



Liaison Committee

Pete Wishart MP
Chair, Scottish Affairs Committee

By email

26 October 2023

Dear Pete,

Facilitating effective scrutiny of Government: Ministerial attendance at oral evidence sessions

I am writing in reply to your letter dated 16 October. At the Liaison Committee meeting on Wednesday 18 October, I informed members of your letter and that I would engage with you on matter.

I regret to read that you have recently experienced reluctance from ministers of the Scottish Government to provide oral evidence in relation to your inquiries. I note that this is a change from the positive engagement you have had during this Parliament. I am also aware that Scottish Government ministers have engaged with other select committees, such as the Levelling up, Housing and Communities Committee in relation to their inquiry into *Funding for Levelling Up*.

As you set out in your letter, the Scottish Government's ministerial code sets out that invitations from select committees of the UK Parliament should normally be accepted. Furthermore, the UK Government's Devolution Guidance Note 12 states "any request for a Minister to attend a Committee of a devolved legislature should be treated with as much care and courtesy as an invitation to attend a Commons or Lords Select Committee".¹

Your letter refers to the comments by Rt Hon Michael Gove MP to MSPs last year that "the more that UK Government ministers can appear in the Scottish Parliament to answer your questions, the more that demonstrates how devolution can and should work". In his role as Minister for Intergovernmental Relations it may be worthwhile your Committee writing to him to ascertain what work is going on at ministerial level to facilitate effective scrutiny. If you chose to do so, can you please copy me in to that correspondence.

Finally, you ask that the Liaison Committee meet with the Conveners Group in the Scottish Parliament to discuss ways in which ministers of both governments can be encouraged to

¹ [Devolution Guidance Note 12](#)



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accept invitations to appear before our parliamentary committees. I have asked that such a meeting be arranged with my counterpart in the Scottish Parliament, so we can discuss this and other matters of mutual interest.

Yours ever

Sir Bernard Jenkin MP

Chair of the Committee



Scottish Affairs Committee

Sir Bernard Jenkin
Chair, Liaison Committee

By email only

16 October 2023

Dear Sir Bernard,

I am writing to you as Chair of the Liaison Committee to raise concerns from Members of the Scottish Affairs Committee regarding ministerial attendance at oral evidence sessions, and to propose that your Committee work with the Conveners Group of the Scottish Parliament, as well as the UK and Scottish governments, to reach an understanding on when Scottish Ministers should be expected to appear before UK Parliament Committees, and vice versa.

Our Committee has experienced reluctance from ministers of the Scottish Government to provide oral evidence to us on important inquiries on *Renewable energy in Scotland*, *Fishing Grounds in Scotland*, and most recently on *Coronavirus and Scotland* and the *Cost of Living: Impact on Rural Communities in Scotland*. These invitations have either been promptly declined, or in the case of the latter, cancelled mere days before our scheduled meeting.¹ We are keen to ensure that this position is not the start of a precedent at the Committee, which has mostly enjoyed positive and regular engagement with the Scottish Government on previous inquiries.

Whilst our select committee scrutiny remit extends to the policy and administration of the Scotland Office, and wider UK Government policies which affect Scotland, the policy and legislation of the Scottish Government often interact with this in practice. The devolution settlement also means that whilst some parts of a particular policy area may be reserved to the UK Government, other responsibilities may be devolved to the Scottish Government. The discussions we have during oral evidence sessions with the Scottish Government help to form our own conclusions and recommendations to government. Regarding participation at select committees, the Scottish Government's ministerial code states:

A Select Committee of the UK Parliament may invite a Scottish Minister to attend and give evidence at one of its meetings. Where possible, Scottish Ministers should normally accept such invitations and should provide the Committee with relevant information about Scottish Government policy and practice.²

We understand that this scrutiny challenge is not limited to the UK Parliament alone. A number of committees of the Scottish Parliament have likewise received refusals from UK Government ministers to provide oral evidence to inquiries, despite comments from the Secretary of State for Levelling Up, Housing and Communities Michael Gove MP to MSPs last year that "the more that UK Government ministers can appear in the Scottish Parliament to answer your questions, the more that demonstrates how devolution can and should work".³

¹ [Correspondence from the Deputy First Minister to the Chair of the Scottish Affairs Committee](#), 18 July 2023; [Correspondence from the Cabinet Secretary for Rural Affairs, Land Reform and Islands to the Chair of the Scottish Affairs Committee](#), 6 September 2023

² Para 3.11, Scottish Ministerial Code

³ [Oral evidence to the Finance and Public Administration Committee](#), 24 February 2022.

For example, see: [deposit-return-scheme-scotland-secretary-letter-8-september.pdf \(parliament.scot\)](#); [secretary-of-state-invitation-to-give-evidence-22-march-2023.pdf \(parliament.scot\)](#); [secretary-of-state-for-scotland-invitation-to-give-evidence-july-2023.pdf \(parliament.scot\)](#)



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We therefore request that the Liaison Committee meet with the Conveners Group, its Scottish Parliament equivalent, to discuss ways in which ministers of both governments can be encouraged to accept invitations to appear before our parliamentary committees to support the important scrutiny work we undertake. We suggest that the two Committees agree a proposal that they can put jointly to the UK and Scottish Governments so that a common understanding can be reached.

I would be grateful if time could be found at an upcoming Liaison Committee meeting to discuss this proposal.

Yours sincerely

Pete Wishart MP
Chair, Scottish Affairs Committee