Supplementary Legislative Consent Memorandum

Energy Bill

Background

1. This memorandum has been lodged by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport under Rule 9B.3.1(c) of the Parliament's Standing Orders.

2. This memorandum concerns amendments to the United Kingdom Energy Bill (the "Bill") tabled in the House of Lords on 9 January 2023 relating to the Offshore Wind Environmental Improvement Package ("OWEIP") and habitats assessment processes for offshore wind projects. The amendments concerning OWEIP are referred to as the "OWEIP clauses" in this memorandum. There are six OWEIP clauses, inserted as the new beginning of Chapter 1 for Part 12 of the Bill and constituting Clauses 240-245, plus consequential amendments to Clauses 266 and 269. A copy of the Bill as published by the UK Government on 16 January 2023 is at the following link: Energy Bill [HL] publications - Parliamentary Bills - UK Parliament.

3. This memorandum also concerns Clause 174 (Heat networks: enforcement in Scotland) of the Bill following further scrutiny from the Delegated Powers and Law Reform Committee. When the first Legislative Consent Memorandum (LCM) for the Bill was lodged on 28 September 2022 (LCM-S6-26), this clause was published as Clause 172. For the purposes of this memorandum, references are made to Clause 174 (Heat networks: enforcement in Scotland) as published in the link above on 16 January 2023.

Content of the OWEIP Clauses

4. The OWEIP clauses form part of the Bill. The first LCM for the Bill was lodged on 28 September 2022 (LCM-S6-26) and addressed provisions in the Bill as introduced on 6 July 2022, but the provisions at that stage did not include the OWEIP clauses.

5. The UK Government has described the purpose of the OWEIP clauses in an accompanying Policy Statement (the "UK Policy Statement") which is available online at the following link: Policy Statement Offshore Wind Environmental Improvement Package Measures (publishing.service.gov.uk).

6. In Scotland, as in the rest of the UK, we require various environmental assessments to be carried out in relation to offshore wind projects. This includes Habitats Regulations Appraisal ("HRA") for projects and plans that are likely to have a significant effect on a European Site.

7. The OWEIP clauses relate to the HRA processes for offshore wind projects. The process of HRA operates so that if a plan or project may have significant effects on the protected features of a habitats site or species, then an Appropriate Assessment ("AA") of that plan or project is undertaken prior to the responsible authority determining whether to proceed.[1] If the AA conclusion is a negative assessment, then the responsible authority may choose to go through the derogation provisions. The derogation provisions require the following conditions to be satisfied: (i) that there is no alternative to the plan or project; (ii) there are Imperative Reasons of Overriding Public Interest (known as "IROPI") for it to proceed, despite the environmental damage; and (iii) compensatory measures to address the damage can be secured. The focus of the OWEIP clauses is on that third derogation provision: the compensation obligation.

8. In the UK Policy Statement, the UK Government describes that the purpose of the OWEIP clauses is to enable:

   a. The making of regulations concerning assessment of environmental effects of offshore wind projects and related infrastructure on protected sites and compensatory measures for adverse environmental effects;

   b. Strategic compensatory measures to be taken or secured; and

   c. The making of regulations to introduce one or more marine recovery funds and to allow for delegation of the operation and management of the funds to other bodies.

9. The OWEIP clauses comprise the following:

   a. Clause 240 (Meaning of "relevant offshore wind project") defines the offshore wind projects that are subject to the OWEIP clauses, and it includes projects that involve the planning, construction, operation or decommissioning of (a) a generating station in the UK marine area, that generates electricity from wind, or (b) infrastructure, in the UK marine area, used or intended for use in connection with a generating station within paragraph (a).

   b. Clause 241 (Strategic compensation for adverse environmental effects) provides for the taking and securing of strategic compensatory measures. More specifically, it provides that where a public authority, subsequently defined to include the Scottish Ministers, is under obligations concerning the provision of environmental compensation in relation to one or more relevant offshore wind projects, the public authority may allocate measures taken or secured by the authority towards the discharge of those obligations.

