



The Scottish Parliament  
Pàrlamaid na h-Alba

# Conveners Group

## Agenda

2nd Meeting, 2023 (Session 6) Wednesday 22 February 2023

The group will meet at 12.30pm in Committee Room 2.

- 1. Minutes**
- 2. Net zero scrutiny - Progress report on CG Session 6 Strategic Priority:**  
update on action taken on net zero scrutiny
- 3. Post-EU scrutiny – progress on CG Session 6 Strategic Priority:** update on  
action taken on post-EU scrutiny
- 4. Engagement with UK Government:** consideration of correspondence

**Next meeting – Wednesday 1 March**

The papers for this meeting are as follows –

- |   |              |
|---|--------------|
| 1. Minutes of last meeting  | CG/S6/23/1/M |
| 2. Net zero scrutiny: update on strategic priority                | CG/S6/23/2/1 |
| 3. Post-EU scrutiny: update on strategic priority                 | CG/S6/23/2/2 |
| 4. Engagement with UK Government: consideration of correspondence | CG/S6/23/2/3 |

### Committee debates this Parliamentary year

1	22/09/2022	Standards, Procedures & Public Appointments Committee	Debate its report on future procedures and practices
2	01/11/2022	Social Justice and Social Security Committee	Robbing Peter to pay Paul: Low income and the debt trap
3	10/11/2022	Health, Social Care & Sport Committee	Inquiry into alternative pathways to primary care
4	17/11/2022	Constitution, Europe, External Affairs & Culture Committee	The impact of Brexit on devolution
5	14/12/2022	Health, Social Care & Sport Committee	Debate on its health inequalities inquiry
6	17/01/2022	Citizen Participation & Public Petitions Committee	petition PE:1865 Suspend all surgical mesh and fixation devices
7	28/02/2023	Economy & Fair Work Committee	Debate on its inquiry report on Retail and Town Centres in Scotland
8	14/03/2023	Net Zero, Energy & Transport Committee	The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland
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10			
11			
12			

## Contact details for the clerk

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The Scottish Parliament  
Pàrlamaid na h-Alba

## Conveners group

### Minutes

1st Meeting, 2023 (Session 6) Wednesday 25 January 2023

Present:

Liam McArthur MSP, Convener  
 Clare Adamson MSP, Constitution, Europe, External Affairs and Culture Committee  
 Claire Baker MSP, Economy and Fair Work Committee  
 Siobhian Brown MSP, COVID-19 Recovery Committee  
 Ariane Burgess MSP, Local Government, Housing & Planning Committee  
 Jackson Carlaw MSP, Citizen Participation & Public Petitions Committee  
 Natalie Don MSP, Social Justice and Social Security Committee (virtual)  
 Joe Fitzpatrick MSP, Equalities, Human Rights & Civil Justice Committee  
 Kenneth Gibson MSP, Finance & Public Administration Committee  
 Richard Leonard MSP, Public Audit Committee  
 Gillian Martin MSP, Health, Social Care and Sport Committee (virtual)  
 Edward Mountain MSP, Net Zero, Energy & Transport Committee  
 Sue Webber MSP, Education, Children and Young People Committee  
 Martin Whitfield MSP, Standards, Procedures & Public Appointments Committee

Apologies were received from:

Finlay Carson MSP, Stuart McMillan MSP and Audrey Nicoll MSP

1. **Minutes:** The Conveners Group agreed the minutes of the last meeting.
2. **Public participation in the Scottish Parliament: discussion on the recommendations of the Citizen's Panel on public participation:** The Group considered the recommendations of the Citizen's Panel on public participation and agreed to consider the recommendations again later in the year.
3. **Committee travel request: consideration of committee travel request:** The Group considered a travel request from the Citizen Participation and Public Petitions Committee, for travel to France and Ireland as part of its public participation inquiry. The Group approved the travel request subject to costs being reduced.

