



Delegated Powers and Law Reform Committee

Angela Constance MSP
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Scottish Government

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Dear Angela,

Economic Crime and Corporate Transparency Bill LCM

At its meeting today, the Delegated Powers and Law Reform Committee considered the delegated powers that are exercisable within the Scottish Parliament's legislative competence in the Economic Crime and Corporate Transparency Bill as described in the Legislative Consent Memorandum ("LCM") lodged on 5 May 2023.

The Committee would appreciate a response to the points on the powers set out below.

Lords amendment 73L – new section 29C to be inserted in the Limited Partnerships Act 1907

Lords amendment 73K – new section 29A to be inserted in the Limited Partnerships Act 1907

In relation to each of the powers set out above, the Committee requests a response from the Scottish Government on:

- a) Whether the powers conferred on the Secretary of State by amendment 73L and 73K, insofar as within devolved competence, fall within areas formerly within EU competence before the UK fully withdrew from the EU; and
- b) how, where the process for scrutiny by the Scottish Parliament set out in SI Protocol 2 does not apply, the Parliament is to scrutinise the Scottish

Ministers' consent to UK SIs made by the Secretary of State under powers conferred in devolved areas that do not fall within areas formerly within EU competence before the UK fully withdrew from the EU.

Lords amendment 77L – new schedule 5A – Duty to deliver further information for transitional cases

Schedule 7: New section 303Z42 of POCA – Forfeiture order: supplementary

Lords amendment 84C - Failure to prevent fraud: large organisations

In relation to each of the powers set out above, the Committee requests a response from the Scottish Government on:

- a) Whether the powers conferred on the Secretary of State by amendment 77L, section 303Z42, and amendment 84C, insofar as within devolved competence, fall within areas formerly within EU competence before the UK fully withdrew from the EU; and
- b) If, in each instance, an amendment is agreed to include a consent mechanism, how, where the process for scrutiny by the Scottish Parliament set out in SI Protocol 2 does not apply, the Parliament is to scrutinise the Scottish Ministers' consent to UK SIs made by the Secretary of State under powers conferred in devolved areas that do not fall within areas formerly within EU competence before the UK fully withdrew from the EU.

And in relation to Lords amendment 84C:

- c) Why the Scottish Government is recommending that the Parliament consents to the provision regardless of whether a consent mechanism is included.

Schedule 6: New section 131ZC(3) of POCA: Power to amend the definition of “cryptoasset service provider” for the purposes of the confiscation regime in Scotland.

Schedule 6: New sections 150A, 303Z20 and 303Z35 of POCA: Power to amend the definition of “cryptoasset service provider” for the purposes of the confiscation regime in Scotland

In relation to each of the powers set out above, the Committee requests an explanation from the Scottish Government on:

- a) Why Scottish Ministers consider that a consultation requirement is deemed adequate in this instance.

I would be grateful if you could email your response to the Delegated Powers and Law Reform Committee email address above by **12 noon on Friday, 19 May**.

Yours sincerely,

Stuart McMillan MSP

Convener of the Delegated Powers and Law Reform Committee