

Parliamentary Bureau - Legislative Consent Memorandums and Supplementary 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. 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.
2. This paper includes information on legislative consent memorandums and supplementary legislative consent memorandums that have been lodged with the Scottish Parliament during the period 19 June 2026 to 21 August 2026. A suggested recommendation is provided for each LCM or supplementary LCM included in this paper.

Legislative Consent Memorandums

Commercial Payments Bill (UK legislation)

Overview

3. This Bill was introduced by the UK Government in the House of Lords on 19 May 2026.
4. An LCM ("the first LCM") was lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport on 19 June 2026, under Rule 9B.3.1(a) of the Parliament's Standing Orders. A supplementary LCM ("the second LCM") was lodged by the Cabinet Secretary on 6 August 2026 under Rule 9B.3.1(c).
5. The Bill makes provision about payment practices in business-to-business contracting and retention practices for construction contracts, and makes changes to the powers of the Small Business Commissioner ("SBC"). As it stands, most of the Bill's provisions extend to Scotland in the following areas of devolved competence:
 - Scots contract law and procurement policy, with Part 1 of the Bill introducing a statutory framework for payment terms in commercial contracts and making further provision in relation to construction contracts and the practice of retention clauses,

- the powers of the SBC so far as these are exercisable in Scotland, namely provisions in Part 2 of the Bill relating to business support policy.
6. Part 3 of the Bill contains general provisions relevant to the operation of the substantive measures set out in Parts 1 and 2 and, so far as these provisions extend to Scotland, fall within the legislative competence of the Scottish Parliament.
 7. The Bill also imposes statutory consent requirements on the Secretary of State's substantive regulation-making powers within the Bill where the proposed regulations within devolved competence extending to Scotland, namely:
 - clause 16(1) which requires the Secretary of State to obtain the consent of Scottish Ministers before making regulations to amend sections of the Housing Grants, Construction and Regeneration Act 1996, and
 - Schedule 4, Part 1, paragraph 11 which requires the Secretary of State to obtain the consent of Scottish Ministers before making regulations to amend sections of the Enterprise Act 2016.

These statutory consent requirements alter the executive competence of the Scottish Ministers. The first LCM sets out the Scottish Government's view that these statutory consent requirements provide the Scottish Ministers and the Scottish Parliament with "an acceptable level of control and oversight" over the use of the Secretary of State's substantive regulation-making powers, where those powers related to devolved areas.

8. The Bill is therefore a relevant Bill under Rule 9B.1.1 of Standing Orders, as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament, and alters the executive competence of the Scottish Ministers.
9. The second LCM addresses amendments agreed to at the House of Lords Committee Stage on 21 July 2026 which make further provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament. This includes amendments introducing new provision relating to public procurement and construction contracts, as well as minor and technical amendments relating principally to the Small Business Commissioner.
10. Amendment 41 amends the Procurement Act 2023 relating to payment terms in public contracts and public construction contracts, and sub-contracts to those contracts. The amendment provides further clarity in relation to the power to shorten implied payment terms and in relation to implied payment terms for below threshold sub-contracts. Consequential amendments were also made to the Housing Grants, Construction and Regeneration Act 1996 and other provisions of

the Bill to ensure that the new payment regime operates consistently with the wider payment framework established by the Bill.

11. The Scottish and UK Governments are in agreement that the provisions set out in the first LCM and the new and amended provisions set out in the second LCM require consent.
12. The first and second LCMs both indicate that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill.

Designation of lead committee

13. The relevant provision in the Bill falls within the remit of the Economy, Tourism and Energy Committee. The committee's remit is to consider and report on matters within the responsibility of the Cabinet Secretary for Economy, Tourism and Transport, with the exception of transport. The Cabinet Secretary is responsible (amongst other things) for business, industry, manufacturing support and entrepreneurship.
14. 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 UK or Scottish Ministers to make subordinate legislation in devolved areas.

Recommendation

15. The Bureau is invited to refer, under Rule 9B.3.5, the first LCM and the second LCM to the Economy, Tourism and Energy Committee as lead committee.

