



Stuart McMillan MSP  
Convener  
Delegated Powers and Law Reform Committee  
The Scottish Parliament

By Email: [DPLR.Committee@parliament.scot](mailto:DPLR.Committee@parliament.scot)

24 November 2022

Dear Stuart,

### **MOVEABLE TRANSACTIONS (SCOTLAND) BILL**

Thank you for your letters of 2 and 9 November 2022 to the Secretary of State for Scotland about the Scottish Parliament's Delegated Powers and Law Reform Committee's consideration of the Moveable Transactions (Scotland) Bill. I am responding as the Minister responsible for Scotland Act Orders.

Section 104 orders, made under the Scotland Act 1998, are used to make amendments to the law, where it is considered 'necessary or expedient' to do so as a result of Scottish legislation. They follow a well-established process before being made, with each request being considered carefully and on its own merits. While these orders are typically made by Scotland Office ministers, they often involve a number of UK Government departments and Ministers, who will need to consider how their legislative regimes would be affected, should an order be granted.

In your letters of 2 and 9 November you requested an update on the Scottish Government's request for a section 104 order in relation to the above Bill and the provisions which may be included in this Order. In line with the usual process for such orders, I understand that discussions between officials in my department, the Office of the Advocate General for Scotland and the Scottish Government on the particulars of the request are ongoing. These discussions include, as they often do, whether the proposed provisions in the order relate to reserved matters. Only after all the necessary conversations have been had, and after ministers in all relevant departments have provided their agreement in principle for an order to be made, would officials start drafting an order.

I note the Committee's concern in relation to the duplication of records and a need for coordination between; the Register of Assignations, the Register of Statutory Pledges and Companies House. I understand that officials within the Department for Business Energy and Industrial Strategy would be best placed to take forward discussions with the Scottish Government on this topic. I will, therefore, ask my officials to facilitate the necessary conversations in this regard.

I hope this letter helps clarify our role in this process and addresses the questions you outlined in both of your letters.

Yours Sincerely,

A handwritten signature in blue ink that reads "John Lamont". The signature is written in a cursive, slightly slanted style. Below the signature is a single horizontal blue line.

**JOHN LAMONT MP**  
**PARLIAMENTARY UNDER SECRETARY OF STATE FOR SCOTLAND**