

Europe, External Affairs and Culture Committee
Tuesday 8 September 2026
3rd Meeting, 2026 (Session 7)

Scottish Government priorities regarding intergovernmental activity: Introductory evidence session with the Deputy First Minister

Background Briefing

Committee remit

1. The Parliament has agreed that the remit for the Session 7 Committee on Europe, External Affairs and Culture includes “any other matter falling within the responsibility of the Scottish Administration relating to devolution, intra-UK and intergovernmental relations.” Broadly speaking, this oversight of devolution and intergovernmental relations includes the following:
 - Activities under formal and informal structures for intergovernmental relations
 - The Sewel Convention/Legislative Consent
 - Approach of Scottish and UK Ministers to the use of UK delegated powers in devolved areas
 - Common frameworks programme
 - The UK Internal Market Act 2020 (UKIMA)

Relevant background materials

2. There is a range of background material available to Members, across the themes listed above. Some of the key documents, most salient SPICe materials and reports by the Session 6 predecessor Committee are listed below.

Key documents

- [Written agreement on intergovernmental relations](#) between the Scottish Parliament and the Scottish Government.
- [UK Statutory Instrument Protocol](#): Protocol on Scottish Government notification to the Parliament of UK secondary legislation in devolved areas.
- [The Scottish Government/Scottish Parliament Written Agreement on Intergovernmental Relations: Still Fit for Purpose?](#), Nicola McEwen and Coree Brown Swan, December 2024 (Report Commissioned by CEEAC Committee and Scottish Government).

SPICe Briefings

- [Explainer: how devolution works](#).(May 2026)
- [Explainer: Intergovernmental activity and implications for the Scottish Parliament](#) (June 2026)
- [Explainer: common frameworks and their implications for the Scottish Parliament](#) (June 2026)
- [Explainer: The UK Internal Market Act 2020 and implications for the Scottish Parliament](#) (July 2026)

SPICe Monitoring

- Monthly [legislative consent tracking](#)
- Monthly [intergovernmental activity monitoring](#) (covering activity within the formal intergovernmental relations structures only)
- Quarterly [intergovernmental activity updates](#)
- Monitoring of [Common Framework publications and reporting](#)
- Monitoring of [Common Framework scrutiny across other legislatures](#) (link goes to an individual framework as an example, but this is done for each framework relevant to Scotland)

Session 6 CEEAC Committee Reports

- [Transparency of intergovernmental activity and its implications for parliamentary scrutiny](#) (March 2026)
- [Session 6 CEEAC Committee Legacy Report](#) (March 2026)
- [How Devolution is Changing PostEU](#) (October 2023)
- [The Impact of Brexit on Devolution](#) (September 2022)
- [UK Internal Market Inquiry](#) (February 2022)

Overview of themes

Formal and informal structures for intergovernmental relations

3. The CEEAC Committee report [Transparency of intergovernmental activity and its implications for parliamentary scrutiny](#) sets out the formal structures of intergovernmental relations (IGR), following a review in 2022. These consist of a three-tier structure, with The Council (Prime Minister and heads of devolved governments) in the top tier, Interministerial Standing Committees in the middle tier and interministerial groups in the lowest tier. This is supported by a standing Intergovernmental Relations Secretariat.

4. There is also the Council of Nations and Regions, which first met in October 2024 and includes the Prime Minister and the heads of the devolved governments.
5. In its report on transparency of intergovernmental activity, the CEEAC Committee set out a number of recommendations on how formal IGR processes and the secretariat could be improved. It also notes that the majority of intergovernmental activity takes place outside of the formal structures (including, for example, common frameworks and discussions on exclusions to the UK Internal Market Act 2020). It recommends that the review of the written agreement between the Scottish Government and the Scottish Parliament should reflect this by covering both formal and informal governmental working.

Interparliamentary Forum

6. The Interparliamentary Forum is a mechanism for dialogue and cooperation between parliamentarians from the UK's legislatures in meeting common scrutiny challenges arising from the constitutional arrangements put in place following the UK's departure from the EU, which are now established in the day-to-day operation of devolution, for example common frameworks and the UK Internal Market Act 2020. The [seventh meeting of the interparliamentary forum](#) took place in June 2025 and was attended by the Convener and Deputy Convener of the CEEAC Committee.
7. The CEEAC Committee recommended that:
 - a successor committee prioritise interparliamentary relations as an effective mechanism for the scrutiny of intergovernmental activity, and
 - the four legislatures within the UK should jointly commission research to examine how interparliamentary relations might be substantially strengthened and that his proposal is discussed at the next meeting of the Interparliamentary Forum.

