

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

By email: DPLR.Committee@parliament.scot

07 November 2024

Dear Stuart,

RENTERS' RIGHTS BILL

Thank you for your letter of 31 October 2024, where you request further information to support the Delegated Powers and Law Reform Committee's consideration of the Legislative Consent Memorandum ("the LCM") lodged on 24 September 2024.

The Committee specifically seeks information in relation to clause 140 (power of the Secretary of State to make consequential provision). The Committee asks, given that this is a new Bill introduced following a change in UK Government, the following questions:

- **whether the Scottish Government's position in respect of the appropriateness of the power as conferred on the Secretary of State is the same as in relation to the previous bill;**
- **whether it remains the Scottish Government's understanding that consequential provision will not be made by the Secretary of State except at the express request of the Scottish Government; and**
- **whether the Scottish Government will agree to notify the Parliament of any request to the UK Government to exercise the power to make provision within the Scottish Parliament's legislative competence.**

Whilst there have been some small adjustments to the relevant provisions between the previous Bill and the Renters' Rights Bill, the provision relating to Scotland (including the extension of clause 140 to Scotland) has been included at the Scottish Government's request.

As certain provisions relate to standard insurance and contracts, we consider that these would fall out with the legislative competence of the Scottish Parliament. Therefore it

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appears helpful that the Secretary of State would be able to make consequential provision in that area if needed.

Therefore, the Scottish Government's position remains the same as in relation to the previous Bill: namely, that it is appropriate to confer such power on the Secretary of State.

As this provision has been extended to Scotland at the Scottish Government's request, it remains our understanding that any consequential provision which extended to Scotland would not be made other than at the Scottish Government's express request.

The Scottish Government will, of course, as a matter of standard practice, notify Parliament in the event of any request being made to exercise this power to make provision within the Scottish Parliament's legislative competence.

I trust the Committee finds this information helpful.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE