

## PARLIAMENTARY BUREAU – LCM REFERRALS

### 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.
2. The Bureau is invited to consider the three legislative consent memorandums listed below.

### LEGISLATIVE CONSENT MEMORANDUM - BUILDING SAFETY BILL (UK LEGISLATION)

#### Building Safety Bill

3. The Building Safety Bill was introduced in the House of Commons on 5 July 2021.
4. An LCM was lodged by Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government on 27 January 2022.
5. The Bill includes provisions for a New Homes Ombudsman scheme. The aim of which is to drive up standards in housebuilding and to independently resolve disputes between developers and purchasers where there is an issue concerning the quality of a new-build home.
6. Upon introduction, the provisions relating to the New Homes Ombudsman extended to England only. However, on 12 January 2022 the UK Government introduced amendments that will extend the provisions of the scheme to Scotland.
7. The LCM indicates that the Scottish Government intends 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

8. The Bill relates to building safety standards, including in relation to housing. The LCM therefore falls within the responsibilities of the Cabinet Secretary for Social Justice, Housing and Local Government. The remit of the Local Government, Housing and Planning Committee includes to consider and report on "*matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government*". The remit of the Local Government, Housing and Planning Committee is therefore engaged.
9. No other committee remit appears to be engaged.

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

### **Recommendation**

11. The Bureau is invited to agree to refer, under Rule 9B.3.5, the LCM on the Building Safety Bill to the Local Government, Housing and Planning Committee to consider and report on it.

## **LEGISLATIVE CONSENT MEMORANDUM - HEALTH AND CARE BILL (UK LEGISLATION)**

### **Health and Care Bill**

12. The Health and Care Bill was introduced in the House of Commons on 6 July 2021.

13. This supplementary LCM was lodged by Humza Yousaf MSP, Cabinet Secretary for Health and Social Care, on 10 December 2021. It augments the original LCM lodged on 31 August 2021.

14. The UK Government describes the principal purpose of the Bill as to give effect to the policies that were set out as part of the NHS's recommendations for legislative reform following the Long Term Plan and in the White Paper 'Integration and Innovation: Working together to improve Health and Social Care for all' published in February 2021 (paragraph 1 of the Explanatory Notes). As health is devolved, the majority of the provisions in the Bill apply to England and Wales only.

15. The LCM indicates that the Scottish Government does now 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**

16. The Bill makes a range of provision relating to health and care. As such, it falls within the remit of the Cabinet Secretary for Health and Social Care. The remit of the Health, Social Care and Sport Committee includes "*to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care*". The remit of the Health, Social Care and Sport Committee is therefore engaged.

17. No other committee remit appears to be engaged.

18. 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

19. The Bureau is invited to agree to refer, under Rule 9B.3.5, the LCM on the Health and Care Bill to the Health, Social Care and Sport Committee to consider and report on it.

## LEGISLATIVE CONSENT MEMORANDUM - PROFESSIONAL QUALIFICATIONS BILL (UK LEGISLATION)

### Professional Qualifications Bill

20. The Professional Qualifications Bill was introduced in the House of Lords on 12 May 2021.

21. This supplementary LCM was lodged by Kate Forbes MSP, Cabinet Secretary for Finance and the Economy, supported by Ivan McKee MSP, Minister for Business, Trade, Tourism and Enterprise, on 27 January 2022. It augments the original LCM lodged on 12 July 2021.

22. The UK Government has set out the aims and purpose of the proposed legislation in the Explanatory Notes which accompany the Bill. The Bill is intended to revoke and replace the interim system for the recognition of professional qualifications that derives from the UK's membership of the EU. The Bill creates a framework to enable the recognition of professional qualifications ("RPQ") from overseas professions in the UK or part of the UK to meet the needs of the professions.

23. 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. The LCM states that this is because the Scottish Government is concerned about the lack of a legislative requirement for UK Ministers to obtain consent from the Scottish Ministers when exercising the powers conferred by the Bill in devolved areas.

### Designation of lead committee

24. The LCM engages the remit of two committees:

- The remit of the Economy and Fair Work Committee is "*to consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy*". The Bill applies to all regulated professionals active in Scotland and has been lodged by the Cabinet Secretary for Finance and the Economy. The remit of this committee is therefore engaged.
- The remit of the Constitution, Europe, External Affairs and Culture Committee includes to consider and report on "*policy in relation to the UK's exit from the EU*". As this Bill relates to the UK's withdrawal from the EU, the remit of this committee is also engaged.

25. It is considered that the Economy and Fair Work Committee has the primary interest in this LCM as the subject matter of the Bill is most clearly within its remit. Furthermore, the Economy and Fair Work Committee considered the original 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.

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

### **Recommendation**

27. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9B.3.5, to designate the Economy and Fair Work Committee as the lead committee to consider and report on the LCM.

28. A draft motion is provided below.

### **Draft Parliamentary Bureau motion on the Professional Qualifications Bill (UK Legislation):**

**Designation of Lead Committee** – That the Parliament agrees that the Economy and Fair Work Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the Professional Qualifications Bill (UK Legislation).

**Parliamentary Business Team  
January 2022**