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Devolution (Further Powers) Committee

To consider matters relating to The Scotland Act 1998 (Modification of Schedule 5) Order 2013, the Scottish Independence Referendum Act 2013, its implementation and any associated legislation. Furthermore, (i) until the end of November 2014 or when the final report of the Scotland Devolution Commission has been published, to facilitate engagement of stakeholders with the Scotland Devolution Commission and to engage in an agreed programme of work with the commission as it develops its proposals; and (ii) thereafter, to consider the work of the Scotland Devolution Commission, the proposals it makes for further devolution to the Scottish Parliament, other such proposals for further devolution and any legislation to implement such proposals that may be introduced in the UK Parliament or Scottish Parliament after the commission has published its final report.

Please visit scottish.parliament.uk/devolution-of-further-powers or contact devolutioncommittee@scottish.parliament.uk or call 0131 348 5206.
Note: The membership of the Committee changed during the period covered by this report, as follows:
Malcolm Chisholm joined the Committee on 2 September 2015, replacing Lewis Macdonald (Scottish Labour, North East Scotland)
Introduction

1. This report covers the work of the Devolution (Further Powers) Committee during the parliamentary year from 11 May 2015 to 23 March 2016.

2. The Committee was formed in November 2014 as a successor to the Referendum (Scotland) Bill Committee. Its remit was to consider the findings and recommendations of the Smith Commission and subsequent proposals for legislation relating to the devolution of further powers to the Scottish Parliament.

Recommendations of the Smith Commission and the UK Government’s Scotland Bill

3. In the final parliamentary year of Session 4, the Committee’s work programme was dominated by its continued scrutiny of the provisions set out in the Scotland Bill, which culminated in its final report and recommendation to the Scottish Parliament.

4. At the start of the parliamentary year, the Committee published its interim report, which summarised the evidence that the Committee had taken to date on the measures being proposed by the UK Government, and set out the Committee’s conclusions and recommendations at that stage.
5. Throughout the rest of the parliamentary year, the Committee continued to hear evidence from academics, tax experts, welfare and benefits specialists and other stakeholders, such as civic bodies, voluntary organisations, business organisations and trades unions.

6. The Committee published its final report on the Scotland Bill on 11 March 2016. In it, the Committee recommended that, on balance, the Scottish Parliament gives its legislative consent to the Scotland Bill on 16 March 2016.

Fiscal Framework

7. In parallel to its consideration of the Scotland Bill itself, the Committee considered the accompanying Fiscal Framework. This is the set of rules and institutions to be used to set and coordinate fiscal policy following any agreement of the Scotland Bill.

8. The Framework was the subject of negotiations between the Scottish and UK Governments and was finally agreed on 23 February 2016. The Committee subsequently took evidence on the Framework from the Scottish and UK Governments.

Intergovernmental Relations

9. Another major focus of the Committee’s work programme in the parliamentary year was the issue of intergovernmental relations. As part of its consideration, the Committee commissioned external research on parliamentary oversight of intergovernmental relations in other jurisdictions. The research was undertaken by Professor Nicola McEwen, Dr Bettina Petersohn and Coree Brown Swan of the Centre on Constitutional Change based at the University of Edinburgh.

10. The research report was published on 5 October 2015. The Committee published its report, Changing Relationships: Parliamentary Scrutiny of Intergovernmental Relations, on 6 October 2015.

11. In its report, the Committee recommended that a written Agreement should be drawn up setting out what steps the Scottish Government will take to inform the Scottish Parliament of the outcomes and broad content of formal intergovernmental meetings in order that the Scottish Parliament can scrutinise these relationships.

12. At its final meeting of the Session, on 10 March 2016, the Committee agreed a written Agreement on parliamentary oversight of intergovernmental relations. The Agreement was endorsed by the Scottish Government and published following the meeting of the Committee.
13. The Committee also undertook a fact-finding visit to Madrid and Seville to gain an improved understanding of the operation of intergovernmental relations within Spain. The Committee subsequently published a report detailing the findings of the fact-finding visit.

14. Those Members that undertook the fact-finding visit also reported back on their findings at the meeting of the Committee on 28 January 2016.

**Scottish Elections (Reduction of Voting Age) Bill**

15. At the start of the parliamentary year, the Committee published its Stage 1 report on the Scottish Elections (Reduction of Voting Age) Bill.

16. This Bill was introduced by the Scottish Government on 2 April 2015, to lower the voting age to allow 16 and 17 year olds to vote in future Scottish Parliament and local government elections.