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[1] In relation to the Scottish Ministers' offshore consenting functions, the HRA process is contained within the Conservation (Natural Habitats, & c.) Regulations 1994 (SI 1994/2716), the Conservation of Offshore Marine Habitats and Species Regulations 2017 (SI 2017/1013) and the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012).

c. Clause 242 (Marine recovery fund) provides the Secretary of State with the power, by regulation, to establish one or more marine recovery funds, out of which payments may be made towards environmental compensation measures required as a result of relevant offshore wind projects. The Secretary of State may also, by regulations, delegate functions for the operation of marine recovery funds, including to Scottish public authorities in relation to Scottish waters (inshore and offshore). Such delegated functions can be cancelled by the Secretary of State or exercised concurrently by the Secretary of State. These marine recovery funds are intended to be an optional route for windfarm developers to choose to pay into in order to discharge their compensation obligations, where appropriate measures are available and can be delivered without further input from the developers.

d. Clause 243 (Assessment of environmental effects etc) provides the Secretary of State, the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland with powers to make regulations concerning the assessment of environmental effects of relevant offshore wind projects and in relation to environmental compensation. For Scottish Ministers, this is restricted to the power to make regulations in relation to the Scottish inshore region (i.e., within 0-12 nautical miles ("nm")), while the Secretary of State is granted this power in relation to the Scottish offshore region (i.e., outwith 12 nm) and in relation to certain qualifying functions in the Scottish inshore region.

e. Clause 244 (Regulations under section (Assessment of environmental effects etc): consultation and procedure) provides consultation and other procedural requirements relating to the making of regulations under Clause 243 as set out above. This includes requirements on the Secretary of State, Welsh Ministers and DAERA to consult the Scottish Ministers on the development of new regulations in certain circumstances. It also includes a requirement on Scottish Ministers to consult with identified bodies in making regulations under Clause 243 that relate to the Scottish inshore region.

f. Clause 245 (Interpretation of Chapter 1) contains further definitions and expressions which are used in the clauses listed above.

g. As a result of the OWEIP clauses, there are also consequential amendments to Clauses 266 and 269 of the Bill. Clause 266 (Regulations) is amended in order to exclude the application of the affirmative procedure in the UK Parliament to regulations made by the Scottish Ministers under Clause 243 (such regulations will instead be subject to affirmative procedure in the Scottish Parliament). Clause 269 (Commencement) is amended in order to provide for the OWEIP clauses (which form the new Chapter 1 of Part 12) to come into force 2 months after Royal Assent.

10. In the UK Policy Statement, the UK Government discusses the territorial extent of the measures and its intentions regarding the roles of the devolved administrations. In particular, the UK Government notes:

a. Its view that the primary purpose of the OWEIP clauses is energy generation which is a reserved matter in relation to Scotland;

b. Its intention to legislate in such a way that respects the existing duties of devolved administrations to agree and secure compensatory measures; and

c. Its intention to delegate operational delivery functions for marine recovery funds to relevant parties in the devolved administrations to ensure that Ministers retain a role in delivering measures for projects to which they consent.

Requirement for a Supplementary LCM

11. The OWEIP clauses as introduced in the House of Lords on 9 January 2023 constitute relevant provision under Rule 9B.1.1 of the Standing Orders, as the clauses make provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament and alter the executive functions of the Scottish Ministers.

12. Scottish Ministers are currently the sole planning, licensing, consenting, and decommissioning authority for offshore wind projects in Scottish waters (inshore and offshore), with certain powers and functions either fully devolved or executively devolved.[2] The marine planning and licensing regimes for the Scottish inshore region (from 0-12 nm) are within devolved legislative competence and operated under the Marine (Scotland) Act 2010. Marine planning and licensing in the Scottish offshore region (beyond 12 nm) has been executively devolved under the Marine and Coastal Access Act 2009. The section 36 consenting regime for electricity generating stations in Scottish waters under the Electricity Act 1989 and the decommissioning regime under the Energy Act 2004 are also executively devolved in the Scottish inshore and offshore regions. There are further devolved powers that allow for deemed planning permission to be granted where a section 36 consent is granted.

13. In relation to offshore wind, HRA functions sit with the Scottish Ministers in order to ensure a coherent licensing and consenting regime. The nature of the plan or project and its location determines the specific set (or sets) of habitats regulations that Scottish Ministers apply in assessing the habitats implications of new offshore wind projects in Scottish waters (inshore and offshore). As set out in the preceding section, the Scottish Ministers have compensatory obligations in relation to offshore wind under the HRA process in circumstances where the derogation provisions are satisfied (i.e., where there are no alternatives to the plan or project; and there are IROPI reasons for it to proceed).

