

Cabinet Secretary for Justice and Home Affairs
Rùnaire a' Chaibineit airson Ceartas agus Cùisean
na Dùthcha

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Convener
Finance and Public Administration Committee
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Dear Convener

THE SENTENCING AND PENAL POLICY COMMISSION - NOTIFICATION OF EXPENDITURE WITHOUT STATUTORY AUTHORITY

I am writing to inform you that today I announced the appointment of the independent Chair of the Sentencing and Penal Policy Commission, Martyn Evans and officially launched the work of the Commission. This is a temporary, interim role, in line with the commitment in this year's Programme for Government that committed to an independent review of sentencing and penal policy, looking at how both imprisonment and community interventions are used, to reduce reoffending through meaningful rehabilitation and keep our communities safe.

The Scottish Ministers, through their Education and Justice portfolio, will provide funding of £50k from the budget for financial year 2024-25 and £550,000 from the budget for financial year 2025 to 2026 for the establishment of a Sentencing and Penal Policy Commission. In the absence of statutory powers do so, the provision of this funding will be made under Scottish Ministers' common law powers.

Where there is no statutory power to undertake a particular activity, (provided any necessary resultant expenditure is authorised by Budget Act for the financial year in question) Ministers may use their common law powers to make expenditure, provided the expenditure is not of a continuing nature unless either the sums involved are below £1 million a year or Ministers undertake to seek statutory powers at the first available opportunity.

The Budget (Scotland) Act provides Parliamentary authority for this expenditure. Although there are no plans to seek statutory powers, these are one-off payments for a role of limited duration.

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Parliament having not been informed of Ministers' reliance on common law powers for this expenditure previously, I trust that the information in this letter provides the requisite notification. I would of course be more than happy to provide further information should the Committee wish it.

Yours sincerely,

ANGELA CONSTANCE

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