

Parliamentary Bureau - Legislative Consent Memorandums

Renters' Rights 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.

Renters' Rights Bill

2. This Bill was introduced in the House of Commons on 11 September 2024.
3. An LCM was lodged by Shirley-Anne Somerville MSP, Cabinet Secretary for Social Justice on 24 September 2024.
4. The Bill introduces a range of provisions to change the law about rented homes, including provision to abolish fixed term assured tenancies and assured shorthold tenancies and imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation. The policy intention for the relevant provisions is to prohibit discrimination and restrictions against people with children or people in receipt of benefits in the letting of private rented sector properties (known in short as 'blanket bans').
5. 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

6. The relevant provision in the Bill falls within the remit of the Local Government, Housing and Planning Committee. The Committee's remit includes to consider and report on matters relating to housing and tenants' rights within the responsibility of the Cabinet Secretary for Social Justice. The Cabinet Secretary is supported by the Minister for Housing, who is responsible (amongst other things) for a new deal for tenants and regulation of existing housing systems.
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.

Recommendation

8. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Local Government, Housing and Planning Committee as lead committee.

Product Regulation and Metrology Bill (UK legislation)

Introduction

9. 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.

Product Regulation and Metrology Bill

10. This Bill was introduced in the House of Lords on 4 September 2024.
11. An LCM was lodged by Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic on 24 September 2024.
12. The Bill is primarily an enabling Bill which gives wide-ranging powers to the Secretary of State to make provisions in relation to the UK's product safety and metrology regulatory framework. While technical standards, safety and labelling of products, and product liability remain reserved, this reservation is subject to a number of exceptions (namely food, agricultural and horticultural produce, fish and fish products, seeds, animal feeding stuffs, fertilisers and pesticides and, in relation to food safety, materials which come into contact with food). As these matters are excluded from the reservation, it is within the legislative competence of the Scottish Parliament to legislate in respect of technical standards, safety and labelling of products, and product liability in relation to them.
13. The LCM indicates that the Scottish Government intends to lodge a motion refusing the Scottish Parliament's consent to the relevant provisions in this Bill. The Scottish Government considers that the Bill in its current form does not incorporate mechanisms to recognise properly devolved responsibility for the above matters.

Designation of lead committee

14. The relevant provision in the Bill falls within the remit of the Economy and Fair Work Committee. The Committee's remit includes to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic. The LCM has been lodged by the Deputy First Minister and Cabinet Secretary for Economy and Gaelic and therefore the remit of the Economy and Fair Work Committee is engaged.
15. No other committee remit appears to be engaged.
16. 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

17. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Economy and Fair Work Committee as lead committee.

Parliamentary Business Team
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