



The Scottish Parliament
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SPICe Briefing

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Intergovernmental activity update Q2 2024

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This update gives an overview of intergovernmental activity of relevance to the Scottish Parliament between the Scottish Government and the UK Government, the Welsh Government, and the Northern Ireland Executive during quarter two (April-June) of 2024.

25 July 2024
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Introduction

SPICe publishes quarterly updates to give an overview of intergovernmental activity. 'Intergovernmental activity' refers to work between governments – in a Scottish context between the Scottish Government and the UK Government or other devolved governments. It can include discussions on areas of mutual interest, policy development, and policy implementation. Read more about what intergovernmental activity is and why awareness of it is an essential element of parliamentary scrutiny [on our SPICe blog](#). SPICe has also launched an [intergovernmental activity hub](#) that collates information on intergovernmental activity of relevance to the Scottish Parliament.

Updates are published on the last Thursday of the month following the end of the reporting period. The next quarterly update, covering quarter three (July-September) of 2024, will be published on 31 October 2024. This update reflects [information available at the time of publication](#).

The UK Parliament was dissolved during the reporting period (on 30 May 2024) and a new Labour UK Government formed on 5 July 2024. The Labour Party had made several commitments of relevance to intergovernmental activity in its manifesto. This included a commitment to “[reset the UK government's relationship with devolved governments in Scotland, Wales, and Northern Ireland](#)”, strengthen the [Sewel Convention](#), and establish a new [Council of the Nations and Regions](#) to bring together the Prime Minister, the heads of the devolved governments, and the mayors of combined authorities. This last commitment was also [referenced in the King's Speech](#) although it was not linked to any proposed bills announced in the speech. Please note that this update does not cover intergovernmental activity taking place during July-September 2024, which will be covered in the next intergovernmental activity update.

Highlights

Interministerial meetings

Interministerial Group meetings

IMG Culture and Creative Industries



Common frameworks

Finalised

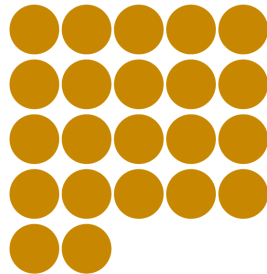
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Published provisionally

22

Scrutiny completed



Not yet published

3



Legislative consent

Legislative consent granted



Legislative consent memorandums lodged



UK Internal Market Act 2020 exclusions

Exclusions operating



Single use plastics



Heat networks

Exclusions under discussion



Deposit Return Scheme



Disposable vapes

Intergovernmental activity

Formal intergovernmental interactions take place under the following structure, which was established in January 2022.

Intergovernmental relations structure

Top tier:

The Council

This is made up of the Prime Minister and heads of devolved governments.

Middle tier:

Standing committees

The Interministerial Standing Committee (IMSC)

Ministers responsible for intergovernmental relations consider issues that cut across different policy areas, and facilitate collaborative working between groups in the lowest tier.

The Finance Interministerial Standing Committee (F:ISC)

Finance Ministers consider finance and funding matters.

Additional interministerial committees

Portfolio Ministers discuss specific policy areas, such as net zero or education, in Interministerial Groups (IMGs)

Lowest tier:

Portfolio Ministers discuss specific policy areas, such as net zero or education, in Interministerial Groups (IMGs)

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See a [SPICe blog for more information](#) on how the new structure operates.

Interministerial meetings

Interministerial meetings

Interministerial Group meetings

IMG Culture and Creative Industries



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The [IMG Culture and Creative Industries](#) met for the first time on 2 May 2024. According to [minutes of the meeting](#), discussions included:

- upcoming major cultural domestic and international events and visas for artists and performers at these events

- funding pressures and financial challenges in the cultural and creative sector
- initiatives across the UK such as the introduction of screen studies to the Scottish school curriculum.

[Terms of reference for the group](#) were published on 27 June 2024.

UK Government Intergovernmental Relations Annual Report 2023

The UK Government published its [Intergovernmental Relations Annual Report 2023](#) on 23 April 2024. The report covers intergovernmental activity from 1 January to 31 December 2023 between the UK Government and devolved governments.

