

Net Zero, Energy and Transport Committee

28 September 2023

Thank you for your letter of 29 June inviting us to comment on possible draft changes to the Standing Orders which would make provision relating to the refusal of legislative consent.

The Committee is supportive of the principle of proposed new Rule 9B.2A to bring motions refusing legislative consent within chapter 9B of the Standing Orders and have the same rules apply to these as to consent motions.

In relation to making motions mandatory, we are supportive of Option C in your letter. Whilst it is more normal for Standing Orders to place “black and white” obligations on parties – and this enables more certainty in the interpretation of those rules – we recognise that, when it comes to legislative consent, involving the dynamic interplay of two Parliaments operating to different timetables, this approach, exceptionally, may not be optimal. A degree of flexibility must be built into any wording. Option C enshrines the principle that the Scottish Government must, *whenever possible* give the Parliament a formal opportunity to refuse consent (or not), and this seems to us as far as the rule can realistically go.

While the following is not formally part of your consultation, the Committee notes that it is important that Business Managers ensure there is sufficient time to debate important LCMs.