

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. 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.

Civil Aviation (Consumer Protection and Regulatory Reform) Bill (UK legislation)

2. This Bill was introduced by the UK Government in the House of Lords on 14 May 2026.
3. An LCM was lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport on 3 September 2026.
4. The Bill makes provision for the protection of purchasers and users of air transport and airport services; makes provision about airspace change, air traffic and air navigation services and airport slots and schedules; confers power on the Civil Aviation Authority (CAA) to make rules; and makes provision about aviation offences; and for connected purposes. The Bill as introduced did not contain any relevant provision that would require the legislative consent of the Scottish Parliament.
5. A non-government amendment inserting a new clause to require the Secretary of State to undertake a review of airport drop-off charges was agreed to at Report Stage in the House of Lords. The new clause would apply to Scotland and, as it relates to the operation and cost of private parking or vehicle access facilities, is considered to fall within the legislative competence of the Scottish Parliament. The UK and Scottish Governments are in agreement that this provision triggers the legislative consent process.
6. The LCM indicates that the Scottish Government is engaging with the UK Government on the scope and undertaking of the review and therefore does not intend to lodge a motion on consent to the relevant provision in this Bill at this time. The Scottish Government has committed to reaching a view and lodging a supplementary LCM before the Scottish Parliament enters its October recess.

Designation of lead committee

7. The relevant provision in the Bill falls within the remit of the Transport Committee. The committee's remit is to consider and report on matters relating to transport within the responsibility of the Cabinet Secretary for Economy, Tourism and

Transport. The Cabinet Secretary's responsibilities in relation to transport include (amongst other things) national transport strategy, roads, transport data and information systems, and aviation and air services.

Recommendation

8. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Transport Committee as lead committee.

Cyber Security and Resilience (Network and Information Systems) Bill (UK legislation)

9. This Bill was introduced in the House of Commons on 12 November 2025 and reintroduced on 14 May 2026 following a carry-over motion.
10. The Bill makes provision about the security and resilience of network and information systems used or relied on in connection with the carrying on of essential activities. This includes provision amending the Network and Information Systems (NIS) Regulations 2018 which apply to energy, transport, water and healthcare, online marketplaces, search engines and Cloud computing services, and require designated competent authorities to regulate specific sectors. The Scottish Ministers are the designated competent authority in Scotland for the health sector and the Drinking Water Quality Regulator is the designated competent authority for the drinking water sector.
11. The Bill alters the executive competence of the Scottish Ministers in their role as a designated competent authority under the NIS Regulations. This includes new powers, the expansion of existing powers and new legal duties with which the Scottish Ministers would have to comply.
12. An LCM ("the first LCM") was lodged by Angela Constance MSP, then Cabinet Secretary for Justice and Home Affairs on 6 January 2026 under Rule 9B.3.1(a) of the Parliament's Standing Orders. The first LCM set out that the Scottish Government supported the overall aims of the Bill which should help to improve the cyber security and resilience of essential services in Scotland and recommended to consent to various clauses and schedules of the Bill. However, the Scottish Government was still to reach a position on consent in relation to clauses 25-32, 34, 35, 41 and 45 as far as they relate to devolved matters, pending further discussions with the UK Government.
13. A supplementary LCM ("the supplementary LCM") was lodged by Neil Gray MSP, Cabinet Secretary for Justice on 10 September 2026 under Rule 9B.3.1(a). It provides the Scottish Government's view on the various clauses that it was not in a position to make a consent recommendation on at the time of lodging the first LCM. This follows engagement with the UK Government to review these remaining clauses, clarify the scope and intentions and reach agreement on the practical implementation of the Bill.

14. The supplementary LCM indicates that the Scottish Government intends to lodge a motion consenting to the relevant provisions in this Bill. It is the Scottish Government's understanding that the intended timescales for the Bill's passage through the UK Parliament would necessitate voting on the motion on legislative consent ahead of the Scottish Parliament's October recess. The supplementary LCM notes that the Scottish Government will do what it can to facilitate Parliament's scrutiny within that timescale.

Designation of lead committee

15. In session 6, on the recommendation on the Bureau, the Parliament designated the Economy and Fair Work Committee as the lead committee in consideration of the first LCM. It reported on the LCM in March 2026, noting that the report would be drawn to the attention to a successor committee to assist its scrutiny of any supplementary LCM for this Bill.