Activities which may be of particular interest to the Scottish Parliament include:

- The [Islands Forum](#) met twice: once on the Isle of Wight and once on Na h-Eileanan an Iar. The meeting on Na h-Eileanan an Iar focussed on physical and digital connectivity.
- **Two Green Freeports** (the Inverness and Cromarty Firth and Forth Green Freeports) and **two Investment Zones** (Glasgow City Region and the North East of Scotland) were selected in Scotland (Glasgow City Region and the North East of Scotland). [The report states that](#) the "selection of these locations and ongoing engagement with these areas throughout 2023 is the result of significant joint work between the UK and Scottish Governments".
- The report notes the beginning of the transfer of cases of **Personal Independence Payment to Adult Disability Payment**, the completion of case transfer for **Child Disability Payment** and the introduction of the Scottish Government's **Carer Support Payment**. [The report states:](#)

"The Joint Ministerial Working Group on Welfare, met twice in 2023 to review progress formally, supplemented by one more informal bilateral discussion between DWP and Scottish Government ministers."
- [Ministerial engagement on the Energy Act 2023 took place](#), which led to the creation of a **new ministerial forum on Carbon Capture, Usage and Storage (CCUS)**. The report states that this intergovernmental forum will "meet regularly to support the deployment of CCUS across the UK. The inaugural meeting of this new ministerial group took place in December 2023."
- The **Interministerial Group on UK-EU Relations** was established and [met three times in 2023](#) ahead of Trade and Cooperation Agreement Partnership Council and Withdrawal Agreement Joint Committee meetings, and a series of Trade and Cooperation Agreement governance meetings.
- Meetings took place between the then Minister for Immigration, the Rt Hon Robert Jenrick MP, and the Scottish Government [to discuss accommodation and resettlement](#) within Scotland.
- [Regular engagement on elections and electoral registration in the UK](#) as well as plans for electoral reform in Scotland took place, including through the **Interministerial Group for Elections and Registration**.

The report states that [a total of 210 intergovernmental ministerial meetings took place](#) in 2023. Of these, 175 were meetings outwith the formal IMG structures (83%) and 35 were IMG meetings (17%). This includes:

- 61 meetings on the economy and funding

- 36 meetings on energy and net zero
- 21 meetings on the environment
- 13 meetings on health
- 33 meetings on trade
- 7 meetings on transport
- 6 meetings on Ukraine.

In some of these areas, none of the meetings took place within the formal intergovernmental relations structure, meaning that no minutes are available. This includes 17 meetings involving the Cabinet Office, 10 meetings involving the Department for Culture, Media and Sport and 7 meetings involving the Department of Health and Social Care and the Office of the Secretary of State for Scotland respectively.

The report also notes that new forums were set up [covering justice, social security \(between the Welsh Government and UK Government\)](#), and [public safety, national security and migration](#).

The report notes that the Prime Minister met the First Minister of Scotland and the First Minister of Wales in the first quarter of the year. Please note that this meeting was not a formal meeting of the [Prime Minister and Heads of Devolved Governments Council](#), a forum established by the 2022 review of intergovernmental relations. The Council, which is due to meet annually, [last met on 10 November 2022](#).

Common frameworks

Common frameworks are intergovernmental agreements which set out how governments will work together to make decisions about policy in certain devolved policy areas, in particular decisions about policy divergence. Common frameworks were originally intended to be used to consider matters which were former EU competences, however, [some also state](#) that they may be used to consider related matters within the wider policy area. You can read more about what common frameworks are on our [intergovernmental activity hub](#).

No new framework agreements were published during the reporting period. The image below provides an update on frameworks relevant to Scotland and scrutiny of frameworks at the Scottish Parliament.

