



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

George Adam MSP
Minister for Parliamentary Business
Scottish Government

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By email

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28 June 2023

Dear George,

Economic Crime and Corporate Transparency Bill

At its meeting on 27 June 2023, the Delegated Powers and Law Reform Committee considered the [supplementary Legislative Consent Memorandum](#) (sLCM) lodged by Shona Robison MSP on 19 June in relation to the above UK Parliament Bill.

The Committee noted that in relation to a number of delegated powers in the Bill, amendments have been made meaning that there are now consultation requirements, or 'consult plus requirements, which place duties on UK Ministers to consult with Scottish Ministers before exercising delegated powers in areas of devolved competence. The Committee's full recommendations in relation to Lords amendments 78, 84, 77L, Schedule 7: New section 303Z42 of Proceeds of Crime Act 2002, and 84C are set out in its [report](#).

In relation to such powers, the Committee also agreed to write to the Scottish Government seeking:

- (a) a general update on how it will facilitate Parliamentary scrutiny in respect of such powers, where consultation takes place between the Secretary of State and the Scottish Ministers in fulfilment of a statutory requirement, prior to exercising a power to make regulations within devolved competence, and
- (b) what information the Scottish Government would make available to the Parliament in such circumstances.

This follows recent correspondence with the Scottish Government in relation to similar issues in recently lodged LCMs, including the original Economic Crime and Corporate Transparency Bill LCM ([letter to](#) and [response from](#) the Scottish Government, as well as the Committee's [report](#) on this). Also relevant are the correspondence and reports on the Electronic Trade Documents Bill ([letter to](#) and [response from](#) the Scottish Government, as well as the Committee's [report](#)), and the Data Protection and Digital Information (No.2) Bill ([letter to](#) and [response from](#) the Government, as well as the Committee's [report](#)).

The responses from the Scottish Government have differed slightly in relation to facilitation of scrutiny of the use of such powers by the Scottish Parliament, and the Committee would appreciate an update on the Scottish Government's position in this area, particularly in relation to ongoing work to update Statutory Instrument Protocol 2.

I am sending a copy of this letter to the Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance, given her role in lodging the supplementary Legislative Consent Memorandum which prompted these questions.

I request a reply by **29 August 2023**.

Yours sincerely,

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee