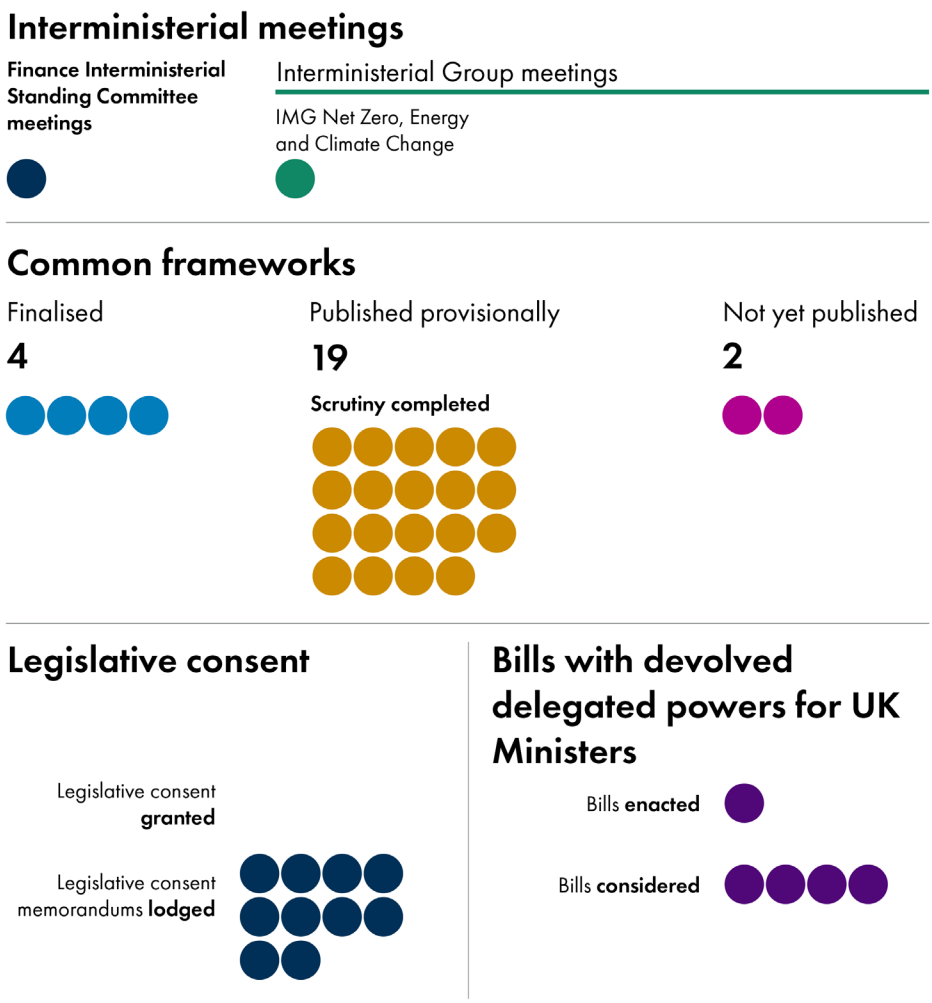
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# EEAC Committee quarterly devolution oversight monitoring report – Q3 2026

## Summary

The remit of the Europe, External Affairs and Culture (EEAC) Committee includes "areas of Scottish Government responsibility relating to devolution, intra-UK and intergovernmental relations". SPICe has produced this report to assist the Committee in its scrutiny of the operation of devolution.

This report covers developments between July and September 2026. It is published to aid transparency and assist stakeholders.



## Intergovernmental activity




Between July and September 2026, two known meetings were held through the formal three-tier intergovernmental relations structure.

- The Finance: Interministerial Standing Committee met on 17 September. This meeting included discussion of the current economic and fiscal context, as well as priorities for public spending, economic growth and investment ahead of the UK Government's Autumn Budget and 2027 Spending Review.
- The Interministerial Group for Net Zero, Energy and Climate Change also met on 1 July.

In addition, a meeting of the Interministerial Standing Committee (IMSC) was held on 24 June (just before the start of Q3), and was attended by the Deputy First Minister. Topics discussed included the four governments' strategic priorities, opportunities for joint working through the IMSC, and the situation in the Middle East. The Deputy First Minister provided more information about the discussion and points she raised on behalf of the Scottish Government in a letter to the Committee on 15 July.

