



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Rt Hon Sir Lindsay Hoyle MP
Leader of the House of Commons

18 November 2025

Dear Mr Speaker,

Scrutiny of Legislative Consent Memorandums by the Scottish Parliament

I am writing to you following the recent experience of the Scottish Parliament's Net Zero, Energy and Transport Committee with scrutiny of a number of Legislative Consent Memorandums (LCMs). The common factor in these cases was that (a) they were lodged following late amendments at Westminster and (b) the very tight resulting timetable left effectively no time for meaningful Parliamentary scrutiny. There was no time to seek views from experts or stakeholders. There was no time even to take evidence from the Scottish Government.

The Committee found this frustrating; it meant we could not do the job allocated to us by our Standing Orders. More seriously, repeated instances of this sort undermine the Sewel Convention, based on the principle of *informed* consent, and it concerns us that this might signal a more general trend of the Scottish Parliament not playing the role envisaged for it under the Convention, despite successive governments in London and Edinburgh undertaking to uphold it.

For your information, I previously wrote in similar terms to Rt Hon Lucy Powell MP when she held the role of Leader of the House of Commons. Since then, we have had several further experiences that only heighten our concerns.

I draw your attention to three recent Bills within our remit where the timetable at Westminster meant that we did not have sufficient time to consider and report on LCMs covering late amendments before a consent motion had to be agreed: the Great British Energy Bill, the Bus Service (No. 2) Bill, the Planning and Infrastructure Bill. I have set out further detail on each of these cases in the annexe to this letter. In relation to each of them, the Scottish Parliament's Standing Orders were suspended to dispense with committee consideration (which it was impossible to undertake in the timeframe) and have the LCMs taken straight to the Chamber.

This experience, which we understand is not uncommon in the Scottish Parliament, highlights the difficulty late amendments pose to the Sewel Convention. Committees play a key role in informing the Parliament's position by offering reflective, evidence-

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.

based deliberation that a Chamber debate cannot replicate. In absence of this, the Parliament is taking a decision on legislative consent without the careful and informed consideration that such a decision merits.

We raise this issue with you to ask you to do what you can as Speaker to ensure the spirit of the Sewel Convention is adhered to. This means seeking to ensure that there is genuine respect for devolved legislatures throughout the Bill process at Westminster by avoiding situations where they are constrained into taking an uninformed position on legislative consent. It is the Scottish *Parliament's* consent that is required under the Sewel Convention so it is vital that this important constitutional process does not become solely an *intergovernmental* one which leaves the Parliament as a bystander.

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.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain". The signature is written in a cursive style with a trailing flourish.

Edward Mountain MSP

Convener

Net Zero, Energy and Transport Committee

Annexe

Great British Energy Bill

- An LCM on introduction and three supplementary LCMs were lodged for this Bill.
- The first supplementary we were able to take account of in our substantive report on the LCM.
- The second resulted from amendments lodged late in the process at Westminster and we were only able to report within the given deadline by holding an additional meeting to agree a short report, with no new evidence having been taken. Our report 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 a formal requirement of the Scottish Parliament's Standing Orders”.
- The third supplementary was then lodged, once again in response to a late UK Government amendment. To avoid what felt like the increasingly absurd position of having to agree yet another report that could make no substantive comment on the matter in hand, the Committee agreed to a suspension of Standing Orders to let the matter go straight to the Chamber.

Bus Service (No. 2) Bill

- This did not trigger the LCM process at introduction but did following a series of late amendments.
- This again resulted in accelerated timetabling, with the Committee having no chance to consider the Bill before the motion on legislative consent being taken in the Chamber. Standing Orders were again suspended so that we did not have to report.

Planning and Infrastructure Bill

- An LCM and two supplementary LCMs were lodged.
- The Committee reported on the original LCM and, separately, the first supplementary.
- The second supplementary was lodged late in the Bill's process at Westminster (again due to late amendments), so again the Committee had no opportunity to scrutinise the LCM before the motion had to be taken. Standing Orders were again suspended to avoid a pointless report.