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Convener,
Equalities, Human Rights and Civil Justice
Committee

4 September 2026

Dear Katie,

UK Immigration and Asylum Bill – Supplementary Legislative Consent Memorandum

I am writing to provide an update on the Scottish Government's intended supplementary Legislative Consent Memorandum (LCM) on the UK Government's [Immigration and Asylum Bill](#).

On 14 July, the original LCM was lodged with the Scottish Parliament following the introduction of the Immigration and Asylum Bill on 30 June. That LCM set out a number of areas which engaged the need for legislative consent, however the Scottish Government was not in a position to provide a recommendation on consent due to the need for further information to be provided by the UK Government to inform that position. A draft Motion on Legislative Consent (MLC) was therefore not included in the original LCM and we had initially intended to provide a supplementary LCM before the return of the Scottish Parliament from its summer recess.

Unfortunately, while we have been constructively engaging with the UK Government over the course of the summer, the UK Government has not yet been in a position to provide the majority of the information requested, and as such, the Scottish Government is unable to consider and submit a supplementary LCM within the intended timeframe. The impact this has had on our intended date for lodging, and so the time the Scottish Parliament will have to scrutinise the supplementary LCM, has been raised with the UK Government.

To keep the Committee informed, the information still being sought from the UK Government is as follows:

- Further information on how a Competent Authority is defined in relation to clause 35.

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- Devolution analysis with regard to clause 36 which the Scottish Government considers to engage consent requirements but was not included in the UK Government's legislative consent analysis for the Bill.
- For clauses 44 – 49 (except clause 45) the Scottish Government has requested further information about:
 - The role of Scottish Ministers in the regulation-making process where devolved public bodies are affected, including whether formal consultation or consent mechanisms will be introduced.
 - How the proposed enforcement and financial penalty regime will apply to Scottish public authorities exercising devolved functions. Also whether any distinction will be made between commercial organisations and devolved public bodies in the operation of financial penalties.
 - Information about the arrangements for penalty receipts where fines are imposed on Scottish public authorities, including whether alternatives to payment into the Consolidated Fund have been considered.
 - The identity, powers and jurisdiction of the proposed enforcement authority, including how enforcement would operate in Scotland.

The UK Government has provided some of the requested information and clarification sought, and this is set out below:

- ECHR analysis in relation to clause 25(8) was requested and has been shared by the UK Government, this is currently under review.
- The UK Government has confirmed that in its view Schedule 4 and 5 of the Bill engage the need for legislative consent.

As the outstanding information relates to a substantial proportion of the relevant clauses for legislative consent, the Scottish Government has not been able to prepare the supplementary LCM making a recommendation at this stage. Subject to receipt of this information, the Scottish Government expects to be able to lodge a supplementary LCM in October and will keep the Committee informed of intended dates for lodging. If there are further delays which affect this revised timeline I will directly contact the UK Government to emphasise the impact that this has on effective scrutiny and consideration by the Scottish Parliament.

NEIL GRAY

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