

PARLIAMENTARY BUREAU – 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. If two or more committee remits are engaged, the Bureau is required to recommend to the Parliament which of them is to be designated as lead committee.

DATA PROTECTION AND DIGITAL INFORMATION (NO. 2) BILL

2. This Bill was introduced in the House of Commons on 8 March 2023.

3. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Wellbeing, Economy, Fair Work and Energy on 15 May 2023. A supplementary LCM was lodged by the Cabinet Secretary on 14 September 2023, and is supported by Richard Lochhead, Minister for Small Business, Innovation, Tourism and Trade.

4. The Bill is intended to enable data-driven innovation, reduce data protection-associated burdens on businesses, and empower people to take control of their data, within a trusted data regime.

5. The original LCM recommended that the Scottish Parliament consent to the relevant provision in this Bill, with the exclusion of a clause relating to the sharing of information for law enforcement purposes.

6. The supplementary LCM recommends that the Scottish Parliament now consent to the provision relating to law enforcement data sharing, following amendments which confer parallel powers on the Scottish Ministers and the Secretary of State to make regulations to implement future international agreements as they relate to the sharing of information for law enforcement purposes.

7. The supplementary LCM also recommends that the Scottish Parliament consent to amended provision in relation to Digital Verification Services, on the basis that this ensures the necessary protections are in place for Revenue Scotland Data.

Designation of lead committee

8. 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 falling within the responsibility of the Cabinet Secretary for Wellbeing, Economy, Fair Work and Energy with the exception of matters relating to energy. The supplementary LCM was lodged by the Cabinet Secretary for Wellbeing, Economy, Fair Work and Energy. The supporting Minister's remit includes digital economy, strategy and participation. The Economy and Fair Work Committee also considered the original LCM.

9. The supplementary 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 supplementary LCM to the Economy and Fair Work Committee as lead committee.

ENERGY BILL

11. The Energy Bill was introduced in the House of Lords on 6 July 2022.

12. An LCM was lodged by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport, on 28 September 2022. A supplementary LCM was lodged by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport, on 25 January 2023. A second supplementary LCM was subsequently lodged by Neil Gray, Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, on 21 September 2023.

13. The aim of the Bill is to increase the resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments, and reform the UK's energy system while minimising costs to consumers and protecting them from unfair pricing.

14. The original LCM indicated that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to some of the UK Parliament legislating on devolved matters in respect of some, but not all, of the provisions in this Bill.

15. The supplementary LCM related to amendments relating to the Offshore Wind Environmental Improvement package and habitat assessment processes for offshore wind projects. The supplementary LCM indicated that the Scottish Government did not recommend consent to those provisions.

16. The second supplementary LCM sets out that, since the original and supplementary LCMs were lodged, there have been ongoing negotiations between the UK and Scottish Governments on amendments to the Bill. On the basis of the amendments that have been made, as well as other clarifications from the UK Government, the Scottish Government is now recommending consent to all relevant provision in the Bill despite continuing to have concerns about some aspects. The memorandum also sets out that this recommendation is made following the UK Government's position that certain amendments would be withdrawn if the Scottish Government did not recommend full consent.

Designation of lead committee

17. The remit of the Net Zero, Energy and Transport Committee includes to consider on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy. The second supplementary LCM was lodged by the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy and relates to energy matters. The remit of the Net Zero, Energy and Transport Committee is therefore engaged. That Committee also considered the original and supplementary LCMs.

18. The second 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.

Recommendation

19. The Bureau is invited to refer, under Rule 9B.3.5, the second supplementary LCM to the Net Zero, Energy and Transport Committee.

Parliamentary Business Team
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