Parliamentary Bureau – Designation of Bills at Stage 1

Commissioner for Older People (Scotland) Bill

Introduction

1. The Commissioner for Older People (Scotland) Bill was introduced in the Parliament on 2 April 2025 by Colin Smyth MSP.

Discussion

2. The Bill will establish a Commissioner for Older People in Scotland ("the Commissioner"), whose general function will be to promote and safeguard the rights of older people. The Commissioner will have various roles, including promoting awareness and understanding of the rights and interests of older people, reviewing law, policy and practice, and undertaking research on matters relating to older people. The Commissioner will also have the power to undertake investigations into the decisions and actions taken by those who provide services to older people.

3. The Bill falls within the remit of the following committees—

   Equalities, Human Rights and Civil Justice Committee
   The remit of the Equalities, Human Rights and Civil Justice Committee includes the consideration of matters relating to equal opportunities. This includes the prevention, elimination or regulation of discrimination between persons on the ground of age. The remit of the Equalities, Human Rights and Civil Justice Committee is therefore engaged.

   Social Justice and Social Security Committee
   The remit of the Social Justice and Social Security Committee includes the consideration of matters falling within the responsibility of the Cabinet Secretary for Social Justice. This includes human rights, social justice, and tackling inequalities. As such, the remit of the Social Justice and Social Security Committee is engaged.

4. It is understood that the Equalities, Human Rights and Civil Justice Committee has the main interest in the Bill. Lack of formal designation does not, of course, prevent any other committee from considering the Bill if it subsequently decides to do so.

Recommendation

5. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9.6.1, that the Equalities, Human Rights and Civil Justice Committee be designated as lead committee.

6. A draft motion can be found below.

Draft Parliamentary Bureau motion on the Commissioner for Older People (Scotland) Bill:

Designation of Lead Committee – That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Commissioner for Older People (Scotland) Bill at Stage 1.

Wellbeing and Sustainable Development (Scotland) Bill

Introduction

7. The Wellbeing and Sustainable Development (Scotland) Bill was introduced in the Parliament on 27 March by the member in charge, Sarah Boyack MSP.

Discussion

8. The Bill defines sustainable development and wellbeing for the purposes of the Bill, places a duty on public bodies to have due regard for the need to promote wellbeing and sustainable development when exercising their functions, and provides for the establishment and functions of a Future Generations Commissioner for Scotland.

9. The general functions of the Commissioner include—

- prepare and publish guidance for public bodies about the exercise of the duty
- promote awareness and understanding amongst public bodies of wellbeing and sustainable development
- keep under review the law, policy and practice relating to wellbeing and sustainable development with a view to assessing the adequacy and effectiveness of such law, policy and practice in giving effect to wellbeing and sustainable development
- promote best practice by public bodies
- promote, commission, undertake and publish research on matters relating to wellbeing and sustainable development.

10. The Bill falls within the remit of the following committees—

Net Zero, Energy and Transport Committee
The remit of the Net Zero, Energy and Transport Committee includes consideration of matters falling within the responsibility of the Cabinet Secretary for Net Zero and Energy, with the exception of matters relating to just transition. The Cabinet Secretary for Net Zero and Energy has responsibility for sustainable development and for the Future Generations Commissioner. The Committee's remit is therefore engaged. While the Bill does not directly mention issues of climate change, the policy memorandum explains that addressing climate change and related issues is one of the Member's key intentions behind the legislation. The Cabinet Secretary for Net Zero and Energy has responsibility for climate crisis and environmental protection, and international climate change.

Finance and Public Administration Committee
While the Bill does not specifically mention the National Performance Framework (NPF), the NPF "sets out a vision for collective wellbeing" for Scotland with the overarching aim to increase the wellbeing of people living in Scotland and create sustainable and inclusive growth.[1] It also sets out the aim of embedding Scotland's progress towards meeting the UN Sustainable Development Goals in a localised context. The remit of the Finance and Administration Committee is to consider and report on matters relating to the National Performance Framework within the responsibilities of the Deputy First Minister, public service reform within the responsibility of the Cabinet Secretary for Finance and Local Government, and public administration. As such, the remit of the FPA is considered to be engaged.

11. As noted above, the Bill includes a definition of "wellbeing", which it defines as the ability of individuals, families and other groups within society to enjoy—

    (a) personal dignity, including respect for their choices and beliefs,
    (b) freedom from fear, oppression, abuse and neglect,
    (c) good physical, mental and emotional health,
    (d) participation in meaningful activity including work, education, training and recreation,
    (e) an adequate standard of living including suitable and affordable accommodation, food, clothes and energy,
    (f) access to the natural environment for health, leisure and relaxation.

12. As a result, the remits of a number of other committees are arguably engaged, including the Health, Social Care and Sport Committee, the Local Government, Housing and Planning Committee, the Children, Young People and Skills Committee and the Equalities, Human Rights and Civil Justice Committee.

13. Designation of one committee as lead committee does not preclude any other committee whose remit is engaged from considering the Bill if it wishes to do so.

Recommendation

14. The Bureau is invited to recommend to the Parliament by motion which committee should be designated as lead committee for consideration of the Wellbeing and Sustainable Development (Scotland) Bill at Stage 1.

Parliamentary Business Team
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[1] https://webarchive.nrscotland.gov.uk/20250311153900/https://nationalperformance.gov.scot (accessed 3 April 2025)