- 4. SPCB-supported officeholders: consideration of a proposed written agreement between Conveners Group and Scottish Parliament Corporate Body:** The Group considered and approved the proposed written agreement between the Conveners Group and the Scottish Parliament Corporate Body on the scrutiny of SPCB-supported officeholders. It agreed to review arrangements after 12-18 months to assure itself that governance arrangements had been strengthened.
  
- 5. Net zero scrutiny - Progress report on CG Session 6 Strategic Priority: update on action taken on net zero scrutiny:** Due to time constraints, the Group agreed to defer this agenda item to a future meeting.

Date of Next Meeting: 22 February 2023

## Contact details for the clerk

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# Conveners Group

## 2nd Meeting, 2023 (Session 6), Wednesday 22 February 2023

### Progress Report on CG Session 6 Strategic Priority: net zero scrutiny

#### Introduction

1. The purpose of this paper is to update the Conveners Group on progress being made in taking forward the Group's agreed actions as part of its strategic priority on net zero scrutiny.

#### Context

2. Climate change and net-zero are complex scientific, socio-economic and environmental issues, and so require whole-society solutions. In their [7 December 2022 report to the Scottish Parliament](#), the Climate Change Committee concluded that in the Scottish Government:

“There is little evidence of cooperative policy planning, which is now undermining the achievement of Scotland's more ambitious short-term goals.’

3. As discussed at Scottish Parliament sponsored COP26 events, this lack of policy coherence is mirrored by the challenges faced by the Parliament, and parliamentary committees, in delivering effective scrutiny of the Scottish Government on these issues - the challenge of scrutiny coherence.
4. How to approach these issues from the perspective of committees was the subject of Conveners Group discussion in [April 2022](#), and then in [June 2022](#) the Conveners Group agreed seven initial actions. These, and an update on progress, are detailed in Table One below.
5. These actions were agreed in the context that the Net Zero, Energy and Transport Committee (NZET) Committee plays a leading role, but also supports other committees in effectively embedding climate scrutiny in their own work. This is beginning to play out with a number of committees using Conveners Group work to inform their own approaches and work programme development.
6. The Scottish Parliamentary Service is tasked with supporting delivery of these actions, in the context of wider support for MSPs, their staff and staff

of the parliament. This helps the Parliament meet its own statutory public duties on climate change and sustainable development.

## Update on Conveners Group Agreements

**Table One – Update on Conveners Group Agreed Actions**

	<b>Action</b>	<b>Update</b>
<b>1</b>	<b>UK Climate Change Committee (CCC) to be invited to the Conveners Group on annual basis</b>	Chris Stark, Chief Executive, presented to Conveners Group on 26 October 2022. This included agreements to hold such a meeting annually and offers to work with committees across Parliament. Following on from this, Mr Stark presented at a work programme discussion for the Economy and Fair Work Committee.
<b>2</b>	<b>Commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, adviser)</b>	Initial scoping underway – priority actions have included initial support for Net Zero, Energy and Transport Committee; Economy and Fair Work Committee; Local Government and Communities Committee; Covid-19 Committee and Rural Affairs and Islands Committee. Bespoke briefings remain to be commissioned for all committees.
<b>3</b>	<b>Ask Scottish Government for emissions data by committee portfolio</b>	DPO sent letter to Scottish Government on 6 October requesting emissions data by committee portfolio. Reply received 1 November indicates Scottish Government happy to open discussions, but suggesting Parliament should lead, as Scottish Government does not have resource. The correspondence is attached in Annexe A. Scottish Parliament officials have followed up with Scottish Government, and initiated discussions with the Committee on Climate Change on this issue.
<b>4</b>	<b>Consider ways to strengthen parliamentary processes</b>	Conveners Group has written to SPPA Committee inviting it to consider reviewing Standing Orders to require the Scottish Government to make available information necessary to support commitments to deliver against net zero targets in relation to the provision of information required to support effective scrutiny of net zero issues.

