



The Scottish Parliament
Pàrlamaid na h-Alba

John Swinney MSP

First Minister

By email only

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee

Room T3.40

The Scottish Parliament

Edinburgh

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22 May 2024

Dear John,

Appointments to the Scottish Land Commission

At the 27 March meeting of the Conveners Group, I asked your predecessor, on behalf of the Net Zero, Energy and Transport Committee, about appointments to the Scottish Land Commission in 2023.

During the period when the Committee was considering Scottish Government nominees to the Commission, we were asked, and agreed, to keep these names confidential. Scottish Government officials also gave clear advice that nominees themselves were not aware of their status and would not be notified until the Committee had made a recommendation to Parliament.

However, on 1 December, well before the Committee had deliberated on the matter, Michael Russell was named in the media as the Scottish Government's nominee for Chair.

I have provided a timeline of events in an annexe.

I wrote to the Cabinet Secretary for Rural Affairs and the Islands in [December](#) 2023 and then again, following her first response, in [January](#) this year to ascertain how this had happened. Neither response offered an explanation, from the Cabinet Secretary's perspective, on how the nominee for Chair was made public prior to the Committee making a recommendation.

- [Letter from the Cabinet Secretary for Rural Affairs and Islands](#) – 17 January 2024
- [Letter from the Cabinet Secretary for Rural Affairs and Islands](#) – 26 February 2024

Because of this, the Committee agreed I should use the opportunity of the Conveners Group meeting with the then First Minister to once again seek clarity on this issue. In his reply to me, Mr. Yousaf undertook to “examine and explore that issue” and made a commitment to “...reflect on this specific instance”.

Mr Yousaf also said “When it was confirmed that Mike Russell was taking on that role, it was important that he stepped back from his position as party president, to avoid any perceived conflict of interests.” However, at the time at which Mr. Russell is reported to have stepped back from this role, he ought not to have known about his nomination, according to the Scottish Government’s own advice and guidance in relation to these nominations.

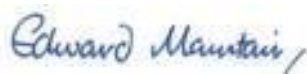
Given Mr. Yousaf’s undertaking in March to “explore and examine” how this occurred, I had anticipated the Committee would have by now received correspondence to update us.

As you have now become the First Minister and leader of the Scottish National Party, I am writing to you to pursue the answers we have been seeking from your colleague the Cabinet Secretary for Rural Affairs and Islands and the former First Minister. As we first asked the Cabinet Secretary in December—

“... the Committee would welcome you setting out your own understanding of what led to the proposed chair’s name being disclosed to the media on 1 December, including your understanding of what information or documentation the media were relying on and who provided it, your response to the disclosure, and an indication of the steps the Scottish Government propose to take to avoid incidents of a similar nature arising in future.”

On behalf of the Committee, I request a response by 17 June 2024.

Yours sincerely,



Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee

Annexe

- **29 November 2023** – The Cabinet Secretary for Rural Affairs and Islands [wrote](#) to the Net Zero, Energy and Transport Committee with the names of the proposed nominees
- **1 December 2023** – It was reported in the media Michael Russell had resigned his position as President of the Scottish National Party to take up the role of Chair of the Scottish Land Commission
- **4 December 2023** – The Cabinet Secretary for Rural Affairs and Islands said it was on 4 December that “officials in the Public Appointments Team (PAT) provided a courtesy update to all candidates on 4 December to thank them for attending the interview, and that the Committee had indicated that they would consider the appointments on 12 December”.
- **12 December 2024** – The Net Zero, Energy and Transport Committee considered the information provided on 29 November and agreed by division to recommend the Scottish Parliament approve the proposed nominees. The Committee’s [report](#) provides further detail on this.
- **13 December 2024** – The Cabinet Secretary for Rural Affairs and Islands said it was on 13 December, following the Committee’s meeting, that applicants were informed of the outcome of their applications.