The First Minister held an informal bilateral meeting with the new Prime Minister on 23 July. The readout issued by the UK Government stated that the leaders discussed how they could "work more closely together to build a model of devolution to improve people's lives across Scotland", and that the Prime Minister was looking forward to "regular engagement with the First Minister in the months ahead".

At a bilateral meeting on 14 September, the First Ministers of Scotland and Wales signed the 'Cardiff Agreement', a framework for cooperation between the two Governments on areas of shared interest, including the constitutional futures of Scotland and Wales. The two First Ministers had previously met on 24 July, when (according to a Welsh Government press release) they discussed cooperating to "make the case for a fairer deal for our respective nations from Westminster".

The Cardiff Agreement states the two Governments will work together to "consider issues affecting the operation and development of the devolution settlements in Wales and Scotland". It envisages further bilateral intergovernmental activity in future, stating that Ministers and officials in the Scottish and Welsh Governments will meet "regularly" to "advance cooperation" in policy areas of shared interest. Further information on the Agreement can be found in a SPICe blog.

## UK Internal Market Act 2020 developments and exclusions

The United Kingdom Internal Market Act 2020 (UKIMA) is an Act of the UK Parliament which provides a legal framework for the movement of goods and services across the United Kingdom. It operates alongside the Common Frameworks programme (see below).

UKIMA allows for minimal regulatory divergence. The Act establishes two market access principles ('MAPs') – mutual recognition and non-discrimination – for both goods and services, which apply unless there is an exclusion provided for in the Act. An Act of the Scottish Parliament or a Scottish Statutory Instrument can contain provision which runs contrary to UKIMA, but the provision will be disapplied where relevant. This limits the effectiveness of Scottish Parliament legislation, despite the fact that the principles do not introduce any new statutory limitations on the legislative competence of the Scottish Parliament.

In her letter to the Committee of 7 September, the Deputy First Minister discussed potential interactions between the Food Prices (Scotland) Bill (announced by the Scottish Government in its 2026 Programme for Government) and the United Kingdom Internal Market Act 2020. The Deputy First Minister noted that:

> The Internal Market Act's mutual recognition principle, which can nullify devolved policies, is unlikely to apply to legislative provisions setting price caps; however, the Act's non-discrimination principle may be relevant.

The Scottish Government launched a consultation on proposals for price controls on essential food items on 1 September 2026. The consultation is due to close on 24 November 2026. In relation to UKIMA, the consultation paper states:

> There are many different models and ways the Scottish Government can take forward the price cap proposal. Each design choice may give rise to different interactions with various regulatory regimes: these may include reference to the World Trade Organisation, the Competition and Markets Authority or the application of the United Kingdom Internal Market Act (UKIMA) 2020 […]
>
> The final design of any scheme would take into account potential impacts on trade within the UK and information about trade impacts is sought as part of this consultation. The extent to which UKIMA may impact final proposals depends on the final design of any scheme.

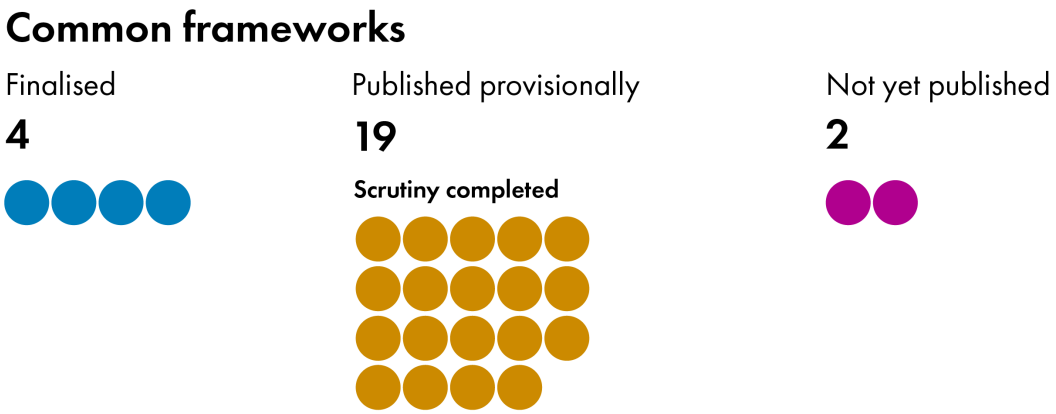
On 17 July, the Office for the Internal Market (OIM) published the final report of its review of the interaction between UKIMA's Market Access Principles and England's Air Quality (Domestic Solid Fuels Standards) Regulations 2020, which restrict the sale of uncertified solid fuels for domestic use in England. The review followed a joint referral from the UK and devolved Governments. The OIM's report concluded that an exclusion from the MAPs would be "a necessary condition to enable the DSF Regulations to have their desired impact", and highlighted the potential role of the Air Quality Common Framework as a forum for further intergovernmental dialogue.