16. 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 responsibility of the Cabinet Secretary for Economy, Tourism and Transport, with the exception of transport, on matters relating to public infrastructure, civil contingencies and resilience, and on matters relating to energy and energy consents. The Cabinet Secretary is supported by the Minister for Business and Fair Work, whose responsibilities include digital matters.
- **Climate Action Committee** – whose remit is to consider and report on matters within the responsibility of the Cabinet Secretary for Climate Action and Rural Affairs, with the exception of rural affairs. The Cabinet Secretary is responsible, among other things, for drinking water quality and the drinking water regulator.
- **Health, Care and Sport Committee** – whose 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, among other things, for NHS estate and NHS performance.
- **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, 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 security and resilience (including cyber resilience).

17. As with the first LCM, although the supplementary LCM has been lodged by the Cabinet Secretary for Justice, in line with his responsibility for security and resilience (including cyber resilience), it is not considered that this is a matter relating to criminal justice responsibilities.

18. Several of the relevant provisions in the Bill relate specifically to cyber security measures within the drinking water sector, which is a sector that falls within the

remit of the Climate Action Committee. On the basis of this sectoral interest, it is considered that the Climate Action Committee's remit is partially engaged. Similarly, some relevant provisions relate to cyber security within the health sector. Therefore, the Health, Care and Sport Committee is also considered to have a sectoral interest in the LCM, and its remit is partially engaged. However, as with the first LCM, considering the cross-cutting nature of the Bill and its relevant provisions, it is not considered that taking a sectoral, subject-matter approach to designating a lead committee would be the best option for parliamentary scrutiny of this LCM.

19. Given the Economy, Tourism and Energy Committee's overarching remit in digital issues and public infrastructure, its remit appears to be most engaged by this LCM. The supplementary LCM also appears to be of most relevance to this committee given the role of its predecessor committee in scrutinising the first LCM and due to the supplementary LCM providing an updated position on various provisions of the Bill which were addressed in the first LCM.
20. It is therefore recommended that the Economy, Tourism and Energy 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 a sectoral interest and reporting to the lead committee as a secondary committee.

Recommendation

21. The Bureau is invited to consider recommending to the Parliament by motion that the Economy, Tourism and Energy Committee be designated as lead committee in consideration of the supplementary legislative consent memorandum relating to the Cyber Security and Resilience (Network and Information Systems) Bill. A draft motion is provided 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 Cyber Security and Resilience (Network and Information Systems) Bill (UK Legislation).

Representation of the People Bill (UK legislation)

22. This Bill was introduced in the House of Commons on 12 February 2026 and reintroduced on 14 May 2026 following a carry-over motion.
23. This Bill amends existing electoral law and makes new electoral law provisions which aim to ensure that UK elections remain secure and protected against interference. 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 Bill makes provision applying to Scotland for purposes within the legislative

competence of the Scottish Parliament (in relation to Scottish Parliament elections and Scottish local government elections) and in some cases alters the executive competence of the Scottish Ministers.

24. An LCM (“the first LCM”) was lodged by Shona Robison MSP, then Cabinet Secretary for Finance and Local Government on 27 February 2026. Following amendments made prior to the Bill’s reintroduction, a supplementary LCM (“the first supplementary LCM”) was lodged by Jenny Gilruth MSP, Deputy First Minister and Cabinet Secretary for Finance and Local Government on 24 June 2026. Following UK Government amendments tabled during the House of Commons Report Stage, another supplementary LCM (“the second supplementary LCM”) was lodged by the Deputy First Minister on 21 August 2026.
25. The second supplementary LCM provided the Scottish Government’s recommendation for consent to some provisions. However, as with the first LCM and the first supplementary LCM, the second supplementary LCM noted the Scottish Government’s intention 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.
26. A further supplementary LCM (“the third supplementary LCM”) was lodged by the Deputy First Minister on 10 September 2026, under Rule 9B.3.1(c) following relevant amendments tabled on 28 August for House of Commons Report Stage.
27. The third supplementary LCM includes information on the amendments (relating to young voters, registration of voters, postal voting, donations, and campaign expenditure returns) and indicates that the Scottish Government’s engagement is ongoing with the UK Government on the majority of those provisions prior to providing a view on legislative consent.
28. The third supplementary LCM further notes that legislative consent to other clauses covered by previous LCMs remains under consideration and an update will be provided in a further supplementary LCM in due course and in the context of further relevant amendments being anticipated in the autumn. The Scottish Government intends to provide a draft motion on legislative consent in relation to the Bill when a full position on consent can be provided.

Designation of lead committee

29. 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.
30. The Bureau referred the first and second supplementary LCMs to the Standards, Procedures and Public Appointments Committee as lead committee, with its

predecessor committee having been the lead committee for the original LCM lodged in Session 6.

Recommendation

31. The Bureau is invited to refer, under Rule 9B.3.5, the third supplementary LCM relating to the Representation of the People Bill to the Standards, Procedures and Public Appointments Committee as lead committee.

Parliamentary Business Team
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