



The Scottish Parliament
Pàrlamaid na h-Alba

Covid-19 Committee

Michael Russell MSP,
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(by e-mail)

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1 May 2020

Dear Michael,

Thank you for giving evidence to the Covid-19 Committee on 24 April. As you will be aware the COVID-19 Committee was set up, in part, to consider how the powers under the Coronavirus Act are operating. That Act includes expiry and sunset clauses as well as setting out how, in what circumstances, those clauses will operate. The Committee has a number of questions in relation to the review and expiry of time limited devolved provisions in the Coronavirus Act 2020 and these are set out below.

- (i) Section 90 of the UK Act confers power on either the Scottish Ministers, or a Minister of the Crown with consent of the Scottish Ministers, to change the expiry date of devolved provisions in the Act. What factors does the Scottish Government consider will determine whether that power is exercised by Scottish or UK Ministers?
- (ii) Where the power is exercised by UK Ministers with Scottish Ministers' consent, the regulations will be laid in the UK Parliament only. How will the Scottish Government facilitate scrutiny by the Scottish Parliament of the decision to alter the expiry date of relevant provisions?
- (iii) Sections 97-99 give the UK Parliament a role in scrutiny of when non-devolved provisions of the UK Act should be switched off. Section 98 in particular requires expiry regulations to be brought forward if the UK Government's motion to continue the effect of such provisions is rejected. There is no equivalent for parliamentary scrutiny of the devolved provisions of the Act. How does the Scottish Government intend to keep Parliament informed of the status of the

provisions of the Act and the government's view on the appropriate time for expiry, and to seek Parliament's views on those matters?

(iv) Would it be appropriate to amend the UK and/or Scottish Acts to replicate the effect of section 98 for devolved provisions?

The Committee would welcome a response from you on these questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Murdo Fraser'.

**Murdo Fraser MSP,
Convener**