



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Rt Hon Lucy Powell MP
Leader of the House of Commons

22 April 2025

Dear Ms Powell,

Legislative Consent Memorandum (LCM) on the Great British Energy Bill

I am writing to you following the Scottish Parliament's Net Zero, Energy and Transport Committee's recent scrutiny of the Legislative Consent Memorandum (LCM) and three supplementary LCMs on the Great British Energy Bill. The Committee found aspects of this process frustrating and, as a committee that has scrutinised a number of LCMs in this session, it concerns us that this is representative of a more general trend of the Scottish Parliament not playing the role envisaged under the Sewell Convention, which successive governments in London and Edinburgh have undertaken to uphold.

Some of our concerns relate to the Scottish Government's role in the recent process and we have brought these up in another letter we are also sending today. But some concerns raise questions relating to handling at Westminster so the Committee agreed I should also write to draw these to your attention. These relate to the late lodging of amendments in relation to which consent is required. There were no fewer than three independent occasions on which this occurred in relation to this Bill.

First, the Scottish Government lodged a supplementary LCM on 28 January, shortly after the tabling of the UK Government amendment for which the Scottish Government had been pressing. We published our report very shortly after this, on 4 February, on the understanding that Westminster timescales required this quick turnaround. While we welcome the positive intergovernmental working that brought about this amendment, we had little opportunity to consider it. We understand the Scottish Government's concerns had been raised with the UK Government some time earlier and, given that these were accepted, we query why the amendment could not have been lodged earlier.

Then, on 17 February, a second supplementary LCM was lodged. This was in response to UK Government amendments agreed to on 11 February which the Scottish Government considered re-triggered the consent process. The only way for the Committee to report to the Scottish Parliament within what was communicated to us as the necessary timeframe was to hold an additional meeting on Wednesday 19

Contact: Net Zero, Energy and Transport Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email netzero@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

February (the Committee normally meets every Tuesday morning when the Scottish Parliament is in session).

At this meeting, we agreed a short report with no evidence having been taken on the new amendments. In the report we commented that the process of agreeing it “amounts therefore to an almost literal case of a committee going through the motions” in order to meet Parliamentary rules laid down to give effect to the Sewell Convention. We added that—

The Committee's 4 February report on the LCM and first supplementary LCM for the GB Energy Bill highlighted concerns about the LCM process and the risk of the Scottish Parliament being left as a "bystander" to the legislative consent process for UK Bills. In relation to this second supplementary LCM concerning late amendments to the Bill, the Committee and Parliament have again been left sidelined, with the Committee unable to offer an informed contribution to the forthcoming Chamber debate on consent.

Finally, on 24 February, a third supplementary LCM was lodged, once again in response to a late UK Government amendment. In order to avoid the increasingly absurd position of having to agree yet another report that could make no substantive comment on the matter in hand (because the Committee had no time to take evidence on it), the Committee agreed that the least bad outcome would be for the Scottish Parliament to agree to a suspension of our Standing Orders so that the Committee was not required to report, which duly happened.

This experience, which we do not understand to be uncommon in the Scottish Parliament, highlights the difficulty late amendments pose to the Sewel Convention. They undermine the consent process by making it literally impossible for the lead Committee to make an informed report to the Scottish Parliament.

We raise this issue with you, as Cabinet Minister with overall responsibility for the UK Government's legislative programme, to ask you to ensure the spirit of the Sewel Convention is adhered to. This means seeking to ensure that amendments which trigger the consent process are not lodged near the end of the Bill process, or where this is unavoidable that a short pause is taken at Westminster, so that devolved legislatures have sufficient time to come to an informed position on legislative consent and are not left as bystanders in this important constitutional process.

I would be grateful for a response setting out your views on the issues raised in this letter and what you may be able to do to bring about improvements.

I am copying this letter to the Convener of the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee for her interests.

Yours sincerely,

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee