



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

David Mundell MP
Secretary of State for Scotland
Dover House
Whitehall
London
SW1A 2AU [via email]

Room TG.01
EDINBURGH
EH99 1SP

Tel (clerk): 0131 348 5239

e-mail: sppa.committee@scottish.parliament.uk

14 March 2016

Dear David

As you may be aware, the Standards, Procedures and Public Appointments Committee has been examining certain parts of the Scotland Bill.

In particular, the Committee has been considering clause 11 (originally clause 10) on super-majorities and discussing what Standing Order rule changes might be required in the Scottish Parliament once this clause comes into force.

I welcome the UK Government's amendment to the Bill to remove the provision that would require reconsideration of a bill if the Presiding Officer decided that only a simple majority was required, there was a referral to the Supreme Court and it agreed with that decision.

However I wanted to raise a further issue with you in advance of the final amendment stage of the Bill. This also relates to the potential impact of the super-majority rules on the reconsideration of bills.

The Committee has noted that a scenario could arise under the new rules where a bill had been passed and the super-majority rule had not been applied, but the Supreme Court ruled that it should have been. In these circumstances, the bill will be reconsidered and the Parliament might wish the opportunity to amend the bill to remove the provisions which triggered the super-majority requirement.

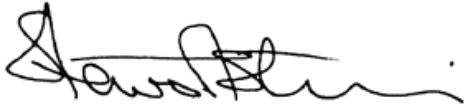
However our understanding is that, as currently drafted, the Scotland Bill does not make any provision for a bill to be amended on reconsideration in these circumstances. The only option would be for the Parliament to pass the bill with a super-majority – or it will fall.

The Committee is of the view that it would be desirable for the Parliament to have the additional power to amend the bill in these circumstances.

I would be grateful if you could consider this point, with a view to bringing forward amendments to the Scotland Bill to address the Committee's concerns.

I am copying this letter to the Convener of the Devolution (Further Powers) Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stewart Stevenson', with a small dot at the end of the line.

Stewart Stevenson MSP
Convener
Standards, Procedures and Public Appointments Committee