[GB] Memorandum of Understanding between the UK Government, the Scottish Government, the Scottish Parliament and Ofcom

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A Memorandum of Understanding has been agreed setting out the relations between the UK Government, the Scottish Government and Parliament, and Ofcom, the UK communications regulator. The background to this was the Smith Commission report on further devolution to Scotland in 2014, which recommended that the power to approve Ofcom appointments to the board of MG Alba, the Gaelic language media service, should rest solely with the Scottish Ministers, not with UK ministers. It also proposed a formal consultative role for the Scottish Government and Parliament in setting priorities for Ofcom in Scotland, the power for Scottish Ministers to appoint a Scottish member to the Ofcom board, and requirements that Ofcom lay its annual report and accounts before the Scottish Parliament and appear before committees of that parliament when required. The UK Government accepted these proposals and they were implemented by the Scotland Act 2016.

Detailed implementation of the Act and relations between Ofcom and the Scottish institutions are governed by the new Memorandum of Understanding. This sets out a formal consultative role for the Scottish institutions in Ofcom’s process of setting its strategic priorities with respect to its activities in Scotland. It sets out agreed guidance for the appointment of a Scottish member of Ofcom’s board by the Scottish ministers, and for similar consultation in relation to the appointment of a Scottish member of Ofcom’s Consumer Panel. The Memorandum also sets out detailed procedures for appointments to the board of MG Alba on the recommendation of Ofcom, which will undertake the initial search and selection of nominees. These procedures deal with such matters as conflicts of interest, transparency, and the language proficiency of the candidate. Membership of the board must include members nominated by the BBC and by the Scottish development agencies. A procedure is also set out for use where Ofcom and the Scottish Ministers cannot agree on an appointment. There will also be regular meetings between Ofcom and the Scottish Ministers on general matters, at least once per year. Ofcom’s annual report and accounts must be sent to the UK Secretary of State and the Scottish Ministers, who will lay it before the Scottish Parliament.

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Department for Culture, Media and Sport, "Memorandum of Understanding between the UK Government, Scottish Government, Scottish Parliament and the Office of Communications", 28 April 2017

https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-uk-government-scottish-government-scottish-parliament-and-the-office-of-communications

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