Thank you for your letter of 26 November concerning the Standards, Procedures and Public Appointments Committee’s inquiry into post-legislative scrutiny.

The Economy, Energy and Tourism Committee recently agreed that it would not conduct any specific post-legislative scrutiny in the coming period of the Acts which were considered by its predecessor committees. On behalf of the Committee, I would like to make a number of points, based on the Committee’s decision, which may be relevant to your consultation on post-legislative scrutiny.

Firstly, the Committee was of the view that the merits of conducting post-legislative scrutiny need to be balanced against the other demands on the Committee’s time. In the coming year, the Committee will have considerable demands placed on its time by Scottish Government legislation and wishes to prioritise new inquiry work and topical evidence sessions in the time left to it.

Secondly, our predecessor committees have not considered a high volume of legislation. Notably, two of the Bills considered by the predecessor committees were members’ bills which did not have a wide scope. While this does not, in itself, preclude post-legislative scrutiny, it does raise questions relating to how current or previous MSPs can be held to account in terms of the implementation of members’ bills.

Thirdly, the Scottish Government intends to bring forward legislation in 2013 on bankruptcy, an area in which a major bill was considered by the Enterprise and Culture Committee in session 2. The Committee therefore did not see any value in conducting post-legislative scrutiny of the Bankruptcy and Diligence etc. (Scotland) Act when new legislation would shortly be introduced. I am aware that this is by no means a unique situation and that there are other policy areas in which legislation passed in previous sessions has already been, or will be, amended by new government legislation.

I hope these comments are of assistance to your Committee in its inquiry.

MURDO FRASER MSP
CONVENER
ECONOMY, ENERGY AND TOURISM COMMITTEE
25 JANUARY 2013