Common frameworks

Finalised

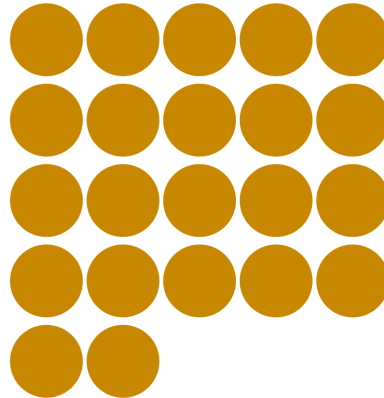
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Published provisionally

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Scrutiny completed



Not yet published

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The Net Zero, Energy and Transport Committee considered the Resources and Waste Common Framework as part of its [scrutiny of the Circular Economy \(Scotland\) Bill](#). The Committee [wrote a letter to then Minister for Green Skills, Circular Economy and Biodiversity](#), Lorna Slater MSP, on 23 April 2024 in which it noted:

“ Although provisional, it was through this framework the Scottish Government attempted to obtain exemptions to the UK Internal Market Act 2020 (UKIMA) for the ban on single use plastics and the operation of a deposit return scheme. It has since been used to discuss a UK wide approach to banning single use vapes.”

The Committee summarised the views of stakeholders it had received on the operation of the framework and concluded:

“ Given the situation which has arisen in attempting to implement a deposit return scheme in Scotland, it does not appear to the Committee it is operating optimally. The Scottish and UK Governments have different opinions on the reasons for that. The UK Internal Market Act 2020 is a complicating factor in the operation of this and other common frameworks. In light of this, the Committee believes it necessary to consider whether the Resource and Waste Common Framework contains sufficient guidance on how Governments should work together to navigate the UK Internal Market Act 2020 challenges.”

The letter concluded the Committee's consideration of the Resources and Waste Framework. This means that scrutiny of all currently provisionally published frameworks that apply to Scotland has been completed at the Scottish Parliament. Three more frameworks that apply to Scotland remain unpublished: the Zootechnics Framework, the Mutual Recognition of Professional Qualifications Framework, and the Services Directive Framework.

The [UK Government Intergovernmental Relations Annual Report 2023](#) also provided an update on common frameworks:

“ The programme continues to make progress towards full implementation with 30 out of 32 Frameworks operational, and regular meetings to ensure that the UK and devolved administrations take a joined-up and collaborative approach to managing regulatory divergence. Parliamentary scrutiny of the majority of Frameworks is complete and they are ready for the Northern Ireland Executive to agree following the restoration of the Executive.”

The Q1 2024 intergovernmental activity update noted that [a letter by the Rt Hon Michael Gove](#), then UK Government Minister for Intergovernmental Relations, stated that an evaluation by the UK Government of the common frameworks programme was expected to be published before the UK Parliament summer recess. The evaluation has not been published at the time of publication of this briefing. The UK Parliament will go into recess on 31 July 2024.

UK internal market

The [UK Internal Market Act 2020](#) is UK-wide legislation about the flow of goods and services. You can read more about the Act's provisions [in our SPICe briefing](#) and a [SPICe blog](#).

UK Internal Market Act exclusions

A [process has been established](#) by which the UK Government and devolved governments can consider exclusions to the market access principles of the UK Internal Market Act 2020 ('UKIMA'). Read more about the interaction between the exclusions process and common frameworks [in our SPICe blog](#).

UK Internal Market Act 2020 exclusions to market access principles discussed at intergovernmental level

UK Internal Market Act 2020 exclusions

Exclusions operating

Single use
plastics



Heat
networks



Exclusions under discussion

Deposit Return
Scheme



Disposable
vapes



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Deposit Return Scheme

Discussions about a UKIMA exclusion relating to a Scottish Deposit Return Scheme for drinks containers previously took place during 2023. The UK Government [offered a temporary, narrower exclusion](#) than the one requested by the Scottish Government, which the Scottish Government [cited as the reason](#) for its delay of the scheme until at least October 2025. See SPICe blogs for [background about the scheme](#) and [further information about intergovernmental discussions](#) regarding an exclusion. The Q1 2024 intergovernmental activity update [summarised further developments that took place in March 2024](#).

On 25 April 2024, the Scottish Government, the UK Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland published a [joint policy statement on a Deposit Return Scheme](#). The statement indicates that there will be three legally distinct deposit return schemes in the UK to be launched in October 2027 (one in England and Northern Ireland, one in Wales, and one in Scotland) but that the schemes will be "as interoperable and simple as possible". The document further states that the governments intend that the deposit level will be aligned across the

UK but that this will be determined by the Deposit Management Organisation "based on relevant evidence and research".

