The Sewel Convention was named after Lord Sewel (Minister of State in the Scottish Office during the passage of the Scotland Bill), who stated during Lords Committee stage of the Scotland Bill that the Government expected “a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament” (21 July 1998, Lords Hansard, vol 592, col 791). In practice, as well as Westminster legislating on devolved matters, the Convention also applies to Westminster legislating to alter the legislative competence of the Parliament or to amend the devolved responsibilities of Scottish Ministers.

Under the Convention, if the UK Government and the Scottish Executive agree that it is appropriate to include in a Westminster Bill provisions affecting devolved matters, the Executive invites the Parliament to give consent to those provisions being dealt with by Westminster. This involves the Executive providing a memorandum about the UK Bill, which is usually considered by a relevant Scottish Parliament committee. The Executive also lodges a motion which the Parliament as a whole is invited to agree (before the Bill reaches its final amending stage at Westminster in the House in which it was first introduced).

Prior to 30 November 2005, the motion was known as a Sewel motion and the memorandum was known as a Sewel memorandum. From 30 November 2005, the motion is known as a legislative consent motion and the memorandum as a legislative consent memorandum. The procedure for scrutiny of Legislative Consent Memorandums and Motions is set out in Chapter 9B of the Parliament’s standing orders.
This bibliography brings together articles about the Sewel Convention and how it has operated in the Scottish and UK Parliaments since 1999. It is arranged in alphabetical order by author or by publication title, if no author is credited, and then in reverse chronological order.

SPICe welcomes suggestions for inclusion to this bibliography and it will be updated whenever new material is found.

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