

## **PARLIAMENTARY BUREAU**

### **SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUMS**

#### **Introduction**

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.
2. Rule 9B.3.5 also invites the Parliament, on a motion of the Parliamentary Bureau, to designate one committee as the lead committee where the subject matter of the relevant provision falls within the remit of more than one committee.

#### **Energy Bill**

3. The Energy Bill was introduced in the House of Lords on 6 July 2022. An LCM was lodged by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport, on 28 September 2022. A supplementary LCM was subsequently lodged on 25 January 2023.
4. The original LCM sets out that the main provisions of the Bill are under three key themes as follows:
  - Leveraging investment in clean technologies;
  - Reforming our energy system and protecting consumers; and,
  - Maintaining the safety, security and resilience of the energy system across the UK.
5. The original LCM indicated that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to some the UK Parliament legislating on devolved matters in respect of some, but not all, of the provisions in this Bill.
6. The supplementary LCM relates to amendments relating to the Offshore Wind Environmental Improvement package and habitat assessment processes for offshore wind projects. The Scottish Government does not recommend consent to these new provisions.

#### **Designation of Lead committee**

7. The LCM engages the remit of the Net Zero, Energy and Transport Committee, which is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport. As the Bill relates to energy, this remit is engaged.
8. The provisions relating to habitat assessment also engage the remit of the Rural Affairs, Islands and Natural Environment Committee, which is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands (who is supported by the Minister for Environment and Land reform, into whose portfolio this falls).

9. The Net Zero, Energy and Transport Committee appears to have the most significant interest in the Bill, and it was this Committee that considered the original LCM.

10. The supplementary LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

### **Procurement Bill**

11. The Procurement Bill was introduced in the House of Lords on 11 May 2022.

12. An LCM was lodged by Kate Forbes MSP, Cabinet Secretary for Finance and the Economy on 25 May 2022. A supplementary LCM was subsequently lodged on 3 February 2023.

13. The UK Government has described the purpose of the Bill as being to reform the United Kingdom's public procurement regime following its exit from the European Union (EU), to create a simpler and more transparent system not based on transposed EU Directives.

14. The original LCM indicated that the Scottish Government does not intend to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill at this time due to concerns about the breadth of the approach taken by the Bill.

15. The supplementary LCM indicates that the Scottish Government now intends to lodge a motion consenting to parts of the Bill, in light of amendments that have been made, but continues to recommend withholding consent in respect of other provisions.

### **Referral to committee**

16. The remit of the Economy and Fair Work Committee is to consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy. The Minister for Business, Trade, Tourism and Enterprise has responsibility for procurement and supports the Cabinet Secretary for Finance and the Economy. The remit of the Economy and Fair Work Committee is therefore engaged. This is also the committee that considered the original LCM.

17. No other committee remit appears to be engaged.

18. The supplementary LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

### **Recommendation**

19. The Bureau is invited to agree to refer, under Rule 9B.3.5, the supplementary LCM on the Procurement Bill to the Economy and Fair Work Committee to consider and report on it.

20. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9B.3.5, to designate the Net Zero, Energy and Transport Committee as the lead committee to consider and report on the LCM.

**Parliamentary Business Team  
February 2023**