11 October 2019

IN CONFIDENCE

This letter provides the latest update of current planning assumptions on the potential volume and timing of Scottish Government legislation which may be referred to your Committee in the period up to the end of April 2020.

The Annexes to this letter cover the period w/b 28 October 2019 to end April 2020. Annex A explains my latest working assumptions about the different types of legislation which may be referred to the Committee and Annex B presents this information in calendar format. I should be grateful if the Committee would continue to treat this information as confidential.

In order to further assist your Committee’s workload planning information regarding Scottish Statutory Instruments (SSIs) is now broken down by scrutiny type. This is in response to calls for that move in order to improve consideration of committee timetables.

The uncertainty around Brexit in the lead-up to 31 October means that planning assumptions for domestic and Brexit-related legislation may need to be reprofiled as events unfold. Where I anticipate there to be any significant implications for your Committee I will provide as much advance notice of that as I can.

I stand ready to discuss these matters with you should you or the Committee find that helpful. If your clerks have any queries they should contact my official Steven MacGregor on 0131 244 1650 in the first instance.

I am copying this letter to the Presiding Officer and Business Managers and will be writing in similar terms to other committee conveners.

GRAEME DEY

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)
### ANNEX A

**SUMMARY OF SCOTTISH GOVERNMENT LEGISLATION WHICH MAY BE REFERRED TO THE DELEGATED POWERS AND LAW REFORM COMMITTEE**

**Scottish Government Bills**

As discussed at our recent meeting, the Scottish Government does not currently expect that any Bills from the Year 4 legislative programme will be referred to the Committee. However, I am aware that the Committee will have an interest in the delegated powers in all Bills and I have therefore set out below the current expected introduction dates for the Government’s Year 4 legislative programme. **Please note this information is provided in confidence, as already shared with Conveners of relevant lead committees.**

- UEFA European Championships – Introduced
- Animals and Wildlife (Penalties, Protections and Powers) – Introduced
- Civil Partnerships – Introduced
- Agriculture (Retained EU Law and Data) – November 2019
- Forensic Medical Services – November 2019
- Defamation – December 2019
- Budget – December 2020
- Heat Networks – March 2020
- Circular Economy – March 2020
- Hate Crime – March 2020
- Continuity – March 2020
- Transient Visitor Levy – April 2020
- Good Food Nation – April 2020
- Redress (Survivors of In Care Abuse) – May 2020

**Scottish Government domestic SSIs**

The Scottish Government currently anticipates that **99 domestic SSIs will be referred to the Committee for scrutiny before the end April 2020.** The timetabling in Annex B is based on the anticipated laying date for the SSIs in question.

There is a relatively large number of SSIs anticipated for laying in the week following recess and we are currently reviewing the programme with the aim of achieving a more even spread of SSI volumes across the coming months.

**Brexit-related UK Government SI notifications**

We continue to work closely with the UK Government to develop a full understanding of its SI programme. Whilst the bulk of the SIs required for a no deal Brexit have now been notified to the Scottish Parliament, further SIs are planned and more may emerge as UK Government Departments seek to correct all identified statute book deficiencies. At this stage, a total of 12 notifications covering 12 SIs have been identified and will fall to committees of the Scottish Parliament to consider.

**EU Exit Scottish Government SSIs**

The Scottish Government continues to work on the programme of SSIs needed to correct current identified legislative deficiencies. Our estimate is that a total of around 40 further SSIs may be needed. A couple of SSIs may still need to be laid for coming into force in time for a no deal scenario on 31 October and we appreciate that the timescales for such SSIs would be very tight.
The residual programme of less time-critical fixing SSIs are anticipated for laying from late October, and current plans are that around 14 such SSIs will be laid before the end of the year. Some of these SSIs will be needed only in the event of a no deal exit and, in such an event, our expectation is that additional SSIs will also be needed. We will continue to work closely with the Parliament and provide up-dates about our plans for laying SSIs in the remainder of 2019 and beyond.

Legislative Consent Memorandum

It has now been announced that the Queen’s Speech will take place on 14 October, which will set out the UK Government’s intentions for their future legislative programme. Once the Queen’s Speech has taken place we will inform Parliament which of those Bills announced may require legislative consent.
## ANNEX B

### CALENDAR REPRESENTATION OF ANTICIPATED GOVERNMENT LEGISLATIVE BUSINESS

#### DPLR COMMITTEE

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The Scottish Parliament, Edinburgh  EH99 1SP
www.gov.scot