



Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Email: dplr.committee@parliament.scot

1 March 2023

Dear Convener

I write further to the Minister for Public Finance, Planning and Community Wealth's letter of 12 December 2022 in which he responded to aspects of the Delegated Powers and Law Reform Committee's Stage One Report on the Moveable Transactions (Scotland) Bill.

As he indicated in that letter, the Minister for Public Finance, Planning and Community Wealth has passed to me your suggestion that further consultation should be undertaken where the Scottish Government is considering introducing a Bill to give effect to a Scottish Law Commission (SLC) Report, and significant time has passed since the SLC's original consultation on its proposals.

I am sure we are all encouraged by the number of SLC Bills that have and are being considered by the DPLRC and that as we continue to tackle the backlog of Reports any problems created by the timelag between publication of a SLC Report and the corresponding Bill being progressed by the Scottish Parliament will become less of an issue.

I note what the Committee has recommended in respect of consultation but equally my understanding is that further consultation did not flush out, at an earlier time, the concerns of some stakeholders about the inclusion of individuals in the statutory pledge provisions of the Moveable Transactions legislation and for that reason it may not be a complete solution.

However, I strongly believe it is important to maintain confidence in the SLC Bill process and I can appreciate that late emerging views from stakeholders may have the potential to undermine the process.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot
Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



I have therefore asked my officials to liaise with the SLC to consider the Committee's recommendation further. Once they have had an opportunity to do so I will write again to the Committee to advise you of the outcome.

ELENA WHITHAM

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot
Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



α