		<p>The SPPAC was invited to take this work forward in collaboration with NZET Committee. The letter from the Conveners Group is attached in Annexe B. The SPPAC considered this letter on 2 February 2023 and agreed to write to the Conveners Group seeking the response from the Cabinet Secretary. This letter has now been provided. SPPAC also agreed to write to the Net Zero, Energy and Transport Committee.</p> <p>Alongside, officials have supported the updating of relevant sections of the clerking guidance on committees.</p>
<b>5</b>	<b>Climate change / net zero adviser as shared committee resource</b>	<p>Officials supported recruitment of a new Climate Change/Net Zero adviser to Net Zero, Energy and Transport Committee. In addition to work with SPICe developing Net Zero, Energy and Transport Committee strategic approach to climate scrutiny, the adviser has supported work programme discussion at Economy and Fair Work Committee and has met the Convener of Local Government and Communities Committee, with a view to supporting the committee's work programme and approach to business planning day.</p>
<b>6</b>	<b>Continued rollout of Sustainable Development Impact Assessment Tool</b>	<p>Tool offered to all committees through Conveners Group and some individual work programme discussions. Has been run at official level on National Care Service Bill and suggested as part of approach to forthcoming Agriculture Bill. Related PhD published, and available in SPICe. This facilitated tool remains available for use by committees in considering approaches to legislation or inquiry work.</p>
<b>7</b>	<b>Capacity building for MSPs, their staff and staff of the Parliament</b>	<p>Capacity building has included promoting Royal Scottish Geographical Society Course to MSPs, their staff and staff of the Parliament as part of Climate week w/c 26 September. Work has been ongoing to develop training and best practice across the Parliament, and to share ideas with other UK legislatures.</p>

## **Forward Look**

7. As well as continuing to deliver on the specific Conveners Group actions, the next 3 months will see continued building of the model for parliamentary scrutiny, alongside dealing with reactive and ad-hoc approaches from MSPs, committee clerks and others interested in this work.
8. This work includes sharing our learning with other relevant organisations and developing partnerships with other legislatures in the UK on these issues. The latter includes a secondment from the UK Parliamentary Office of Science and Technology (POST) to the Scottish Parliament to add depth and value to this work – including formulating interactions with the new ESRC backed Climate Change Thematic Research Lead now employed at the UK Parliament, **and leading work on monitoring and evaluating impact of enhanced climate change and sustainable development scrutiny in the Scottish Parliament.**

## **Recommendation**

9. **The Conveners Group is invited to note the contents of this report.**

**Conveners Group Clerking Team  
February 2022**



**Annexe A****Letter from Chair of Conveners Group to Cabinet Secretary for Net Zero, Energy and Transport: 6 October 2022**

At its meeting on 22 June 2022, the Scottish Parliament Conveners Group agreed a number of actions as part of the Group's strategic priorities this session. These are designed to enhance cross-committee scrutiny of climate change and net zero issues, in the wider context of sustainable development. This followed a wide-ranging discussion on these issues at its meeting in April 2022.

The Group recognises the challenges involved in scrutinising these complex issues and has identified this as a matter of high priority for the Parliament to ensure that effective scrutiny of net zero issues can be carried out. This clearly impacts across all portfolios and so the Group explored ways to facilitate this important work.

The Group has agreed a number of measures which aim to embed the scrutiny of net zero and climate change policy within the work of committees. These are—

1. Invite the UK Climate Change Committee to Conveners Group on an annual basis
2. Commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, adviser)
3. Request, from Scottish Government, emissions data by committee portfolio
4. Consider ways to strengthen parliamentary processes
5. Appoint a climate change / net zero adviser as shared committee resource (appointed through NZET Committee)
6. The continued rollout of the Scottish Parliament [Sustainable Development Impact Assessment Tool](#)
7. Capacity building for MSPs, their staff and staff of the Parliament

Many of these actions are about increasing understanding and capacity building across all committees – and to identify and resolve any scrutiny gaps. In that context I am writing in particular to take forward action number 3 above – to ask if the Scottish Government can provide greenhouse gas emissions data broken down by committee portfolios.

It is recognised that emissions are normally reported using categorisations reflecting international and national reporting – categories which also form the structure of the Scottish Climate Change Plan. However these do not support parliamentary committees when they are seeking to understand the impact of the portfolios they scrutinise.

