

An Leas-phrìomh Mhinistear agus Ath-shlànachadh Cobhid
Deputy First Minister and Cabinet Secretary for Covid Recovery
John Swinney MSP

T: 0300 244 4000

Joe FitzPatrick MSP
Convener
Equalities, Human Rights and Civil Justice Committee
Scottish Parliament

24 May 2022

Dear Joe

I am writing to update you on progress to address the Supreme Court's judgment on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

As indicated in my letter of 23 February, we have been engaging with the UK Government to explore potential routes to increase the effectiveness of incorporation. That engagement covered two matters: whether the devolution settlement might be altered to offer the Scottish Parliament additional routes to increase the effectiveness of incorporation; and whether there were steps that could be taken to ensure all devolved legislation is brought quickly and efficiently within the scope of the UNCRC Bill without altering the devolution settlement.

The Secretary of State for Scotland has now made it clear that he is unwilling to make changes to the devolution settlement or to explore options, within the current devolution settlement, which would assist us. I enclose the latest correspondence between myself and the Secretary of State in this respect.

Engagement with the UK Government has been in tandem with the development of proposals for addressing the Supreme Court's judgment at Reconsideration Stage, assuming no change to the existing powers of the Scottish Parliament.

Further to my statement to Parliament on the 24 May, I have also now instructed my officials to engage with stakeholders as part of the next steps towards Reconsideration Stage.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
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I am copying this letter to the Convener of the Education, Children and Young People Committee.

Yours sincerely,

JOHN SWINNEY

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