

**Minister for Parliamentary Business**  
Joe FitzPatrick MSP



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Clare Adamson MSP  
Convener  
Standards, Procedures and Public Appointments  
Committee

By email only

Your ref:  
8 March 2017

Dear *Clare*

Thank you for your letter of 2 March 2017 and for sight of draft Standing Order rule changes which will allow Parliamentary processes to take account of new super-majority requirements in relation to certain protected subject-matter, once relevant provision in the Scotland Act 2016 is brought into force. I am grateful for the opportunity to comment on implementation of the new super-majority requirements.

The Government's view is that it would be helpful for the Government, Committees, individual MSPs and all those with an interest in a Bill to understand whether or not a Bill or amendment is likely to trigger the requirement for a super-majority vote. I therefore welcome the Committee's assurance that advice to MSPs will be available at each stage of the legislative process on this matter, in advance of the Presiding Officer's determination at Stage 3 on whether a super-majority vote is required.

I am of the view that the provisions in the Scotland Act on reconsideration of Bills referred back from the Supreme Court on protected subject matter grounds do not preclude amendments being made at that point. I note that the draft Standing Orders take a different approach. Having reflected on the matter, I do not envisage the draft Rules will create practical problems for delivery of the legislative programme and I am therefore content to accept whatever conclusion the Committee reaches on this matter at the end of its inquiry.

There are some minor and technical drafting points which I think the Committee might wish to consider in relation to the draft Rules and my officials have been in contact with officials at the Parliament to discuss these directly.

Finally, it would be very helpful for everyone involved with and interested in Bills if the published Guidance on Public Bills were to be updated to reflect these new Rules and my officials would be happy to assist the Committee in that process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joe FitzPatrick', with a long horizontal flourish extending to the right.

**Joe FitzPatrick MSP**  
**Minister for Parliamentary Business**