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Edward Mountain MSP
Convener Net Zero, Energy and Transport
Committee Scottish Parliament
By email: netzero.committee@parliament.scot

CC. UKSIs@parliament.scot

22 January 2024

Dear Convener,

The Public Service Obligations in Transport Regulations 2023 EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament agreed on 3 October 2023 that it was content for Scottish Ministers to give their consent to the Public Service Obligations in Transport Regulations 2023 including Scottish devolved matters, as set out in the notification to the Parliament. The Public Service Obligations in Transport Regulations 2023 were made on 11 December 2023 under section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023.

I can now confirm that this SI ***varies in some respects from the original proposal but that the variation is not so significant as to need any further process.*** The UK SI varies in some respects from the original proposal, in that as well as making minor drafting clarifications, the Regulations as made omit a procedure previously provided for under regulation 14(3), which could have been used by a competent authority undertaking a competitive tender.

That procedure would, however, not have been mandatory and so it was considered unnecessary to include it in the Regulations. Removal of the optional procedure does not affect the underlying obligation in regulation 14 for competent authorities to carry out competitive tenders in a way which is open, fair and transparent, nor does it preclude them from using any procedure they see fit in order to discharge that obligation. Therefore, the Scottish Government does not consider that this amounts to a significant policy divergence from the original proposal on which consent was granted.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

FIONA HYSLOP

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