

Ramsay TC (Tracy)

From: Anderson A (Ann)
Sent: 12 March 1999 12:08
To: Walford IN (Ian)

As requested letter to Elvidge



aga03103.doc

Ann Anderson
PS/J R Wildgoose
Ext 46160

Tracy

- ① please email to Robert for info
- ② Pass this on to Paul ✓

~~1. Mr D. In~~

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2. 5/2/13

John Elvidge Esq
Cabinet Office
70 Whitehall
LONDON
SW1A 2NN

12 March 1999

Dear John

FOOD STANDARDS BILL: LEGISLATION

We spoke about the timing of the introduction and second reading of the above Bill at Westminster – and interactions with the timing of the debate in the Scottish Parliament, which we deem necessary to seek the Parliament's agreement to proceeding as currently proposed.

We recognise of course that the timing of Bill introduction and second reading is for the business managers - but our planning assumptions for working purposes are that the Bill will be introduced at Westminster in week commencing 24 May with second reading in week commencing 7 June. I have now been advised by the Executive Secretariat here that it is too optimistic to schedule a debate in the Scottish Parliament before the end of May: a debate in the first week of June (say 2 or 3 June) is more realistic. On this timing, the Parliament would have the published Bill available before its debate – which gives them a concrete proposal on which to base their views. We could of course be criticised if the debate took place shortly before introduction at Westminster when the MSPs would not have the printed bill available. On the other hand it would be helpful if, on introduction, the UK Government could make it clear that the remaining stages would be put on hold if MSPs were to withhold consent of the Bill.

So on balance, the timings we are working with remain acceptable from a devolution standpoint. These are of course provisional timings for working purposes. I cannot, at this juncture, guarantee an early June date for a debate in the Scottish Parliament; much depends upon the outcome of the Election ie whether the new Scottish Executive is formed quickly, and of course also on the views of the business managers in Edinburgh after the Election.

Equally we cannot automatically assume that the Scottish Parliament will sign up to the proposals – although we are working hard in the consultation now ongoing to build support for them. We continue to believe that the best chance for the proposed UK based policy to be achieved is through the current FS Bill at Westminster this session. If, however, the Parliament does not sign up, we will then have to agree with the Scottish Executive, and with Whitehall, how to proceed. I will be working up some thoughts on this in the next month or so on a contingency basis. But none of this affects the timing points noted above; if the Scottish Parliament is opposed, we will need to think again – wherever we are in the process.

Finally, my understanding is that colleagues are continuing to consider precisely how the constitutional convention relating to legislation at Westminster in devolved areas might work. Robert Gordon will be writing to you shortly with some Scottish Office views.

I hope the above is helpful in setting out our thinking on timing and devolution aspects in relation to the proposed Bill.

Copies of this letter go to Alice Perkins, Richard Carden, Geoffrey Podger and to members of MISC02.

Yours sincerely

J R WILDGOOSE

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Rogers DA (David)

From: Walford IN (Ian)
Sent: 11 March 1999 09:35
To: Rogers DA (David)
Cc: Gordon RSB (Robert); Grice PE (Paul); Hislop E (Elizabeth); Ewing JA (John)
Subject: FW: Food Standards Bill: Debate in Scottish Parliament

Importance: High

David (copy to Robert, John, Paul)

We spoke about the draft Wildgoose-Elvidge letter. I have now spoken to Jim Wildgoose. I have passed on a number of comments on the draft. In particular I have asked him to include a sentence which says in terms that if the FSA Bill is introduced at Westminster before the debate on consent in the SP it should be made clear at that point by the UK Government that it would only proceed to subsequent stages if the SP consent. I have also asked him to include a sentence indicating that Robert is about to write to Elvidge about the general workings of the constitutional convention. The letter which you are preparing for Robert's signature then cross-refer to Jim's letter (which will issue today).

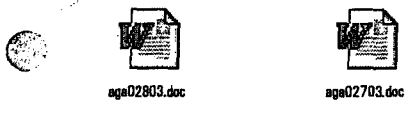
IAN WALFORD

-----Original Message-----

2 items:

AGA02803 is the covering minute 1 page
AGA02703 is the draft letter to Elvidge 2 pages

Jim is looking for comments by lunchtime tomorrow (11 March) Thanks



Ann Anderson
PS/J R Wildgoose
Ext 46160

Jim is in London won't be back until tomorrow.