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[2] Executive devolution arises in circumstances where legislative competence is reserved to the UK (under the Scotland Act 1998) but, in fact, certain decision-making functions have been transferred to the Scottish Ministers. This typically occurs either through an order made under the Scotland Act or through a UK Act of Parliament.

14. The OWEIP clauses make provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament and alter the executive functions of the Scottish Ministers in the manner set out in the following paragraphs.

15. Clause 240 (meaning of "relevant offshore wind project"): the definition of "relevant offshore wind project" for the purposes of the OWEIP clauses includes the devolved matters of planning and marine licensing in the Scottish inshore region, and the executively devolved functions in relation to section 36 consenting (inshore and offshore), decommissioning of offshore wind developments (inshore and offshore), and marine licensing (offshore). Decommissioning powers under the Energy Act 2004 include a broad regulation making power at section 111, providing that the Scottish Ministers can make regulations relating to the decommissioning of relevant objects in Scottish waters regulated under the decommissioning chapter of the Energy Act 2004. This means that the inclusion of decommissioning in this clause affects the Scottish Ministers regulation making powers in relation to decommissioning of offshore wind.

16. Clause 241 (Strategic compensation for adverse environmental effects): this clause makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament in relation to marine licensing and marine planning within the Scottish inshore region (as well as onshore deemed planning) and the associated HRA compensation obligations for alleviation of environmental damage to protected sites and species. Moreover, consent is required to this clause in any event, as it alters the executive competence of the Scottish Ministers in relation to section 36 consenting and decommissioning functions (inshore and offshore) and marine licensing and marine planning (offshore) in respect of HRA, including compensation obligations.

17. Clause 241 refers to the "public authority" subject to environmental compensation obligations in relation to offshore wind projects. The Scottish Ministers are the public authority with environmental compensation obligations for HRA assessments in relation to offshore wind projects in Scottish waters, as described above.

18. Notably, the definition of "public authority", as set out in Clause 245 (Interpretation of Chapter 1), includes the Scottish Ministers, but also a Minister of the Crown, as it is an exhaustive list rather than specifying responsibilities in relation to particular locations. As "public authority" is not specifically defined for Scottish offshore wind projects, when read alongside the regulation making provision in Clause 243 (Assessment of environmental effects etc), this could provide a potential route for the UK Government, acting by regulation, to alter the Scottish Ministers' existing executively devolved environmental compensation functions in relation to the Scottish offshore region.

19. Clause 242 (Marine recovery fund): this clause empowers the Secretary of State, by regulations, to establish marine recovery funds within the Scottish inshore and offshore regions to be used in relation to compensatory measures for adverse environmental effects of offshore wind projects. This clause applies in Scotland for a purpose within the legislative competence of the Scottish Parliament, as it applies to the devolved purpose of marine licensing and marine planning in the Scottish inshore region (as well as onshore deemed planning). Clause 242 limits these regulation making powers to establish marine recovery funds to the Secretary of State, therefore legislating in an area of devolved competence in respect of the Scottish inshore region.

20. Furthermore, the interaction of Clause 242 with the Scottish Ministers' legislatively devolved and executively devolved consenting and licensing functions also triggers the need for consent. For example, Clause 242 provides that regulations in relation to a marine recovery fund could provide for the discharge of offshore wind licence and consent conditions, which would, under existing arrangements, be attached to a determination on an offshore wind project made by the Scottish Ministers.

21. Clause 243 (Assessment of environmental effects etc): this clause provides the Scottish Ministers with a regulation making power in the Scottish inshore region for assessment of environmental effects of relevant offshore wind projects in relation to protected sites and concerning taking or securing compensatory measures. This legislates for a purpose within the legislative competence of the Scottish Parliament, that of marine licensing and marine planning in the Scottish inshore region (as well as onshore deemed planning). In addition, this regulation making power alters the executive competence of the Scottish Ministers in relation to HRA for section 36 consents and decommissioning for offshore wind in the Scottish inshore region. This regulation making power provides that amendments can be made to legislation that is within devolved competence, including Part 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 and the Marine (Scotland) Act 2010, as well as an additional power to amend UK habitats regulations that apply in the Scottish inshore region.

