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Scottish Parliament  
Edinburgh  
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11 November 2024

Dear Convener

### **The Product Regulation and Metrology Bill**

Thank you for your letter of 31 October 2024 to the Deputy First Minister and Cabinet Secretary for the Economy and Gaelic, requesting further information on the Scottish Government's Legislative Consent Memorandum (LCM) lodged in relation to the Product Regulation & Metrology Bill. I am responding on the Deputy First Minister's behalf.

As set out in paragraph 25 of the LCM, the reasons to confer powers to the Secretary of State in areas of devolved competence remain unclear to us. We are continuing to engage with the UK Government to better understand the policy rationale behind the proposed powers. Once this is fully understood we will be in a position to properly judge whether equivalent powers would be appropriate for Scottish Ministers. We are also engaging with the UK Government on the detail of the bill, for example the treatment of matters excluded from the Schedule 5 Section C8 reservation in the Scotland Act 1998.

On your third question, the Scottish Government agrees with the principle that the Scottish Parliament should have oversight of the use of all powers within devolved competence, including appropriate scrutiny of UK-wide statutory instrument making provision for Scotland. The Scottish Government is currently working with the Constitution, Europe and External Affairs Committee of the Parliament on this issue.

Yours sincerely

**RICHARD LOCHHEAD**

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