In an answer to a parliamentary question on 3 September, the Cabinet Secretary for Climate Action and Rural Affairs noted that the Scottish Government was "engaged in preparatory work with the other UK nations towards joint legislation to establish an effective ban" on the sale of peat for use in horticulture. The Cabinet Secretary indicated that part of the rationale for a collaborative cross-UK approach was "to overcome the challenges posed by the UK Internal Market Act".

## Common Frameworks

Common Frameworks are intergovernmental agreements that set out how the four governments in the UK will work together when making decisions about policy in certain devolved policy areas. In particular, they provide a forum through which the governments can reach decisions about when they should pursue the same policy, and when policy difference is appropriate.

Frameworks aim to manage regulatory difference in relevant policy areas through intergovernmental agreement, but they are not legally binding.



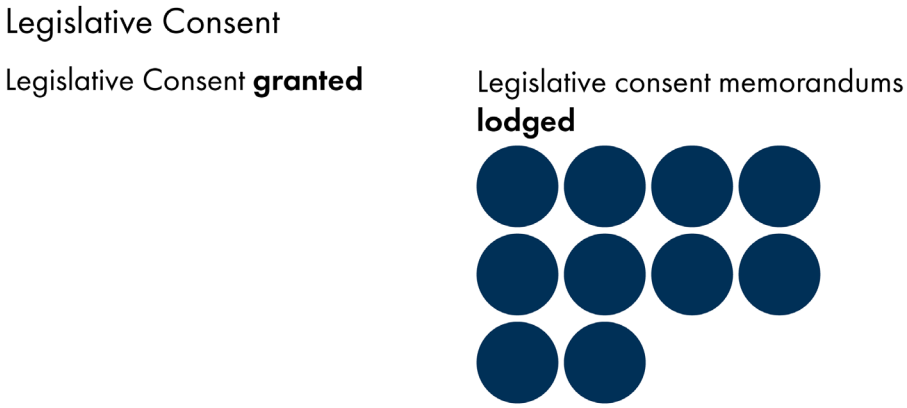

The graphic above provides an overview of the current status of the UK Common Frameworks programme (specifically, the 25 individual Common Frameworks which relate to Scotland).

There were no developments in the programme between July and September 2026.

## Legislative consent

Where the UK Parliament is considering a Bill which would make provision within the legislative competence of the Scottish Parliament, or would change the powers of the Scottish Parliament or Scottish Ministers, it asks the Scottish Parliament for its consent to the relevant provisions in the Bill. This process is called legislative consent. The legislative consent process gives effect to the Sewel Convention, a political convention which states that the UK Parliament will "not normally" legislate on devolved matters unless the Scottish Parliament has given its consent.

The Sewel Convention only relates to primary legislation introduced in the UK Parliament. The requirement for consent does not apply to secondary legislation (i.e. regulations). However, a Protocol agreed between the Scottish Government and the Scottish Parliament ahead of Session 7 provides for the Scottish Parliament to be retrospectively notified by the Scottish Government about secondary legislation made by the UK Government which includes matters which are within devolved competence.




The Parliament agreed two motions on legislative consent in June 2026 (just before the start of Q3), relating to the Steel Industry (Nationalisation) Bill and the National Security (State Threats) Bill. Ahead of both consent votes, the Parliament agreed to suspend Rule 9B.3.5 of Standing Orders (which requires legislative consent memorandums to be referred to a lead committee for scrutiny) for the purposes of its consideration of the memorandums relating to both Bills.

In both cases, the Scottish Government stated that the suspension was "regrettable", but that it was a result of the expedited timetable on which the UK Government was seeking to pass the legislation – which meant that it was necessary, if the Parliament wished to express a view on consent, for it to do so before its summer recess. In relation specifically to the Steel Industry (Nationalisation) Bill, the Minister for Parliamentary Business and Veterans told the Parliament that:

> The timing of the bill's introduction – it was after the Scottish Parliament elections and during the period of Government formation – was always going to be challenging, but that has been compounded by the lack of prior engagement from the UK Government.

