

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM – THE TRADE (COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP) 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.

Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill

2. This Bill was introduced in the House of Lords on 8 November 2023.

3. An LCM was lodged by Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance on 22 November 2023.

4. The Bill covers three areas where primary legislative intervention is necessary to comply with the terms of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP): conformity assessment bodies; public procurement; and intellectual property. In particular, Clause 3, in combination with the Schedule, amends domestic public procurement legislation in three ways in order that it is compliant with the terms of the CPTPP. For Scotland, these are set out in Schedule 1, Part 2 of the Bill.

5. Procurement is a devolved matter and therefore the implementation of international agreements is devolved to the extent it relates to procurement.

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.

Designation of lead committee

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

- Economy and Fair Work Committee – the relevant provision relates to procurement. Following the Cabinet reshuffle and consequent changes to committee remits in June, the remit of the Economy and Fair Work Committee 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. While this LCM has been lodged by the Deputy First Minister and Cabinet Secretary for Finance, prior to the Cabinet reshuffle the Economy and Fair Work Committee was responsible for scrutiny of procurement matters (including the LCM for the Procurement Bill). It is understood that, despite the change to Cabinet Secretary responsibilities, committee

responsibilities remain the same. No other committee's remit includes procurement policy.

- Constitution, Europe, External Affairs and Culture Committee – whose remit includes to consider and report on the Scottish Government's external affairs policy.

8. Of these, the remit of the Economy and Fair Work Committee appears more relevant because of the focus on procurement. However, formal designation of that committee as lead committee does not preclude any other committee whose remit is engaged from considering the LCM if it so wishes.

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.

**Parliamentary Business Team
November 2023**

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 legislative consent memorandum relating to the Trade (Comprehensive and Progressive Trans-Pacific Partnership) Bill (UK Legislation).