17. The Committee considered the Bill at Stage 2 on 11 June 2015. The Bill was passed by the Scottish Parliament and received Royal Assent on 24 July 2015, which will mean that 16 and 17 year olds will be able to vote in a Scottish Parliament election for the first time on 5 May 2016.
Memorandum of Understanding on the BBC

18. The Smith Commission recommended that there should be a formal consultative role for the Scottish Government and Scottish Parliament in the process of reviewing the BBC’s Charter. The UK Government’s Command Paper suggested that this would be dealt with via a Memorandum of Understanding (MoU). On 28 April 2015, the Parliamentary Bureau agreed that the Devolution (Further Powers) Committee would be the lead committee in consideration of the draft MoU.

19. The Committee considered the draft MoU at its meeting on 11 June 2015, taking into account the views of the Education and Culture Committee, the Public Audit Committee, and the Cabinet Secretary for Culture, Europe and External Affairs.

20. Following agreement between the Scottish and UK governments on suggested changes, the Committee considered a revised MoU on 18 June 2015. At that meeting, the Committee agreed to recommend to the Scottish Parliament that it approves the Memorandum of Understanding.

Parliamentary Term Length Section 30 Order

21. The Committee was designated lead committee in consideration of the Section 30 Order: the Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015 [draft]. The Order contained the power to allow the Scottish Parliament to legislate on the timing of the first Scottish Parliament general election to be held after 2016.

22. The Committee considered the Order at its meeting on 24 September 2015 and recommended that it be approved.

Draft Scottish Parliament (Elections etc.) Order 2015

23. The draft Scottish Parliament (Elections etc.) Order 2015 was laid on 4 November 2015 and was referred to the Devolution (Further Powers) Committee for consideration.

24. The purpose of the Order was to set out the rules governing the conduct of elections of Members of the Scottish Parliament at the 2016 Scottish Parliament election.
25. The Committee heard evidence from a number of stakeholders on 12 November 2015, and from the Minister for Parliamentary Business on 26 November 2015. During his evidence, the Minister moved the motion recommending approval of the draft Order. The Committee agreed the motion.

26. The draft Order was subsequently agreed by the Scottish Parliament on 9 December 2015.

Trade Union Bill 2015-16

27. This UK Government Bill contained a range of provisions primarily relating to the rules governing industrial action and the role of trade unions and employers in relation to such action.

28. The Committee took evidence on the implications of the Bill for Scotland at its meeting on 7 January 2016 and published its report on 18 January 2016.

Post-Study Work Visas

29. The Smith Commission recommended that the Scottish and UK governments should work together to explore the possibility of introducing formal schemes to allow international higher education students graduating from Scottish further and higher education institutions to remain in Scotland and contribute to economic activity for a defined period of time.

Mr Maulin Buch, former participant on the Fresh Talent Scheme, gave evidence to the Devolution (Further Powers) Committee on 28 January 2016.
30. The Committee took evidence on the issue of Post-Study Work Visas at its meeting on 28 January 2016 and published its report on 13 February 2016.

Engagement and innovation

Citizens’ Guide to Scottish Devolution

31. As part of its consideration of the Scotland Bill, the Committee agreed to create and publish a short, accessible guide to devolution in Scotland to assist engagement activity on this issue by civic organisations and also to provide the general public with accessible information on the proposals for further devolution.

32. The Guide, which summarised information on devolution to date and detailed the key features of the Scotland Bill, was first published in November 2015 and then updated in March 2016. It received significant uptake, particularly on social media, and generated some very positive feedback from both stakeholders and the public. In particular, copies of the Guide were requested by schools that wished to use it as material for lessons.

Twitter

33. Following the establishment of its Twitter account @SP_DevoCttee in the previous parliamentary year, the Committee had over 2,450 followers by the end of the Session. This made it one of the most followed accounts of its type in the Scottish Parliament.

34. The Committee continued to use Twitter and other social media to engage with stakeholders and the wider general public, which proved extremely effective in disseminating information on the work of the Committee, such as the Citizens’ Guide to Scottish Devolution highlighted above.
Equalities

35. The Committee continued to make a dedicated effort to diversify the witnesses presenting evidence to the Committee in the parliamentary year. For example, as part of its consideration of Post-Study Work Visas, the Committee heard evidence from graduates of Scottish universities, who were originally from India and Kenya, and who are now living and working in Scotland.

36. The Committee also focussed part of its consideration of the provisions contained in the Scotland Bill on several equalities matters, including socio-economic inequalities and gender quotas.

Meetings

37. The Committee met 27 times during the parliamentary year. Seven meetings were held entirely in public, eight meetings were held entirely in private, and twelve other meetings included items that were taken in private.

38. The majority of items taken in private were to consider draft reports, oral evidence taken earlier in a meeting, or the Committee’s work programme. All committee meetings were held in Edinburgh.