

Parliamentary Bureau - Legislative Consent Memorandum

Bus Services No.2 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.
2. Under Rule 9B.3.6, the Delegated Powers and Law Reform Committee shall consider and may report to the lead Committee in any case where the Bill that is the subject of the memorandum contains provisions conferring on the Scottish Ministers powers to make subordinate legislation.

The Bus Services No.2 Bill

3. The Bus Services No.2 Bill was introduced in the House of Lords on 17 December 2024
4. It is anticipated that an LCM will be lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport on 5 September 2025.
5. The LCM sets out that the Bill “makes provision to support the UK Government’s commitment to deliver better buses. The intention is to empower local leaders in England to choose the bus operating model that works for their local area and provide powers to effectively underpin these models. This should help improve bus services and grow usage, as passengers benefit from a more reliable network that provides the connections people need across the country.”
6. The LCM further sets out that the UK Government has tabled an amendment which includes provisions which trigger the requirement for the Scottish Government to lodge an LCM in the Scottish Parliament.
7. The relevant amendment introduces new powers for Scottish Ministers to prevent the registration of new non-zero emission buses in Scotland, from no earlier than 2030.

Parliamentary consideration

8. The LCM appears to engage the remit of the Net Zero, Energy and Transport Committee. The Committee’s remit includes, but is not limited to, considering and reporting on matters falling within the responsibility of the Cabinet Secretary for Transport. The Cabinet Secretary for Transport’s remit includes, among other things, public transport policy and decarbonisation and just transition for transport. The LCM also engages the remit of the Delegated Powers and Law Reform Committee as the Bill includes provisions conferring powers on the Scottish Ministers to make subordinate legislation.

9. The LCM sets out that, while at introduction the Bill did not engage the legislative consent process, an amendment was tabled in early September which has triggered the requirement for an LCM to be lodged and the Scottish Parliament's consent to be sought.
10. It is understood that the Bill will reach Report stage in the House of Commons (second house) on 10 September. Therefore, to ensure that Parliament has considered the LCM before the last amending stage at Westminster, the lead committee would need to consider and report on the LCM on or before that date.
11. Given the LCM is expected to be lodged on 5 September, it would be very difficult for the Delegated Powers and Law Reform and Net Zero, Energy and Transport Committees to consider and report on the LCM in this short timeframe. We understand that the Scottish Government intends to seek a debate on this LCM which would provide Members with an alternative means of scrutinising it. The Convener of the above Committees have been consulted and are content not to consider the LCM in these circumstances. A draft motion to suspend Rules 9B.3.5 and 9B.3.6 is set out below.

Recommendation

12. The Bureau is invited to consider recommending to the Parliament by motion that Rules 9B.3.5 and 9B.3.6 be suspended in relation to the LCM on the Bus Services No.2 Bill.
13. A draft motion is provided below.

Parliamentary Business Team September 2025

Draft Parliamentary Bureau motion on the Bus Services No.2 Bill (UK Legislation):

Suspension of Standing Orders – That the Parliament agrees that, for the purposes of consideration of the legislative consent memorandum on the Bus Services No.2 Bill, Rules 9B.3.5 and 9B.3.6 of Standing Orders are suspended.