

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.

Crime and Policing Bill (UK Legislation)

2. This Bill was introduced in the House of Commons on 25 February 2025.
3. An LCM was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs on 16 May 2025. Relevant amendments were added to the Bill through amendments tabled on 24 April 2025 and agreed to on 8 May 2025 at the Public Bill Committee stage. A supplementary LCM was subsequently lodged by Angela Constance MSP on 12 June 2025.
4. The LCM states that the Bill makes provision about “anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order; to make provision about powers of the police, the border force and other similar persons. It also makes provision about confiscation; about the police; about terrorism and national security, and about international agreements relating to crime; and about the criminal liability of bodies; and for connected purposes.”
5. This supplementary LCM relates to amendments to two areas (online advertising of unlawful weapons: civil penalties and powers of British Transport Police and Ministry of Defence Police) which were added to the Bill through amendments.
6. The original LCM indicated that the Scottish Government intends to lodge a motion seeking the Scottish Parliament’s consent to a number of relevant provisions and to refuse consent for two provisions.
7. With regard to the supplementary LCM, the Scottish Government has indicated that while it considers that consent is required for the clauses relating to online advertising of unlawful weapons: civil penalties (Clauses 10 to 24 and Schedule 4), the UK Government does not and considers this area to be reserved. The UK and Scottish Governments both agree that consent is required for the clause which relates to powers of the British Transport Police (Clause 116)
8. Regardless of the differing views of the UK and Scottish Governments as to whether consent is required for Clauses 10 to 24 and Schedule 4, the Scottish Government has indicated that it intends to lodge a motion seeking the Scottish Parliament’s consent to all relevant provisions in this Bill.

Designation of lead committee

9. The original LCM was referred to the Criminal Justice Committee as the relevant provisions fell within its remit. The supplementary LCM also appears to fall within the remit of the Criminal Justice Committee.
10. The committee's remit is 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. The Cabinet Secretary is responsible (among other things) for the justice system and criminal law procedure, police and offender services.
11. The initial LCM was considered by the Delegated Powers and Law Reform Committee in relation to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.
12. 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 to make subordinate legislation in areas of devolved competence.

Recommendation

13. The Bureau is invited to refer, under Rule 9B.3.5, the supplementary LCM to the Criminal Justice Committee as lead committee.

Absent Voting Elections (Scotland and Wales) Bill (UK Legislation)

14. This Bill was introduced in the House of Commons and had its first reading on 16 October 2024. It is a Private Members' bill.
15. An LCM was lodged by lodged by Shona Robison MSP, Cabinet Secretary for Finance and Local Government on 12 June 2025 under Rule 9B.3.1(b) of the Parliament's Standing Orders.
16. The Bill makes provision about absent voting in connection with local government elections in Scotland and Wales, elections to the Scottish Parliament and elections to Senedd Cymru; and for connected purposes.
17. The LCM sets out that the Bill: "will give the Scottish and Welsh Governments concurrent powers to bring forward regulations to enable applications for postal and proxy votes for devolved elections to be made online using the Online Absent Vote Application (OAVA) service, as developed by the UK Government¹. The Bill will also provide powers to the Scottish and Welsh Governments to make secondary legislation to include an identity verification requirement on absent voting applications. This is an upfront check at the point the postal or proxy vote application is made and will require the applicant to provide their National Insurance number, or alternative evidence if that check is unsuccessful. Lastly, it will align postal voting renewal cycles.
18. The cycle for renewing postal vote applications for reserved elections was changed as part of the Elections Act 2022, such that instead of having to refresh their signature every 5 years, electors would instead have to reapply for their postal voting arrangement approximately every 3 years. This Bill will bring renewals for devolved elections in line with elections reserved to the UK Parliament. The Bill follows requests by both the Scottish and Welsh Governments to the UK Government to find a legislative way for the services to become available ahead of the May 2026 Scottish and Welsh Parliament elections."
19. The provisions of the Bill extend to England and Wales, Scotland, and Northern Ireland.
20. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to all relevant provisions in the Bill.

Designation of lead committee

21. The relevant provisions in the Bill fall within the remit of the Standards, Procedures and Public Appointments Committee. Among other things, the Committee's remit includes considering and reporting upon matters falling within the responsibility of the Minister for Parliamentary Business. The responsibilities of the Minister for Parliamentary Business include local government elections and Scottish Parliament elections, both of which are relevant to the LCM.

22. The LCM may 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

23. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Standards, Procedures and Public Appointments Committee as lead committee.

Children's Wellbeing and Schools Bill (UK Legislation)

24. This Bill was introduced in the House of Commons on 17 December 2024. It is currently at committee stage in the House of Lords, having previously been considered in the House of Commons.
25. An LCM was lodged by lodged by Jenny Gilruth, Cabinet Secretary for Education and Skills on 12 June 2025, under Rule 9B.3.1(b) of the Parliament's Standing Orders.
26. The UK Parliament's website explains that it is a bill "to make provision about the safeguarding and welfare of children; about support for children in care or leaving care; about regulation of care workers; about regulation of establishments and agencies under Part 2 of the Care Standards Act 2000; about employment of children; about breakfast club provision and school uniform; about attendance of children at school; about regulation of independent educational institutions; about inspections of schools and colleges; about teacher misconduct; about Academies and teachers at Academies; repealing section 128 of the Education Act 2002; about school places and admissions; about establishing new schools; and for connected purposes."
27. The LCM sets out that there are two areas where provisions are proposed to extend to Scotland through parliamentary amendments. These relate to community-based accommodation, and child employment.
28. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to all relevant provisions in the Bill.

Designation of lead committee

29. The relevant provisions in the Bill fall within the remit of the Education, Children and Young People Committee. The Committee's remit includes considering and reporting on matters which fall within the responsibility of the Cabinet Secretary for Education and Skills.

The provisions covered in the LCM relate to community-based accommodation and child employment. It is noted that, the Minister for Children, Young People and the Promise's, who reports to the Cabinet Secretary for Education and Skills, responsibilities include looked after children and children's rights.

30. The LCM may 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

31. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Education, Children and Young People Committee as lead committee.

Parliamentary Business Team
June 2025