brief.**

10. **The Committee welcomed the Scottish Government's undertaking to amend the Explanatory Note.**

No points raised

Finance and Public Administration Committee

Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2024 (SSI 2024/60)

Health, Social Care and Sport Committee

National Health Service (Common Staffing Method) (Scotland) Regulations 2024 (SSI 2024/43)

- The Committee obtained further information from the Scottish Government regarding why the tools specified in the instrument are not publicly available. The Committee draws to the attention of the Lead Committee the Committee's [correspondence with the Scottish Government](#).
- The Committee noted the correspondence it received from the Royal College of Nursing Scotland and understands that it has written in similar terms to the Lead Committee.

Regulation of Care (Social Service Workers) (Scotland) Order 2024 (SSI 2024/56)

Local Government, Housing and Planning Committee

Non-Domestic Rates (Islands and Remote Areas Hospitality Relief) (Scotland) Regulations 2024 (SSI 2024/55)

Non-Domestic Rates (Transitional Relief) (Scotland) Amendment Regulations 2024 (SSI 2024/59)

- The Committee welcomed that this instrument fulfils a commitment by the Scottish Government to correct an error identified by the Committee in the Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2024 (SSI 2024/5).

Net Zero, Energy and Transport Committee

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2024 (SI 2024/192)

Social Justice and Social Security Committee

Social Security (Scotland) Act 2018 (Commencement No. 10 and Transitional Provision) Regulations 2024 (SSI 2024/57 (C.5))

Discretionary Financial Assistance (Scotland) Revocation Regulations 2024 (SSI 2024/58)

Social Security (Gibraltar) (Iceland) (Liechtenstein) (Norway) (Further provision in respect of Scotland) Order 2024 (SSI 2024/62)

Charities (Regulation and Administration) (Scotland) Act 2023 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2024 (SSI 2024/63 (C.6))

