



The Scottish Parliament
Pàrlamaid na h-Alba

Economy, Tourism and Energy Committee

Neil Gray MSP
Cabinet Secretary for Justice
Scottish Government

22 September 2026

Dear Neil

Cyber Security and Resilience (Network and Information Systems) Bill

Overview

At its meeting on 22 September 2026, the Committee considered the [supplementary legislative consent memorandum](#) LCM-S7-12 on the [Cyber Security and Resilience \(Network and Information Systems\) Bill](#), which you lodged on 10 September 2026.

As you will be aware, this UK Government Bill makes provision about the security and resilience of network and information systems which are used by or relied on for critical services in the UK. Its intention is to strengthen the UK's defences against the growing threat of cyber attacks and the associated disruption to critical services which could occur as a result. The Bill:

- amends the [Network and Information Systems \(NIS\) Regulations 2018](#) and gives enhanced powers to competent authorities, including in relation to information sharing, incident reporting and enforcement;
- gives the Secretary of State powers to:
 - further specify which activities should be regulated and by which authority;
 - make regulations relating to the security and resilience of network and information systems;
 - designate a statement of strategic priorities;
 - issue a code of practice for regulatory authorities; and
 - direct regulators and regulated bodies where threats relating to network and information systems pose a risk to national security.

Contact: Economy, Tourism and Energy Committee, The Scottish Parliament, Edinburgh, EH99 1SP . Email economy.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Original LCM

The [original LCM](#), lodged on 6 January 2026, stated that the Scottish Government was supportive of the Bill's overall aims, as they are designed to enhance regulation, and improve cyber security and resilience of key sectors. The Government considers that the Bill aligns with the visions and outcomes of the Scottish Government's Strategic Framework for a Cyber Resilient Scotland in terms of improving critical sectors' cyber security and resilience, including the devolved health and drinking water sectors.

The Scottish Government and UK Government disagreed on which aspects of the Bill require consent. The UK Government considered that consent is required for clauses 12, 17, 19-22, 27-29, 31-35, 45-51 and 56. The Scottish Government agreed with the UK Government view but considered that consent is also required for clauses 15, 18, 23, 25, 26, 30, 38, 40, 41, 52 and Schedule 1 and 2. This is on the basis that these clauses have the potential to indirectly alter the functions of the Scottish Ministers due to their role as a designated competent authority under the NIS Regulations or through consequential amendments to primary legislation.

Given the Scottish Government's support for the overall aims of the Bill, the original LCM recommended consent to clauses 12, 15, 17-23, 33, 38, 40, 46-52, 56 and Schedules 1 and 2.

However, the original LCM did not give a position on consent in relation to clauses 25-32, 34, 35, 41 and 45. This was because these provisions concerned the conferral of regulation making powers on the Secretary of State, which could be exercised in relation to devolved matters but did not require the consent of the Scottish Ministers. The original LCM stated that these provisions were subject to ongoing discussion with the UK Government.

The Committee's predecessor in Session 6 took evidence from the then Cabinet Secretary for Justice, Angela Constance MSP, at its meeting on 4 March 2026. In that Committee's [report](#) on the original LCM, the Committee reiterated its view that:

- the Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence; and
- accordingly, powers conferred on UK Ministers should be subject to a requirement for the Scottish Ministers' consent when exercised within devolved competence.

The Committee welcomed the constructive dialogue between the UK and Scottish Governments, and recommended that the Parliament give its consent to the clauses identified in the original LCM.

Supplementary LCM

In the [supplementary LCM](#) which has been referred to the Economy, Tourism and Energy Committee, the Scottish Government reiterates its support for the overall aims of the Bill. The supplementary LCM sets out that the Scottish Government has

worked closely with the UK Government to review those clauses (25-32, 34, 35, 41 and 45) where further discussion was required, to clarify the scope and intentions of those clauses, and reach agreement on the practical implementation of the Bill.

The supplementary LCM states that, on balance, the Scottish Government considers that the ability of acting at speed to mitigate specific national security concerns, combined with the Scottish Ministers' role as a competent authority under the NIS Regulations and the Scottish Government's role in the practical implementation of the Bill, justifies recommending legislative consent for clauses 25-32, 34, 35, 41 and 45 in addition to the clauses covered by the original LCM. Further detail on those clauses and the Government's reasons for recommending consent is contained in the supplementary LCM. The supplementary LCM also contains a draft motion giving consent to the relevant clauses of the Bill.

Committee scrutiny

The Committee considered the supplementary LCM at its meeting on 22 September. Before deciding whether to recommend that the Parliament agree to the Scottish Government's draft motion giving consent, the Committee agreed to write to you to seek a response on the following questions:

1. The Scottish Government previously withheld a recommendation on a number of clauses because they conferred powers on the Secretary of State that could be exercised in devolved areas without requiring the Scottish Ministers' consent. What has changed to persuade the Scottish Government that consultation arrangements provide an adequate safeguard, and why is it satisfied that those arrangements will remain effective in the future – including through future changes of UK Government – despite not being placed on a statutory footing?
2. The supplementary LCM refers to assurances and practical arrangements agreed with the UK Government. Are those arrangements set out in writing and, if so, can they be shared with the Committee?
3. The supplementary LCM states that the Scottish Government is content to recommend consent to clause 41 because the power is “narrowly focused” and can be used only where necessary to address specific, urgent and significant national security threats and risks. Could you explain what is meant by “narrowly focused” in this context, what limits apply to the power, and provide examples of the circumstances in which it could be used to make consequential amendments to Acts of the Scottish Parliament?
4. Clause 45 could be used in relation to the Drinking Water Quality Regulator for Scotland, and the supplementary LCM states that the UK Government has provided assurances that the Scottish Ministers will be engaged before any direction is issued. Given the devolved nature of drinking water regulation, why is the Scottish Government satisfied that these non-statutory engagement arrangements provide sufficient protection for devolved decision-making, what opportunity would the Scottish Ministers have to influence or object to a proposed direction, and how does the Scottish Government

consider this approach appropriately balances the need to respond quickly to national security threats with respect for devolved responsibilities?

Given the consent motion is due to be taken in the Chamber before the October recess, the Committee will need to consider your response at its next meeting on 29 September 2026. I would therefore appreciate that response by **no later than Friday 25 September**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Massey', with a stylized, cursive script.

Duncan Massey MSP
Convener