I am writing as Presiding Officer of the Scottish Parliament to highlight a number of concerns which I am sure you would wish to be aware of as part of your inquiry.

As you might imagine, the Scottish Parliament shares your anxiety, not only that the House of Commons has the right procedures in place to provide effective scrutiny of the delegation of powers following the introduction of the Great Repeal Bill, but that our own procedures are adequate for the task ahead.

The first point I would make is that the Scottish Parliament relies on the Sewel Convention as the formal means by which we engage with legislation introduced to the UK Parliament and which may make provision for a devolved matter or which would alter the powers of the Scottish Parliament. The Convention recognises that the parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament. While the Convention is now set out in section 2 of the Scotland Act 2016, legislative consent procedures do not extend to delegated powers. You may wish to consider, therefore, how the existing or potentially reformed procedures used to scrutinise secondary legislation related to EU withdrawal may serve the devolved interests.

Looking beyond the Great Repeal Bill, I would also observe that the current deadlines under which subordinate legislation is introduced in the UK Parliament would already constrict the timescale for any consequent scrutiny at the Scottish Parliament. There is a worry that any suggestion of foreshortening those deadlines may not be conducive to allowing proper oversight of any instruments that may include devolved matters.

Lastly, I note the submission dated 24 February 2017 from the Scottish Government's Minister for Parliamentary Business. While I fully recognise the authority of the Minister to speak on behalf of the Scottish Government, I should clarify that it is my responsibility as Presiding Officer to ensure that the interests of the Scottish Parliament are taken into account.

I would be more than happy to provide further information on the contents of this letter, including our procedures and sitting patterns, if you so wish.

Rt Hon Ken Macintosh MSP
Presiding Officer
3 March 2017