



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Jenny Gilruth MSP
Deputy First Minister and Cabinet Secretary for Finance and Local Government
Scottish Government

16 September 2026

Dear Deputy First Minister,

Public Office (Accountability) Bill LCM and Supplementary LCMs

I am writing regarding the Public Office (Accountability) Bill, for which the Delegated Powers and Law Reform Committee (DPLRC) considered the Legislative Consent Memorandum (LCM) and two supplementary LCMs at its meeting on 15 September 2026.

At that meeting, the Committee agreed to ask a number of questions, which can be found below. The provision numbers below refer to Bill as brought from the Commons, 16 July 2026.

Clause 24(2)

Clause 24(2) contains a consent requirement which applies to most of the powers in the Bill which are exercisable within devolved competence. It means that the Secretary of State cannot make regulations/guidance containing provision relating to Scottish devolved matters unless the Scottish Ministers have consented. This clause was considered by the Session 6 DPLR Committee, which sought information from the Scottish Government in relation to how it will facilitate scrutiny by the Scottish Parliament of (i) any proposals by the Secretary of State to make such regulations/guidance, and (ii) the Scottish Ministers' response in respect of such proposals and obtaining their consent. In response, the then Scottish Government stated in the supplementary LCM that:

“the Scottish Government commits to keeping the lead committee informed of any decisions regarding future regulations, and to engage with the committee should it have any questions on those regulations which contain devolved provision.”

The Committee asks that the Scottish Government renew the commitment made in respect of the same powers, being those in:

- Clause 11(1) (power to issue guidance about standards of ethical behaviour)

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email DPLR.Committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

- Clause 16(3) (power to amend list of holders of public office)
- Schedule 1 paragraph 8 (power to extend the duty of candour and assistance to other investigations)
- Schedule 2 Part 3 paragraph 4(4) (power to specify “public functions”).

Clause 11

In relation to Clause 11, the Committee asks for an update on the Scottish Government’s discussions with the UK Government about the process for obtaining the Scottish Minister’s consent to any guidance containing devolved provision which the Secretary of State proposes to make under this power.

It asks this question in the context of the additional information contained in the (first) supplementary LCM which stated:

“[T]he Scottish Government notes that it is in discussion with the UK Government about the process for obtaining the Scottish Ministers’ consent to any guidance containing provision which relates to a devolved matter.”

Clause 16

In relation to the power in clause 16, which is conferred concurrently on Scottish Ministers and the Secretary of State, the Committee agreed to ask the Scottish Government and the UK Government why it is considered appropriate that the Secretary of State should be able to exercise this power within devolved competence for Scotland rather than the Scottish Ministers alone.

The Committee asks this question in the context that it considers this is a significant power, which can be used within devolved competence for Scotland to change which office holders are subject to the new offences relating to misconduct in public office, and noting that, if exercised within devolved competence by the Secretary of State, the regulations will not be laid in or subject to scrutiny by the Scottish Parliament.

The Committee has also written to the UK Government to ask its view on this point.

The Committee requests a response by **Monday 21 September**.

Yours sincerely,



Calum Kerr MSP
Convener