



The Scottish Parliament
Pàrlamaid na h-Alba

FINANCE AND CONSTITUTION COMMITTEE

AGENDA

8th Meeting, 2018 (Session 5)

Wednesday 7 March 2018

The Committee will meet at 9.30 am in the David Livingstone Room (CR6).

1. **UK Withdrawal from the European Union (Legal Continuity) (Scotland)**

Bill: The Committee will take evidence from—

Michael Clancy, Director of Law Reform, Law Society of Scotland;

Dr Kirsty Hughes, Director, Scottish Centre on European Relations;

Professor Aileen McHarg, University of Strathclyde;

Professor Alan Page, Professor of Public Law, University of Dundee;

and then from—

Michael Russell, Minister for UK Negotiations on Scotland's Place in Europe, Scottish Government.

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The papers for this meeting are as follows—

Agenda item 1

Cover note

FCC/S5/18/8/1

Finance and Constitution Committee

8th Meeting, 2018 (Session 5), Wednesday 7 March 2018

UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

Purpose

1. This paper provides information relating to the Committee's evidence session on the Scottish Government's UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. The Parliament agreed that the Finance and Constitution Committee be designated as the lead Committee on the Bill on 28 February 2018. The Committee will take evidence on the Bill from—

Panel One

- Michael Clancy, Director of Law Reform, Law Society of Scotland
- Dr Kirsty Hughes, Director, Scottish Centre on European Relations
- Professor Aileen McHarg, Strathclyde University
- Professor Alan Page, Dundee University

2. All the witnesses in this panel intend to provide written submissions which will be provided to Members next week.

Panel Two

- Michael Russell MSP, Minister for UK Negotiations on Scotland's Place in Europe

3. The Scottish Government introduced the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill on 27 February 2018. The Bill, and its accompanying documents, can be accessed at:

<http://www.parliament.scot/parliamentarybusiness/Bills/107725.aspx>

4. The Minister for UK Negotiations on Scotland's Place in Europe also made a statement to Parliament following the introduction of the Bill. The official report of the Ministerial Statement can be accessed at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11385&i=103483>

5. Members will be aware that the Presiding Officer has stated that the Bill "would not be within the legislative competence of the Parliament". The Presiding Officer's Statement on Legislative Competence can be accessed at:

[http://www.parliament.scot/UK%20Withdrawal%20from%20the%20European%20Union%20\(Legal%20Continuity\)%20\(Scotland\)%20Bill/SPBill28LCS052018.pdf](http://www.parliament.scot/UK%20Withdrawal%20from%20the%20European%20Union%20(Legal%20Continuity)%20(Scotland)%20Bill/SPBill28LCS052018.pdf)

6. The Deputy First Minister, John Swinney MSP, has stated that the Bill is "within the legislative competence of the Scottish Parliament". The Lord Advocate,

James Wolffe QC, made a statement to Parliament on this issue on 28 February which can be accessed at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11387&i=103514>

7. The Parliament agreed on 1 March that the Bill follow the Emergency Bill procedure with the following timetable:

- Stage One: Wednesday 7 March
- Stage Two: Tuesday 13 March
- Stage Three: Wednesday 21 March

Committee Approach

8. The Emergency Bill procedure requires a Bill to be considered by the Parliament as a whole. The Committee, as the lead Committee on the Bill, intends to take evidence to inform the parliamentary debate. The Committee issued a call for written evidence on 2 March. The call for evidence can be accessed at: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/107919.aspx>

**Committee Clerks
2 March 2018**