With regards to the materials in scope of the schemes, the document states that all three schemes will include containers made of PET (plastic bottles), steel and aluminium cans and that the position on glass containers will be set out separately by each government. A [written Ministerial Statement](#) was laid in the UK Parliament on 25 April 2024 which stated:

“ There is an outstanding issue regarding the scope of materials in DRS. The Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland and the UK Government agree that polyethylene terephthalate (PET) plastic bottles, steel and aluminium cans will be included in our DRS, and that glass drink containers will be excluded when the scheme launches. The Scottish Government have agreed to commence DRS in Scotland on this same basis to ensure the schemes move forward. [...] The Welsh Government are taking a different approach: they intend to include glass when their scheme launches. We will continue our conversations with Welsh Government, but if their position does not change, we will reiterate the duty to protect the UK internal market and facilitate free trade within the UK so businesses can continue trading unhindered across the UK and ensure better prices and choice for consumers, particularly in the context of the current cost-of-living pressures. There are no plans to exclude any DRS from the UK Internal Market Act 2020 (UKIM) now that there is maximum possible alignment and interoperability across the UK to protect businesses and consumers. However, any application for an exclusion would be considered on the evidence presented.”

The Net Zero, Energy and Transport Committee [received a letter dated 2 May 2024](#) from the then Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, Màiri McAllan MSP, which provides an update on progress with Scotland's Deposit Return Scheme. The letter states:

“ [The joint policy statement] does not include material scope as there is still no agreed approach to glass within the schemes across the four nations. It should be noted we have always been clear that interoperability does not necessarily mean identical schemes. [...] It is also worth noting that we would have seen the launch of a DRS in Scotland last month with an “all in” scheme covering metal, PET plastic and glass. However, the UK Government’s decision to remove glass from its own scheme and to inexplicably and undemocratically deny Scotland a full exclusion from the Internal Market Act (IMA) at the eleventh hour, meant that that we were unable to launch Scotland’s DRS with glass in March 2024 as planned. Since the UK Government continues to use the IMA to block the implementation of devolved policy and has indicated it does not anticipate granting an exclusion to any nation on this matter, we have no choice but to launch a more limited DRS than Parliament voted for to ensure that we can still realise the benefits from DRS. Therefore, we have agreed to commence a DRS in Scotland without glass on day one, assuming this remains the position across all nations of the UK. The UK Government has also announced a revised date for the launch of the Deposit Return Scheme from October 2025 to October 2027. While predictable, this is nevertheless disappointing especially when one considers that independent Ireland launched their Deposit Return Scheme in February this year. However, we remain committed to delivering Deposit Return Schemes that are interoperable across each nation in the UK, and in light of the undermining of devolution represented by the Internal Market Act, Scotland will align with the delayed UK launch date. We will make amending legislation, where required, to give effect to the policy positions set out in the Joint Policy Statement once the UK Government has passed their legislation. Any such amending legislation will require approval by the Scottish Parliament.”

The new UK Government has not expressed a view on the Deposit Return Scheme plans at the time of publication. [The Scotsman reported on 17 July 2024](#) that UK Government Ministers are currently reviewing options.

Disposable vapes

Following a [joint consultation by the Scottish Government, the UK Government and the Welsh Government](#) at the end of 2023, the Scottish Government announced in February 2024 that it plans to ban the sale and supply of disposable vapes in Scotland from April 2025. The [Welsh Government](#) and [UK Government](#) also announced plans to ban disposable vapes in April 2025. The then UK Government published [draft regulations](#) for England on 11 March 2024 but the instrument was not made before the dissolution of the UK Parliament. The new UK Government has not expressed a position on the proposals at the time of publication but announced in the [King's Speech on 17 July 2024](#) that the related Tobacco and Vapes Bill, which had been considered in the previous Parliament, would be progressed . The Welsh Government [is currently consulting on draft regulations](#).

