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PUBLIC SERVICES REFORM (SCOTLAND) BILL

I wrote to you on 5 January in advance of the Stage 1 debate on the Public Services Reform (Scotland) Bill to give you an indication of the amendments which I proposed to bring forward in relation to the Order-making powers in Part 2 of the Bill. I also promised to let you have a full response to the Committee's Stage 1 Report in good time before Stage 2 consideration gets underway on 26 January, and this is attached.

Let me say once again that I am grateful not only to your Committee but to the other Committees which reported to you for their very thorough and helpful Reports, which have helped us considerably in developing amendments to improve the Bill at Stage 2.

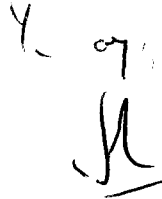
As I indicated in my letter of 5 January, I intend to bring forward a package of amendments at Stage 2 which are designed to enhance both the statutory and procedural safeguards to which the Order-making powers in Part 2 of the Bill are subject, and also to address a number of specific concerns about the position of particular bodies. Full details of our proposals are set out in the attached response.

Your Report rightly highlighted the need to safeguard the independence of parliamentary commissioners and ombudsmen and, as I indicated in my letter of 5 January, we will accordingly bring forward amendments to provide that in relation to these bodies Scottish Ministers could embark on a statutory consultation process only if requested to do so by the Scottish Parliamentary Corporate Body (SPCB); and that following consultation a draft Order could be laid before Parliament only with the consent of the SPCB.

I have also reached the view that Audit Scotland and the Scottish Commission for Public Audit should be removed from schedule 3 altogether, since Audit Scotland may be required to audit both Government and the SPCB itself and the SCPA's role is to scrutinise Audit Scotland's budget. In addition, it does not on reflection seem appropriate for one parliamentary body – SCPA – to be subject in any way to the jurisdiction of another – the SPCB.

I believe that the amendments which we propose to bring forward, taken together, fully address the issues which have been raised by your own Committee, the Subordinate Legislation Committee and the various subject Committees which took evidence on the Bill.

I am copying this letter to the Presiding Officer, to the Conveners of the other Committees which took evidence on the Bill and to Angela Constance in her capacity as Convener of the Scottish Commission for Public Audit. I look forward to assisting the Committee in whatever way I can during its Stage 2 consideration of the Bill.



JOHN SWINNEY