



Delegated Powers and Law Reform Committee

Graham Simpson MSP

Via email

26 March 2025

Dear Graham,

Scottish Parliament (Recall and Removal of Members) Bill

The Committee considered the above Bill at its meeting on Tuesday 25 March 2025, and agreed to seek further information in relation to the delegated power in **Section 21: Power to make further provision about processes, etc.**, specifically, the legislative sub-delegation permitted by section 21(2)(c).

In relation to this power, the Committee asks:

1. Who does the Member anticipate will be given powers to make subordinate legislation under regulations made under section 21?
2. Why have those persons not been specified on the face of the Bill?
3. Why is it considered appropriate to confer a power to subdelegate? Can examples be provided of how this power might be exercised?
4. Why it is considered appropriate to give a third party the power to make subordinate legislation which can modify primary legislation (including the Act resulting from the Bill) and create criminal offences? Has any consideration been given to restricting this power, for instance, by removing the power to create offences or amend primary legislation?
5. Additionally, the Committee seeks clarification on whether the procedures provided for by section 30 of the Bill will also apply to such subordinate legislation or if they only apply to regulations made directly (i.e. the “second tier legislation”) under section 21(1).

The Committee requests a response by **Tuesday, 29 April 2025**.

Yours sincerely,

Stuart McMillan MSP
Convener