Health Bill (UK legislation)

Overview

16. This Bill was introduced by the UK Government in the House of Commons on 14 May 2026.
17. An LCM was lodged by Angela Constance MSP, Cabinet Secretary for Health and Care on 23 June 2026.
18. The Bill includes provisions to:
 - establish a Single Patient Record for patients in England and Wales,
 - abolish NHS England and transfer its functions to either the Secretary of State or Integrated Care Boards (ICBs),
 - provide for implementation of the Dash Review recommendations related to the Health Services Safety Investigation Body and Healthwatch England and Local Healthwatch organisations,

- deliver measures aiming to: support the devolution of decision-making to a local level; embed a greater role for patient voice in in health and social care decision-making; and clarify governance and responsibilities for ICBs and providers.
19. The LCM sets out that, while the provisions of the Bill largely extend to England and Wales only, several provisions amending the Health and Social Care Acts of 2008 and 2012, contain clauses within the legislative competence of the Scottish Parliament. Provisions in the existing Health and Social Care Acts of 2008 and 2012 which currently extend to Scotland relate to such matters as:
- the role of NHS England and ICBs in respect of emergencies,
 - certain public health functions,
 - the Health and Care Professions Council and the Health and Care Professions Council,
 - arrangements between the Care Quality Commission and Ministers of the Crown, and
 - the regulation of the health professions.
20. Clause 2 of the Bill gives power to the Secretary of State to make schemes to transfer the property, rights and liabilities from NHS England to another health organisation or public body, which could include a Scottish public body.
21. Other provisions in the Bill extending to Scotland include matters relating to: the delegation of information-system functions; provision by the Secretary of State of services or facilities in connection with the processing of information for the purposes of the Scottish health service; the statutory basis for cross-border commissioning arrangements; and the statutory basis for collaborative arrangements between the Secretary of State and Scottish Ministers relating to the education and training of people to meet the workforce needs of the health service.
22. The Bill also contains provisions requiring the consent of the Scottish Parliament before commencement of certain clauses by the Secretary of State, and in relation to a regulation-making power enabling the Secretary of State to amend primary legislation passed by the Scottish Parliament.
23. The LCM notes that the Bill was substantially developed during the pre-election period and introduced before the formation of a government in Scotland. The Scottish Government also state that the UK Government's devolution policy analysis was only shared after the Bill's introduction.
24. The LCM indicates that the Scottish Government does not intend to lodge a consent motion while further discussions between the Scottish and UK Governments take place as to how the Bill's provisions are intended to work in

practice. The Scottish Government intends to lodge a supplementary LCM in the autumn, stating whether it recommends that the Scottish Parliament consent or refuse consent to the relevant provisions of the Bill.

Designation of lead committee

25. The relevant provision in the Bill falls within the remit of the Health, Care and Sport Committee. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Care, and on matters relating to sport. The Cabinet Secretary is responsible (amongst other things) for health and social care reform, workforce and training, patient safety, quality and improvement.
26. 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 UK or Scottish Ministers to make subordinate legislation in areas of devolved competence.

Recommendation

27. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Health, Care and Sport Committee as lead committee.

Financial Services and Markets Bill (UK legislation)

Overview

28. This Bill was introduced by the UK Government in the House of Lords on 19 May 2026.
29. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Justice on 25 June 2026 under Rule 9B.3.1(a) of the Parliament's Standing Orders.
30. The Bill makes provision to update how the UK financial services sector is regulated, modernise consumer protections and redress systems, enable credit unions to expand, enable the UK Government to take action in relation to in-person banking services and strengthen the UK's framework for tackling financial crime.
31. While the majority of the Bill's provisions concern the reserved matter of the regulation of financial services and markets, the UK and Scottish Governments agree that clauses 46 and 47, which make changes to the Proceeds of Crime Act 2002 concerning the confiscation of cryptoassets, relate to devolved aspects of the proceeds of crime and therefore fall within the legislative competence of the Scottish Parliament.
32. The LCM states that a motion on legislative consent for the relevant provisions will not be lodged at this time. The Scottish Government is engaging with the UK Government to ensure that the Bill provides an appropriate role for the Scottish

Ministers in the process of making changes to cryptoasset confiscation in Acts which apply to Scotland and relate to devolved matters. The LCM states it is the Scottish Government's intention to lodge a supplementary LCM once that engagement has concluded. Scottish Government officials have indicated a supplementary LCM may be lodged by the end of August.

Designation of lead committee

33. The relevant provision in the Bill falls within the remit of the Criminal Justice Committee. 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. The Cabinet Secretary is responsible (amongst other things) for the justice system, criminal law procedure, courts and sentencing.
34. 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 UK or Scottish Ministers to make subordinate legislation in areas of devolved competence.

