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## LEGISLATIVE CONSENT MEMORADUMS

On 2 March, at the conclusion of the First Minister's appearance before the Conveners' Group, you raised the issue of delays in the lodging of Legislative Consent Memorandums (LCMs) and the challenges this creates for parliamentary committee scrutiny of requests from the UK Government for Scottish Parliament consent to provision in relevant UK Bills (I also acknowledge your letter dated 27 April concerning same). The First Minister committed to raise this issue with me and this letter sets out the Scottish Government's response.

I recognise the concerns raised by the Conveners' Group and I should firstly wish to reiterate Scottish Ministers' commitment to meeting, wherever possible, requirements for the lodging of LCMs in respect of 'relevant Bills' as defined in Standing Orders. I believe that is reflected in the improvements the Scottish Government has already made since the turn of the year in meeting that requirement. To ensure that trend continues, I am taking steps to ensure the importance of meeting the Standing Orders requirement wherever possible is understood by relevant Scottish Government Ministers and officials. The Conveners' Group's concerns have also been brought to the attention of the UK Government, and I will take the opportunity to do so again following publication of this year's Queen's Speech.

One of the challenges which the Scottish Government faces is that, regrettably, circumstances do still arise whereby the Scottish Government is informed of consent proposals much later than it would hope (sometimes very close to a Bill's introduction). In those situations it is often simply not possible for the Scottish Government to fully analyse the policy, legal and devolution implications of a Bill and develop, clear and lodge a comprehensive LC Memorandum within 10 working days of that Bill's introduction at

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Westminster. In recognition of that, a process is already in place to ensure that the Scottish Government will send a letter of explanation to the Presiding Officer in situations in which it does not expect to lodge an LC Memorandum within 10 days. My view is that approach remains satisfactory if the Scottish Government expects to be able to lodge an LC Memorandum quickly thereafter. However, I agree with the proposal you make that if it is anticipated that there is likely to be a more significant delay in a full LC Memorandum being lodged then consideration should be given to lodging an interim Memorandum to enable the relevant committee to begin its scrutiny. I intend to proceed on that basis.

I note that the Conveners Group has invited the Standards, Procedures and Public Appointments Committee to look at the procedural implications of situations in which the Scottish Government does not recommend consent for relevant UK Bills, and I would of course be happy to contribute to the committee's considerations if that would be helpful.

I hope that you will take this response as reassurance that the Scottish Government recognises, and intends to address, the concerns expressed by the Conveners Group. I have asked my officials to maintain a dialogue on these issues with their parliamentary counterparts.

I would of course be happy to discuss these matters further with you.



**GEORGE ADAM**

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