



Edward Mountain MSP
Convener - Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

28 September 2023

Dear Edward,

Thank you for your letter of 8 September 2023. I welcome the Scottish Parliament's Net Zero, Energy and Transport Committee interest in the Scottish Government's paused Deposit Return Scheme, and how a UK-wide DRS could work in practice.

As you will know, the UK Government continues to work with the Scottish Government, and the other devolved administrations, to develop an approach to making DRS' across the UK interoperable – ensuring they work seamlessly for businesses and consumers across the UK. Stakeholders, including the committee, will be updated as plans develop.

As I am sure you can also appreciate, the UK Government would expect Scottish Government Ministers to answer questions of a Scottish Parliamentary committee on devolved policy areas, including explaining the readiness of their DRS, how the scheme in Scotland will be implemented, and how it will support interoperability across the UK.

In reference to your original letter of 30 June 2023 highlighting intergovernmental relations, I have always been clear on when discussions between our governments on this matter have taken place, and I attach a letter I sent to the Presiding Officer in April 2023 for reference.

THE RT HON. ALISTER JACK MP
SECRETARY OF STATE FOR SCOTLAND

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Alison Johnstone MSP
Presiding Officer of the Scottish Parliament
The Scottish Parliament
Edinburgh
EH99 1SP

By email

20 April 2023

Dear Presiding Officer,

I am writing to express my concerns about inaccurate statements made to the Scottish Parliament by Ross Greer MSP on 18 April 2023, following the First Minister's announcement that the Scottish Government is delaying the launch of its Deposit Return Scheme.

Mr Greer MSP stated;

"For years now, the UK Government has failed to reach a decision on excluding Scotland's bottle deposit return scheme from the United Kingdom Internal Market Act 2020, and it now very much looks like it has deliberately generated uncertainty to undermine the scheme, up to and including Alister Jack misleading the House of Commons. That is Westminster's delay..."

As the decision to delay the launch may have commercial consequences it is vital that statements made in the Scottish Parliament are accurate and reflect the facts. I am concerned by Mr Greer MSP's statement that the UK Government has not taken a decision on a United Kingdom Internal Market Act (UKIM) exclusion for "years now" and his assertion that "is Westminster's delay". UK Government Ministers only received the formal request for a UKIM Act exclusion for the Scottish Government's Deposit Return scheme on 6 March 2023, at the Inter Ministerial Group on Environment, Food and Rural Affairs (IMG Efra).

Since then, changes to the scheme were proposed by all SNP leadership candidates and it was confirmed that a review was being carried out following the First Minister's election. As the final form of the Scottish Government's scheme remains unconfirmed, it is therefore not yet possible for the UK Government to fully assess the impacts of the exclusion request on cross-UK trade, businesses and consumers. It is important that the UK Government has all the information necessary to consider any potential exclusion.

I am acutely aware of the concerns of stakeholders representing businesses of every shape and size, including in relation to the differences in scope and timing between the Scottish scheme and the forthcoming scheme in the rest of the UK.

I welcome the First Minister's decision to pause the Scottish Government's Deposit Return Scheme, given these widespread concerns from businesses. We now have an opportunity to continue working together on solutions which deliver for consumers and businesses across the UK, while helping to realise our shared ambition to improve the environment.

Finally, Mr Greer MSP has wrongly implied that I have misled the House of Commons. On 22 February I noted in the House of Commons that a request for a UKIM exclusion had yet to come. As noted above, a formal request took place two weeks later at the IMG Efra meeting.

The Scottish Parliament's Official Report guidance stresses the responsibility of Members being "accurate and truthful in their contributions during Parliamentary proceedings." The guidance which supports the Code of Conduct for MSPs also states that Members should "conduct themselves in a courteous and respectful manner" and that "Members shall at all times ensure that their choice of language in the Chamber is appropriate and meets the high standards expected by the general public".

I am copying this letter to Mr Greer and hope he will take the opportunity to correct his statement. I am also copying the First Minister and the co-leaders of the Scottish Green Party.

**THE RT HON. ALISTER JACK MP
SECRETARY OF STATE FOR SCOTLAND**