

PE1765/A

Scottish Government submission of 17 January 2020

As the Committee has already noted, a variety of measures already exist to deal with any challenges to the probity of individuals holding public office. The petition as lodged offers no background to the need or justification for the additional measures it proposes, or make any reference to any perceived gaps in those existing probity or regulatory frameworks.

In terms of the specific actions suggested in the petition, the Government would comment as follows:

- The Government sees no merit in the argument that the Lord Advocate's ministerial role conflicts or interferes with his prosecutorial role. Section 48(5) of the Scotland Act 1998 provides that any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland is taken by him independently of any other person.
- Existing probity arrangements incorporate appropriate sanctions to be applied in the event of any instances of non-compliance. On that basis the Government does not consider there to be any need for any form of compensation scheme which might be in direct conflict with those arrangements.
- Lastly, as regards 'institutional oversight' of the Scottish Government, the Government would note its accountability to the Parliament in respect of all ministerial functions and activities. Also that, as paragraph 1.3 of the Scottish Ministerial Code recognises, Ministers have a duty to comply with the law, including international law and treaty obligations. The Government is, therefore, already wholly accountable in that regard.

I hope the content of this letter is helpful to the Committee. The Government would be happy to comment further on issues that may be raised during the Committee's further consideration of this petition.