Written agreement on intergovernmental relations between the Scottish Parliament and the Scottish Government

8. The CEEAC Committee Legacy Report refers to the ongoing joint review of the written agreement on intergovernmental relations between the Scottish Parliament and the Scottish Government. This agreement relates to “the information that the Scottish Government will, where appropriate (...), provide the Scottish Parliament with regard to its own participation in formal, ministerial-level inter-governmental meetings, concordats, agreements and memorandums of understanding”.¹
9. The Legacy Report notes the Committee's broad support for the 8 recommendations in the commissioned research report [The Scottish Government/Scottish Parliament Written Agreement on Intergovernmental Relations: Still Fit for Purpose?](#), by Nicola McEwen and Coree Brown Swan.
10. The finalisation of the review was paused to enable it to take account of the findings of the CEEAC Committee's report on intergovernmental activity.

Revised Memorandum of Understanding on the Sewel Convention

11. The Sewel Convention is a political convention on legislative consent and applies where the UK Parliament is considering primary legislation that is within the competence of the Scottish Parliament, or that changes the powers of the Scottish Parliament or of Scottish Ministers. The Convention is the basis for the UK Parliament seeking the consent of the Scottish Parliament on such matters. In essence, successive UK governments have agreed that the UK Parliament shall not normally legislate in devolved areas without the consent of the Scottish Parliament. Further details on the process for legislative consent can be found in the SPICe briefing [Explainer: how devolution works](#).
12. In its report [How Devolution is Changing Post-EU](#), the Session 6 CEEAC committee highlighted its view that the Sewel Convention was “under strain” following the UK’s departure from the EU, and that devolution looked different now that the UK was outside of the EU, compared to when the UK was a Member State.
13. According to the Institute for Government, prior to 2019, consent was withheld on only 2 occasions since 1999. Since 2019, it was withheld on 13 occasions up until 2026.²³
14. The CEEAC committee recommended that there was a need for a new Memorandum of Understanding in relation to Sewel, with supplementary agreements between the UK Government and devolved governments, and new Devolution Guidance notes and other operational guidance notes.
15. The Legacy Report refers to reports from December 2025 of ongoing discussions between UK Government and Scottish Government officials to bring about wording on a new Memorandum of Understanding for ministers to consider. It recommends that consideration of any revised Memorandum of Understanding on the Sewel Convention be a priority issue for Session 7.

Implementation of the new UK Statutory Instrument Protocol

16. Since the UK left the EU, a protocol has been in place between the Scottish Government and the Scottish Parliament to provide a process and timescales for consideration of relevant UK Statutory Instruments (SIs) (secondary legislation) containing provisions that would have been within the competence of the EU immediately prior to EU exit. These protocols were designed for a specific set of circumstances, to enable scrutiny by the Scottish Parliament of the circumstances whereby the UK Parliament was considering secondary legislation at a UK level which related to devolved areas of competence as a consequence of the UK’s withdrawal from the EU.
17. In late Session 6, the Statutory Instrument Protocol 2 was reviewed by Scottish Parliament and Scottish Government officials. Following that review, the Scottish Government recommended in March 2026 that a new UK Statutory Instrument (UK SI) Protocol be agreed. The new version of the protocol was supported by the Session 6 CEEAC and Delegated Powers and Law Reform Committees, which both recommended that the new version come into effect at the start of Session 7.

18. The [new UK SI Protocol](#) relates to all UK SIs that make provision in devolved areas (previous protocols have only covered those areas that had formerly been within EU competence). The new protocol has also introduced a number of other changes in terms of the process for scrutiny within the Scottish Parliament. Rather than scrutiny in advance of the Scottish Ministers giving their consent to an SI, it now focuses on scrutiny of decisions taken and policy choices made by Scottish Ministers over the longer term, with a view to influencing future approaches.

UK Internal Market Act 2020 and Common Frameworks

19. The United Kingdom Internal Market Act 2020 (UKIMA) is the legal framework governing the movement of goods and services across the United Kingdom.
20. The way UKIMA operates means that an Act of the Scottish Parliament or a Scottish Statutory Instrument can contain provision that runs contrary to it, but the provision will be disapplied where relevant (i.e. in relation to goods and services that come from another part of the UK, or in relation to the recognition of professional qualifications). As such, if the UK Government does not agree to an exclusion from the principles established by UKIMA, the effectiveness of Scottish Parliament legislation is limited.
21. There is an intergovernmental process through which UKIMA exclusions are discussed. The three-tier process is made up of separate, but interrelated, processes for:
- exclusions discussed through common frameworks
 - Minimum Economic Impact (MEI) exclusions, and
 - a reserve process.
22. An exclusion can be considered through one or more of the processes. The relevant process or processes is/are triggered by a written proposal from the requesting government to all relevant UK Government Ministers and devolved governments.
23. Common frameworks are agreements setting out how the UK and devolved governments work together to make decisions about policy direction and regulatory difference in certain devolved policy areas.
24. Common frameworks and the exclusions process, linked to UKIMA, are two key aspects of intergovernmental agreement that aim to manage regulatory difference in devolved policy areas. Further details of how UKIMA and common frameworks function can be found in the SPICe explainers listed in the background materials section.

Clerks to the Committee
September 2026