

Parliamentary Bureau - Legislative Consent Memorandums

Great British Energy Bill (UK legislation)

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.

Great British Energy Bill

2. This Bill was introduced in the House of Commons on 25 July 2024.

3. An LCM was lodged by Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy, supported by Alasdair Allan MSP, Acting Minister for Climate Action, on 8 August 2024.

4. The Bill makes provision for special arrangements in relation to the regulation of a company which is designated by the Secretary of State with the objects of facilitating, encouraging and participating in—

- the production, distribution, storage and supply of clean energy,
- the reduction of greenhouse gas emissions from energy produced from 15 fossil fuels,
- improvements in energy efficiency, and
- measures for ensuring the security of the supply of energy.

5. The LCM indicates that the Scottish Government is not yet in a position to make a recommendation to the Scottish Parliament in relation to consent to the relevant provision in this Bill. It notes that the Scottish Government intends to lodge a supplementary LCM following further discussions with the UK Government and further analysis of the Bill.

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the Net Zero, Energy and Transport Committee. The committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Energy, with the exception of matters relating to just transition. The Cabinet Secretary is responsible (amongst other things) for climate crisis, energy systems, and oil and gas. She is supported by the Minister for Climate Action, who is responsible (amongst other things) for energy policy and strategy.

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

Passenger Railway (Public Ownership) Bill (UK legislation)

Introduction

8. 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.

Passenger Railway (Public Ownership) Bill

9. This Bill was introduced in the House of Commons on 18 July 2024.

10. An LCM was lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport on 1 August 2024.

11. The Bill amends the Railways Act 1993 to remove the presumption that rail passenger services “ought” to be delivered by franchises and to bring their operation into public ownership on the termination of any existing franchise agreements. The Bill removes the current franchising powers of the Secretary of State, the Scottish Ministers and the Welsh Ministers and inserts a prohibition on extending or entering into new franchise agreements (except in exceptional circumstances which apply only to the Secretary of State).

12. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament’s consent to the relevant provision in this Bill.

Designation of lead committee

13. The relevant provision in the Bill falls within the remit of the Net Zero, Energy and Transport Committee. The committee’s remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport. The Cabinet Secretary is responsible (amongst other things) for rail services.

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

Recommendation

15. The Bureau is invited to refer, under Rule 9B.3.5, the LCMs on both—

- the Great British Energy Bill and
- the Passenger Railway (Public Ownership) Bill

to the Net Zero, Energy and Transport Committee as lead committee.

Parliamentary Business Team
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