



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Rt Hon Chloe Smith MP
Secretary for State for Science,
Innovation and Technology
By email

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31 May 2023

Dear Secretary of State,

Electronic Trade Documents Bill

At the meeting of the Scottish Parliament's Delegated Powers and Law Reform Committee on 30 May, the Committee considered the delegated power relevant to Scotland in the above Bill, as referred to in the [Legislative Consent Memorandum](#) ("the LCM") lodged by the Scottish Government with the Scottish Parliament on 16 May 2023.

To assist the Committee in considering the LCM, it agreed to request further information in relation to clause 5(2)(b) in the Bill.

When regulations made under clause 5(2)(b) contain any provision that is to have effect in relation to Scotland there is, as currently drafted, a requirement for consultation with the Scottish Ministers before the regulations are made.

The UK Government states that the aim of the consultation with Scottish Ministers is to ensure that the legislation remains fully effective in Scotland as it adapts to future changes and that there is a clear mechanism for feeding in updates on Scottish law and practices in the relevant areas.

The Legislative Consent Memorandum notes that the Scottish Government is negotiating with the UK Government for amendment to the Bill to introduce a requirement for the Scottish Ministers' consent where the power is exercised by UK Ministers within devolved competence, and to confer a concurrent power on the Scottish Ministers within devolved competence.

The Committee therefore agreed to ask:

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- (a) in relation to the power in clause 5(2)(b) to make provision having effect in relation to Scotland, what consideration has been given to having a requirement for the Scottish Ministers' consent, rather than a consultation requirement, to achieve the stated aim; and**
- (b) what consideration has been given to conferring a concurrent power on the Scottish Ministers in those circumstances.**

I request a response to these questions by **Wednesday, 7 June 2023**, so that this can be reflected in the Committee's final report.

Finally, I am also writing to the Scottish Ministers regarding how it is envisaged the Scottish Parliament will have a role in scrutinising the Scottish Ministers' decision-making in relation to consent decisions in the event that an amendment is agreed providing for Scottish Ministers' consent to the exercise of the delegated power insofar as it affects Scotland.

Yours sincerely,

Stuart McMillan MSP

Convener of the Delegated Powers and Law Reform Committee