



The Scottish Parliament  
Pàrlamaid na h-Alba

## Devolution (Further Powers) Committee

c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
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Dear John,

Thank you for giving evidence, and providing so much of your time, to the Committee at its recent meeting on 25 June. As I mentioned during your appearance last week, the Committee and myself greatly appreciate the constructive approach that you, and your officials, have taken in working with us.

During your evidence you agreed to update the Committee on the number of meetings that have taken place at Ministerial level, and at official level, between the Scottish Government and the UK Government regarding the Scotland Bill proposals. I note that you provided an update to the Committee on this issue in your letter to me of 23 March 2015. I would therefore be grateful if you could provide an update on the meetings which have taken place since that date.

At the conclusion of your evidence, I mentioned that there were a number of areas of questioning which the Committee did not have time to address. I detail these areas, in the annexe to this letter below, and would be grateful if you could reply to me in writing regarding these outstanding areas of questioning. This will be extremely helpful to the Committee, in its on-going scrutiny of the Scotland Bill, in clarifying the Scottish Government's position on a range of issues.

I also note that you meet with the Secretary of State for Scotland following the Committee meeting on 25 June. It would be extremely helpful if you could detail any outcomes that emerged from that meeting, conclusions reached and timescales that were set for resolution of any issues that remain outstanding.

Once again, let me re-iterate the Committee's appreciation for your co-operation in assisting our scrutiny of the Scotland Bill.

Yours sincerely,

Bruce Crawford MSP  
Convener

## **Annexe – Questions not covered by the Committee during your appearance before the Devolution (Further Powers) Committee on 25 June 2015**

As noted above, there were a number of areas of questioning that the Committee did not have time to deal with during your appearance before the Committee on 25 June. It would therefore be greatly appreciated if you could respond, in writing, to the Committee with regard to the questions detailed below.

### **Inter-governmental relations**

The UK Government's Command Paper spoke of the Joint Ministerial Committee (JMC) commissioning work on a revised Memorandum of Understanding (MoU). Could you update the Committee on how that work is progressing?

### **Benefits for carers, disabled people and those who are ill**

The Scottish Government does not propose any change to the definition of 'disability benefit' in the amendments it has proposed to the Scotland Bill. The change that the Scottish Government proposes to Clause 19 is with regard to the definition of a 'carer'. The need for a carer to provide 'regular and substantial' provision of care to a disabled person, to whom a disability benefit is normally payable, is maintained. However, it removes the need for the carer to be:

- 16 or over
- not in full-time education
- not gainfully employed

Could you explain the rationale for the Government proposing keeping the definition of 'disability benefit' which the Committee found to be overly restrictive, but changing the definition of carer?

### **Gender quotas**

The Scottish Government is of the view that the provisions on gender quotas are insufficient and has added the extra provision 'Equal Opportunities in relation to an appointment as a member of a Scottish public authority' in its alternative Clause 32(2). Could you outline why the Scottish Government consider that the provisions in the Scotland Bill are not clear enough to allow the introduction of gender quotas?

### **Tribunals**

In terms of tribunals, the Scottish Government has proposed an alternative clause. Could you outline the rationale as to why the Scottish Government considers that this alternative clause better reflects the Smith Commission's recommendations in this area than the current clause in the Scotland Bill?

### **Competition Policy**

Clause 55 of the Scotland Bill allows the Scottish Ministers and Secretary of State to make joint references to the Competition and Markets Authority to carry out a full second phase investigation. The Scottish Government's alternative clause allows

the Scottish Ministers to make such references without the involvement of the Secretary of State.

What is the view of the Scottish Government with regard to whether providing Scottish Ministers with the power to require the Competition and Markets Authority to investigate a market, without the involvement of the Secretary of State, could potentially lead to difficulties where markets have a cross-border character?