



## Delegated Powers and Law Reform Committee

Michael Matheson MSP  
Cabinet Secretary for Net Zero, Energy  
and Transport  
*By email*

T1.01  
Chamber Office  
EDINBURGH  
EH99 1SP

Direct Tel: 0131-348-5212  
(RNID Typetalk calls welcome)  
(Central) Textphone: 0131-348-5415  
DPLR.Committee@parliament.scot

24 November 2022

Dear Cabinet Secretary

### Energy Bill

At its meeting on 15 November, the Delegated Powers and Law Reform Committee considered the [Legislative Consent Memorandum](#) (“the LCM”) for the [Energy Bill](#) (“the Bill”) and agreed to write to you regarding clauses 171 and 172. In particular, the Committee:

- (a) noted that clauses 171 and 172 enable the Secretary of State by regulations to amend primary legislation recently enacted by the Scottish Parliament (the Heat Networks (Scotland Act 2021));
- (b) noted that there is no statutory requirement for the Secretary of State to obtain the Scottish Ministers’ consent before exercising these powers;
- (c) noted that the Scottish Government recommends withholding consent for other clauses in the Bill which contain delegated powers exercisable within devolved competence and has sought amendments to provide that the exercise of such powers is subject to a requirement to obtain Scottish Ministers’ consent, but it has not sought similar amendments to clauses 171 and 172.

In light of this, the Committee would be grateful for an explanation as to **why the Scottish Government considers it appropriate that clauses 171 and 172 confer powers on the Secretary of State to amend Scottish primary legislation without a requirement to obtain the consent of the Scottish Ministers**. It has written to the UK Government in similar terms.

The Committee would be grateful if it could be kept updated regarding the amendments it has sought regarding the other delegated powers in the Bill.

I should be grateful if you would respond by **Wednesday, 7 December 2022**. This will then allow the Committee to report its findings on the LCM prior to any final consideration by the Scottish Parliament.

I look forward to hearing from you.

Yours sincerely

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee