



## Delegated Powers and Law Reform Committee

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*By email*

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Dear Minister

### **SSI 2022/326 – the Scottish Child Payment (Ancillary Provision) Regulations 2022**

At its meeting yesterday, the Delegated Powers and Law Reform Committee considered further action in relation to the Scottish Child Payment (Ancillary Provision) Regulations 2022.

The instrument makes ancillary provisions in connection with the amendments made by the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 to the Scottish Child Payment Regulations 2020. The instrument was laid in draft under the affirmative procedure and came into force on 14 November.

The Committee considered this instrument on 15 November. The Committee noted that the instrument breached the requirement under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 that instruments subject to the negative procedure must be laid at least 28 days before they come into force. It also noted that this was the second SSI breaching the 28-day rule that had been required to ensure that the policy intent of the affirmative instrument could be delivered as intended. The Committee therefore agreed to:

- draw the instrument to the attention of the Parliament under reporting ground (j) for failure to comply with the laying requirements in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010;
- note that whilst the Committee welcomes the Scottish Government's apology for this breach, it nevertheless considers it to be unsatisfactory that this is the second instrument breaching the 28-day rule required in this area; and

- call on the Scottish Government to ensure that its quality assurance processes are sufficient to ensure that subordinate legislation laid before the Parliament is fit for purpose.

At its meeting on 22 November, the Committee agreed to draw its previous SSI report to your attention: [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 15 November 2022](#). It also agreed to:

- (a) ask for an explanation as to why a further breach occurred in this area; and**
- (b) to seek your assurance that the Scottish Government's quality assurance processes are sufficient to ensure that subordinate legislation laid before the Parliament is fit for purpose.**

It would be appreciated if you were able to provide a response to these questions by **Wednesday, 7 December 2022**.

Yours sincerely

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee