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Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
Scottish Parliament
Edinburgh
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By email - dplr.committee@parliament.scot

19 January 2026

Dear Convener,

SUSTAINABLE AVIATION FUEL BILL

I am writing to update the Committee on the Sustainable Aviation Fuel Bill and to respond to the request set out in paragraphs 38 and 39 of the Committee's report of 9 October 2025.

In that report, in paragraph 38 the Committee welcome the Scottish Government's undertaking to keep the Committee updated on Ministerial discussions with the UK Government. In paragraph 39 the Committee calls upon the Scottish Government, once discussions with the UK Government are concluded on clause 10(1) which relate to payment of surpluses to levy payers, to set out how it would facilitate scrutiny by the Scottish Parliament of:

1. any proposals by the Secretary of State to make regulations under these powers containing provision within legislative competence, and
2. the Scottish Ministers' consultation response in respect of such proposals.

The Scottish Government notes the Committee's consideration of delegated powers exercisable within devolved competence in the Bill and its observation that the Bill originally provided only for consultation with the Scottish Ministers, when regulations were to be made by the Secretary of State in relation to clause 10(1).

Since publication of the Committee's report, and to address paragraph 38 of the DPLRC report, I can confirm that the Scottish Government has engaged constructively with the UK Government to seek amendments on the face of the Bill that strengthen the role of the Scottish Ministers in the exercise of regulation-making powers. As a result, the UK Government has brought forward amendments to the Bill requiring the Secretary of State to consult with the Scottish Ministers before making regulations under clauses 1, 3, 10 and 11.

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These amendments were accepted at Committee Stage in the House of Lords on 10 December 2025.

While the Scottish Government continues to consider that a consent mechanism would provide the strongest constitutional safeguard, it regards the statutory consultation requirement as a positive and pragmatic outcome. This approach ensures transparency, early engagement, and a formal role for the Scottish Ministers in areas of devolved competence, without undermining the Bill's UK-wide application.

The Scottish Government therefore lodged a supplementary Legislative Consent Memorandum with the Scottish Parliament on 17 December 2026 to recommend consent for clauses 1, 3, 10, 11(2) – (5), the Schedule, and a new clause 15 (which requires consultation with the Scottish Ministers where regulations are to be made clauses 1, 3, 10 and 11) of the Bill.

As part of the DPLRC's request in paragraph 39 of the report, officials will arrange for Ministers to write to the Scottish Parliament to inform of, and share responses to, consultations in so far as these relate to the SoS making regulations under clauses 1, 3, 10 and 11, which are within the legislative competence of the Scottish Parliament.

Yours sincerely,



JIM FAIRLIE

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