



The Scottish Parliament
Pàrlamaid na h-Alba

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs,
Land Reform and Islands,
The Scottish Government

By email only

**Net Zero, Energy and Transport
Committee**
c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

netzero.committee@parliament.scot

22 December 2023

Dear Mairi,

Appointments to the Scottish Land Commission

As you know, the remit of the Net Zero, Energy and Transport Committee includes considering any proposed appointments to the Scottish Land Commission and having the opportunity to express a view to Parliament on the appointment process or the suitability of any candidates before the relevant motion is taken in the Chamber.

There has been contact and discussion between the Scottish Government and the Committee since June on the most recent appointment process for vacancies on the Commission, which concluded on 21 December with a motion taken in the Chamber. Throughout that process, there have been several instances of the Scottish Government requesting confidentiality in relation to the sharing of particular information.

The Committee and its staff have, in good faith, complied with all these requests, on the understanding that in doing so we would be helping to protect the integrity of the overall process and to shield it from politicisation.

In particular, following advice from the Scottish Government's public appointments team, the Committee agreed to maintain confidentiality in relation to the identity of all three candidates for those recent vacancies until our own role in the process had been completed. This followed specific and clear advice from the appointments team to the clerk that none of the three individuals were aware of their status as nominees and that the Scottish Government wished to inform them of their status only after the committee's work was complete.

As you know, it was on 29 November that the names of nominees, including the proposed Chair, were first shared with us, when you wrote to the Committee with this information.

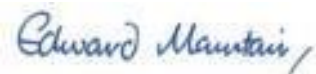
It was therefore disappointing to discover that the identity of the proposed Chair was being discussed in the media on 1 December, some days before the Committee had its first opportunity to consider the proposal. It was also disappointing to note that the apparent source of this reporting was a political party's news release.

I know we would both agree it is important for there to be a spirit of mutual trust and respect between the Scottish Government and Parliamentary Committees, and for this to be reflected in our everyday working relations.

Given this, the Committee would welcome you setting out your own understanding of what led to the proposed chair's name being disclosed to the media on 1 December, including your understanding of what information or documentation the media were relying on and who provided it, your response to the disclosure, and an indication of the steps the Scottish Government propose to take to avoid incidents of a similar nature arising in future.

I would welcome a response by 17 January.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain".

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee