



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

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Dear Michael

At its meeting today the Committee gave further consideration to the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

The Committee considered your letter of 14 March.

The Committee remains concerned about the scrutiny procedure attached to regulations under section 19(1).

Specifically, the Committee continues to be concerned about the fact that although the affirmative procedure will apply to the first use of the power it will not apply to subsequent uses of the power. The Committee is of the view that if the affirmative procedure is appropriate for the first use of the power then it should also be applied to future exercises of the power. It is quite conceivable that future exercises of the power will provide for significant and material increases in fees and charges and it would seem appropriate for regulations providing for such increases to be subject to the affirmative procedure.

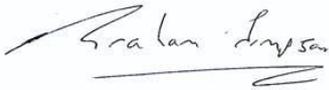
As the Committee has consistently recognised, the scrutiny applied to regulations should be proportionate. Therefore, the Committee considers that regulations that provide for less significant increases in fees and charges are more appropriately subject to the negative procedure.

The Committee would welcome amendments that set a threshold for increases in fees and charges in regulations under section 19(1) above which the affirmative procedure should apply.

The Committee would also welcome some additional information. In your letter you indicate that the model for procedures for fees and charges in the Bill is the normal pattern for such powers: initial use being subject to affirmative procedures and subsequent adjustments being subject to negative procedures. To assist the Committee in its consideration of this argument, it would find it helpful to be provided with some examples of this approach.

The Committee would welcome a response from you to these points by the close of business tomorrow in order to enable the Committee to consider these matters further at its meeting on Tuesday 20 March.

Yours,

A handwritten signature in black ink, appearing to read "Graham Lyson". The signature is written in a cursive style with a horizontal line underneath.

Convener of the Delegated Powers and Law Reform Committee