The provision of specific emissions data for each portfolio area would help committees understand impact and trends in their remit or help them to

identify data gaps. To be of most value it would be helpful if this data could be provided on an annual basis.

In order to progress this, can I suggest that it might be helpful in the first instance if Parliament officials discuss with your officials the technical details about the information which is being sought.

As further context, I attach the paper for the Conveners Group meeting on 22 June which sets out these measures.

I hope you are able to support us in seeking this information.

## **Letter from Cabinet Secretary for Net Zero, Energy and Transport to Chair of Conveners Group to: 1 November 2022**

Thank you for your letter dated 6 October on behalf of the Scottish Parliament Conveners Group.

I welcome the decision of the Group to take forward actions to enhance cross-committee scrutiny of climate change and net zero issues and the opportunity this raises for Parliament to build upon the work being done through the Joint Budget Review on matters related to climate and other activities.

In its letter, the Group specifically requests that Scottish Government provide emissions data, categorised according to committee portfolio. Scottish Government is happy to support this endeavour by offering Parliament officials an initial session or workshop to introduce the currently-available emissions data, but note that the information is not currently available on the specific basis requested and will require additional processing to categorise the data by portfolio. This subsequent work would sit most appropriately with Parliament officials.

The data, held in the Scottish Greenhouse Gas Emissions Inventory, is not currently presented in a portfolio-by-portfolio way. Generating such a categorisation would encounter numerous 'boundary' issues (ie which emissions to allocate to which portfolio) that are best judged by Parliamentary colleagues. It is also unclear the extent to which the necessary mapping of emissions to portfolio could be achieved from the existing data or whether additional analysis would be required to arrive at a satisfactory breakdown. Again, these choices are most appropriate for Parliamentary colleagues to make.

To take this approach forward, I suggest Parliamentary officials contact my officials and they can advise on options and possible approaches.

Once again, I welcome this initiative to improve Parliamentary scrutiny and look forward to hearing more as the work of the Group progresses.

**Annexe B****Letter from Chair of Conveners Group to Convener of Standards, Procedures and Public Appointments Committee: 15 December 2022**

You will recall that earlier this year, Conveners Group discussed how the Parliament can strengthen net zero scrutiny arrangements in session 6.

The Group examined ways to facilitate and support the work of individual committees, as well as achieving a consistency of approach and support across committees. Following discussion, CG agreed to take forward a series of measures intended to make it easier for committees to prioritise climate change and net zero scrutiny.

To inform scrutiny in all policy areas this included the provision of information required to support effective scrutiny. For this reason, these measures include receiving expert advice, such as from the UK Committee on Climate Change, in order to embed net zero scrutiny into inquiry work.

The Group noted that it was important that the Scottish Government was able to provide essential data to facilitate this scrutiny work. With this in mind, you will have seen the correspondence that I have had with the Cabinet Secretary for Net Zero requesting better information on this; the Group will return to this at our meeting later this month.

On a related topic, the Group previously agreed that there may be merit in exploring possible procedural options which could be used to require the Scottish Government to make available information necessary to inform the scrutiny process, particularly to support commitments to deliver against net zero targets.

The current standing orders requires that the policy memorandum includes an assessment of the effects, if any, of the Bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Scottish Ministers consider relevant.

Clearly public policy has moved on since our standing orders were drafted particularly in terms of net zero targets. In order to support bill scrutiny work the rules governing the provision of information on the introduction of legislation may merit further investigation to examine whether the level and type of information provided to the Parliament has kept pace with public policy commitments and societal expectations. Equally, as well as looking at the type and nature of information that Government should be expected to provide as part of the legislative process, there may also be scope for parliamentary officials, to consider how they can best provide analysis to support the work of committees.

This is something that your committee may wish to consider. Though of course it is for you and your committee to decide whether to take forward, including whether this is something that could be explored jointly with the NZET Committee.

Whatever you decide to do, I hope that we can work productively together with you and your committee colleagues to find ways in which we can best take forward this important scrutiny work.

