



The Scottish Parliament
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SPICe Briefing

Pàipear-ullachaidh SPICe

Intergovernmental activity update Q1 2024

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This update gives an overview of intergovernmental activity of relevance to the Scottish Parliament between the Scottish Government and the UK Government, the Welsh Government, and the Northern Ireland Executive during quarter one (January-March) of 2024.

25 April 2024
SB 24-20

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Introduction

SPICe publishes quarterly updates to give an overview of intergovernmental activity. 'Intergovernmental activity' refers to work between governments – in a Scottish context between the Scottish Government and the UK Government or other devolved governments. It can include discussions on areas of mutual interest, policy development, and policy implementation. Read more about what intergovernmental activity is and why awareness of it is an essential element of parliamentary scrutiny [on our SPICe blog](#). SPICe has also launched an [intergovernmental activity hub](#) that collates information on intergovernmental activity of relevance to the Scottish Parliament.

Updates are published on the last Thursday of the month following the end of the reporting period. The next quarterly update, covering quarter 2 (April-June) of 2024, will be published on 25 July 2024. This update reflects [information available at the time of publication](#).

Highlights

Interministerial meetings

Finance Interministerial Standing Committee meetings



Interministerial Group meetings

Elections and Registration



Justice



UK-EU Relations



Transport Matters



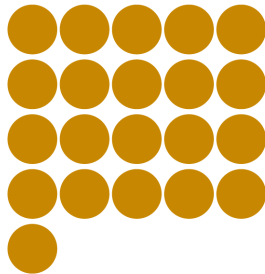
Common frameworks

Finalised
1



Published provisionally
22

Scrutiny completed



Scrutiny in progress



Not yet published
3



Legislative consent

Legislative consent granted



Legislative consent withheld



Legislative consent memorandums lodged



UK Internal Market Act 2020 exclusions

Exclusions operating



Single use plastics



Heat networks

Exclusions under discussion



Deposit Return Scheme



Glue traps



Disposable vapes

Intergovernmental activity

Formal intergovernmental interactions take place under the following structure, which was established in January 2022.

Intergovernmental relations structure

Top tier:

The Council

This is made up of the Prime Minister and heads of devolved governments.

Middle tier:

Standing committees

The Interministerial Standing Committee (IMSC)

Ministers responsible for intergovernmental relations consider issues that cut across different policy areas, and facilitate collaborative working between groups in the lowest tier.

The Finance Interministerial Standing Committee (F:ISC)

Finance Ministers consider finance and funding matters.

Additional interministerial committees

Portfolio Ministers discuss specific policy areas, such as net zero or education, in Interministerial Groups (IMGs)

Lowest tier:

Portfolio Ministers discuss specific policy areas, such as net zero or education, in Interministerial Groups (IMGs)

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See a [SPICe blog for more information](#) on how the new structure operates.

Interministerial meetings

Interministerial meetings

Finance Interministerial Standing Committee meetings



Interministerial Group meetings

Elections and Registration

Justice

UK-EU Relations

Transport Matters



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The **Finance Interministerial Standing Committee** met on [25 January 2024](#) and [14 March 2024](#).

- Discussions at the meeting on 25 January 2024 included updates by the Scottish Government and Welsh Government on their 2024-25 budgets as well as economic and fiscal measures to tackle poverty.
- Discussions at the meeting on 14 March 2024 were focussed on the UK Spring Budget and its implications for devolved governments' budgets.

Four **Interministerial Groups (IMGs)** met during the reporting period:

- The **Interministerial Group for Elections and Registration** met on [23 January 2024](#). Discussions included:
 - public attitudes to elections and the importance of promoting resilience and public confidence in elections
 - electoral legislation across the UK, including the the [Scottish Elections \(Representation and Reform\) Bill](#)
 - arrangements for online absent vote applications for Scottish and Welsh local government elections and Scottish Parliament and Senedd Cymru elections
 - the completeness and accuracy of the electoral register.
- The **Interministerial Group for Justice** met on [25 January 2024](#). Discussions included:
 - action to exonerate the victims of the Post Office Horizon Scandal
 - measures to improve prison capacity and address the size of remand populations
 - recent work to modernise the legal aid system in each administration.
- The **Interministerial Group for Transport Matters** met on [5 February 2024](#). Discussions were focussed on freight transport, including:
 - freight decarbonisation
 - HGV driver training and roadside facilities
 - provision of freight data.
- The **Interministerial Group for UK-EU Relations** met on [6 March 2024](#). Terms of reference for the group [were published on 19 March 2024](#). Discussions at the group's meeting included:
 - the upcoming meetings of the Trade and Cooperation Agreement Partnership Council and Withdrawal Agreement Joint Committee
 - the restoration of the Northern Ireland Executive.

