



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Fiona Hyslop MSP
Cabinet Secretary for Transport

18 September 2025

Dear Cabinet Secretary,

Sustainable Aviation Fuel Bill LCM

At its meeting on Tuesday 16 September 2025, the Committee considered the [Legislative Consent Memorandum](#) ("LCM") for this Bill and agreed to seek clarification on two of the delegated powers in the Bill which can be exercised by UK Ministers within devolved competence. The Committee's questions relate to:

Clause 1(6) power to extend the period during which a direction may be given by up to 5 years at a time

Clause 10(1) power to require repayment of surpluses

Neither of these clauses requires the Secretary of State to obtain the consent of the Scottish Ministers before being exercised within devolved competence. In absence of a consent requirement, there is no means by which the Scottish Parliament can scrutinise the Secretary of State's exercise of these powers within devolved competence.

The Committee therefore asks the Scottish Government:

1. whether it intends to seek an amendment to the Bill to require that the exercise of these powers be subject to the consent of the Scottish Ministers; and
2. how it proposes to ensure that the Scottish Parliament is able to effectively scrutinise the exercise of these powers by the Secretary of State.

As a reminder, the Committee's position in relation to delegated powers in UK Bills exercisable in devolved areas is, in general terms, that:

- a. The Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence.
- b. Where such powers are exercised by UK Ministers in devolved areas, there is no formal means by which the Scottish Parliament can scrutinise such regulations or be notified that they had been laid before the UK Parliament.

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email: dprr.committee@parliament.scot.

We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

c. If such powers contain a requirement for the Scottish Ministers' consent when exercised within devolved competence, the Scottish Parliament can scrutinise the Scottish Ministers' consent decision.

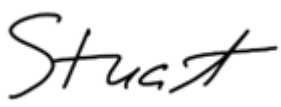
The Committee will scrutinise powers conferred on UK Ministers not subject to a requirement for Scottish Ministers' consent and may suggest matters for the lead committee to consider.

d. As a minimum, powers when exercised by UK Ministers in devolved areas should be subject to the process set out in the [SI Protocol 2](#) where the power is within the scope of that protocol.

The Committee requests a response by **Friday 26 September**.

The Committee is also seeking views of the UK Government in relation to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stuart', enclosed within a thin black rectangular border.

Stuart McMillan MSP
Convener