22. Moreover, Clause 243 provides the Secretary of State with a regulation making power for the Scottish offshore region, with the possibility of altering executive devolved HRA responsibilities in relation to offshore wind. Furthermore, those regulations can give persons, including the Scottish Ministers, directions that are required to be complied with, to issue guidance and to consult specified persons, all of which goes beyond the existing powers of the Secretary of State in relation to HRA for marine planning, licensing, consenting and decommissioning of offshore wind projects, and alters executively devolved powers.

23. Clause 244 (Regulations under section (Assessment of environmental effects etc): consultation and procedure): this clause sets out the procedure and consultation requirements in relation to the regulation making powers in Clause 243, and so it also relates to legislative and executive competencies for the reasons set out in relation to the preceding paragraphs.

Recommendation on Legislative Consent

24. The Scottish Government is recommending to the Scottish Parliament that it **withhold** consent to the entire package of OWEIP clauses at this time.

25. As set out in paragraph 12 above, Scottish Ministers are currently the sole planning, licensing, consenting, and decommissioning authority for offshore wind projects in Scottish waters (inshore and offshore), with certain powers and functions either fully devolved or executively devolved.

26. Scottish Ministers and officials have been clear that the OWEIP clauses must, at a minimum, not reduce devolved legislative or executive competence. Any changes to these arrangements that provide further powers to the UK Secretary of State, such as the inclusion of an additional licensing, consenting and decommissioning authority for offshore wind projects in Scottish waters, could cause significant complexity and delay for offshore wind developers and for the assessment of offshore wind applications. This would potentially frustrate both Scottish and UK offshore wind ambitions at a time when investment must be accelerated.

27. As introduced on 9 January 2023, the OWEIP clauses provide the UK Government with scope to alter Scottish Ministers' current scope of competencies, with the potential to result in complexity and delay.

28. Scottish Government officials are continuing to engage with the UK Government on concerns with the OWEIP clauses as introduced on 9 January 2023, and we acknowledge that there has been helpful progress in the drafting of the OWEIP clauses as a result of this engagement to date. The Scottish Government will provide an updated recommendation to Parliament at the conclusion of these discussions.

29. Further explanation on the Scottish Government's recommendation to withhold consent in relation to each of the OWEIP clauses is set out in the following paragraphs of this section.

30. Clause 241 (Strategic compensation for adverse environmental effects) as introduced, and when read alongside Clause 243 (Assessment of environment effects etc), does not provide certainty that the Scottish Ministers will continue to be the planning, licensing, consenting, and decommissioning authority for HRA purposes in relation to offshore wind projects in the Scottish offshore region (beyond 12 nm). When read alongside the regulation making provision in Clause 243, the clauses are so broad in scope as to allow for changes to be made to the current scope of Scottish Ministers' executively devolved competencies for HRA of offshore wind projects in Scottish waters. The UK Government has sought to reassure Scottish Government officials that there is no intention to alter the current scope of these competencies; however, as this is not enshrined in the OWEIP clauses, there would be scope for the Secretary of State to alter Scottish Ministers' functions by regulation if desired at a later date.

31. This lack of certainty in the drafting of the provisions creates the risk of introducing new complexity and delay to our current and well-understood licensing and consenting regime for offshore wind projects. To minimise this risk, the Scottish Government will continue to seek amendments to the OWEIP clauses in order to provide certainty that the Scottish Ministers will remain the planning, licensing, consenting, and decommissioning authority for HRA purposes in relation to offshore wind projects across all Scottish waters.

32. Clause 242 (Marine recovery fund) provides for the Secretary of State to establish marine recovery funds that could operate in both the Scottish inshore region (0-12 nm) and the Scottish offshore region (beyond 12 nm), and it does not provide any mechanism by which the Scottish Ministers could provide input on the remit of any such funds. Furthermore, Clause 242 does not require the consent of Scottish Ministers before the Secretary of State delegates operational delivery functions for a marine recovery fund. There is a risk that Scottish Ministers' executive functions could be altered by the Secretary of State without consent.

33. Scottish Government officials are currently engaging with the UK Government on how a marine recovery fund could operate in Scottish waters, and there remains a significant amount of uncertainty regarding how a marine recovery fund would operate in practice. This is because the detailed rules for how a marine recovery fund would operate are intended to be established in secondary legislation following the adoption of the OWEIP clauses.

