



The Scottish Parliament
Pàrlamaid na h-Alba

Rt Hon Alison Johnstone MSP
Presiding Officer

The Scottish Parliament
EDINBURGH
EH99 1SP

By e-mail

CEEAC.committee@parliament.scot

14 November 2022

Dear Presiding Officer,

Balance of Power Between the Executive(s) and the Legislature(s)

The Constitution, Europe, External Affairs and Culture Committee has today published our [report](#) on the Legislative Consent Memorandum (LCM) for the Northern Ireland Protocol Bill.

The Committee's view is that our scrutiny of the LCM and the Bill provides further evidence for the need to re-set the constitutional arrangements within the UK following EU withdrawal, both in respect of relations between the UK Government and the devolved governments and between the four legislatures and governments across the UK. These relations are clearly not working as well as they should and this needs to be addressed.

The Committee reiterated our view that the extent of UK Ministers' new delegated powers in devolved areas amounts to a significant constitutional change. Consequently, there is an urgent need to address the ad hoc and inconsistent approach to consent mechanisms for the exercise of delegated powers by UK Ministers in devolved areas. The Committee's view is that it is an important constitutional principle that the Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence.

The Committee's view is that the scope of the delegated powers in the Northern Ireland Protocol Bill, some of which may be sub-delegated to the Scottish Ministers, need to be viewed within the wider context of the scope of delegated powers in other Bills related to the UK leaving the EU. Taken together, this presents a significant risk to the balance of power between the Executive and the Legislature both at a UK and devolved level.

Given the extent of this risk, the Committee agreed to write to you to highlight these concerns, copying the letter to the Speaker of the House of Commons, the Lord Speaker, and the Presiding Officer of Senedd Cymru.

You may also wish to note that the Inter-Parliamentary Forum at its meeting on 28 October 2022 noted "the increasing concern across each of our legislatures and from independent commentators in relation to the scope of delegated powers in UK legislation related to EU exit."

I am also copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Clare Adamson". The signature is written in a cursive, flowing style.

Clare Adamson MSP
Convener of the Constitution, Europe, External Affairs and Culture Committee

Copied to:

Rt Hon Lindsay Hoyle MP, Speaker of the House of Commons
Lord McFall of Alcluith, The Lord Speaker, House of Lords
Rt Hon Elin Jones MS, Presiding Officer, Senedd Cymru
Stuart McMillan MSP, Convener, Delegated Powers and Law Reform Committee