5 February 2015

Dear Douglas

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT BILL
PUBLIC SECTOR EXIT PAYMENTS

At the Economy, Energy and Tourism Committee meeting yesterday the Minister for Business, Energy and Tourism mentioned that there were likely to be further technical amendments to the public sector exit payments provisions of the Small Business, Enterprise and Employment Bill, some of which were subject to ongoing discussions between the Scottish Government, the Treasury and the Department for Business, Innovation and Skills (BIS). Those discussions are now complete and I thought you might welcome a brief update on the matters in question ahead of the Committee’s Report.

The first matter was in relation to the time period within which an exit payment may be recovered. The underlying policy intention is that this period should be no longer than one year from the date on which the individual left his or her previous employment. The Bill does not currently stipulate that time period and the Treasury have now confirmed that it will be amended at Lords Report to do so, in order to reflect the policy intention. The main amendment, to specify the one year time period, will be to what is now section 153 with some minor consequential amendments elsewhere in the public sector exit payments provisions. I can share the amendments with you once they have been finalised and tabled if you would find that helpful.

The second matter related to the Committee’s question about whether the powers to be conferred on Scottish Ministers by the Bill will apply to the SPCB and its office holders. The Minister noted that the Deputy First Minister had written to the presiding officer on 18 December about the inclusion of the SPCB and various Scottish Commissions, Commissioners and Ombudsmen in the Bill’s provisions to which the Presiding Officer had replied on 22 December. He confirmed that the powers to be conferred on Scottish Ministers by the Bill will apply to the SPCB and that discussions were ongoing with the Treasury and BIS about possible further amendments to the Bill, if necessary, to make that absolutely clear. We have now agreed with the Treasury that a clarifying amendment is necessary and
will be brought forward at Lords Report stage. We will liaise with the Treasury on the wording of the amendment and I would again be happy to share the amendment with you once it has been finalised and tabled.

I hope this is helpful.

AL GIBSON
Governance Team