



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 4, No. 25, Session 6

Meeting of the Parliament

Tuesday 10 September 2024

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

- 1. Time for Reflection:** Father Gerard Hatton, Administrator of St Patrick's Church, led Time for Reflection.
- 2. Topical Questions:** Questions were answered by Cabinet Secretaries and a Minister.
- 3. Police (Ethics, Conduct and Scrutiny) (Scotland) Bill:** The Cabinet Secretary for Justice and Home Affairs (Angela Constance) moved S6M-14398—That the Parliament agrees to the general principles of the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

The motion was agreed to (DT).

- 4. Police (Ethics, Conduct and Scrutiny) (Scotland) Bill: Financial Resolution:** The Cabinet Secretary for Justice and Home Affairs (Angela Constance)—That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The motion was agreed to (DT).

- 5. Committee Announcement:** Kenneth Gibson, on behalf of the Finance and Public Administration Committee, made an announcement on Quality and Consistency of Financial Memorandums.

6. Decision Time: The Parliament took decisions on items 3 and 4 as noted above.

7. Repealing the United Kingdom Internal Market Act 2020: The Parliament debated S6M-14113 in the name of Kenneth Gibson— That the Parliament recognises the ongoing and potentially far-reaching implications of the United Kingdom Internal Market Act 2020 (UKIMA) as, it considers, a repeated and systematic undermining of devolution and the Scottish Parliament; considers that, despite the previous UK administration’s stated commitment to work through intergovernmental structures during the Brexit process, the UKIMA is one of four instances where UK Conservative ministers chose to disregard the Sewel Convention, following the European Union (Withdrawal) Act 2018, the European Union (Withdrawal Agreement) Act 2020, and the European Union (Future Relationship) Act 2020; understands that the introduction of the mutual recognition and non-discrimination principles obligate Scotland to accept goods and services from other parts of the UK, even if they do not meet Scotland's higher regulatory standards, or correspond with key local policies such as minimum alcohol unit pricing, which has an exemption in the Act but, it considers, can still technically be caught by the UKIMA’s non-discrimination principle, or the prohibition of certain single-use plastics, as well as other devolved areas if deemed to undermine barriers to trade under the UKIMA; considers that UK ministers can now impose market access principles on devolved policy areas without input from the devolved legislature, most concerningly in areas such as healthcare, where the UK Government can subject “healthcare services provided in hospitals” and “other healthcare facilities or at other places” to market principles in Scotland; highlights its concern following the current UK Secretary of State for Health and Social Care’s reported proclamation to “[hold] the door wide open” to private interests in the NHS; considers that UK ministers can now make spending decisions on devolved matters and have already used these powers to replace programmes previously administered via European Structural Funds; understands that the Labour Party, Liberal Democrats, Scottish National Party and Green Party rejected the UKIMA in the House of Commons and that it received the largest government defeat in the House of Lords since 1999; further understands that the UK Government did not seek legislative consent from the devolved legislatures; recalls that the Scottish Parliament voted on a motion for debate refusing consent, which was supported by the Scottish Labour Party, Scottish Liberal Democrats, Scottish Green Party and Scottish National Party, which it understands was only the second instance since the Parliament’s establishment in which consent has been withheld, following the European Union (Withdrawal Agreement) Act 2020; understands that, during the passage of the United Kingdom Internal Market Bill, a range of stakeholders, including business and farming organisations, environmental groups, public health charities and professional organisations, raised concerns, which it considers were downplayed or not acknowledged by the UK Government, and notes the calls on the UK Labour administration to repeal the UKIMA, restore respect for the devolution settlement, and ensure that the rights and interests of the people in the Cunninghame North constituency and elsewhere in Scotland are upheld.

The meeting closed at 5.47 pm.

David McGill

Clerk of the Parliament
10 September 2024

Appendix
(Note: this Appendix does not form part of the Minutes)

Committee Reports

The following report was published on 9 September 2024—

Health, Social Care and Sport Committee, 12th Report, 2024 (Session 6):
Post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland)
Act 2013: Phase 2 (SP Paper 638)

The following report was published on 10 September 2024—

Delegated Powers and Law Reform Committee, 51st Report, 2024 (Session
6): Subordinate Legislation considered by the Delegated Powers and Law
Reform Committee on 10th September 2024 (SP Paper 640)

Subordinate Legislation

Affirmative Instruments

The following instrument was laid before the Parliament on 10 September 2024 and is subject to the affirmative procedure—

Scotland Act 1998 (Specification of Devolved Tax) (Building Safety) Order 2024
[draft]
laid under paragraphs 1 and 2 of schedule 7 of the Scotland Act 1998

Negative Instruments

The following instruments were laid before the Parliament on 9 September 2024 and are subject to the negative procedure—

Sheriff Court Fees Order 2024 (2024/235)
laid under section 133(1) and (3) of the Courts Reform (Scotland) Act 2014

Sheriff Appeal Court Fees Order 2024 (SSI 2024/236)
laid under section 133(1) and (3) of the Courts Reform (Scotland) Act 2014

High Court of Justiciary Fees Order 2024 (SSI 2024/237)
laid under section 133(1) and (3) of the Courts Reform (Scotland) Act 2014

Court of Session etc. Fees Order 2024 (SSI 2024/238)
laid under section 133 of the Courts Reform (Scotland) Act 2014

Justice of the Peace Court Fees (Scotland) Order 2024 (SSI 2024/239)
laid under section 133 of the Courts Reform (Scotland) Act 2014

Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2024 (SSI
2024/240)
laid under section 86 of the Adults with Incapacity (Scotland) Act 2000

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