

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

SCOTLAND ACT 1998 (MODIFICATION OF
SCHEDULES 4 AND 5) ORDER 2015

Monday 14 September 2015

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The Committee consisted of the following Members:

Chair: MR JAMES GRAY

† Barclay, Stephen (<i>North East Cambridgeshire</i>) (Con)	† Rees, Christina (<i>Neath</i>) (Lab)
† Chalk, Alex (<i>Cheltenham</i>) (Con)	Sheerman, Mr Barry (<i>Huddersfield</i>) (Lab/Co-op)
† Grant, Peter (<i>Glenrothes</i>) (SNP)	† Smith, Jeff (<i>Manchester, Withington</i>) (Lab)
† Haselhurst, Sir Alan (<i>Saffron Walden</i>) (Con)	† Smith, Royston (<i>Southampton, Itchen</i>) (Con)
† Lefroy, Jeremy (<i>Stafford</i>) (Con)	† Stewart, Iain (<i>Milton Keynes South</i>) (Con)
† Mann, Scott (<i>North Cornwall</i>) (Con)	† Thompson, Owen (<i>Midlothian</i>) (SNP)
Milling, Amanda (<i>Cannock Chase</i>) (Con)	† Throup, Maggie (<i>Erewash</i>) (Con)
† Morden, Jessica (<i>Newport East</i>) (Lab)	
† Mundell, David (<i>Secretary of State for Scotland</i>)	Ben Williams, <i>Committee Clerk</i>
† Murray, Ian (<i>Edinburgh South</i>) (Lab)	
† Qureshi, Yasmin (<i>Bolton South East</i>) (Lab)	† attended the Committee

Third Delegated Legislation Committee

Monday 14 September 2015

[JAMES GRAY *in the Chair*]

Draft Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015

4.30 pm

The Secretary of State for Scotland (David Mundell): I beg to move,

That the Committee has considered the draft Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015.

It is an honour to serve under your chairmanship, Mr Gray. I know that as a Scot you take a close interest in all matters that relate to Scotland.

If it pleases the Committee, I shall provide a brief summary of the background to the order and set out what it seeks to achieve. When the Fixed-term Parliaments Act 2011 was passed, it provided that the next general election for membership of this Parliament would occur on 7 May 2020. That same Act also provided that the next Scottish parliamentary ordinary general election would be on 5 May 2016. The Scotland Act 1998, to which I shall refer as the 1998 Act, provides for the poll at Scottish parliamentary ordinary general elections to be held on the first Thursday in May every fourth year. All this combines to mean that, as things currently stand, there are due to be general elections to both the UK and Scottish Parliaments on 7 May 2020.

It is agreed that a clash of elections is undesirable and this Government have always been committed to ensuring that any clash is avoided. The Government are also committed to implementing the recommendations of the Smith commission agreement. One of those recommendations is that the Scottish Parliament should have all powers in relation to Scottish parliamentary and local government elections in Scotland.

As the Committee will know, the current Scotland Bill makes provision to implement that recommendation. However, as both the UK and Scottish Governments agree that Scottish parliamentary electors should be aware of the term of the Scottish Parliament to which they are electing Members when they vote in May 2016, we are faced with an issue of timing. If the Scottish Parliament is to legislate in advance of the May 2016 election to determine a date for the first Scottish parliamentary ordinary general election after that one, the power to do so needs to be devolved now.

Devolving that power is exactly what this order does. The order is made under section 30 of the 1998 Act. Section 30 provides a mechanism whereby schedule 4 or schedule 5 to that Act can be modified by an Order in Council, subject to the agreement of both the UK and Scottish Parliaments. The order amends both schedules 4 and 5 to the 1998 Act. First, schedule 4 to the 1998 Act lists enactments that are protected from modification by the Scottish Parliament. Much of the 1998 Act itself is included in this list. As I have already mentioned, the 1998 Act provides for the poll at Scottish parliamentary

ordinary general elections to be held on the first Thursday in May every fourth year. Section 2(2) of the 1998 Act makes that particular provision. The order therefore amends schedule 4 to the 1998 Act to allow an Act of the Scottish Parliament to modify section 2(2) in relation to the first Scottish parliamentary ordinary general election after 2016.

Secondly, as the Committee knows, schedule 5 to the 1998 Act lists the matters that are reserved to this Parliament. Among other things, elections for membership of the Scottish Parliament are reserved. In order that the Scottish Parliament can determine the day of the poll at the first Scottish parliamentary ordinary general election after 2016, the order will amend schedule 5 to provide that that matter will no longer be a reserved matter. The amendments to both schedules will combine to ensure that the Scottish Parliament has the power to determine the date of the first Scottish parliamentary ordinary general election after that to be held next May. The order also amends section 2 of the 1998 Act in connection with the amendments to schedules 4 and 5.

However, the order places certain limitations on the day that can be chosen. Specifically, the order will prevent the day of the poll determined by the Scottish Parliament from being the same as the day of the poll at a UK parliamentary general election, other than an early parliamentary general election, a European parliamentary general election or an ordinary local government election in Scotland. I would like to make it clear that those limitations were recommended in the Smith commission agreement.

The order demonstrates the Government's commitment to honouring the Smith commission agreement. It also demonstrates the way in which this Government can work effectively with the Scottish Government to make the devolution settlement work. I commend the order to the Committee.

4.34 pm

Ian Murray (Edinburgh South) (Lab): As always, it is a great pleasure to serve while you are in the Chair, Mr Gray.

The Opposition do not disagree with the order. I thank the Secretary of State for his introductory remarks and I will pose just two questions in response to his explanation of the order. The first is a more general question of whether he envisages any other reasons for introducing a section 30 order before the Scotland Bill gains Royal Assent, hopefully very shortly in this Parliament. Secondly, the right hon. Gentleman did not touch on the modification of schedule 5 in article 3(2)(a), which refers to inserting

“‘The reduction of the minimum voting age”

under “‘Exception 1”’. Will the Secretary of State cover in his summing up exactly what that means for devolving that power? I hope that it devolves the power to the Scottish Parliament to decide to allow 16 and 17-year-olds to vote.

I thank the Secretary of State for being here for his first Statutory Instrument Committee of this parliamentary term. However, it may be his last, and the Deputy Leader of the House will ably deputise for him in future such Committees—not because he has upset the Prime Minister; I do not want to start any vicious rumours of his demise from the Cabinet.

With those two brief questions, I emphasise that we are grateful for the order's being introduced quickly so that the Scottish Parliament has the power to determine its elections timetable from next year.

4.36 pm

David Mundell: I thank the hon. Gentleman for his kind words. I felt that it was appropriate to introduce the order myself because it is a very important measure that relates to the Scotland Bill.

The hon. Gentleman will know that we have already taken forward the order that allows the Scottish Parliament to determine whether 16 or 17-year-olds can vote in next year's Scottish parliamentary elections, and the Scottish Parliament has decided to allow them to vote. We should take this opportunity to encourage everyone to register so that all eligible 16 and 17-year-olds can vote in those elections.

I have discussed with the Scottish Government the delivery of the Smith commission report's recommendations, and we agreed that if it were necessary to meet the timing of the transfer of the Work programme arrangements, I would be willing to consider introducing a section 30 order to fit in with the Scottish Government's roll-out of their proposed Work programme. However, at the moment, we believe that, should the Scotland Bill be enacted according to the timescale currently envisaged—by next spring—that will allow the Scottish Government to move forward with the Work programme as they would wish.

I hope that clarification satisfies the hon. Gentleman.

Question put and agreed to.

4.38 pm

Committee rose.

