



The Scottish Parliament  
Pàrlamaid na h-Alba

## Delegated Powers and Law Reform Committee

Angela Constance MSP  
Cabinet Secretary for Justice and Home Affairs

**2 December 2024**

Dear Cabinet Secretary

### **Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill**

The Delegated Powers and Law Reform Committee considered the above Bill at its meeting on Tuesday, 26 November, and agreed to ask the following questions in relation to two of the delegated powers.

#### **Section 11(5) – Power to modify list of nominating bodies Section 20(6) – Power to modify list of public authorities required to co-operate**

Sections 11(5) and 20(6) are Henry VIII powers, which permit amendment of the Act which will flow from the Bill. The Committee pays particular attention to any proposals in a bill to use such powers because of the way they shift power from the legislature to the executive. As a starting point, the Committee would usually expect such powers to be subject to the affirmative procedure. Where the negative procedure is chosen, that the choice must be fully justified.

The Committee therefore seeks **further justification as to why the Scottish Government considers the negative procedure provides an appropriate degree of scrutiny in relation to sections 11(5) and 20(6) of the Bill, or whether, on reflection, it considers that the affirmative procedure might be more appropriate.**

I would be grateful if you could please email your response to these questions to: [dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot) by **Monday, 9 December**.

Yours sincerely

**Stuart McMillan MSP**  
**Convener**

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