34. Furthermore, Scottish Ministers could be required by the Secretary of State to operate a marine recovery fund without their consent. This would involve collecting and holding money, and investing in strategic compensation measures, on behalf of industry. There is a significant potential liability risk (including in terms of financial, resourcing and legal challenge risks) attached to such activities. To date, there has been no clarity on the potential scale of these costs.

35. At a minimum, the Scottish Government will continue to seek amendments to Clause 242 that require the consent of Scottish Ministers to both the operation of a marine recovery fund in Scottish waters, and any delegation of functions by the Secretary of State. To the extent that the detailed operation of a marine recovery fund is intended by the UK Government to be settled at a later date through secondary legislation, it is critical that the interests of Scottish Ministers are adequately protected in the OWEIP clauses themselves; particularly given the significant liability risk, including in terms of financial, resourcing and legal challenge risks, that could be placed on Scottish Ministers without their consent.

36. Clause 243 (Assessment of environmental effects etc) provides for Scottish Ministers to adopt new regulations for the assessment of environmental effects of relevant offshore wind projects and about environmental compensation in the Scottish inshore region (0-12 nm). We welcome the inclusion of these powers. However, we also note that Clause 243 provides for the Secretary of State to adopt new regulations for the assessment of

environmental effects of relevant offshore wind projects and about environmental compensation in the Scottish offshore region (beyond 12 nm), and there is no guarantee that Scottish Ministers would be given powers under these regulations to fulfil licensing and consenting (as well as planning and decommissioning) HRA functions in the Scottish offshore region.

37. Therefore, Clause 243 does not provide certainty that Scottish Ministers would maintain executively devolved functions for HRA of offshore wind projects in the Scottish offshore region. As such, the clauses would continue to provide scope for the executive functions of Scottish Ministers in the Scottish offshore region to be altered, and for additional complexity to be introduced into the current licensing and consenting (as well as planning and decommissioning) regimes for offshore wind projects.

38. Furthermore, as Clause 243 provides that the Secretary of State is the appropriate authority in the Scottish offshore region (beyond 12 nm), the Secretary of State would possess powers to confer functions and to make directions to any person (which is sufficiently broad to include Scottish Ministers), including directions requiring that person to give guidance on specified matters, or to take steps or refrain from taking steps. These powers have the potential to fundamentally shift the existing arrangements for consenting and licensing of offshore wind projects in the Scottish offshore region, including scope for significant involvement from the Secretary of State. As long as these powers apply to the Scottish Ministers, this creates significant and unreasonable uncertainty and risk, with few limitations.

39. Although Clause 243 provides Scottish Ministers with a regulation making power in the Scottish inshore region, this power would also be subject to “qualifying Secretary of State functions”. Officials are seeking further information on what “qualifying Secretary of State functions” would include and the manner in which they might curtail the regulation making power of Scottish Ministers.

40. The Scottish Government will continue to seek amendments to Clause 243 that provide regulation making powers to Scottish Ministers in relation to the Scottish offshore region (beyond 12 nm). This would provide Scottish Ministers with comprehensive powers to establish and operate a consistent HRA licensing and consenting regime across Scottish waters. At a minimum, amendments that maintain the Scottish Ministers current scope of functions in the Scottish offshore region (beyond 12 nm) - and without the imposition of additional powers for the Secretary of State - will be sought. Furthermore, the Scottish Government will continue to seek amendments requiring the consent of Scottish Ministers to any conferral of functions or directions as referred to in paragraph 38 above.

41. Clause 244 (Regulations under section (Assessment of environmental effects etc): consultation and procedure) requires the Secretary of State to consult with Scottish Ministers in the development of new regulations under Clause 243. However, and despite the potential for these new regulations to alter the current scope of Scottish Ministers’ executively devolved functions in the

Scottish offshore region, the consent of Scottish Ministers is not required. The Scottish Government will continue to seek amendments to Clause 244 which require the consent of Scottish Ministers where the current scope of Scottish Ministers' functions may be altered.

