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Edward Mountain MSP
Convener
Net Zero, Energy and Transport
Committee

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26 November 2025

Dear Edward,

The Biodiversity Beyond National Jurisdiction (BBNJ) UK Bill

Thank you for your letter of 18 November 2025 in relation to the Committee's consideration of legislative consent for the UK Biodiversity Beyond National Jurisdiction (BBNJ) Bill ("the Bill").

I would like to thank the Committee for its ongoing consideration of the Scottish Government's initial Legislative Consent Memorandum (LCM) and the questions which you have shared.

In my letter of 7 November 2025, I set out the context within which the Scottish Government is working with the UK Government on the Bill and the anticipated timeline. This context has not changed and negotiations with the UK Government are ongoing. Given this, I am not currently able to say more beyond the positions set out in my original letter regarding clauses 9, 11 and 13 of the Bill. As that letter set out, we are working with the UK Government to secure sufficient protections for and compatibility with devolution which may result in amendment to the face of the Bill and/or underpinning intergovernmental agreement, as necessary. This includes for Part 2 of the Bill relating to Marine Genetic Resources (which includes Clause 9) and for Part 3 of the Bill relating to Area Based Management Tools (which includes Clauses 11 and 13). Please let me reassure the Committee that we are taking a pragmatic and constructive approach to negotiations with the UK Government, and working hard to ensure Scottish interests are reflected fully, and that the Bill is compatible with the devolution settlement.

The supplementary LCM, which will be prepared following the tabling of amendments, will provide a detailed explanation of the rationale which underpins the final positions reached, including amendments agreed and government to government assurances provided.

Since my letter of 18 November 2025, there have been some very recent changes to the Bill's UK Parliamentary timeline. Scottish Government officials are in close, ongoing contact with committee clerks regarding the timelines and I'd like to take the opportunity here to set those out. Whilst we still expect to lodge the planned supplementary LCM with the Scottish Parliament for the remaining clauses, including any amendments, by mid-December, we now expect the Lords Report Stage to take place after Christmas recess. This means the consent process does not need to be finalised before Christmas recess, but instead in early January. I recognise that this remains a very tight timeline. This is driven by the UK target deadline for ratification to enable the UK to participate in the first Conference of Parties next summer. I have previously raised my serious concerns about the lack of time for analysis and scrutiny of devolved aspects with the UK Government and will continue to do so. I remain ready to do all I can to support your consideration of the LCM.

The Scottish Government remains committed to facilitating discussion and information exchange with the Scottish Parliament. I am aware that officials are in dialogue with Committee Clerks in relation to the legislative consent process, and I look forward to discussing these issues further with the NZET Committee in December 2025.

I am copying this to the Convener of the DPLR Committee.

Yours sincerely,

GILLIAN MARTIN