



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Rt Hon Heidi Alexander
Secretary of State for Transport

18 September 2025

Dear Secretary of State,

Sustainable Aviation Fuel Bill LCM

At its meeting on Tuesday 16 September 2025, the Scottish Parliament's Delegated Powers and Law Reform Committee considered the [Legislative Consent Memorandum \("LCM"\)](#) and the powers exercisable within devolved competence in the Sustainable Aviation Fuel Bill ("the Bill").

To assist the Committee in its consideration of the LCM, it agreed to ask the UK Government the following questions.

In relation 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

The Committee noted that there is no requirement on the Secretary of State to seek the consent of the Scottish Ministers before exercising these powers. In relation to the power at Clause 10(1), there is however a statutory requirement to consult the Scottish Ministers.

In absence of a consent requirement, there is no means by which the Scottish Parliament can scrutinise the Secretary of State's decision to extend the period during which the Secretary of State may direct the designated counterparty.

The Committee therefore asks the UK Government:

1. why it considers it appropriate to confer powers on the Secretary of State that are exercisable within devolved competence without requiring the consent of the Scottish Ministers; and
2. whether it intends to amend the Bill to provide that UK Ministers must obtain the consent of the Scottish Ministers before exercising these powers in devolved areas.

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

Email: dplr.committee@parliament.scot.

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

For information, 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.
- 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.

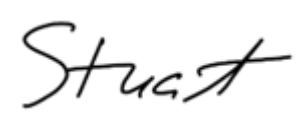
The Committee will scrutinise powers conferred on UK Ministers not subject to a requirement for Scottish Ministers' consent and may suggest matters for the lead committee to consider.

- 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 Scottish 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