# Conveners Group

## 2nd Meeting, 2023 (Session 6), Wednesday 22 2023

### Post-EU Scrutiny

#### Introduction

1. The purpose of this paper is to invite the Conveners Group to consider issues arising from post-EU scrutiny as a strategic priority this session.
2. In particular, this paper addresses issues in relation to the impact of the Retained EU Law (Revocation and Reform) Bill (REUL) currently progressing through the UK Parliament, on the work of parliamentary committees.

#### Background

3. The Constitution, Europe, External Affairs and Culture (CEEAC) Committee has recently published its [report](#) on its scrutiny of the LCM in relation to the Bill.
4. The attached paper from the Convener from the Committee sets out in detail the issues arising from the Committee's scrutiny of the legislation (Annexe A).
5. The Convener has also written to the Chair of the Conveners Group inviting the Group to consider how REUL may impact work across parliamentary committees and the Parliament more widely (Annexe B).

#### Next steps

6. The Convener of the CEEAC Committee will provide the Group with an update on the scrutiny of this legislation at the meeting. Officials from clerking, SPICe and Legal will also be present to answer any queries or questions Conveners may have.
7. The Minister for Parliamentary Business is attending the meeting of the Conveners Group on 1 March. This will provide the Group with the opportunity to raise with the Minister any issues or queries in relation to the impact of this work on committees. The paper provided by the CEEAC Convener includes issues that Conveners may wish to raise with the Minister at the meeting.
8. Work is also being taken forward at official level to provide support for committees in carrying out this scrutiny work. This includes the production of a toolkit as well as engagement with Scottish Government officials.

9. These measures are intended to support Committees in carrying out this scrutiny work. This will be kept under review and the Group will be invited to consider this further at future meetings to ensure that the necessary support for committees is in place.

## **Recommendation**

10. **The Conveners Group is invited to consider the information set out in this paper.**

**Conveners Group clerking team  
February 2023**

## Annexe A

# Post-EU Constitutional Issues: Update from the Convener of the Constitution, Europe, External Affairs and Culture Committee

## Introduction

1. At its meeting on 30 November 2022, the Conveners Group's attention was drawn to two themes emerging from the Committee's recent reports on post-EU constitutional issues. Those themes were—
  - tension within the devolution settlement;
  - tension in the balance of the relations between the Executive and the Legislature.
2. These themes also arise in the Committee's recent [report](#) on the Legislative Consent Memorandum for the Retained EU Law (Revocation and Reform) Bill ("the Bill"). The report also highlights concerns about the risks to standards and protections created by the Bill. It further highlights that scrutiny of the secondary legislation which will have to be laid by Ministers under the Bill is likely to present considerable challenges to parliamentary time and resources in the second half of 2023.
3. The Committee has agreed to write to the Conveners Group to recommend that it considers these potential implications for the work of the subject committees and the DPLRC. Some Conveners will already be considering these implications for their work programmes. Accordingly, this update focuses on that aspect of the Bill.
4. The Committee is also keen to hold a committee debate on Retained EU Law (REUL) which would give the Parliament an opportunity to debate some of the issues raised by the CEEAC Committee's consideration of the LCM, as well as the wider constitutional issues identified by the Committee's work to date this session.
5. The Minister for Parliamentary Business is attending the meeting of the Group on 1 March 2023. This will provide Conveners with the opportunity to question the Minister on issues arising from the points raised in this paper.

## Retained EU Law (Revocation and Reform) Bill

6. As a reminder, REUL is a form of UK domestic law. It was created to preserve the EU law and rights which applied in the UK immediately before the UK left the European Union. The purpose of doing this was to provide legal continuity and certainty immediately following the UK's withdrawal from the European Union. The intention was to review that law when time allowed.



7. The Bill changes this approach to REUL by creating a “sunset” date. This means that most REUL which is not specifically kept - by UK Ministers or Ministers of the devolved authorities making secondary legislation to preserve it - will be automatically revoked on 31 December 2023.
8. UK Ministers alone will have the power to extend the December 2023 sunset date.
9. The Bill also gives powers to UK and devolved Ministers to change or replace REUL. Taken together, these powers make it much easier to revoke, modify or replace REUL through secondary legislation than is currently the case.

