



The Scottish Parliament
Pàrlamaid na h-Alba

The Presiding Officer

Kenneth Gibson MSP
Convener
Finance and Public Administration Committee

By email

4 June 2024

Dear Convener

Thank you for your letter of 16 April regarding the provision of information in the Financial Memorandum accompanying the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill. You also raise your Committee's ongoing concern regarding the Scottish Government's increased use of "framework" Bills.

I recognise your Committee's concern that confidence in the quality of financial information and clarity on the policy consequences of a Bill are essential to carrying out effective scrutiny. I am also aware that similar concerns have been raised by other committees in relation to other legislation.

As you know, while Standing Orders require Financial Memorandums to include certain information (best estimates of the costs, margins of uncertainty and timescales), your Committee and the lead committee are best placed to examine the quality and comprehensiveness of that information during Stage 1 scrutiny. Committees are also in the best position to request any improvements that they consider need to be made to the content and quality information in Financial Memorandums.

While Standing Orders make provision only for a Revised Financial Memorandum to be prepared after Stage 2, where information in the original Financial Memorandum is accepted to be incomplete, inaccurate or out of date, committees will wish to seek further information, including updated figures, from the Scottish Government to assist in their Stage 1 scrutiny. Where this is requested, information should be provided in a way that is consistent and comparable with existing information and provided in the format that is of most assistance to the Committee. I understand that the Committee has now received further financial information for the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill, and trust that this allows the Committee to complete its Stage 1 scrutiny to its satisfaction.

I recognise the challenges for committees in scrutinising Bills where significant elements of the policy framework relating to the Bill is left to be set out in secondary legislation. I also recognise your concerns around the risks this creates to your Committee's ability to scrutinise overall affordability and efficiency.

It is essential that information provided in the accompanying documents is sufficient to allow committees to properly scrutinise the Bill and determine whether they should recommend that the Parliament agrees to grant the secondary legislation powers and, if so, subject to which conditions and level of parliamentary scrutiny.

I am pleased to note that the concerns you raise were also discussed at the most recent Conveners Group meeting. In its regular meetings with the First Minister and the Minister for Parliamentary Business, the Conveners Group has the opportunity to raise these issues directly and consider if it wishes to take any other action. I am also aware that the Delegated Powers and Law Reform Committee is considering taking forward an inquiry into the use of framework Bills.

I understand that your Committee has communicated with the Minister for Parliamentary Business on these issues. Correspondence from the Minister copied to me indicates that he has asked officials to engage with the Committee's clerks on the provision of information necessary to allow the Committee to properly scrutinise Financial Memorandums. I would expect the Scottish Government to respond positively to any concerns raised by committees and ensure that they are provided with the necessary information to carry out effective scrutiny.

I hope these discussions will help to address the concerns you raise. I would be happy to review this position with you if necessary.

Thank you again for bringing these important issues to my attention.

Yours sincerely

Rt Hon Alison Johnstone MSP

Presiding Officer