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Justice Committee
Scottish Parliament
Edinburgh
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Dear Convener

SCOTTISH BIOMETRICS COMMISSIONER BILL: SCOTTISH GOVERNMENT VIEW ON PROTECTED SUBJECT-MATTER

As you will be aware, the Presiding Officer has a statutory responsibility under section 31(2A) of the Scotland Act 1998 to take a decision on whether or not a Bill relates to a protected subject matter. The 1998 Act requires any Bill that does so to be passed by a super-majority. The 1998 Act requires the Presiding Officer's decision to be taken after the last point at which the Bill can be amended. In practice the Presiding Officer takes and notifies the Parliament of that decision after any stage 3 amendments have been considered.

In the meantime, I thought that your committee might find it useful to know that the Scottish Government's view is that the Scottish Biometrics Commissioner Bill, as introduced, does not contain any provision that, under the Scotland Act 1998, would mean it required a super-majority to pass.

I am copying this letter to the Lord Advocate, the Cabinet Secretary for Justice, and to the Parliament's Legislation Team.

Yours sincerely,



GRAEME DEY

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