



The Scottish Parliament  
Pàrlamaid na h-Alba

**The Presiding Officer**  
**Rt Hon Ken Macintosh MSP**

Bill Kidd MSP  
Convener  
Standards Procedures and Public Appointments Committee

21 December 2020

Dear Bill,

I write further to the Delegated Powers and Law Reform Committee's review of the Presiding Officer's determination to identify a Scottish Law Commission Bill defined in Rule 9.17A of Standing Orders.

The aim to enhance the implementation rate of SLC Bills is one I have long supported and I therefore welcome the Committee's review to assess how well the PO determination is working in practice. With only four Bills implemented as SLC Bills since the determination was introduced in June 2013, a review is both appropriate and timely. I thank the DPLR Committee for its detailed work and in particular its forensic examination of each of the five distinct criteria contained in the current determination. I also appreciate the valuable contribution of the 2020 Law Reform Working Group, as well as that of other committees and external organisations who took the time to participate in the consultation.

I note the Committee is recommending that the PO determination is updated with a broader general purpose statement of what an SLC Bill is. This, they argue, would remove those aspects of the criteria that could be seen to place an unnecessary barrier to the referral of legal and technical Bills to the DPLR Committee, while providing sufficient guidance to help identify those Bills arising from the Commission's work that should be referred to the appropriate subject committee for scrutiny by those with subject knowledge and expertise.

I have no concerns with these overall aims and approach, but it would be inappropriate for me to comment further on the detail of the recommendations in case that was seen to influence future scrutiny. I am aware of the work programme commitments that the Standards, Procedures and Public Appointments Committee already has up until the end of the session, but I would be grateful if the Committee could find some time in its busy schedule to examine the findings of this review. In referring the report to your Committee I ask that, in addition to considering the content of the proposed new determination, you also look carefully at how it is presented. It should for example be clear that the criteria makes up only one of three elements that define an SLC Bill and should therefore be read alongside Standing

Order rules 9.17(a) and (c). More clarity might also be required on whether the final paragraph in the draft new determination would be part of the criteria or is intended to sit in guidance.

Thank you in anticipation of your Committee's scrutiny of the DPLR Committee's recommendations. I understand that the intention is for this to be implemented for the beginning of session 6.

Yours sincerely

A handwritten signature in blue ink that reads "Ken Macintosh". The signature is written in a cursive style with a large initial 'K' and a long, sweeping tail.

**Rt Hon Ken Macintosh MSP**  
Presiding Officer