Mr Ewing

Copy to: PS/AEFD
~~Mr Gordon~~
Mr Cameron
Mr Grice
Mrs Munro
Mr Walford
Mr Lindsay
Mrs Macdonald
Mrs McAllan
Mr Campbell

FOOD STANDARDS BILL: DEBATE IN SCOTTISH PARLIAMENT

1. We spoke on this subject – following your minute of 24 February responding to my minute of 22 February to Mr Grice.
2. I have also been speaking to John Elvidge in Cabinet Office about timings for the debate – and indeed timing for introduction of the Bill and second reading at Westminster. I agreed to write to him on this subject and I attach a draft which I plan to send tomorrow (11 March). The terms of the letter very much picks up the thinking in our telephone conversation. I would be grateful for your comments – and those of copy addressees **by lunchtime tomorrow.**
3. John Elvidge indicated to me that the business managers at Westminster will be meeting on Monday evening (15 March) to consider forward planning for the session – and by implication the possible scheduling of the FS Bill. He also reported that No.10 see the Bill as important – and essentially top of the list of those not yet allocated time. He suggested to me that a letter at official level, to register our thoughts with the business managers, would be more productive than a Ministerial letter which would be higher profile and which might be interpreted (by No.10) as holding up the Bill due to devolution. Once the letter is cleared, however, I intend to put a short note to Ministers to inform them that I have written.

J R Wildgoose

J R WILDGOOSE
10 March 1999

AEFD Division A
Room 352
Pentland House
Ext 46159

John Elvidge Esq
Cabinet Office
70 Whitehall
LONDON
SW1A 2NN

March 1999

Dear John

FOOD STANDARDS BILL: LEGISLATION

We spoke about the timing of the introduction and second reading of the above Bill at Westminster – and interactions with the timing of the debate in the Scottish Parliament to seek their agreement to proceeding as currently proposed.

Our planning assumptions at present are that the Bill will be introduced at Westminster on 28 May with second reading on 7 June. I had originally planned that the debate in the Scottish Parliament would be scheduled in the last week of May – ideally before 28 May. I have now been advised by Constitution Group here that this proposed timing is optimistic and that a debate in the first week of June is more realistic.

At first sight, this would appear to throw out the planned timings at Westminster. In point of fact, however, I now think that we could proceed as planned at Westminster – with the Scottish Parliament debate early in June (say 2 or 3 June), with the planned date for second reading at Westminster (7 June) retained. On this timing, the Scottish Parliament would have the published Bill available for its debate – and we could argue that this gives them a concrete proposal on which to base their views. (We could of course be criticised if the Scottish Parliament debate took place shortly before introduction at Westminster when the MSPs would not have the printed bill available).

So on balance, the planned timings we are working with remain acceptable from a devolution standpoint. These are of course planned timings for working purposes. I cannot, at this juncture, guarantee an early June date for a debate in the Scottish Parliament; much depends upon the outcome of the Election ie whether the new Scottish Executive is formed quickly, and of course also on the views of the business managers in Edinburgh after the Election.

Equally, we cannot automatically assume that the Scottish Parliament will sign up to the proposals – although we are working hard in the consultation now ongoing to build support for them. If there is no agreement, then we will have to agree with the Scottish Executive, and with Whitehall, how to proceed. I will be working up some thoughts on this in the next month or so on a contingency basis. But none of this affects the timing points noted above; if the Scottish Parliament does not sign up, we need to think again – wherever we are in the process.

Finally, my understanding is that the precise terms of the constitutional convention relating to legislation at Westminster in devolved areas, is still under consideration. My working assumption in the context of the Food Standards Bill is that we would invite the Scottish Parliament's agreement on two issues – the policy of a single UK Agency and primary legislation to set up the Agency being at Westminster.

I hope the above is helpful in setting out our thinking on timing and devolution aspects in relation to the proposed Bill.

Copies of this letter go to Alice Perkins, Richard Carden, Geoffrey Podger and to members of MISC02.

Yours sincerely

J R WILDGOOSE