



## Delegated Powers and Law Reform Committee

George Adam MSP  
Minister for Parliamentary Business  
*Via email*

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10 February 2023

Dear Minister,

### **Evidence session on 7 February 2023**

Thank you for giving evidence to the Delegated Powers and Law Reform Committee on Tuesday 7 February. My fellow Committee Members and I appreciated the opportunity to speak with you about the Scottish Government's work in relation to issues within the Committee's remit.

You and your officials committed to provide certain further info to the committee and a copy of the copy of the Official Report from the meeting is available [here](#).

In addition to the further information you committed to provide during the meeting, it would be helpful to have further clarification on several points. We would be interested to hear more about the following:

### **Legislative consent – delegated powers conferred on UK ministers in devolved areas**

Responding to questions on the Scottish Government's approach to delegated powers conferred on UK ministers in devolved areas, your officials noted that "our ask of the UK Government would always be to have a consent lock so that the consent of Scottish ministers would be required, or to have concurrent powers so that we could do our own SSI in that area. There would be a discussion between policy officials and then a discussion between ministers on that."

The Committee would be grateful for clarification of whether this is an official position which is taken by Ministers in all instances, or whether it is a starting position of policy officials, which is then reviewed by Ministers on a case-by-case basis.

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## Historical commitments

You committed to write following dialogue with lead officials for any updates on identifying a Scotland Act Order as a suitable vehicle to correct the drafting errors our predecessor Committee identified in the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019 (SSI 2019/183).

As you may be aware, our predecessor Committee first raised this issue with the Scottish Government almost four years ago in February/March 2019. At that stage, the Scottish Government's response was that "there may be a suitable opportunity to remove the words that have been identified as superfluous later this year.<sup>1</sup>" It would therefore be helpful to have further detail about the steps that have been taken by officials over the past four years to seek to get this issue remedied by the UK Government.

## Retailed EU Law (Revocation and Reform) Bill

In addition to the responses you gave to Members' questions on the Retailed EU Law (Revocation and Reform) Bill, it would be helpful to have your thoughts on how the Scottish Parliament can scrutinise decisions not to retain a piece of devolved Retained EU law.

The Committee would welcome a response to each of the points in this letter by Wednesday 1 March 2023, along with the information you have committed to provide which is available by that date.

Yours sincerely,

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee

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<sup>1</sup> <https://sp-bpr-en-prod-cdnep.azureedge.net/published/DPLR/2019/3/6/Subordinate-legislation-considered-by-the-Delegated-Powers-and-Law-Reform-Committee-on-5-March-2019/DPLRS052019R11.pdf>

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