

**PARLIAMENTARY BUREAU**

**REFERRAL OF DRAFT PROPOSAL FOR A MEMBERS' BILL: ECOCIDE PREVENTION (SCOTLAND) BILL**

1. A draft proposal for a Members' Bill to protect the environment in Scotland and deter environmental damage by introducing the crime of ecocide into Scots law was lodged on 7<sup>th</sup> November 2023 by Monica Lennon MSP
2. The draft proposal is accompanied by a consultation document which runs from 8<sup>th</sup> November 2023 to 9<sup>th</sup> February 2024.
3. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
4. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
5. The proposal falls within the remit of the following committees:

<b>Committee</b>	<b>Remit and relevance</b>
Net Zero, Energy and Transport Committee	To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition; on matters relating to land reform, natural resources and peatland, Scottish Land Commission; Crown Estate Scotland, and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands; and on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy
Criminal Justice Committee	To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

6. The proposal seeks to deter mass environmental damage and destruction taking place in Scotland. It aims to protect the environment in Scotland covering all natural resources by introducing the crime of ecocide into Scots Law.
7. The proposal relates to a number of areas within the responsibility of the Cabinet Secretary for Net Zero and Just Transition including:
  - climate crisis and environmental protection
  - Scottish Environment Protection Agency (SEPA)
  - environmental quality
  - sustainable development
  - physical and marine environment
  - marine planning
  - flood prevention and coastal erosion
  - water quality and Scottish Water
  - Drinking Water Quality Regulator, private water, hydronation
  - international climate change
  - environmental and climate justice
8. On that basis, the remit of the Net Zero, Energy and Transport Committee is engaged.
9. The draft proposal seeks to introduce a criminal offence of ecocide into Scots law with sanctions including custodial sentences and fines on corporate entities based on their financial turnover. It is intended that the creation of the criminal offence will prevent ecocide in Scotland. In this respect, the remit of the Criminal Justice Committee is engaged.
10. Based on the above, it would appear to be a finely balanced decision between the two committees. It is suggested that, on balance, the remit most relevant to this proposal is the remit of the Net Zero, Energy and Transport Committee

### **Recommendation**

11. The Bureau is invited to refer the draft proposal on ecocide prevention to the Net Zero, Energy and Transport Committee.

**Non-Government Bills Unit  
November 2023**