



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 26 June 2024  
SP Paper 629  
47th Report, 2024 (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 25 June 2024**



**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>

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

# Contents

<b>Introduction</b>	<b>1</b>
<b>Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament</b>	<b>2</b>
<b>No points raised</b>	<b>4</b>

# 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](mailto: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



**Foyso Choudhury**  
Scottish Labour



**Tim Eagle**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 25 June 2024<sup>i</sup>, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
  - Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024) 2024 (SSI 2024/174).
2. The Committee's recommendation in relation to this instrument is 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.

---

<sup>i</sup> Jeremy Balfour MSP submitted apologies for this meeting.

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

## Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024) 2024 (SSI 2024/174)

4. This instrument is made in consequence of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), to amend the rules of court for criminal procedure to take account of the requirements of that Act. The rules that are being amended are in the Act of Adjournal (Criminal Procedure Rules) 1996 (SI 1996/513) (“the Criminal Procedure Rules”).
5. The key provisions of the instrument:
  - add into Chapter 6 of the Criminal Procedure Rules a requirement that, where a child is participating in criminal proceedings, the court must keep the child informed as to what is happening in simple language suitable to the child’s age and understanding.
  - amend Chapters 40 and 41 of the Criminal Procedure Rules to provide for the raising of UNCRC compatibility issues in criminal proceedings, and to amend the process to enable interventions by:
    - the Commissioner for Children and Young People in Scotland; and
    - the Scottish Commission for Human Rights.

Section 27 of the UNCRC Act requires intimation to these bodies so they can consider whether to intervene in proceedings where a court is considering potential incompatibility with UNCRC requirements (the UNCRC Act gives these bodies the authority to intervene).
6. In [correspondence with the Lord President's Private Office](#), the Committee asked a question about [paragraph 2\(2\)\(a\)](#) of the instrument, which inserts into [Chapter 6](#) of the Criminal Procedure Rules a definition of the term “UNCRC requirements”. It queried the purpose of the definition given that the defined term is not used in Chapter 6.
7. In its [response](#), the Lord President's Private Office confirmed that the definition is unnecessary and advised that it will be removed at the next available opportunity.
8. The lead committee for this instrument is the Criminal Justice Committee.
9. **The Committee draws this instrument to the attention of the Parliament on the general reporting ground, in that it inserts an unnecessary definition of “UNCRC requirements” into the Criminal Procedure Rules 1996, rule 6.1.**

- 10. The Committee noted that the Lord President's Private Office has advised that the definition will be removed at the next available opportunity.**



# No points raised

## Rural Affairs and Islands Committee

Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 1)  
Regulations 2024 (SSI 2024/168 (C.15))

Animal Welfare (Livestock Exports) Act 2024 (Commencement) (Scotland) Regulations  
2024 (SSI 2024/170 (C.16))

