



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

DEVOLUTION (FURTHER POWERS) COMMITTEE

Thursday 4 February 2016

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**DEVOLUTION (FURTHER POWERS) COMMITTEE
5th Meeting 2016, Session 4**

CONVENER

*Bruce Crawford (Stirling) (SNP)

DEPUTY CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)

*Linda Fabiani (East Kilbride) (SNP)

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

*Alex Johnstone (North East Scotland) (Con)

Alison Johnstone (Lothian) (Green)

*Stewart Maxwell (West Scotland) (SNP)

*Mark McDonald (Aberdeen Donside) (SNP)

*Stuart McMillan (West Scotland) (SNP)

*Tavish Scott (Shetland Islands) (LD)

*attended

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Devolution (Further Powers) Committee

Thursday 4 February 2016

[The Convener opened the meeting at 10:01]

Scotland Bill and the Crown Estate

The Convener (Bruce Crawford): I welcome members to the fifth meeting in 2016 of the Devolution (Further Powers) Committee. As usual, I remind members to switch off their phones or to put them into a mode that does not interfere with our business. We have apologies from Alison Johnstone.

Agenda item 1 is consideration of a letter from Rob Gibson MSP detailing the Rural Affairs, Climate Change and Environment Committee's views on the draft memorandum of understanding and the draft transfer scheme on the Crown Estate. Given that Rob Gibson, the RACCE committee's convener, is a member of our committee, it may be appropriate to ask him whether he would like to make any comments.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I would indeed. The RACCE committee has considered the memorandum of understanding, which is not a legal document but a means of working between the Treasury—or the United Kingdom Government—and the Scottish ministers. It throws up many questions that we need to bottom out. It appears to us that there has not been a lot of discussion on the issues—or the detail—until very recently.

The number of points that we made in the RACCE committee's letter to you, convener, raises the question how we in this committee should suggest that this process goes forward. We need to find a way to ensure that the Scottish Government understands that the Parliament needs to know a good deal more about the process and its involvement in it. Although the scheme as laid out will come into effect on the transfer date, our Parliament will be dealing with aspects of the Scotland Bill, if it is passed, after the Scottish election in May and we must have an early ability to have an influence over the scheme.

The process proposed by my committee would have to be taken forward by a successor committee—or committees—in order that the Scottish Parliament has input to and can question the Scottish and UK Governments. It is essential

that we are able to do that, given that many of the scheme's details are as yet unclear.

The Convener: Your letter lays out a number of areas for this committee to consider. An issue that is clear to my mind is that, in due course, there will be a statutory instrument for the UK Parliament to approve the establishment of the scheme but, at this stage, there is no similar role for the Scottish Parliament. We should certainly be considering what role the Scottish Parliament and any successor committee would have in that regard.

Tavish Scott (Shetland Islands) (LD): I agree with that, convener. Mr Gibson's remarks were entirely spot on. On this occasion, it is a memorandum of non-understanding, rather than a memorandum of understanding. In the correspondence that you are planning to initiate, convener, will you also ask our Government here in Scotland about its policy on the transferee body—in other words, the body that will take over and run the Crown Estate once the transfer takes place? My principal interest in that is double devolution and how that will be progressed for the islands, which, as you will recall from the Smith commission, set out clearly what further aspirations they had in that area.

That matters simply because there is not much point in having a transfer and then having to have a further transfer, and there may be a mechanism to look at that carefully when whatever Government we have at that point has the opportunity to consider that—no doubt in conjunction and consultation with the affected local authorities.

The Convener: That is a reasonable point. Given the contents of the Rural Affairs, Climate Change and Environment Committee's letter, do we agree that we require to address a number of the issues in that letter and to write to Her Majesty's Treasury, the Scottish Government and the Crown Estate and that Duncan McNeil, the deputy convener, and I should sign those letters off once the clerks have prepared them? Is that a reasonable position for the committee to accept?

Members indicated agreement.

The Convener: I thank colleagues for that. Next week, we will consider in private further draft reports on the Scotland Bill and post-study work visas.

10:06

Meeting continued in private until 10:52.

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