Between July and September 2026, the Scottish Parliament did not consider any motions on legislative consent.

During Q3, the Scottish Government lodged ten legislative consent memorandums (of which eight were supplementary memorandums), relating to the following Bills:

- Immigration and Asylum Bill (initial memorandum)
- Sporting Events Bill (first and second supplementary memorandums)
- Public Office Accountability Bill (second supplementary memorandum)
- Commercial Payments Bill (first supplementary memorandum)
- Representation of the People Bill (second and third supplementary memorandums)
- Civil Aviation (Consumer Protection and Regulatory Reform) Bill (initial memorandum and first supplementary memorandum)
- Cyber Security and Resilience (Network and Information Systems) Bill (first supplementary memorandum)

Scottish Ministers have continued to raise concerns during Q3 about the impact of slow or partial information-sharing by the UK Government in some cases on the legislative consent process at the Scottish Parliament. For example, the Cabinet Secretary for Justice wrote to the Convenor of the Equalities, Human Rights and Civil Justice Committee on 4 September, notifying the Committee of a delay in when the Scottish Government would be laying a supplementary consent memorandum on the UK Government's Immigration and Asylum Bill.

The letter stated that while the UK and Scottish Governments had been "constructively engaging" over the summer, "the UK Government has not yet been in a position to provide the majority of the information requested". The Cabinet Secretary noted that the Scottish Government had raised with the UK Government "the impact this has had on our intended date for lodging, and so the time the Scottish Parliament will have to scrutinise" the supplementary memorandum.

More positively, the second supplementary memorandum for the Public Office (Accountability) Bill, laid on 28 July, noted that:

> There has, and continues to be, ongoing collaborative engagement with the UK, Welsh and Northern Irish Governments on a four nations approach to the Bill. The UK Government has been receptive to and has taken forward a number of amendments throughout the Bill's passage in the House of Commons to ensure the various provisions in the Bill can operate effectively within the Scottish context.

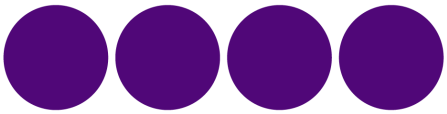
Similarly, the supplementary memorandum for the Cyber Security and Resilience (Network and Information Systems) Bill, laid on 10 September, noted that – in relation to a number of clauses highlighted in the initial memorandum where the Scottish Government had indicated that further discussions were required – the two Governments had "worked closely" to "review the clauses, clarify the scope and intentions and reach agreement on the practical implementation of the Bill".

## Bills with devolved delegated powers for UK Ministers

Bills **enacted**



Bills **considered**



During Q3, one Bill was passed by the UK Parliament which conferred powers to make regulations within devolved competence on UK Ministers. This was the Steel Industry (Nationalisation) Act 2026. For further details, see the case study below.

The Delegated Powers and Law Reform Committee considered four Bills during the quarter which confer delegated powers within devolved competence on UK Government Ministers. These were:

- Sporting Events Bill
- Representation of the People Bill
- Commercial Payments Bill
- Public Office Accountability Bill

**Case study – the Steel Industry (Nationalisation) Act 2026**

The Scottish Government lodged a Legislative Consent Memorandum (LCM) for the Steel Industry (Nationalisation) Bill on 15 June 2026.

The Bill was subject to an expedited process in the UK Parliament. Its progress through the UK Parliament coincided with the Scottish Parliament election and the period immediately following. Insufficient time was available for consideration of the LCM by either a subject committee or the Delegated Powers and Law Reform Committee. Rule 9B.3.5 of Standing Orders (requiring the Parliamentary Bureau to refer an LCM to a lead committee) was suspended.

In the LCM, the Scottish Government did not recommend that the Parliament give consent to the Bill. It explained that:

*"The Scottish Government asked for the Bill to be amended to include a consent requirement for the proposed exercise of the [delegated] powers in the Bill in respect of steel undertakings in Scotland, where the exercise is for a devolved purpose […] The UK Government has not agreed to this request but has offered further engagement to reach a mutually acceptable position".*

On 22 June 2026 in a letter to the Convener of the Economy, Tourism and Energy Committee, the Minister for Business and Fair Work wrote:

*"Following a period of productive engagement with UK Government Ministers and Officials, our position has now changed. Given a political commitment by UK Government has been made to consult with Scottish Ministers, should the Bill's powers extend into Scotland, the Scottish Government will therefore now be recommending consent to the Bill."*

A motion recommending legislative consent was lodged and debated in the Chamber on 23 June 2026. During the debate, the Minister acknowledged "the significant powers that are conferred on UK Minsters through this legislation". He added that "the Scottish Government and ministers are happy to continue to engage with the committee and, of course, with the Parliament in relation to any utilisation of the legislation that may have effect in Scotland."

