

Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
Scottish Parliament
Edinburgh
EH99 1SP

25 October 2023

Dear Convener

Thank you for your letter of 3 October requesting information relating to the Scottish Government's historic commitment to bring forward an amendment at the earliest opportunity in relation to the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019 (SSI 2019/183).

Since my appearance before the Committee on 26 September, I am pleased to be able to provide you with a positive update. Scottish Government officials have engaged with UK Government colleagues with a view to progressing an amendment to correct the drafting errors identified in the Scotland Act 1998 (Specification of Functions and Transfer of Property etc.) Order 2019 (SI 2019/183). A policy summary was issued to the Office of the Secretary of State for Scotland (OSSS) on 16 October 2023 for their consideration.

OSSS will review the policy summary, taking account of views from their own legal advisors in the Office of the Advocate General for Scotland (OAG) and will also discuss the Scotland Act Order proposal with key Whitehall departments who may have an interest in, or be affected by, the policy proposed.

Once agreement has been secured by all relevant Whitehall departments, a timetable for delivering the SAO will be drawn up for agreement with the Scottish Government and we will begin to prepare the necessary policy instructions in order that this can be agreed and concluded within the usual anticipated timeframe of 12 months.

I have asked my Officials to ensure your clerks are updated as substantive progress is made.

Kind regards

George Adam

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