



Delegated Powers and Law Reform Committee

Ivan McKee MSP
Minister for Business, Trade, Tourism and
Enterprise
By email

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27 October 2022

Dear Minister,

At its meeting on Tuesday, the Delegated Powers and Law Reform Committee considered the Legislative Consent Memorandum on the UK Infrastructure Bank Bill.

The Committee agreed its report on the delegated powers relevant to Scotland in the Bill. In the report, the Committee notes that the delegated powers in Clause 2 of the Bill are exercisable within devolved competence but there is no statutory requirement for HM Treasury to obtain the Scottish Ministers' consent when exercising those powers. Therefore, there is no formal means by which the Scottish Parliament will have the opportunity to scrutinise any regulations which may be made by HM Treasury, or be notified that they had been laid before the UK Parliament.

The Committee reiterated its previously expressed views that:

- the Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence;
- accordingly, powers conferred on UK Ministers should be subject to a requirement for the Scottish Ministers' consent when exercised within devolved competence.

The Committee also noted that the process set out in the [SI Protocol 2](#) will not apply to the exercise of this power by HM Treasury because it does not relate to an area formerly within EU competence.

The Committee noted that, although various assurances have been sought regarding the Bill, none of these relates to the exercise of the delegated powers. The Scottish Government has not, for instance, requested an amendment to the Bill to provide that the exercise of the delegated powers is subject to Scottish Ministers' consent, or a consultation requirement.

The Committee therefore agree to write to you to ask whether you might seek such an amendment during the remaining stages of the Bill.

I would be grateful if you could respond to this letter by **Monday 7 November and copy your response to the Convener of the Economy and Fair Work Committee.**

I am also copying this letter to the Convener of the Economy and Fair Work Committee.

Yours sincerely

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