The motion was agreed. The Bill was subsequently enacted on 15 July 2026.

## UK Statutory Instruments in devolved areas

In Q3, three UK Statutory Instruments were made which contain some devolved subject matter. The committee within whose remit the subject matter would likely fall is indicated below. The SIs are:

- Register of Overseas Entities (Protection and Trusts) and Limited Liability Partnerships (Application of Company Law) (Amendment) Regulations (SI 2026/778) (*Economy, Tourism and Energy Committee)*
- The National Crime Agency Barred List and National Crime Agency Advisory List Regulations (SI 2026/773) *(Criminal Justice Committee)*
- The British Transport Police (Barred List and Advisory List) Regulations (SI 2026/764) *(Criminal Justice Committee)*

These SIs were not notified to the Parliament because the notification arrangements under the revised UK SI Protocol were not fully in place until September 2026.

The following SI was made in June 2026, just before the start of Q3, but for the same reason was not notified to the Parliament, so is included in this report:

- Carbon Dioxide Transport and Storage (Financing of Costs of Offshore Decommissioning) Regulations 2026/632 (*Economy, Tourism and Energy Committee)*

For each of these SIs there was a statutory requirement on UK Ministers to consult the Scottish Ministers before making the devolved provision in the SI (or some of it). Notification under the SI Protocol would have included an explanation of the Scottish Government's consultation response for each instrument, and whether the Scottish Government supported the instrument.

Next quarter's report will cover instruments which were notified (rather than made) during that period.

## Interparliamentary activity

No relevant interparliamentary activity took place between July and September 2026.

## Forward look to next quarter

The Scottish Government is due to host the next meeting of the Interministerial Standing Committee this autumn. In her letter to the Committee on 7 September, the Deputy First Minister said the meeting was still being planned, but that she would notify the Committee once a date had been set. At an evidence session with the Committee the following day, the Deputy First Minister also indicated that the Scottish Government expected portfolio-level interministerial groups to resume engagement "throughout the autumn".

The First Minister is expected to attend a meeting of the UK Government's National Economic Council before the end of October. The meeting is expected to bring together the Prime Minister and the leaders of the devolved administrations. The meeting will reportedly see discussion of measures to boost the UK economy, and the Prime Minister has also indicated that he wants to use the meeting to discuss "what a local model of devolution could look like in each of the home nations".

The UK Government has confirmed that a UK-EU summit will be held in Brussels on 20 November. According to a European Council press release, the summit will allow leaders to "take stock of the progress made in the bilateral relationship since the first 2025 EU-UK summit" in areas like defence and security, energy and climate, and migration and law enforcement – as well as allowing them to discuss "the next steps in bilateral relations". The summit could reportedly see new agreements signed off on agrifood trade, emissions trading, and a youth mobility scheme. The Scottish Government published a paper on 6 October setting out its priorities for the summit.

The Scottish Government is due to present its draft Budget for 2027/28 to Parliament on 3 December 2026. In her letter to the Committee of 7 September, the Deputy First Minister stated that the Scottish Government's Budget Bill would, "as in previous years, be informed by the outcome of the UK Budget this autumn". The UK Government presented its Autumn Budget on 28 October.

Lastly, at the evidence session with the Committee on 8 September, the Deputy First Minister indicated that the Scottish Government was preparing to engage with the Committee (and also parliamentary officials) on the issue of the transparency of intergovernmental activity – specifically, responding to the Session 6 Constitution, Europe, External Affairs and Culture Committee's report on this issue, and updating the 2016 written agreement between the Scottish Government and the Scottish Parliament on the provision of information related to intergovernmental relations.

The Deputy First Minister said:

> On the issue of transparency, which I know the committee's predecessor pursued in the previous session of Parliament, I have looked at that committee's report on the written agreement and transparency. In a number of areas, the Government has agreed with some of the recommendations.

As I understand it, work will restart in the autumn involving the Scottish Parliament clerks and Scottish Government officials to update the written agreement and respond specifically to the predecessor committee's recommendations.

**Duncan Sim, Senior Researcher, SPICe**
**Date: 29/10/2026**

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

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