Parliamentary Bureau – Request to appoint a standing adviser

Europe, External Affairs and Culture Committee

Background

1. At its meeting on 29 September 2026, the Europe, External Affairs and Culture Committee (EEAC Committee) agreed in principle to appoint a standing legal adviser to assist its scrutiny of different devolution matters.

2. This paper sets out details of the proposed specification for the adviser and invites the Bureau to agree to the EEAC Committee's request to appoint a standing legal adviser on devolution matters.

3. Since the appointment of the adviser is needed for more than the typical 15 days per appointment, the approval of the SPCB is also being sought to appoint the adviser for a longer period; initially for one year, and then subsequently reviewed and extended by mutual agreement.

4. The need for a longer appointment is due to the ongoing nature of the scrutiny of devolution matters that are central to the EEAC Committee's remit and which will be needed for the duration of the parliamentary session.

Scrutiny of devolution – why is an adviser needed?

5. The work of the EEAC Committee in relation to monitoring different aspects of the functioning of devolution is an area where the Committee feels it would benefit from external advice in addition to that from SPICe, legal colleagues and the clerks.

6. The role of the standing adviser will be to provide expert, technical and legal advice to support the Committee in delivering its work programme. The key elements of the adviser's role will relate to scrutiny of issues arising from the devolution arrangements in place including:

    - the UK Internal Market Act 2020 and the governance of the UK internal market
    - the exclusions process linked to the UK Internal Market Act 2020
    - common frameworks
    - legislative consent and the Sewel Convention
    - delegated powers of UK Ministers in devolved areas

7. The adviser will, in particular, provide advice on taking forward the elements of the legacy paper of the previous Constitution, Europe and External Affairs Committee which the new Committee wishes to focus on, in line with its new remit. This includes in relation to:

- intergovernmental activity across the UK
- the conferral and exercise of delegated powers by UK Ministers in devolved areas
- a revised MoU on Sewel
- constitutional issues related to Scotland's place within the United Kingdom
- levels of continuing alignment with EU law within Scotland and/or the UK.

Appointment of adviser

8. The Committee agreed the specification set out in the **Annex** to this paper.

Decision

9. The Bureau is invited to approve the appointment of a standing legal adviser on devolution issues.

Europe, External Affairs and Culture Committee
October 2026

ANNEX – Person specification

Legal adviser specification

The Europe, External Affairs and Culture Committee of the Scottish Parliament is seeking a standing legal adviser on devolution issues.

The Committee's remit covers:

- the Scottish Government's EU and external affairs policy
- policy relating to the UK's relationship with the EU
- the Scottish Government's international activities, including international development
- other areas of Scottish Government responsibility relating to devolution, intra-UK and intergovernmental relations
- culture and the creative industries.

The role of the Adviser will be to provide expert, technical advice to support the EEAC Committee in delivering its work programme. The key elements of the Adviser's role will relate to scrutiny of constitutional issues arising from the devolution arrangements in place including:

- the UK Internal Market Act 2020 and the governance of the UK internal market
- the exclusions process linked to the UK Internal Market Act 2020
- common frameworks
- legislative consent and the Sewel Convention
- delegated powers of UK Ministers in devolved areas

The Adviser will, in particular, provide advice on taking forward the elements of the legacy paper of the previous Constitution, Europe and External Affairs Committee which the EEAC Committee wishes to focus on, in line with its new remit. This includes in relation to:

- intergovernmental activity across the UK, including advising on the best process for parliamentary scrutiny of intergovernmental activity
- the conferral and exercise of delegated powers by UK Ministers in devolved areas
- a revised MoU on Sewel
- constitutional issues related to Scotland's place within the United Kingdom
- levels of continuing alignment with EU law within Scotland and/or the UK.

Main Duties

The main areas on which the Adviser will be expected to provide support are as follows—

- Proposals/legislation which have implications for the governance of the UK internal market
- Any other relevant primary and secondary legislation relating to the constitutional arrangements within the UK
- The role of the Office of the Internal Market (OIM)
- The scrutiny of intergovernmental affairs in both the formal and informal IGR space
- Inter-parliamentary relations
- The governance of the TCA and other international agreements;
- High level monitoring of the EU policy-making and legislative programme including the level of policy divergence between Scotland and the EU, Scotland and the UK and the UK and the EU; dynamic alignment and the forthcoming UK EU Partnership Bill.
- The Scottish Government's use of the keeping pace powers within the European Union (Legal Continuity) (Scotland) Bill and other legislative powers to "keep pace" if extended beyond its March 2027 expiry."

The main duties of the Adviser is to provide expert analysis of the issues outlined above both through written and oral briefings. In doing so, the Adviser will work closely with the clerks and the Scottish Parliament Information Centre (SPICe). One particular contribution will be to provide analysis/comment on the Committee's planned quarterly report on devolution issues.

Person Specification

<u>Skills/Abilities</u>
Scots law qualified or can demonstrate extensive experience in devolution issues from a Scottish perspective.

Proven analytical skills, particularly in relation to devolution and constitutional issues.

Excellent communication skills, both oral and written, and an ability to distil technical or complex issues.

Experience

The Adviser will have considerable experience of matters relating to devolution, constitutional and EU issues as outlined above. Experience of working with politicians and committees would be a distinct advantage.

Knowledge

As well as knowledge of the work, powers and procedures of the Scottish Parliament, the Adviser will be able to demonstrate a good understanding of the role and remit of the EEAC Committee.