

## PARLIAMENTARY BUREAU

### LEGISLATIVE CONSENT MEMORANDUM - NATIONALITY AND BORDERS 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.

#### Nationality and Borders Bill

2. The Nationality and Borders Bill was introduced in the House of Commons on 6 July 2021.

3. An LCM was lodged by Shona Robison, Cabinet Secretary for Social Justice, Housing and Local Government, supported by Ash Regan, Minister for Community Safety, and Clare Haughey, Minister for Children and Young People on 1 February 2022.

4. The Bill sets out legislative changes in relation to nationality, immigration and asylum. The UK Government has set out three key objectives for the Bill:

- To make the system fairer and more effective so that we can better protect and support those in genuine need of asylum.
- To deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives.
- To remove from the UK those with no right to be here.

5. The LCM sets out that the relevant provisions of the Bill relate to age assessments in relation to local authority provision of care and support to age-disputed individuals, and to decisions about who is a victim of slavery or human trafficking.

6. The LCM indicates that the Scottish Government does not intend to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill.

#### Designation of lead committee

7. The LCM engages the remit of three committees:

- The LCM has been introduced by the Cabinet Secretary for Social Justice, Housing and Local Government. The remit of the Social Justice and Social Security Committee is to *“consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and*

*planning*". The remit of the Social Justice and Social Security Committee is therefore engaged.

- The responsibilities of the Minister for Children and Young people include children's services. The Minister for Children and Young People supports the Cabinet Secretary for Education and Skills. The remit of the Education, Children and Young People Committee includes *"to consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills"*. The remit of the Education, Children and Young People Committee is therefore engaged.
- The responsibilities of the Minister for Community Safety include human trafficking. The Minister for Community Safety supports the Cabinet Secretary for Justice and Veterans. The remit of the Criminal Justice Committee includes to *"consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans"*. The remit of the Criminal Justice Committee is therefore engaged.

8. It is considered that the Social Justice and Social Security Committee has the primary interest in this LCM. However, formal designation of that committee as lead committee does not, of course, preclude any other committee whose remit is engaged from considering the LCM if it so wishes.

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

### **Recommendation**

10. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9B.3.5, to designate the Social Justice and Social Security Committee as the lead committee to consider and report on the LCM.

11. A draft motion is provided below.

**Parliamentary Business Team**  
**February 2022**

**Draft Parliamentary Bureau motion on the Nationality and Borders Bill (UK Legislation):**

**Designation of Lead Committee** – That the Parliament agrees that the Social Justice and Social Security Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Nationality and Borders Bill (UK Legislation).