

PARLIAMENTARY BUREAU

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM – LEVELLING-UP AND REGENERATION 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. 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.

Levelling-Up and Regeneration Bill

2. The Levelling-Up and Regeneration Bill was introduced in the House of Commons on 11 May 2022.

3. An LCM was lodged by Kate Forbes MSP, Cabinet Secretary for Finance and the Economy, on 27 July 2022.

4. The aim of the Bill is to give effect to aspects of the UK Government's levelling up agenda to reduce economic, social, and environmental disparities between and within different parts of the UK. Part 1 of the Bill introduces statutory provision for the UK Government's "Levelling-up Missions" which cover many areas including justice, health and education. The Bill also includes provisions on Planning Data (Part 3) and Environmental Outcome Reports (Part 6).

5. The original LCM indicated that the Scottish Government did not intend to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill due to concerns that UK Ministers are being given: a role in setting targets for devolved matters; the power to override existing environmental protections in Scotland; and powers to act in devolved areas without consent of the Scottish Government or Scottish Parliament.

6. A supplementary LCM was lodged by Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance, on 11 October 2023. The supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Parliament's consent to the relevant provisions in Part 3, Chapter 1 (Planning Data), Part 6 (Environmental Outcomes Reports) and Part 12 (Miscellaneous). This is on the basis of amendments secured by the Scottish Government since the original LCM was lodged, with final amendments tabled on 28 September 2023.

7. The Scottish Government continues to recommend that the Parliament does not consent to Part 1 of the Bill, as it considers that the consultation requirements are insufficient to address the concerns identified in the original LCM.

Designation of lead committee

8. The relevant provision in the Bill falls within the remit of the following committees:

- Net Zero, Energy and Transport Committee – whose remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition. The Environmental Outcomes Reports provided for in Part 6 of the Bill fall within these responsibilities.
- Local Government, Housing and Planning Committee – whose remit includes to consider and report on matters relating to local government housing and planning falling within the responsibility of the Cabinet Secretary for Finance. The Planning Data provisions in Part 3 of the Bill relate to planning, which is within the responsibilities of the Minister for Local Government, Empowerment and Planning. This Minister supports the Cabinet Secretary for Finance.
- Finance and Public Administration Committee – whose remit includes to consider and report on any matter relating to or affecting the revenue or expenditure of the Scottish Administration or other monies payable into or expenditure payable out of the Scottish Consolidated Fund. The supplementary LCM indicates that the Scottish Government considers that the setting of targets via Part 1 of the Bill may have implications for allocation of funding.
- Part 1 of the Bill has potential to extend to many policy areas including transport, housing, economic development, skills and employment, justice and health. Furthermore, as the provisions in Part 1 are just setting a framework for levelling up policy, it also has potential to impact other policy areas, for example social justice and social security, depending on how it is put into practice. It is therefore possible that several more committee remits could be engaged by Part 1 of the Bill.

9. The final stage of the Bill at Westminster is expected week commencing 23 October. As noted above, final amendments to the Bill were not tabled until 28 September 2023 and the supplementary LCM was lodged during the October recess. Due to the UK Government timescale for Royal Assent, the Scottish Government intends to seek a debate on the supplementary LCM on 24 October. Given those timeframes, it would be difficult for a lead committee to consider and report on the supplementary LCM in advance of that debate or the Bill completing its passage at Westminster.

10. The Bureau is therefore invited to consider suspending Standing Orders so that no lead committee is designated under Rule 9B.3.5.

11. The Net Zero, Energy and Transport Committee was designated lead committee for the original LCM. It took evidence on the LCM and reported on 22 November 2022. Given the short timeframes and the proposed Chamber debate, that Committee is content not to consider and report on the supplementary LCM.

12. The Local Government, Housing and Planning Committee also took evidence on the original LCM and does not intend to consider further. The Finance and Public

Administration Committee has already considered Part 1 of the Bill and the relevant amendments covered by the supplementary LCM.

13. We understand that the Delegated Powers and Law Reform (DPLR) Committee intends to consider the supplementary LCM in regard to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation at its meeting on Tuesday 24 October. There is therefore no need to suspend any Standing Orders requirements in respect of the DPLR Committee as the rules only require it to “consider” not to “report” (see Rule 9B.3.6).

Recommendation

14. Given the scrutiny already undertaken by various committees in relation to the Bill, the short timeframes involved, and the opportunity for Parliament to scrutinise the supplementary LCM via a Chamber debate, the Bureau is invited to consider recommending to the Parliament by motion that Rule 9B.3.5 be suspended.

15. A draft motion is provided below.

Parliamentary Business Team October 2023

Draft Parliamentary Bureau motion on the Economic Crime (Transparency and Enforcement) Bill (UK Legislation):

Suspension of Standing Orders – That the Parliament agrees that, for the purposes of consideration of the supplementary legislative consent memorandum on the Levelling-Up and Regeneration Bill, Rule 9B.3.5 of Standing Orders is suspended.