Recommendation

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

Immigration and Asylum Bill (UK legislation)

Overview

36. This Bill was introduced by the UK Government in the House of Commons on 30 June 2026.
37. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Justice on 14 July 2026 under Rule 9B.3.1(a) of the Parliament's Standing Orders.
38. The Bill makes provision intended to bring into effect the main reforms the UK Government announced in the Restoring Order and Control statement in November 2025, including to:
 - provide for the creation of an Independent Immigration Appeals Authority to determine appeals on protection and human rights claims and some immigration bail applications,
 - allow for regulations to expedite appeals where there is public interest to do so,
 - set out interpretations of Article 8 of the European Convention on Human Rights for the purpose of restricting circumstances under which a human rights based claim to enter or remain in the UK can be made,

- make provision concerning modern slavery and human trafficking, such as changes to Slavery and Trafficking Prevention Orders (STPOs) and the introduction of new Slavery and Trafficking Risk Orders (STROs).
39. The Scottish and UK Governments share the view that legislative consent is required for clauses 25(8), 35, 44, 46-49, Schedule 5 and paragraph 2(4) of Schedule 2, as these provisions legislate within the devolved competence of the Scottish Parliament, and in some cases alter the executive competence of the Scottish Ministers. The provisions broadly concern matters related to modern slavery that apply to Scottish public bodies carrying out devolved functions, and the identification of victims of human trafficking which is devolved.
40. Additionally, the Scottish Government is of the view that clause 36 (determination of human trafficking victims) also requires legislative consent as this matter falls within devolved competence. The LCM states that further clarity is being sought by the Scottish Government on the extent to which clauses 45, Schedule 4 and Schedule 5 trigger the consent requirement.
41. The LCM indicates that while the Scottish Government broadly agrees with the UK Government's assessment of the provisions requiring legislative consent, further discussions with the UK Government are necessary before being in a position to make a recommendation on consent. This position is set out in paragraphs 42-48 of the LCM.
42. The LCM also notes the Scottish Government intend to lodge a supplementary LCM, including a draft motion on consent, before 31 August 2026. However, it is understood that while discussions with the UK Government are underway, the Scottish Government requires more time to finalise its position on consent and will write to the Scottish Parliament to provide an update on these discussions before the end of August.

Designation of lead committee

43. The relevant provisions in the Bill fall within the remit of the following committees:
- **Criminal Justice Committee** – whose remit is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice; the Cabinet Secretary is responsible (amongst other things) for the justice system, criminal law procedure, courts and sentencing.
 - **Equalities, Human Rights and Civil Justice Committee** – whose remit is to consider and report on (among other things) matters including those relating to human rights and civil justice within the responsibility of the Cabinet Secretary for Justice. The Cabinet Secretary is supported by the Minister for Victims and Community Safety, who is responsible (among other things) for human trafficking.

44. Of these, the remit of the Equalities, Human Rights and Civil Justice Committee appears most relevant because the relevant provisions relate to human rights aspects of the identification and determination of victims of human trafficking, rather than the criminal offences of human trafficking and slavery, servitude and forced or compulsory labour, which would otherwise fall within the remit of the Criminal Justice Committee.
45. It is therefore recommended that the Equalities, Human Rights and Civil Justice Committee be designated as lead committee in consideration of this LCM. This does not prevent the other committees mentioned above from considering any matters raised by the LCM in which they have an interest and reporting to the lead committee as a secondary committee.
46. 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 UK or Scottish Ministers to make subordinate legislation in areas of devolved competence.

Recommendation

47. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Equalities, Human Rights and Civil Justice Committee as lead committee on the LCM. A draft Bureau motion is set out below.

Draft Parliamentary Bureau motion:

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 legislative consent memorandum relating to the Immigration and Asylum Bill (UK Legislation).

Supplementary Legislative Consent Memorandums

Representation of the People Bill (UK legislation)

Overview

48. This Bill was introduced by the UK Government in the House of Commons on 12 February 2026 and reintroduced on 14 May 2026.
49. An LCM was lodged by Shona Robison, then Cabinet Secretary for Finance and Local Government on 27 February 2026. Following amendments made prior to the Bill's reintroduction, a supplementary LCM was lodged by Jenny Gilruth MSP, Deputy First Minister and Cabinet Secretary for Finance and Local Government on 24 June 2026, under Rule 9B.3.1(c) of the Parliament's Standing Orders. Following UK Government amendments tabled during the House of Commons Report Stage, a further supplementary LCM was lodged by the Deputy First Minister on 21 August 2026, also under Rule 9B.3.1(c) of the Parliament's

Standing Orders. The supplementary LCMs are supported by Jamie Hepburn MSP, Minister for Parliamentary Business and Veterans.

