



Delegated Powers and Law Reform Committee

Minister for Parliamentary Business
George Adam MSP

Via email

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Dear George,

Thank you for giving evidence to the Delegated Powers and Law Reform Committee on Tuesday 21 June which helped us to cover a broad range of the Scottish Government's work relevant to the Committee. I and my fellow Committee Members very much appreciated the opportunity to speak with you.

There were a number of points raised at the meeting which we agreed to return to in writing. The Committee would therefore be grateful for further clarification on the following areas of work.

Strategic review

You mentioned in your opening remarks that you are undertaking a strategic review of the data and information which you provide to the Parliament so that the exchange of information might be "as useful and efficient as possible". While the Committee appreciates that this work is just starting and that there will be dialogue between relevant Government and Parliament officials, it would be grateful for an initial update on this work.

Made affirmative inquiry

In March the Government provided a response to the Committee's inquiry into the use of the made affirmative procedure during the pandemic. As acknowledged at the meeting, there are various strands of this work, such as the proposed protocol for an expedited timetable under the affirmative procedure which our respective officials are currently working on. However, as you offered at the meeting, the Committee would be grateful for an update on each strand.

Supporting material for SSIs

It was noted that you would find it helpful to hear of instances when the policy and explanatory notes which accompany each SSI are not as understandable as the Scottish Government might hope. The Committee is very happy to offer such feedback on accompanying documents which it considers could be clearer or provide a more helpful rationale on the purpose of the instrument.

Given the accompanying documents are also relied upon by lead committees to aid their understanding of instruments, I will ensure that this Committee is a central hub for passing on any broader concerns.

Lead committees for SSIs

During the session you outlined the anticipated number of SSIs to be laid by the end of 2022. While this will perhaps fall within your strategic review, could you please provide additional details on this number and how many each lead committee is likely to consider.

Historical commitments

The Scottish Government's longest-standing historical commitment to amend an SSI, following a recommendation by the Committee, is the Education (Listed Bodies) (Scotland) Order 2018 (SSI 2018/7). The Committee would be grateful for an update on when the Government will meet this commitment.

Scottish Law Commission Bills

You mentioned that there is a list of Scottish Law Commission reports which the Government may bring forward related to primary legislation in order to enact the proposals. The Committee would be grateful for sight of this list so as to get a better understanding of the Government's plans.

Sheriff Court Fees Amendment Order 2022 (SSI 2022/214)

Finally, the Committee agreed that I use this letter to highlight an issue from the Committee's subsequent meeting on Tuesday 28 June when it considered the Sheriff Court Fees Amendment Order 2022 (SSI 2022/214).

The instrument corrects errors identified by the Scottish Government in the Sheriff Court Fees Order 2022 (SSI 2022/181), which was considered by the Committee on 14 June 2022. As well as drawing the instrument 2 to the attention of the Parliament under reporting ground (j) for failure to comply with the laying requirements in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, the Committee agreed to seek additional information from you on why these errors were not identified at an earlier stage.

The Committee would welcome a response to each of these points by **Friday 26 August 2022**.

Yours sincerely,

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