



The Scottish Parliament  
Pàrlamaid na h-Alba

## Net Zero, Energy and Transport Committee

Martin Whitfield MSP  
Convener  
Standards, Procedures and Public Appointments Committee

**16 April 2025**

Dear Martin,

### Consultation on Committee Effectiveness Inquiry

Thank you for your letter of 25 February inviting the Net Zero, Energy and Transport (NZET) Committee's views on committee effectiveness – in particular, our reflections on whether any changes to the Parliament's procedures and practices would help committees to work more effectively.

We have agreed to highlight several points for your consideration:

- The importance of committees having workable remits and workloads;
- The challenges of the LCM process;
- The challenges in scrutinising framework provisions in Bills;
- The need to strengthen net zero scrutiny in relation to Bills;
- The need to increase Members' access to the best available diverse research evidence and expertise.

### Committee Remits and Workloads

We consider it important to committee effectiveness that remits and workloads are manageable. The NZET Committee has a particularly wide remit, encompassing responsibilities of four Cabinet Secretaries. This inevitably leads to a high volume of referred work. To use the last year as an example, we have considered three Scottish Government Bills, as well as numerous LCMs, SSIs and various strategies, plans and reports that require parliamentary approval. This leaves very little time for the Committee to pursue matters in which it has an interest. If committees are unable to meaningfully set their own agenda this significantly limits their effectiveness.

### LCM Process

The Committee has found aspects of the process for considering legislative consent to UK Bills frustrating, and certainly an example of committee effectiveness being limited. We are concerned that this is representative of a more general trend of the Parliament not playing the role it should do during the legislative consent process.

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We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Our experience with the Great British Energy Bill exemplified certain issues. The original LCM the Scottish Government lodged for that Bill set out a “holding position”, without the necessary detail for the Committee to undertake scrutiny. We did not receive the necessary information until several months later. Intergovernmental negotiations had been ongoing in the intervening period, but the Committee had received no update on which clauses were being discussed. By the time the Committee had the necessary information in a supplementary LCM, there appeared to be a time pressure to report quickly on the LCM. After this a further two supplementary LCMs were lodged very late in the day, with no time for scrutiny.

In the Committee’s view, this indicates at least three different ways in which the Parliament is often being let down by current LCM processes:

1. The Parliament being treated as a bystander to intergovernmental negotiations about consent issues, and effectively left out of the conversation until very late in the consent process;
2. The risk of late amendments at Westminster that the Scottish Parliament is not given adequate time to consider, further undermining the consent process by making it literally impossible for the lead Committee to make an informed report to Parliament;
3. A lack of clarity as to timings and backstops. In the present case, the Committee’s first report was produced on 4 February, on the understanding that this was extremely close to the backstop date for being able to report meaningfully and usefully. It only became apparent after the event that more time would have been available. It is hard to think of any other area of Parliamentary procedure where not knowing key deadlines would be considered normal and acceptable.

## **Framework Provisions in Bills**

Framework provisions in Bills can also be challenging for committee scrutiny. These are provisions which set out policy only in a very high-level way, with most of the detail to be set out in subordinate legislation. We have set out our detailed views on this matter previously in our [response to the Delegated Powers and Law Reform Committee’s call for views](#) on framework Bills.

The Committee recognises that framework provisions in legislation may have a place to deal with policy areas that are relatively volatile, for instance because of technological advances, or where it may be necessary to respond to developments at speed. In the context of the Circular Economy (Scotland) Bill, we also heard that these provisions would create further opportunities for consultation or “co-design”. We recognise that there may be circumstances where this policy development cannot be done with stakeholders ahead of the Bill’s introduction. However, subordinate legislation is subject to less scrutiny than a Bill, so these “co-designed” features do not receive the same input from committees – and Members have no opportunity to amend subordinate legislation, only to accept or reject it. Leaving significant detail to subordinate legislation can therefore be problematic.

Framework provisions are challenging for the Committee for the obvious reason that the less detail there is on the face of a Bill, the less there is to scrutinise. In relation to the Circular Economy (Scotland) Bill stakeholders questioned whether it was possible to carry out good quality scrutiny of the Bill, given the lack of detail on its face in many areas. In this case, scrutiny was challenging in two main areas: gauging the financial impact of the Bill and; assessing the Bill's interaction with the UK Internal Market Act 2020 (UKIMA). It is difficult to express an informed view to the Parliament on these matters without a clear idea of how Ministers intended to use the quite broadly defined powers under the Bill.

