Part 2 – Order Making Powers

It is my intention to write to the Committee, prior to 14 August, on the remaining parts of the Bill.

At this time, I wish to record my concerns regarding the content of Part 2.

As HM Inspector of Constabulary for Scotland, I fully appreciate the principles of Crerar, and indeed, the drive for better, clearer and less burdensome public scrutiny. Part 2 of the Bill would appear to me, to invest too much power within the decision-making ability of Scottish Ministers – power that should more appropriately lie within the body of the Scottish Parliament.

I understand that the Bill includes an outline of a mechanism to include the views of Parliament in this decision-making. My concern is that the view of Parliament is very different from the will of Parliament. The power sought by Ministers seems to me to be greater than is required and, in fact, may be less than competent when applied to primary Scottish legislation or Westminster legislation.

In making my observations on Part 2, I would seek to avoid the situation that saw the Ministerial power remaining and a Parliamentary antidote being added. This would lead, in my view, to the creation of complexity and confusion when introducing legislation intended to achieve the exact opposite.

Bill Skelly
HM Inspector of Constabulary for Scotland