## **CEEAC Committee consideration**

10. As explained in the Committee’s report, the clear and repeated message from a broad range of stakeholders was that, while there is a need to review and reform REUL on an ongoing basis, the “cliff-edge” approach taken by the Bill through the sunset provision is problematic.
11. Several witnesses raised concerns about the impact of the Bill and the sunset approach on their own resources, as well as on Government and Parliament. Specifically, the time and resources required to properly identify and review REUL as well as the time, thought and resources required to introduce legislation to preserve or restate REUL before the end of 2023. They told the Committee that such an approach could present significant risks to standards in policy areas such as food safety, safeguarding the environment, consumer protection, and business practice.
12. There was a clear desire from stakeholders to see the Scottish Government and UK Government work together to identify REUL and the approach which should be taken to its retention, amendment or replacement. The difficulty in achieving this to the timeline of end 2023, with appropriate levels of parliamentary scrutiny and debate, and stakeholder consultation and engagement, was highlighted repeatedly. These challenges, as well as a call for the UK to work with the Scottish Government on REUL, and to respect the devolution settlement, are reflected in the Committee’s report.

The Committee also shares the concern of the DPLR Committee at:

- the short timeframes within which officials are expected to identify and decide which REUL to retain and which should fall away.
- the lack of parliamentary scrutiny in relation to REUL which will be revoked at the sunset (there is provision for parliamentary scrutiny in relation to which pieces of REUL will be preserved because they will require to be listed in an instrument but there is no such provision for scrutiny in relation to which pieces of REUL will be revoked at the sunset); and
- what the proposed secondary legislation programme resulting from the Bill is likely to be. The Cabinet Secretary’s [response](#) (12 December 2022) to DPLR Committee noted that, at that time, there was a lack of clarity and certainty but

offered to keep the Parliament updated on the potential use of Bill powers as matters develop.

13. The Committee's report calls for the Scottish Government to facilitate a role for the Scottish Parliament in any decisions not to exercise the preservation power (the consequence of which will be to allow particular pieces of devolved REUL to sunset).

## Implications for Parliament

14. As mentioned previously, the DPLR Committee [asked](#) the Cabinet Secretary for Constitution, External Affairs and Culture a number of questions relating to the proposed secondary legislation programme. The Cabinet Secretary's [response](#) (12 December 2022) noted that at that time there was a lack of clarity and certainty but offered to keep the Parliament updated on the potential use of Bill powers as matters develop. The CEEAC Committee welcomed that offer.
15. It is noted that the DPLR Committee raised the issue of REUL with the Minister for Parliamentary Business at its session on 7 February 2023. At that meeting the Minister indicated that *"It is difficult for me to say at this stage what the impact will be"* on the Scottish Government and Scottish Parliament. In response to a question specifically about the likely timing of secondary legislation relating to REUL, the Minister added that *"It is hard to give you that level of detail... As soon as we have further information, I will be happy to share that with the convener."*
16. The session planned for 1 March 2023 with the Minister for Parliamentary Business may provide a further opportunity to obtain an update and some clarity on aspects of the REUL programme which are currently unknown. The Group may wish to explore the following areas identified by the Committee and by the DPLR Committee:
- The processes the Scottish Government has in place to identify all the devolved REUL subject to the sunset, how that task is progressing, and any steps being taken to mitigate against the risk of gaps arising;
  - The timescales for decision-making by the Scottish Government on whether to preserve a piece of REUL or let it fall away;
  - Whether the Scottish Government anticipates using the powers to amend and replace REUL in addition to the power to preserve it, and when decisions will be taken on that;
  - How effective consultation on the policy implications of amending or replacing REUL will be achieved in the time available;

