

Parliamentary Bureau - Legislative Consent Memorandums

Crime and Policing 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.

Crime and Policing Bill

2. This Bill was introduced in the House of Commons on 25 February 2025. As of August 2025, it is at the second reading stage in the House of Lords.
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 committee stage. A supplementary LCM was subsequently lodged by Angela Constance MSP on 12 June 2025. A second supplementary LCM was then lodged by Angela Constance MSP, on 1 August 2025, following the tabling of further amendments to the Bill on 10 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. The second supplementary LCM relates to amendments to four areas (child criminal exploitation, remote storage provisions for electronic data, the creation of barred/advisory lists for the National Crime Agency (NCA), British Transport Police (BTP) the Ministry of Defence Police (MDP) and the Civil Nuclear Constabulary (CNC) and Proceeds of Crime Act 2002 (POCA)) which were added to the Bill through amendments tabled on 10 June.
6. The Scottish Government has indicated that it intends to lodge a motion seeking the Parliament’s consent to the relevant provisions in the Bill relating to clause 40 (child criminal exploitation), clauses 130-137 and Schedule 14 (RSED), clauses 157-158, 160-165 and Schedule 19 (creation, maintenance and checking of barred and advisory lists for NCA/BTP/MDP/CNC), and schedule 18 (POCA), so far as these matters fall within the legislative competence of the Scottish Parliament.

Designation of lead committee

7. The original LCM and first supplementary LCM were referred to the Criminal Justice Committee as the relevant provisions fell within its remit.
8. 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.
9. The supplementary LCM therefore appears to fall within the remit of the Criminal Justice Committee.

Recommendation

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

Employment Rights 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.

Employment Rights Bill

12. This Bill was introduced in the House of Commons on 10 October 2024.
13. An LCM was lodged by Shona Robison MSP, Cabinet Secretary for Finance and Local Government on 11 December 2024. It was supported by Ivan McKee MSP, Minister for Public Finance. Following the tabling of relevant amendments on 5 March 2025, a supplementary LCM was lodged by Neil Gray MSP, Cabinet Secretary for Health and Social Care, on 3 April 2025. A [motion](#) on the LCM and supplementary LCM was taken on 26 June 2025 and the Parliament agreed that the relevant provisions in Bill, so far as they alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.
14. A second supplementary LCM for the Bill was lodged Tom Arthur MSP, Minister for Social Care and Mental Wellbeing, on 14 August 2025. This followed the tabling of amendments to the Bill by the UK Government on 7 July 2025.
15. The second supplementary LCM sets out that the “purpose of the Employment Rights Bill is to deliver the key legislative reforms set out in the UK Government’s [Make Work Pay](#). The Bill therefore seeks to update and enhance existing employment rights and make provision for new rights; make provision regarding pay and conditions in particular sectors; and make reforms in relation to trade union matters and industrial action. In addition, the Bill creates a new regime for the enforcement of employment law.”

16. The second supplementary LCM relates to amendments which seek to adjust the provisions in Chapter 2 of Part 3 of the Bill by making further provision in relation to Social Care Negotiating Bodies for Scotland, England and Wales.
17. The LCM indicates that the Scottish Government is supportive of the amendments and recommends legislative consent to these provisions.

Designation of lead committee

18. The original LCM was referred to the Economy and Fair Work Committee as the relevant provisions fell within its remit. However, the first supplementary LCM was referred to the Health, Social Care and Sport Committee as it was concerned with relevant provisions in relation to tabled amendments to the Bill which related specifically to the social care sector.
19. The second supplementary LCM is concerned with tabled amendments to the Bill containing provisions relating to the Social Care Negotiating Body for Scotland.
20. The Health, Social Care and Sport Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care. The Cabinet Secretary is responsible (among other things) for health and social care integration. He is supported by the Minister for Social Care and Mental Wellbeing, who lodged the second supplementary LCM and who is responsible (among other things) for social care and integration and the social service workforce.
21. The original LCM and first supplementary LCM were 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 and it is anticipated that the second supplementary LCM will also be considered by the Delegated Powers and Law Reform Committee.