50. The Bill covers a wide range of topics and whilst the Bill's territorial extent and application are complex, the Bill generally extends across the UK. The first supplementary LCM reiterates the position set out in the original LCM that the Scottish and UK Governments are in agreement that the Bill is a relevant Bill within Rule 9B.1.1 of Standing Orders as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament (i.e. for Scottish Parliament and Scottish local elections), and in some cases alters the executive competence of the Scottish Ministers. The first supplementary LCM sets out that this is also the case for some amendments agreed at Committee stage, prior to the Bill's reintroduction.
51. The second supplementary LCM provides an update on the Scottish Government's view on legislative consent in respect of provisions that have been added or amended during the Bill's consideration to date, and provides a recommendation for consent in respect of a number of provisions (namely clauses 30, 32, 33, 36, 37, 48 and Schedule 3). It also includes information on UK Government amendments tabled for the Commons Report Stage, which is scheduled to commence on 2 September 2026.
52. The supplementary LCMs indicate that the Scottish Government intends to consult further with interested stakeholders and the UK Government prior to providing a full recommendation on legislative consent to the Parliament in respect of all relevant provisions. The second supplementary LCM also indicates that further UK Government amendments triggering the legislative consent process are expected in the autumn, and as a result a further supplementary LCM is likely to be required.

Designation of lead committee

53. The relevant provisions in the Bill fall within the remit of the Standards, Procedures and Public Appointments Committee. The committee's remit is to consider and report on (amongst other things) matters falling within the responsibility of the Minister for Parliamentary Business and Veterans. The Minister's responsibilities include, among other matters, Scottish Parliament and local government elections.
54. The Standards, Procedures and Public Appointments Committee was the lead committee for the original LCM lodged in Session 6.
55. 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

56. The Bureau is invited to refer, under Rule 9B.3.5, both supplementary LCMs to the Standards, Procedures and Public Appointments Committee as lead committee.

Public Office (Accountability) Bill (UK Legislation)

Overview

57. This Bill was first introduced by the UK Government in the House of Commons on 16 September 2025 and subsequently re-introduced to the House of Commons on 14 May 2026.

58. An LCM was lodged by Kate Forbes, when she was Deputy First Minister and Cabinet Secretary for Economy and Gaelic, on 31 October 2025, under Rule 9B.3.1(a) of the Parliament's Standing Orders, with a supplementary LCM lodged by the then Deputy First Minister on 4 February 2026, under Rule 9B.3.1(c) of Standing Orders. The session 6 Finance and Public Administration Committee was designated as the lead committee for consideration of both the initial LCM and the supplementary LCM.

59. As detailed in the previous LCMs, the Bill makes provision for a variety of measures relating to public authorities and public officials across the UK. It is widely referred to as the "Hillsborough Law". Provisions of the Bill extending to Scotland include:

- a duty of candour and assistance, which will require public authorities and public officials at all times to act with candour, transparency and frankness in their dealings with inquiries and investigations;
- a requirement on public authorities to promote and take steps to maintain high standards of ethical conduct at all times by those who work for them, including through adoption of a code of ethical conduct;
- new offences of 'misleading the public' and misconduct in public office; and
- changes to legal aid provision for Fatal Accident Inquiries (to enable alignment with similar provision in England and Wales for coroner's inquests).

60. The Bill is a relevant Bill under Rule 9B.1.1 of Standing Orders, as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament, and alters the executive competence of the Scottish Ministers.

61. This supplementary LCM was lodged by Jenny Gilruth MSP, Deputy First Minister and Cabinet Secretary for Finance and Local Government on 28 July 2026, under Rule 9B.3.1(c) of Standing Orders.
62. The LCM indicates that the Scottish Government intends to lodge a motion on consent to the relevant provisions in this Bill.

Parliamentary consideration

63. The relevant provisions in the Bill fall within the remit of the following committees:

- **Finance and Public Administration (FPA) Committee** – whose remit includes (among other things) to consider and report on matters falling within the responsibility of the Scottish Administration relating to public inquiries and public administration. This supplementary LCM was lodged by the Deputy First Minister and Cabinet Secretary for Finance and Local Government, who has overarching responsibility for high-level public inquiries (including the Scottish Child Abuse Inquiry, Sheku Bayou Public Inquiry and Covid Inquiries) as part of her Deputy First Minister responsibilities.
- **Criminal Justice Committee** – whose remit includes (among other things) to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice. The Cabinet Secretary is responsible (among other things) for the justice system and criminal law procedure. He is supported by the Minister for Victims and Community Safety, who is responsible (among other things) for access to justice, community safety and legal aid. It is worth noting that, in the UK Parliament, the Bill is being led by the Ministry of Justice.
- **Standards, Procedures and Public Appointments (SPPA) Committee** – whose remit includes (among other things) to consider and report on matters falling within the responsibility of the Minister for Parliamentary Business and Veterans. The Minister is responsible (among other things) for open government, which could be considered to be engaged by the Bill's stated aim of ensuring public authorities and public officials act with candour, transparency and frankness. The SPPA Committee also has an interest in matters related to standards of conduct, although its focus in this regard relates primarily to MSPs.

