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Finance and Constitution Committee Comataidh Ionmhais is Bun-reachd

Subordinate legislation considered by the Committee on 11 March 2020



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Finance and Constitution Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any report or other document laid before the Parliament by members of the Scottish Government containing proposals for, or budgets of, public revenue or expenditure or proposals for the making of a Scottish rate resolution, taking into account any report or recommendations concerning such documents made to them by any other committee with power to consider such documents or any part of them;

(b) any report made by a committee setting out proposals concerning public revenue or expenditure;

(c) Budget Bills; and

(d) any other matter relating to or affecting the revenue or expenditure of the Scottish Administration or other monies payable into or expenditure payable out of the Scottish Consolidated Fund.

(e) Constitutional matters falling within the responsibility of the Cabinet Secretary for the Constitution, Europe and External Affairs.



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Introduction

1. At its meeting on 11 March 2020, the Committee took evidence from Ben Macpherson, Minister for Public Finance and Migration, on the-
 - [The Budget \(Scotland\) Act 2019 Amendment Regulations 2020](#) (“the Regulations”) and
 - [Public Services Reform \(Registers of Scotland\) Order 2020](#); (“the Order”)
2. The Official Report of the Committee's evidence session is available on the [Committee's website](#).
3. The Delegated Powers and Law Reform Committee considered both statutory instruments on 18 February 2020 and had no issues to report.

The Budget (Scotland) Act 2019 Amendment Regulations 2020

4. The Regulations were laid on 6 February and amend the Budget (Scotland) Act 2019 which authorised the Scottish Government’s spending plans for the current financial year. The [Spring Budget Revision \(SBR\)](#) document provides supporting information on the revised spending plans for which the Scottish Government sought Parliamentary approval.
5. [Briefings on the Regulations and SBR](#) were prepared by the Financial Scrutiny Unit in SPICe and the Scottish Government.
6. Following evidence, the Minister moved motion S5M-21135—

That the Finance and Constitution Committee recommends that the Budget (Scotland) Act 2019 Amendment Regulations 2020 [draft] be approved.

7. The Finance and Constitution Committee agreed motion S5M-21135.

The Public Services Reform (Registers of Scotland) Order 2020

8. The Order was subject to the two-stage “super affirmative” procedure under which a draft order was subject to a 60-day pre-legislative scrutiny period involving formal consultation on the draft. The [Explanatory Document](#) confirmed that nine responses were received and that “none of the responses questioned the legal basis of the draft Order or suggested that an Order in the terms of the draft Order could not be properly made.” Summaries of the responses are available in the Explanatory Document which confirms that “Scottish Ministers did not propose to amend the draft Order in the light of the consultation representations.”

9. The Committee [wrote to Registers of Scotland \(RoS\)](#) during the pre-legislative scrutiny period inviting it to comment on the draft order. The response is available on the [Committee's website](#) and states that—
 - ” “The primary impact of these changes can essentially be summarised as transferring a number of risks from being wholly within the control of RoS to manage and mitigate, to being risks to be managed within the larger Scottish Government budgeting framework, albeit with the assistance of RoS as appropriate.
10. After the consultation period closed the Order was laid, subject to the standard affirmative procedure.
11. Following evidence, the Minister moved the motion S5M-20852 —

That the Finance and Constitution Committee recommends that the Public Services Reform (Registers of Scotland) Order 2020 [draft] be approved.
12. The Finance and Constitution Committee agreed motion S5M-20852.