- What discussions Ministers or their officials have had with UK Government counterparts, including through common frameworks, on any plans to extend the sunset date, and in relation to which REUL subject matter areas;
- How the Scottish Government intends to facilitate scrutiny by the Scottish Parliament of any decisions to let REUL fall away, given that such decisions will not be implemented through legislation;
- What discussions Ministers or their officials have had with UK Government counterparts on the use of concurrent powers in the Bill (i.e., powers to preserve, amend or replace REUL which can be exercised by either UK Government or devolved Ministers);
- Whether it is anticipated that the UK Government will seek the consent of the Scottish Ministers before exercising these powers, and in what circumstances the Scottish Ministers will agree to the UK Government legislating to preserve, amend or replace devolved REUL;
- When the Scottish Government anticipates that secondary legislation under the Bill will be laid in Parliament, any peaks in that programme, and an explanation of the anticipated workload across subject committees.

## **Recommendation**

**17. The Conveners Group is invited to consider the contents of this report with a view to informing the session with Minister for Parliamentary Business on 1 March.**

**Clare Adamson  
Convener, CEEAC Committee  
February 2023**

## **Annexe B**

### **Letter from Convener of the Constitution, Europe, External Affairs and Culture Committee to the Chair of the Conveners Group, 15 February 2023**

We have just published our Legislative Consent Memorandum: delegated powers relevant to Scotland in the Retained EU Law (Revocation and Reform) Bill [Legislative Consent Memorandum for the Retained EU Law \(Revocation and Reform\) Bill \(UK Parliament legislation\)](#) report.

At paragraph 98 of the report, we state—

“The Committee notes that the scrutiny of legislation laid by Scottish Ministers to preserve or restate REUL before the end of 2023 is likely to present considerable challenges to the capacity of Scottish Government officials and to parliamentary time and resources in the second half of 2023. It is unclear how the Scottish Government intends to approach this legislation, whether for example by a handful of instruments covering a whole range of policy areas, or with a more tailored approach. Either way, the scale and difficulty of the task ahead – in terms of the additional administrative burden and the challenge of conducting scrutiny within the time constraints and even knowing what to scrutinise – should not be underestimated. We will therefore be writing to the Conveners’ Group to highlight, and recommend their consideration of, the potential implications for the workload of subject committees and the DPLR Committee.”

I am duly writing to you to invite consideration of these concerns for how REUL may impact on our work across the committees and indeed more widely for the Parliament when you factor in the support of legal colleagues, SPICe etc.

**Clare Adamson MSP**  
**Convener of the Constitution, Europe, External Affairs and Culture Committee**

# **Conveners Group**

## **2nd Meeting, 2023 (Session 6), Wednesday 22 February 2023**

### **Engagement with UK Government**

#### **Introduction**

1. On 30 January 2023, Clare Adamson MSP, Convener of the Constitution, Europe, External Affairs and Culture (CEEAC) Committee wrote to the Conveners Group asking it to consider the matter of UK Ministers attending the Scottish Parliament. The letter is attached in Annexe A to this paper.
2. Annexe B sets out details of the experiences of committees during Session 6 in terms of invitations to UK Ministers to give evidence.
3. In considering the matter, it should be noted that the powers the Scottish Parliament has to compel witnesses to attend are confined to taking evidence in relation to devolved (or executively devolved) matters. These powers are set out in section 23 of the Scotland Act. Therefore, the Scottish Parliament cannot compel any UK Minister to attend to explain their reasons for any reserved matter.
4. The Group is invited to consider this issue and agree any actions.

**Annexe A - Letter from Convener of the Constitution,  
Europe, External Affairs and Culture Committee to the  
Chair of the Conveners Group, 30 January 2023**

Dear Liam,

As you will be aware, the Constitution, Europe, External Affairs and Culture Committee invited the Secretary of State for Scotland to give evidence to the Committee on the constitutional implications of the UK Government's decision to make a Section 35 Order under the Scotland Act 1998 for the first time, thereby preventing the Gender Recognition Reform (Scotland) Bill from proceeding to Royal Assent.

We have today written to the Secretary of State, expressing our disappointment that he has declined this invitation.

