Parliamentary Bureau – 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 supplementary legislative consent memorandums lodged with the Scottish Parliament during the period 6 October to 21 October 2026. A suggested recommendation is provided for each supplementary LCM included in this paper.

Financial Services and Markets 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 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. A supplementary LCM was lodged by the Cabinet Secretary on 6 October 2026 under the same Rule.

5. 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.

6. 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 49 and 51 (previously noted as clauses 46 and 47 in the original LCM), 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.

7. The original LCM noted that the Scottish Government was 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. As a result, the Scottish Government was unable to provide a view on consent at the time of lodging the original LCM.

8. The supplementary LCM sets out the Scottish Government's view on consent and provides further information on assurances provided by the UK Government on

consultation that will take place with the Scottish Ministers before the relevant powers are used to make substantive changes, insofar as they apply to Scotland and relate to devolved matters.

9. The supplementary LCM indicates that the Scottish Government recommends that the Parliament gives its consent to the relevant provision in this Bill and intends to lodge a motion on legislative consent.

Parliamentary consideration

10. The relevant provisions in the Bill fall 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.

11. The Criminal Justice Committee is the lead committee for the original LCM on this Bill.

Recommendation

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

Commercial Payments Bill (UK legislation)

Overview

13. This Bill was introduced by the UK Government in the House of Lords on 19 May 2026.

14. 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.

15. An LCM ("the original 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 first supplementary LCM") was lodged by the Cabinet Secretary on 6 August 2026 under Rule 9B.3.1(c).

16. Following amendments tabled and agreed to at the House of Lords Report Stage, a further supplementary LCM ("the second supplementary LCM") was lodged by the Cabinet Secretary on 9 October 2026, under Rule 9B.3.1(c).

17. The second supplementary LCM addresses amendments which:

- provide new powers for the Secretary of State to make regulations to shorten statutory maximum payment periods;
- apply an existing statutory requirement within the Bill to obtain Scottish Ministers' prior consent so that it also applies to the exercise of those

new powers where the proposed regulations contain substantive devolved provision extending to Scotland;

- make consequential amendments arising from the insertion of the new regulation-making powers; and
- amend provisions concerning financial penalties which may be imposed by the Small Business Commissioner.

18. The Scottish and UK Governments are in agreement that the provisions set out in the original LCM and the new and amended provisions set out in the first and second supplementary LCMs require consent.

19. As previously set out in the original LCM and first supplementary LCM, the second supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill.

Parliamentary consideration

20. The relevant provisions in the Bill fall 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.

21. The Economy, Tourism and Energy Committee is the lead committee for both the original LCM and first supplementary LCM.

22. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to provisions in the Bill conferring powers on the UK Ministers to make subordinate legislation in devolved areas.

Recommendation

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

Sporting Events Bill (UK legislation)

Overview

24. 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 to qualifying sporting events that meet conditions set out in the Bill.

25. An LCM ("the initial LCM") 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. A supplementary LCM ("the first supplementary LCM") was lodged by Cabinet Secretary on 22 July 2026 under Rule 9B.3.1(c). A

further supplementary ("the second supplementary LCM") was lodged on 2 September 2026 under Rules 9B.3.1(a) and (c).

26. Following amendments tabled by the UK Government, a further supplementary LCM ("the third supplementary LCM") was lodged by the Cabinet Secretary for Economy, Tourism and Transport on 20 October 2026 under Rule 9B.3.1(c). The amendments relate to provisions which fall within the legislative competence of the Scottish Parliament (as they relate to commercial rights protections to facilitate the holding of sporting events) and alter the executive competence of the Scottish Ministers by modifying the regulation-making powers being conferred in the Bill.

27. The UK and Scottish Governments are in agreement that the provisions being amended require legislative consent.

28. The third supplementary LCM indicates that the Scottish Government recommends that the Parliament gives its consent to the relevant provisions in this Bill and intends to lodge a motion on legislative consent.

29. The third supplementary LCM states that the UK Government is seeking a decision on consent from the Scottish Parliament in advance of the House of Commons Report Stage, which is currently expected to take place in early November. To accommodate this timeline, it may be necessary for the motion on consent to be taken shortly after the lead committee reports. While this would be a departure from the normal timings for consideration of LCMs, no suspension of Standing Orders is required to allow the motion on consent to be taken less than five sitting days after the lead committee has reported.

Parliamentary consideration

30. The Parliament agreed to designate the Economy, Tourism and Energy Committee as the lead committee for consideration of the initial LCM, the first supplementary LCM and the second supplementary LCM.

31. The Economy, Tourism and Energy Committee published its report on the initial LCM and previous supplementary LCMs on 2 October 2026.

32. As with the initial LCM and previous supplementary LCMs, 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.

33. The third supplementary LCM 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 sporting events.

34. This third supplementary 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

35. 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 third 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 third supplementary legislative consent memorandum relating to the Sporting Events Bill.

Parliamentary Business Team
October 2026