



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Humza Yousaf MSP
Cabinet Secretary for Justice

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Private International Law (Implementation of Agreements) Bill

Dear Cabinet Secretary

At its meeting earlier today, the Delegated Powers and Law Reform Committee considered the Legislative Consent Memorandum for the UK Private International Law (Implementation of Agreements) Bill. Given the Committee's remit, it focused on the power in the Bill to make subordinate legislation.

The power to make legislation lies with the Parliament. This Committee is therefore interested in ensuring that when the power to make legislation is given to others, those powers are appropriate and Parliamentary scrutiny is ensured.

Clause 2 of the Bill creates a delegated power allowing future international agreements on private international law to be implemented in domestic law by regulations. The power can be exercised by both the Scottish Ministers and the Secretary of State (with Scottish Ministers' consent). The Committee notes that where this power is exercised by the Secretary of State, there would be no formal means by which the Scottish Parliament could scrutinise such regulations, nor be notified that the regulations had been laid before the UK Parliament.

The Committee would therefore be grateful to know:

- 1. In what circumstances does the Scottish Government consider that it will it be appropriate for the power to be exercised by UK Ministers as opposed to by the Scottish Ministers, and vice versa?**

2. Where the powers are exercised by UK Ministers with Scottish Ministers' consent, how will the Scottish Government help facilitate scrutiny by the Scottish Parliament?

The Committee would welcome a response to these questions by **5pm on Thursday 14 May**. I appreciate this is a very tight turnaround time but we're very much trying to ensure the smooth flow of business in these challenging days.

Yours sincerely,



Bill Bowman
Convener of the Delegated Powers and Law Reform Committee