The attendance of UK Ministers at Scottish Parliament committee meetings has been discussed at Conveners Group previously. However, given recent circumstances, I would request that this matter returns to the agenda at a future meeting.

**Clare Adamson MSP  
Convener of the Constitution, Europe, External Affairs and Culture Committee**

## Annexe B – Invitations issued to UK Ministers by Scottish Parliament Committees

1. During the course of Session 6, several committees have requested the attendance of a UK Minister to provide evidence.
2. The list below sets out some of the committees' experiences where invitations have been declined or accepted:

### Declined invitations

#### The Gender Recognition Reform (Scotland) Bill and Section 35 Order

##### Equalities, Human Rights and Civil Justice Committee

3. On 17 January, the ECJHR Committee as lead committee in scrutinising the Gender Recognition Reform (Scotland) Bill, [invited](#) the Secretary of State for Scotland to give evidence to provide clarity on his decision to make a Section 35 Order in relation to the Bill.
4. The Secretary of State for Scotland declined this invitation on [20 January 2023](#).
5. The Committee then extended the invitation to the UK Minister for Women and Equalities on [19 January 2023](#). The Minister [responded on 23 January](#) in the same terms as the Secretary of State for Scotland to indicate that she too would not attend the evidence session.
6. The Committee agreed to [write](#) again to the Secretary of State, setting out several questions to which the Committee would welcome a response. This was for the purposes of understanding the decisions taken and the scope to proceed from this point.
7. The Committee received a response to its letter from the Secretary of State on [30 January](#).

##### Constitution, European, External Affairs and Culture Committee

8. On 19 January, the Committee [invited](#) the Secretary of State for Scotland to appear before the Committee to give evidence on the Section 35 Order in relation to the Gender Recognition Reform (Scotland) Bill. This invitation was [declined](#) and a further [letter](#) was issued by the Committee expressing its disappointment but that it would be interested in the response to the questions raised by the Equalities, Human Rights and Civil Justice Committee.

## **Finance and Public Administration Committee: Budget scrutiny**

9. The Finance and Public Administration Committee has issued several invitations to the Chancellor of the Exchequer since June 2022 in order to scrutinise UK Government tax and spending decisions, as they impact on the overall size of the Scottish Budget.
10. The most recent invitation of 4 November was [declined](#), and the Committee [responded](#) with the issues it wishes to explore in detail, explaining why this scrutiny is important. The Committee sees this as a starting point for discussions with the Treasury and continues to pursue its invitation with the Chancellor.

## **Economy and Fair Work Committee: Supply chain inquiry**

11. As part of its Supply chain inquiry, the Committee invited the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster to appear before the Committee in October 2021. The invitation was declined as the Minister was not 'best placed to give evidence to the inquiry'. The Committee issued two follow up [letters](#) asking who would be best placed to give evidence, but did not receive a response. The Committee subsequently wrote to the Minister seeking a written response to the inquiry, but no response was received.

## **Education, Children and Young People Committee: LCM on the Advanced Research and Invention Agency Bill**

12. The Committee invited the Minister for Science, Research and Innovation at the end of September 2021 to provide evidence on the Advanced Research and Invention Agency Bill.
13. The Minister declined the invitation at the time, on the basis that discussions between the UK and Scottish Governments were ongoing. These discussions resulted in changes and Scottish Ministers were content to recommend consent. As such, the Committee did not invite the Minister again.

## **Accepted invitations**

### **Net Zero, Energy and Transport Committee: Energy price rises**

14. The Committee took evidence from the Minister for Energy, Clean Growth and Climate Change at its meeting on [11 May 2022](#), as part of its inquiry into energy price rises.

### **Social Justice and Social Security Committee: Social Security**

15. The Committee took evidence from the Minister for Disabled People, Health and Work on [10 March 2022](#) on the topic 'DWP role in devolved Social Security'.



## **Finance and Public Administration Committee: Levelling up funding**

16. The Secretary of State for Levelling Up, Housing and Communities attended at the end of [February 2022](#) to speak about levelling up funding. The Secretary of State has also agreed to attend this year to give evidence to the Committee.