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Dear Convener

Criminal Justice Bill

Thank you for your letter of 06 March requesting further information in relation to the following clauses:

- Clause 2(3): Power to amend meaning of “relevant article”
- Clause 27(2) – New section 71(2) and (5) of the Criminal Justice and Court Services Act 2000: Duty to make driver information regulations
- Clause 27(2) – New section 71A(1) of the Criminal Justice and Court Services Act 2000: Code of practice about access to driver licence records

In particular you asked how the Scottish Government will facilitate Parliamentary scrutiny where consultation takes place between the Secretary of State and Scottish Ministers in fulfilment of the statutory requirements, prior to exercising the powers conferred by these clauses to make regulations or to issue a code of practice within devolved competence.

While maintaining a space for inter-governmental consultation is important, the Scottish Parliament clearly has an interest in understanding how the UK Ministers intend to use such powers in devolved areas. At a minimum therefore, I would hope that we would be able to share information concerning the consultation by the UK Government, including the questions asked and the Scottish Government's response.

You also identified that clauses 85(1), 88(1) and 88 (4), containing respectively a power to make consequential amendments and powers of commencement are not mentioned in the LCM or Supplementary LCM. We are carrying out further analysis of these provisions and

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discussing them with the UK Government with a view to including them, and other provisions, in a future supplementary LCM if required. I am copying this reply to the Criminal Justice Committee as the lead Committee for the Bill.

Yours sincerely



ANGELA CONSTANCE

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