Recommendation

22. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Health, Social Care and Sport Committee as lead committee on the supplementary LCM.

Planning and Infrastructure Bill (UK legislation)

Introduction

23. 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.

Planning and Infrastructure Bill

24. This Bill was introduced in the House of Commons on 11 March 2025. As of August 2025, it is at committee stage in the House of Lords.

25. An LCM was lodged by Gillian Martin MSP, the then Acting Cabinet Secretary for Net Zero and Energy, on 27 March 2025. A supplementary LCM was then lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport, on 13 August 2025, under Rule 9B.3.1(b) of the Parliament's Standing Orders.
26. The supplementary LCM states that the Bill "covers a number of different subject matters: planning; nationally significant infrastructure projects (NSIPs); the transmission, distribution and supply of electricity; forestry matters, transport and roads; the operation of harbours; the environment; and compulsory purchase."
27. The supplementary LCM relates to clauses 46 and 110, which were formerly clauses 42 and 96. Clause 46 relates to fees for applications for harbour orders while Clause 110(1)(x) and (xa)(ii) relates to the commencement of amendments to the Harbours Act 1964.
28. The Scottish Government previously recommended that the Scottish Parliament withheld consent for those clauses (and to consent to clauses 14 to 20). The clauses have since been amended to address concerns raised by the Scottish Ministers about the approach to commencement of clause 46 when the Bill was originally introduced. As a result, the supplementary LCM recommends that the Parliament consent to these clauses, along with those for which consent was sought in the original LCM (14 to 20).

Designation of lead committee

29. The relevant provisions in the Bill would appear to fall within the remit of the Net Zero, Energy and Transport Committee. The Committee's remit includes considering and reporting on matters which fall within the responsibility of the Cabinet Secretary for Transport (who has lodged the LCM) and the Cabinet Secretary for Net Zero and Energy. The Cabinet Secretary for Transport's remit includes, among other things, maritime policy and ports and the national transport strategy.
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 the LCM to the Net Zero, Energy and Transport Committee under Rule 9B.3.5, as lead committee.

Sustainable Aviation Fuel Bill (UK legislation)

Introduction

32. 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.

Sustainable Aviation Fuel Bill

33. This Bill was introduced in the House of Commons on 14 May 2025. As of August 2025, it is at report stage in the House of Commons.
34. An LCM was lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport, on 24 July 2025, under Rule 9B.3.1(b) of the Parliament's Standing Orders.
35. The LCM states that the "Bill enables the Secretary of State (SoS) for Transport to fund financial assistance, by way of a levy imposed on suppliers of aviation fuel, to a designated counterparty (a company limited by shares, with shares held by a Minister of the Crown) so that the counterparty may, at the direction of the SoS, enter into revenue certainty contracts with sustainable aviation fuel ("SAF") producers. This is intended to reduce revenue risk in relation to the production of SAF and support SAF production in the UK, leading to a reduction in aviation emissions."
36. The LCM identifies a number of provisions which the Scottish Government considers engages the legislative consent process. It notes that those provisions aim "to reduce greenhouse gases and contribute to the decarbonisation of the aviation industry for the purpose of reducing pollution and protecting the environment."
37. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to a number of clauses (2,4,5 and 12-19) included in the Bill. It notes, however, that the Scottish Government is still to reach a view in relation to consent on a number of clauses (1,3,10 and 11).

Designation of lead committee

38. The relevant provisions in the Bill fall within the remit of the Net Zero, Energy and Transport Committee. The Committee's remit includes considering and reporting on matters which fall within the responsibility of the Cabinet Secretary for Transport (who has lodged the LCM) and the Cabinet Secretary for Net Zero and Energy.
39. The Cabinet Secretary for Transport's remit includes, among other things, decarbonisation and the national transport strategy. Given the LCM relates to aviation fuel and that, as noted, the provisions relevant to the LCM are concerned with reducing greenhouse gases and decarbonisation it is considered that the LCM falls within the remit of the Net Zero, Energy and Transport Committee.
40. 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

41. The Bureau is invited to refer the LCM to the Net Zero, Energy and Transport Committee under Rule 9B.3.5, as lead committee

Parliamentary Business Team
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