Common frameworks

Common frameworks are intergovernmental agreements which set out how governments will work together to make decisions about policy in certain devolved policy areas, in particular decisions about policy divergence. Common frameworks were originally intended to be used to consider matters which were former EU competences, however, [some also state](#) that they may be used to consider related matters within the wider policy area. Read more about what common frameworks are on our [intergovernmental activity hub](#).

No new framework agreements were published during the reporting period. The image below provides an update on frameworks relevant to Scotland and scrutiny of frameworks at the Scottish Parliament.

Common frameworks

Finalised

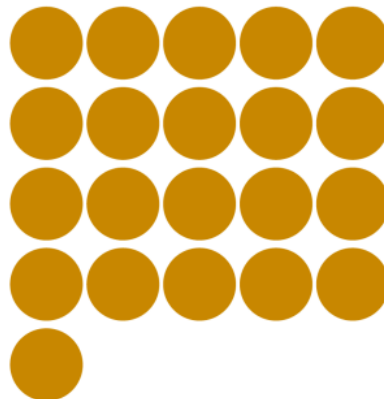
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Published provisionally

22

Scrutiny completed



Scrutiny in progress



Not yet published

3



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During the reporting period, no further scrutiny of frameworks was completed at the Scottish Parliament.

The fifth [meeting of the Interparliamentary Forum](#) took place at the House of Lords on 29 February 2024. Attendants [agreed a joint statement](#) and [wrote to the Minister for Intergovernmental Relations](#), the Rt Hon Michael Gove MP, to ask for an update on an evaluation of the common frameworks programme as a whole and two proposed frameworks (the Services Framework and the Mutual Recognition of Professional Qualifications Framework) which have not been published to date.

In a [response dated 21 March 2024](#), the Minister for Intergovernmental Relations stated:

“ The Provision of Services Common Framework completed stakeholder engagement on 23 February. The results from that exercise will now be considered. The Framework will then be submitted to ministers in the Department of Business and Trade and relevant devolved administration (DAs) departments, for provisional sign off and publication for scrutiny. The development of the Mutual Recognition of Professional Qualifications (MRPQ) Common Framework has been paused following the passage of the Professional Qualifications Act 2022. This is given practical considerations around the Act’s implementation and the role of any Common Framework, and until a consultation on the implementation of Sections 3 and 5 of the Act is concluded. A pause will allow for analysis by officials in DLUHC and the DAs supporting the Common Frameworks programme on the impact of an alternative approach. Regarding the evaluation, the expectation is to publish it before the summer as my officials are completing the final data collection phase with input from Government and DA departments. The final report will be shared with the Scottish Government, Welsh Government, and NI Executive. The findings can then feed into the first review of each Common Framework. I will be happy to provide the forum with a copy of the evaluation once completed.”

UK internal market

The [UK Internal Market Act 2020](#) is UK-wide legislation about the flow of goods and services. You can read more about the Act's provisions [in our SPICe briefing](#) and a [SPICe blog](#).

UK Internal Market Act exclusions

A [process has been established](#) by which the UK Government and devolved governments can consider exclusions to the market access principles of the UK Internal Market Act 2020 ('UKIMA'). Read more about the interaction between the exclusions process and common frameworks [in our SPICe blog](#).

UK Internal Market Act 2020 exclusions to market access principles discussed at intergovernmental level

UK Internal Market Act 2020 exclusions

Exclusions operating

Single use
plastics



Heat
networks



Exclusions under discussion

Deposit Return
Scheme



Glue traps



Disposable
vapes



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Deposit Return Scheme

Discussions about a UKIMA exclusion relating to a Scottish Deposit Return Scheme previously took place during 2023. The UK Government [offered a temporary, narrower exclusion](#) than the one requested by the Scottish Government, which the Scottish Government [cited as the reason](#) for its delay of the scheme until at least October 2025. See SPICe blogs for [background about the scheme](#) and [further information about intergovernmental discussions](#) regarding an exclusion.

