

## PARLIAMENTARY BUREAU

### LEGISLATIVE CONSENT MEMORANDUMS -

### UK INFRASTRUCTURE BANK 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. 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.

#### UK Infrastructure Bank Bill

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

3. An LCM was lodged by Kate Forbes MSP, Cabinet Secretary for Finance and the Economy on 2 September 2022. A supplementary LCM was subsequently lodged by John Swinney, Deputy First Minister on 13 December 2022.

4. The Bill puts the UK Infrastructure Bank on a statutory footing. This includes provision about: its objectives; transparency, accountability and governance; and financial assistance from the Treasury. The UK Government's stated objectives for the Bank are to help tackle climate change and to support regional and local economic growth by providing access to financial instruments, including loans to local authorities to enable investment in infrastructure.

5. The first LCM indicated that the Scottish Government did not intend to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill at that time, due to its view that some clauses raised constitutional concerns.

6. The supplementary LCM indicates that, following assurances from the UK government and amendments that were agreed to at Committee stage in the House of Commons, the Scottish Government now intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill.

#### Designation of lead committee

7. The relevant provision in the Bill falls within the remit of the following committees:

- The remit of the Economy and Fair Work Committee is to consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy. That Cabinet Secretary is responsible for the LCM and has responsibility for economic growth, an objective of the bank. The remit of the Economy and Fair Work Committee is therefore engaged.
- The remit of the Net Zero, Energy and Transport Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for

Net Zero, Energy and Transport. As another of the bank's objectives is to tackle climate change, this remit is engaged.

8. Of these, the remit of the Economy and Fair Work Committee appears most relevant, and it was the lead committee designated for the initial LCM.

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 recommend, under Rule 9B.3.5, that the Parliament designate the Economy and Fair Work Committee as lead committee on the LCM. A draft Bureau motion is set out below.

#### **Draft Parliamentary Bureau motion:**

**Designation of Lead Committee** – That the Parliament agrees that the Economy and Fair Work Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum relating to the UK Infrastructure Bank Bill (UK Legislation).

## **GENETIC TECHNOLOGY (PRECISION BREEDING) BILL (UK LEGISLATION)**

### **Introduction**

11. 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.

### **Genetic Technology (Precision Breeding) Bill**

12. This Bill was introduced in the House of Commons 25 May 2022.

13. An LCM was lodged by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands on 12 December 2022.

14. The Bill removes the plants and animals produced using modern biotechnologies, and the food and feed derived from them, from Genetically Modified Organisms (GMO) regulations if every feature of its genome could have occurred naturally or been produced by traditional methods. The substantive provisions of the Bill do not extend to Scotland.

15. Clause 42, which extends to Scotland, enables the Secretary of State for Environment, Food, and Rural Affairs to make “supplementary, incidental or consequential provision in connection with any provision of or made under this Act” (Clause 42(1)).

16. The LCM indicates that the Scottish Government does not intend to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

### **Designation of lead committee**

17. The relevant provision in the Bill falls within the remit of the Rural Affairs, Islands and Natural Environment Committee. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands. The Cabinet Secretary is responsible (amongst other things) for agriculture.

18. No other committee remit appears to be engaged.

19. 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**

**20. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Rural Affairs, Islands, and Natural Environment Committee as lead committee.**

**Parliamentary Business Team  
December 2022**