

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM -

PUBLIC ORDER 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.

Public Order Bill

2. This Bill was introduced in the House of Commons on 11 May 2022.

3. An LCM was lodged by Keith Brown MSP, Cabinet Secretary for Justice and Veterans on 23 November 2022.

4. The policy aim of the Bill is to strengthen police powers to tackle dangerous and highly disruptive tactics employed by a minority of protesters. This includes provisions to protect major transport projects and key national infrastructure from being targeted by protesters, causing significant delays to the travelling public, preventing the distribution of critical goods such as fuel, and causing costly delays in construction.

5. The Bill is comprised of three Parts:

- Part 1 creates a number of new offences relating to “locking-on”, obstructing major transport works and interfering with the use or operation of key national infrastructure. This Part also confers preventative powers for the police to search for and seize articles related to protest-related offences. The provisions with which this memorandum is concerned are also in Part 1;
- Part 2 provides for a new preventative court order, the Serious Disruption Prevention Order, to disrupt the activities of repeat offenders; and
- Part 3 contains general provisions, including in relation to extent and commencement.

6. 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.

Referral to lead committee

7. The relevant provision in the Bill, which gives certain powers to the British Transport Police in Scotland, falls within the remit of the Criminal Justice Committee. The committee’s remit is to consider and report on criminal justice. The Cabinet Secretary is responsible (amongst other things) for criminal justice and policing.

8. No other committee remit appears to be engaged.

9. 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

10. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Criminal Justice Committee as lead committee.

Parliamentary Business Team
24 November 2022