On 26 March 2024, the Secretary of State for Environment, Food and Rural Affairs, Stephen Barclay MP, [gave evidence to the House of Commons Environment, Food and Rural Affairs Committee](#). In response to a question about when a Deposit Return Scheme can be expected to be implemented in England, the Secretary of State said:

“ Given this balance between the benefits of the scheme versus the benefits of having something interoperable, I don’t think 2025 is now realistic, and certainly I don’t think business would view it as a realistic deadline. It is an issue that is still an ongoing area of discussion within Government, but I suspect, if I was pushed on it, that a 2027 deadline is probably more likely.”

In a [letter to the Secretary of State for Environment, Food and Rural Affairs published on 29 March 2024](#), the then Green Skills, Circular Economy and Biodiversity Minister, Lorna Slater MSPⁱ, stated:

“ I am writing to you to express my deep concerns at your comments about the future of a Deposit Return Scheme (DRS) to the Environment, Food and Rural Affairs Committee on Tuesday 26 March. Despite our continued requests for Defra to set out its plans for DRS, and my recent correspondence dated 8 March on such matters, it is extremely frustrating to hear about details of a further significant delay to the DRS launch from media reports. [...] We have said from day one that [...] we’re committed to all schemes across the UK to work together. We designed our scheme in good faith so it would be interoperable with the proposals agreed and consulted upon by all UK nations. I would ask that you focus on working with all devolved nations to finalise an interoperable DRS, which still recognises the devolved nature of this policy, to provide businesses with the certainty they need to make the scheme a success. This includes setting out a realistic timescale for delivery which is agreed across the four nations, rather than creating speculation without consultation.”

Glue traps

The [Wildlife Management and Muirburn \(Scotland\) Bill](#) was passed on 21 March 2024. The Bill as introduced bans the purchase and use of glue traps. While the Welsh Government [has banned the use of glue traps](#) and the [UK Government has banned their use by the public in England](#) (this ban is yet to come into force), neither is currently proposing to ban their sale. The [policy memorandum for the Bill](#) states that the Scottish Government wishes to ban the sale of glue traps, as well as their use and purchase, but that UKIMA affects this. The memorandum states that the Scottish Government was exploring the possibility of gaining an exclusion and intended to bring forward an amendment at Stage 2 or Stage 3 to ban the sale of glue traps.

Scottish Ministers provided updates to the Rural Affairs and Islands Committee during its consideration on the Bill (in [June 2023](#), [September 2023](#), [January 2024](#), [February 2024](#)), each time stating that no agreement on an exclusion had been reached.

An amendment to ban the sale of glue traps in Scotland was lodged at Stage 3 and is included in the Bill as passed. [At the Stage 3 Debate](#), the Minister for Agriculture and Connectivity, Jim Fairlie MSP, stated:

ⁱ It was confirmed on 25 April 2024, the day this briefing was published, that [the Bute House agreement between the Scottish Government and the Green Party was terminated with immediate effect](#). As such, the tenure of Lorna Slater MSP as a Minister for Green Skills, Circular Economy and Biodiversity also ended.

“ The Scottish Government is still engaging in discussions with the UK Government on the matter of an exclusion to the United Kingdom Internal Market Act 2020 in relation to sale and possession of glue traps. A ban on sale and possession of glue traps would have a negligible effect on the market for glue traps in the rest of the UK, so I see no reason for the UK Government not to support such an exclusion. Discussions about the exclusion will continue, but I see no reason not to take the opportunity to legislate now to ban possession and sale of glue traps. The United Kingdom Internal Market Act 2020 should not be allowed to undermine the power of this Parliament to legislate in areas that are within our devolved competence, so I hope that it will not be used on this occasion to prevent the exclusion.”

