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Convener, Delegated Powers and Law Reform  
Committee  
The Scottish Parliament  
Edinburgh  
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Dear Convener,

## **Delegated Powers Relevant to Scotland in the Levelling-up and Regeneration Bill**

Thank you for your email of 2 November 2023 regarding the report published by the Delegated Powers and Law Reform Committee on the 24 October 2023 concerning the Supplementary Legislative Consent Memorandum: delegated powers relevant to Scotland in the Levelling-up and Regeneration Bill.

In the report, the Committee posed questions to the Scottish Government at paragraphs 15 and 21 relating to Part 3 Chapter 1 and Part 6 of the Levelling-up and Regeneration Bill respectively.

Regarding Part 3 Chapter 1, the Committee asks how the Scottish Government will facilitate scrutiny of any decision it makes to consent to the making of regulations within devolved competence by the Secretary of State, as the power appears to fall outwith the scope of SI Protocol 2 (“the Protocol”).

It is the Scottish Government’s view that this power falls within the scope of the Protocol. Scottish Government officials will provide the Scottish Parliament with the opportunity to scrutinise any decision it makes to consent to the making of regulations within devolved competence by the Secretary of State under Part 3 Chapter 1. Scottish Government officials will liaise with Scottish Parliament officials to ensure this power is reflected in the next update of Annex A of the Protocol.

Regarding Part 6, the Committee seeks confirmation that the Scottish Government’s decision to consent to regulations made by the Secretary of State within devolved competence falls within the scope of the Protocol, providing the Scottish Parliament with an opportunity to scrutinise that decision.

I can confirm that this power is within the scope of the Protocol allowing for such Parliamentary scrutiny to take place, this power will be added to Annex A in due course. I hope that this letter provides the Committee with reassurance that should the Secretary of State make regulations under Part 3 Chapter 1 and/or Part 6 of the Levelling-up and Regeneration Act 2023, the Scottish Parliament will be afforded opportunity to scrutinise any decision the Scottish Government makes to consent to the making of regulations within devolved competence.

**SHONA ROBISON**

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