



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Rt Hon Yvette Cooper MP

Secretary of State for Foreign, Commonwealth and Development Affairs

29 October 2025

Dear Foreign Secretary,

Biodiversity Beyond National Jurisdiction Bill Legislative Consent Memorandum

The Scottish Parliament's Delegated Powers and Law Reform Committee considered the Legislative Consent Memorandum ("LCM") and powers to make subordinate legislation within devolved competence in the above Bill at its meeting on 28 October 2025. It agreed to write to the Scottish Government and UK Government in relation to a number of powers in the Bill.

The Committee noted that the Scottish Government has stated in its LCM that it has not reached a position on whether to recommend that the Parliament consents to several provisions, many of which include a relevant delegated power, in the Bill.

The Committee also noted that, in general, the UK Government's rationale for including each delegated power in the Bill is broadly consistent: the powers are needed to implement future decisions made at the international level, where there will be limited scope for domestic policy discretion when exercising those powers.

In relation to the following powers, which are conferred on the Secretary of State:

- Clause 9(2)(a) to (f),
- Clause 11(2),
- Clause 21, and
- Clause 25(2) and (4),

the Committee agreed to ask the UK Government:

- 1. Why it is considered appropriate for the powers to be exercisable by the Secretary of State within legislative competence of the Scottish Parliament, and not by the Scottish Ministers?**
- 2. What consideration has been given to:**
 - (i) Conferring such powers on the Scottish Ministers (solely or concurrently), or**

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

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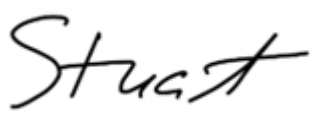
We welcome calls through Relay UK and in

- (ii) **Requiring the consent of the Scottish Ministers before the powers may be exercised by the Secretary of State within legislative competence, or**
- (iii) **Requiring a consultation with the Scottish Ministers before the powers may be exercised by the Secretary of State within legislative competence?**

It also agreed to ask questions to the Scottish Government in relation to these, and other, powers.

The Committee requests a response by **Friday 7 November**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stuart', enclosed within a thin black rectangular border.

Stuart McMillan MSP
Convener