In response to a letter the Scottish Government had received on 26 March on this issue, Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance, [wrote a letter to Steve Barclay, Secretary of State for Environment, Food and Rural Affairs](#), on 28 March 2024 in which she stated:

“ At the most basic level, some of the arguments set out in the letter of 26 March are simply illogical: is it really the UK Government’s position that a product already subject to a ban on its use and possession cannot also be banned from sale due to the “need to avoid barriers to trade wherever possible”? However, the issues run deeper: the letter also suggests that the UK Government believes it is legitimate to use the IMA – ostensibly a legal regime to protect intra-UK trade – to effectively overturn a policy approved by the Scottish Parliament. The letter states that: *The UK Government does not consider that the evidence presented demonstrates that a ban on the sale of glue traps would be substantially more effective than a ban focused on their use and possession. The UK Government therefore does not believe that the case has been made that an exclusion under the UKIM Act is necessary to deliver the policy aims of restricting the use of these traps in Scotland.* It is for the Scottish Parliament, not UK Government ministers, to reach a view on whether the evidence presented by the Scottish Government merits a given policy approach in devolved matters. The relevant measure was passed with the support of every party in the Scottish Parliament – including the Scottish Conservative and Unionist Party – on 19 March. I am afraid the UK Government’s view on the advisability or necessity of law passed entirely within devolved competence by the Scottish Parliament is irrelevant, and certainly does not provide justification for undermining the expressed – and unanimous – will of the Scottish Parliament. [...] More broadly, I want to place on record my concern that it has taken the UK Government several months to reach and communicate its decision on what by any objective reading is a straightforward matter. The issue of a sales ban was raised at Ministerial level in September last year, having been discussed by officials well in advance of the Efra Inter-Ministerial Group. Despite several reminders, including directly with the Secretary of State for Levelling Up at the recent IMSC, a response was received only after the Scottish Parliament had reached a unanimous position: this demonstrates a lack of respect for devolution and the Scottish Parliament. ”

Disposable Vapes

The Scottish Government published the draft [Environmental Protection \(Single-use Vapes\) \(Scotland\) Regulations 2024](#) on 23 February 2024 and consulted on these until 8 March 2024. An additional consultation covering the implementation of the ban and draft impact assessments [is open until 14 May 2024](#). The Welsh Government and UK Government have also announced plans (and the UK Government [has published a draft statutory instrument for England](#)) to ban the sale of disposable vapes. This follows a [joint](#)

[consultation by all three governments](#) at the end of 2023.

In a [letter dated 26 January 2024](#) to the Net Zero, Energy and Transport Committee and the Constitution, Europe, External Affairs and Culture Committee, the then Minister for Green Skills, Circular Economy and Biodiversity, Lorna Slater MSP, stated:

“ The UK Government has confirmed that it also intends to legislate for a ban in England, and I understand that Welsh Ministers have also confirmed this intent in Wales. Northern Ireland do not currently have a sitting Executive and Assembly, so may not be able to legislate a ban on single use vapes at this time. Officials across the UK are working towards regulations that align as closely as possible, and I am seeking to agree a common coming into force date to ensure clarity for business and the public. Nevertheless, there remains a risk that regulation will not be fully aligned across the UK. Legislation must be taken forward separately by each nation, and the sale and supply of single-use vapes may remain unrestricted in Northern Ireland for a considerable period after bans have been introduced in the rest of the UK. As a result of the market access principles in the United Kingdom Internal Market Act 2020 (IMA), any single use vapes imported into a part of the UK without a ban in place could still be legally sold in the rest of the UK. This would render any ban in respective nations ineffective. Given this, an exclusion for single use vapes from the market access principles in the IMA is likely to be needed to provide certainty that we can deliver our commitment to end their sale and supply in Scotland, as well as in England and Wales. I am therefore writing to inform you that my officials will engage with their counterparts within the Resources and Waste Common Framework group at its next meeting in February 2024 to commence consideration of an IMA exclusion, in line with the process agreed by all governments of the UK, published and placed before the UK Parliament in December 2021.”

Look out for: potential further developments over coming quarters

On 20 March 2024, the Office for the Internal Market ('OIM') published its second [annual report on the operation of the internal market for 2023-24](#). See a [SPICe blog](#) for a summary of the report.