## **Strengthening the net zero scrutiny of Bills**

Committee effectiveness could be enhanced by improving the quality of information on climate change and net zero in Policy Memorandums, potentially strengthening net zero scrutiny of Bills.

As part of the Conveners Group Session 6 strategic priority to strengthen cross-cutting scrutiny of climate change, your Committee asked the NZET Committee to consider the level and type of information currently provided on sustainable development in Policy Memorandums accompanying Scottish Parliament Bills. You asked us to consider whether this inhibits scrutiny of the net zero implications of legislation, measured against key Scottish Government policy commitments and if so, what type of information should be provided.

We considered this, using the Circular Economy (Scotland) Bill as a test case, alongside desk-based research by SPICe on the quality of information on net zero provided in Policy Memorandums for five Scottish Government Bills introduced over the past 8 years. We [responded to you on 18 April 2024](#), setting out our general conclusions. We were not at that time in a position to provide an authoritative response as to whether procedural change is needed and, if so, what form it could take. However, we strongly suggested keeping on the table the option of amending Standing Orders so as to impose a more specific requirement about the information to be provided in relation to the estimated carbon emission impact of new legislation, to support scrutiny of the net zero impact of legislation. You may wish to consider this further in light of this inquiry.

## **Increasing Members' access to the best available diverse research evidence and expertise**

The NZET Committee has a lead role in delivering the Conveners Group Session 6 strategic priority to strengthen cross-cutting scrutiny of climate change, including supporting and encouraging other committees to effectively embed climate scrutiny in their own work. A key element of this work has involved enhancing institutional support to Members to access diverse research evidence and expertise to support scrutiny of climate change.

To deliver this, the Parliament formed a new partnership this Session, funded by [UK Research and Innovation Economic and Social Research Council](#) (UKRI-ESRC), with the University of Edinburgh as host institution, and the universities

of Glasgow, Strathclyde and Stirling, who along with Edinburgh hold an [ESRC Impact Acceleration Account](#) (IAA). This partnership funds a dedicated post in SPICe to provide focused support to develop diverse networks of expertise on climate change between the Scottish Parliament and academics in Scotland, the UK and globally and to develop mechanisms to support the use of research evidence in parliamentary scrutiny of climate change across all policy areas.

Through this work to date, the Parliament has been able to draw on input from over 100 academics with expertise on climate, many of whom have never engaged with the Scottish Parliament before. This has supported the work of the NZET Committee, including its scrutiny of the Climate Change (Emissions Reduction Targets) (Scotland) Bill and in its work on natural capital. It has also supported work relating to the remit of six other parliamentary committees, as well as the work of individual MSPs across the Parliament. This includes producing a [series of SPICe blogs to illustrate how climate change impacts on policy areas across subject committees](#), to support scrutiny.

This has been achieved through sharing learning and good practice with other parliaments, to explore and adapt mechanisms and approaches to support how we access academic evidence and expertise more effectively. It involves piloting new tools such as Areas of Research Interest (ARIs) to make it easier for the research community to contribute research evidence.

ARIs are a mechanism for an organisation to express interest in seeing more research evidence in a specific area and/or to understand what research expertise exists of relevance to a particular policy issue. The Scottish Parliament launched a [pilot of Areas of Research Interest](#) in March 2025, building on the experience of the [Senedd](#) and the [UK Parliamentary Office of Science and Technology](#), who have used ARIs successfully to enhance their ability to access research expertise and diversify contributors. The Parliament's pilot focuses on expertise linked to climate scrutiny and will be used to identify relevant research and expertise, to inform research briefings prepared by SPICe, questions or issues that committees may wish to consider, and to identify potential expert witnesses.

In addition, this session the NZET Committee has recruited an external Climate Change and Net Zero Adviser, who works with the NZET Committee, but acts as a shared resource across all Committees. To date, the Adviser has supported the NZET Committee and four other Committees, to consider the relevance of climate change to the policy areas within their committee remits.

These models of utilising external expertise have been examples of good practice to increase Members' access to the best available diverse research evidence and expertise.

Yours sincerely,

**Edward Mountain MSP**  
**Convener**  
**Net Zero, Energy and Transport Committee**