The Scottish Government laid the draft Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024 on 10 June 2024. The instrument has been referred to the [Net Zero, Energy and Transport Committee for consideration](#). The Committee has written to a group of stakeholders and will take evidence on the regulations from the Scottish Government on 3 September 2024.

Legislative consent

According to the Sewel Convention, the UK Parliament will not normally legislate on devolved matters without the consent of the Scottish Parliament. The Scottish Parliament's standing orders set down rules which apply where UK primary legislation requires the Parliament's consent under the Sewel Convention. They apply where UK primary legislation makes 'relevant provision', which means provision which applies to Scotland in any of the following ways:

- for any purpose within the legislative competence of the Scottish Parliament
- to alter the legislative competence of the Scottish Parliament
- to alter the executive competence of the Scottish Ministers.

When any of the criteria on relevant provision are fulfilled, a member of the Scottish Government is obliged to lodge a **legislative consent memorandum**. A legislative consent memorandum, amongst other things, sets out the Scottish Government's view on whether the Parliament should grant legislative consent.

Following the lodging of a legislative consent memorandum, members of the Scottish Parliament may vote on a **legislative consent motion** to agree whether it is content that the relevant provision in the Bill should be considered by the UK Parliament.

The Scottish Parliament [agreed a change to the Parliament's standing orders](#) in relation to legislative consent motions on 27 June 2024 (to take effect from 2 July 2024). Whereas previously only motions seeking consent were provided for as 'legislative consent motions', [rule 9B.2 now states](#) that legislative consent motions can seek consent or refusal of consent in relation to one or more relevant provisions in a relevant Bill.

This update provides information on all motions relating to bills in respect of which a legislative consent memorandum was lodged during the reporting period. Not every legislative consent memorandum will result in a motion granting or withholding consent. Find out more about [legislative consent on the Scottish Parliament's website](#)

Legislative Consent

Legislative consent
granted



Legislative consent memorandums
lodged



Motions granting or withholding legislative consent Q2 2024

Bill title	Date lodged	Consent recommendation by Scottish Government
Data Protection and Digital Information Bill	7 May 2024	Consent provided
Victims and Prisoners Bill	29 April 2024	Consent provided
Automated Vehicles Bill	12 April 2024	Consent provided

The [Victims and Prisoners Bill](#) and the [Automated Vehicles Bill](#) were passed by the UK Parliament and received Royal Assent in May 2024. The [Data Protection and Digital Information Bill](#) was not passed before the dissolution of the UK Parliament and fell on 30 May 2024.

Legislative consent memorandums lodged during Q2 2024

Bill title	Date memorandum lodged	Consent recommendation by Scottish Government
Criminal Justice Bill (second supplementary memorandum)	23 May 2024	Partial consent recommended, meaning consent to some but not all relevant provisions. Consent to other provisions had been recommended in previous memorandums.
Renters (Reform) Bill	01 May 2024	Consent recommended
Victims and Prisoners Bill	25 April 2024	Consent recommended
Data Protection and Digital Information Bill (second supplementary memorandum)	17 April 2024	Partial consent recommended, meaning consent to some but not all relevant provisions. Consent to other provisions had been recommended in previous memorandums.
Tobacco and Vapes Bill	02 April 2024	Consent recommended

Further information

Information within this intergovernmental update is primarily based on the following sources:

- The UK Government [intergovernmental relations website](#) contains minutes of interministerial groups and standing committees. Minutes of other intergovernmental meetings are not currently published and hence are not reflected in this update.
- The UK Government [common frameworks website](#) contains common framework agreements.
- The Scottish Parliament [legislative consent website](#) lists legislative consent memorandums and associated motions.

Further information on intergovernmental activity can be found on our [intergovernmental activity hub](#) and:

- SPICe [briefing on intergovernmental relations](#)
- House of Commons Library [briefing on intergovernmental relations](#)
- UK Government [transparency reports on intergovernmental relations](#)
- Senedd [Legislation, Justice and Constitution Committee Monitoring reports](#)
- Northern Ireland Assembly [Brexit and Beyond newsletters](#).

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