The OIM has also published [appendices to the report](#) which provides a list of current and upcoming regulatory changes in relation to goods, services, and professional qualifications in the following areas that have the potential to affect the UK internal market:

- fireworks
- rodent glue traps and animal snares
- vapes
- alcohol advertising
- further single-use plastics measures
- minimum unit pricing of alcoholⁱⁱ
- net zero policies (phasing out of gas boilers, and petrol/diesel cars)
- plasticated wet wipes
- reforms to assimilated law relating to wine
- XL Bully dogs
- regulation of cosmetic procedures
- national standards for taxi and private hire vehicles
- licensing of activities involving animals
- tourism measures (licensing of short-term lets and visitor levies)
- certification of electricians in Scotland
- licensing of individuals involved in waste transportation in England
- licensing of building inspectors in England
- licensing of acupuncture, body piercing, electrolysis, and tattooing procedures
- regulation of pharmacy technicians in Northern Ireland.

ii The Scottish Parliament [voted to approve the The Alcohol \(Minimum Pricing\) \(Scotland\) Act 2012 \(Continuation\) Order 2024 on 17 April 2024](#). This will ensure that minimum unit pricing will continue in Scotland and increase to 65p per unit of alcohol from 30 September 2024.

Legislative consent

According to the Sewel Convention, the UK Parliament will not normally legislate on devolved matters without the consent of the Scottish Parliament. The Scottish Parliament's standing orders set down rules which apply where UK primary legislation requires the Parliament's consent under the Sewel Convention. They apply where UK primary legislation makes 'relevant provision', which means provision which applies to Scotland in any of the following ways:

- for any purpose within the legislative competence of the Scottish Parliament
- to alter the legislative competence of the Scottish Parliament
- to alter the executive competence of the Scottish Ministers.

When any of the criteria on relevant provision are fulfilled, a member of the Scottish Government is obliged to lodge a **legislative consent memorandum**. A legislative consent memorandum, amongst other things, sets out the Scottish Government's view on whether the Parliament should grant legislative consent.

Following the lodging of a legislative consent memorandum, members of the Scottish Parliament may vote on a **legislative consent motion** to agree whether it is content that the relevant provision in the Bill should be considered by the UK Parliament. Only motions seeking consent are called 'legislative consent motions' in accordance with the [Parliament's standing orders](#). However, the Scottish Parliament has also voted on motions which seek to withhold consent. This update provides information on all motions relating to bills in respect of which a legislative consent memorandum was lodged during the reporting period. Not every legislative consent memorandum will result in a motion granting or withholding consent. Find out more about [legislative consent on the Scottish Parliament's website](#)

Legislative Consent

Legislative consent **granted**



Legislative consent memorandums **lodged**



Legislative consent **withheld**



Legislative consent memorandums lodged during Q1 2024

Bill title	Date lodged	Consent recommendation by Scottish Government
Automated Vehicles Bill - supplementary memorandum	29 February 2024	Partial consent recommended (i.e., consent to some but not all provisions)
Criminal Justice Bill - supplementary memorandum	13 February 2024	Consent recommended

Motions granting or withholding legislative consent Q1 2024

Bill title	Date lodged	Consent
Investigatory Powers (Amendment) Bill	12 March 2024	granted
Animal Welfare (Livestock Exports) Bill	20 February 2024	granted
Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill	20 February 2024	granted
Economic Activity of Public Bodies (Overseas Matters) Bill	18 February 2024	withheld

Further information

Information within this intergovernmental update is primarily based on the following sources:

- The UK Government [intergovernmental relations website](#) contains minutes of interministerial groups and standing committees. Minutes of other intergovernmental meetings are not currently published and hence are not reflected in this update.
- The UK Government [common frameworks website](#) contains common framework agreements.
- The Scottish Parliament [legislative consent website](#) lists legislative consent memorandums and associated motions.

Further information on intergovernmental activity can be found on our [intergovernmental activity hub](#) and:

- SPICe [briefing on intergovernmental relations](#)
- House of Commons Library [briefing on intergovernmental relations](#)
- UK Government [transparency reports on intergovernmental relations](#)
- Senedd [Legislation, Justice and Constitution Committee Monitoring reports](#)
- Northern Ireland Assembly [Brexit and Beyond newsletters](#).

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