

Deputy First Minister and Cabinet Secretary for Finance
Leas Phrìomh Mhinistear agus Rùnaire a' Chaibineit
airson Ionmhas

Shona Robison MSP
Seòna Robastan BPA



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Kenneth Gibson MSP
Convener
Finance and Public Administration Committee
The Scottish Parliament
Edinburgh
EH99 1SP

19 October 2023

Dear Kenneth

Thank you for your letter of 13 October on behalf of the Finance and Public Administration Committee regarding Part 1 of the Levelling-Up and Regeneration Bill. You ask about the role of the Scottish Parliament in consultations by UK Ministers with the Scottish Government under amendments made to the Bill in the House of Lords; and clarification of discussions between the governments on these amendments.

On the latter point, I can confirm that the amendments were shared by the UK Government before they were lodged. The Scottish Government made clear that the provisions did not meet our concerns. The amendments were not significantly changed further before they were formally tabled and accepted in the House of Lords. The Scottish Government remains of the view that these amendments do not address our fundamental objections to Part 1 of the Bill, as recorded in our Supplementary Legislative Consent Memorandum.

On the operation of the consultation requirements, and a formal and meaningful role for the Scottish Parliament, you will see that the form of the provisions is that UK Ministers must “carry out such consultation as the Minister considers appropriate with the devolved authorities”. We have, as yet, no details of how UK Ministers will judge what consultation is “appropriate”; the provisions imply that they are free to conclude that no consultation is actually required. I note that the Committee has also written to Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations Michael Gove MP, inviting him to give evidence on this point.

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I can assure the Committee that the Scottish Government will continue to operate on the basis of informing the Parliament of significant developments in policy and sharing relevant information, where appropriate. When there is a clearer proposal from the UK Government on how it intends to carry out the duties set out in Part 1 of the Bill, I would be very happy to engage with the Committee on a meaningful role for the Scottish Parliament.

However, I should emphasise that the Scottish Government's firm view remains that it is for the Scottish Government, accountable to the Scottish Parliament, to decide how policies in devolved areas are developed and delivered in Scotland, including allocation of funding, in line with the devolved settlement. Having "regard for any role" of the Scottish Parliament and Government in connection with the devolved subject matter of a levelling-up mission should, therefore, be acknowledging that devolved institutions are completely responsible for them in Scotland.

The UK Government has no role in devolved areas of competence in the absence of consent from the Scottish Parliament, and consulting as it deems "appropriate" with the devolved authorities does not legitimise their intervention in devolved matters.

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