42. Clauses 240 (Meaning of "relevant offshore wind project") and 245 (Interpretation of Chapter 1) are considered to be incidental to the substantive operation of the clauses discussed above, as are the consequential amendments contained within Clauses 266 and 269. Therefore, they are not discussed in detail in this memorandum.

Clause 174 (Heat networks: enforcement in Scotland) of the Bill

43. Clause 174 constitutes relevant provision under Rule 9B.1.1 of the Standing Orders, as the clause makes provision for the devolved matter of heat networks and is therefore considered to make provision within the legislative competence of the Scottish Parliament.

44. Clause 174 provides the Secretary of State with the power to amend Scottish primary legislation in order to grant the licensing authority enforcement powers similar to those which Ofgem currently has through the Gas Act 1986 and Electricity Act 1989. The mechanism to achieve this is amendment of the Heat Networks (Scotland) Act 2021.

45. Clause 174 was addressed in the Scottish Government's original LCM to the UK Energy Bill (LCM-S6-26) in which the Scottish Government recommended consenting to the provision. At the time, this clause was published as Clause 172.

46. Following scrutiny of Clause 174 by the Delegated Powers and Law Reform Committee (the Committee), we are now recommending a **change of position** in relation to Clause 174. Specifically, it is now recommended that the Scottish Parliament **withhold consent** to Clause 174.

47. The Committee questioned why it was appropriate that Clause 174 confers powers on the Secretary of State to amend Scottish primary legislation without a requirement to obtain the consent of the Scottish Ministers. In acknowledgement of the concerns raised by the Committee, we have subsequently concluded that we should recommend that the Scottish Parliament withhold consent to Clause 174 whilst we seek a solution to address these concerns. Furthermore, we note that the House of Lords have raised a similar concern in their response to the Bill.

48. Discussions regarding requested amendments are ongoing with the UK Government and further advice will be provided in due course.

The Previous LCM for the Bill

49. The first LCM for the Bill was lodged on 28 September 2022 and addressed provisions in the Bill as introduced at that time (LCM-S6-26).

50. That LCM made clear that the Scottish Government would continue to work with the UK Government to secure an approach to those provisions which require amendments, and that the Scottish Government may therefore lodge a supplementary legislative consent memorandum and motion later in the Bill's passage through the UK Parliament.

51. Discussions are ongoing with the UK Government and a further supplementary LCM may be lodged should agreement be reached in relation to satisfactory amendment to clauses (amongst other matters).

Financial Implications

52. There may be significant costs arising from the OWEIP clauses, particularly if Scottish Ministers were delegated functions to operate a marine recovery fund without being required to consent to the delegation of functions and without control over its remit. To date, the UK Government has been unable to provide clarity on the potential scale of these costs, as the detail of how a marine recovery fund would operate in practice is intended to be provided by regulation by the Secretary of State following entry into force of the OWEIP clauses.

Conclusion

53. The OWEIP clauses provide UK Ministers with powers that apply to Scotland for purposes within the legislative competence of the Scottish Parliament and powers to alter the executive functions of the Scottish Ministers. Officials level discussions are ongoing on these issues. The reasons for this, and the reasons for the Scottish Government's recommendation that consent be withheld to the OWEIP clauses at this time, are set out in paragraphs 11 to 42 above.

54. Clause 174 (Heat networks: enforcement in Scotland) confers powers on the Secretary of State to amend Scottish primary legislation without a requirement to obtain the consent of the Scottish Ministers. This is discussed in paragraphs 43 to 48 above.

55. It is the view of the Scottish Government, as set out above in this memorandum, that we are not able to support legislative consent for the OWEIP clauses (Clauses 240-245, and consequential amendments in Clauses 266 and 269) and Clause 174 of the Bill at this time. Therefore, we are recommending to the Scottish Parliament that it **withhold consent** to these provisions.

56. Under Rule 9B.3.3(d) of the Parliament's Standing Orders, if a member of the Scottish Government does not propose to include a draft motion in the Memorandum, the Memorandum must explain why not. Paragraphs 4 to 52 above set out the Scottish Government's reasons for not including a draft motion in this Memorandum for the purposes of that rule.

Scottish Government
January 2023

This Supplementary Legislative Consent Memorandum relates to the Energy Bill (UK legislation) and was lodged with the Scottish Parliament on 25 January 2023

Energy Bill – Supplementary Legislative Consent Memorandum

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