64. Of the above, it is considered that the relevant provisions set out in the supplementary LCM appear most relevant to the remit of the FPA Committee given the clear link to public administration and public inquiries.
65. It is therefore recommended that the FPA Committee be designated as lead committee in consideration of this supplementary LCM. This does not prevent the

other committees mentioned above from considering any matters raised by the LCM in which they have an interest and reporting to the lead committee as a secondary committee.

66. 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

67. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Finance and Public Administration Committee as lead committee on the LCM. A draft Bureau motion is set out below.

Draft Parliamentary Bureau motion:

Designation of Lead Committee – That the Parliament agrees that the Finance and Public Administration Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum relating to the Public Office (Accountability) Bill (UK Legislation).

Sporting Events Bill (UK legislation)

Overview

68. This Bill was introduced in the House of Lords on 14 May 2026. The Bill creates a UK-wide legislative framework for applying certain commercial protections to one-off major sporting events hosted in the UK. The Bill would allow the UK Government and devolved administrations to apply commercial protections, aimed at tackling ticket touting and ambush marketing, to qualifying sporting events that meet conditions set out in the Bill.
69. An LCM (LCM-S7-1) was lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport on 5 June 2026 under Rule 9B.3.1(a) of the Parliament's Standing Orders. On 17 June 2026, the Parliament agreed to designate the Economy, Tourism and Energy Committee as the lead committee for consideration of that LCM.
70. This supplementary LCM was lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport on 22 July 2026, under Rule 9B.3.1(c) of the Parliament's Standing Orders. It relates to amendments agreed by the UK Parliament on 15 July 2026, which trigger the legislative consent process by making changes to provisions which alter the executive competence of the Scottish Ministers (clauses 2, 3, 6, 7, 9, 12, 27 and Schedule 3) and fall within the legislative competence of the Scottish Parliament (clause 24).
71. The initial LCM noted the narrow window between public announcement of the Bill and its introduction and stated that the Scottish Government intended to

engage further stakeholders before making a recommendation on consent. This supplementary LCM notes that stakeholder engagement is ongoing, including in relation to the amendments made to the Bill.

72. A further supplementary LCM is expected in early September 2026, setting out the Scottish Government's recommendation on whether the Scottish Parliament consent or refuse consent to the relevant provisions of the Bill.

Parliamentary consideration

73. The relevant provisions in the Bill fall within the remit of the following committees:

- **Economy, Tourism and Energy Committee** – whose remit is to consider and report on matters within the responsibility of the Cabinet Secretary for Economy, Tourism and Transport (with the exception of transport); the Cabinet Secretary is responsible (amongst other things) for business support and entrepreneurship, retail, and tourism policy.
- **Health, Care and Sport Committee** – whose remit (amongst other things) is to consider and report on matters relating to sport; the Minister for Mental Wellbeing, Public Health, Sport, Alcohol and Drugs, supports the Cabinet Secretary for Health and Care and is responsible (amongst other things) for sport and physical activity. As the Bill's relevant provisions relate to sporting events, it is considered that the remit of the Committee is engaged.

74. The Economy, Tourism and Energy Committee was designated as the lead committee in consideration of the initial LCM relating to this Bill.

75. This supplementary LCM also appears to be of most relevance to the Economy, Tourism and Energy Committee as the amendments triggering the legislative consent process relate primarily to the regulation of commercial activity associated with major sporting events.

76. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to those provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

77. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Economy, Tourism and Energy Committee as lead committee in consideration of the supplementary LCM relating to the Sporting Events Bill. A draft Bureau motion is set out below.

Draft Parliamentary Bureau motion:

Designation of Lead Committee – That the Parliament agrees that the Economy, Tourism and Energy Committee be designated as the lead committee in

consideration of the supplementary legislative consent memorandum relating to the Sporting Events Bill (UK Legislation).

Parliamentary Business Team

August 2026