

Parliamentary Bureau - Legislative Consent Memorandum

Public Authorities (Fraud, Error and Recovery) 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.

Public Authorities (Fraud, Error and Recovery) Bill

2. This Bill was introduced in the House of Commons on 22 January 2025.
3. An LCM was lodged by Shirely-Anne Somerville MSP, Cabinet Secretary for Social Justice on 21 March 2025.
4. Part 1 of the Bill is intended to help the government address losses due to fraud and error occurring outside the tax and benefits systems. Part 2, which contains the relevant provision, would introduce new powers to help the Department for Work and Pensions (DWP) address fraud and error in the social security system, and recover overpayment debt. The relevant provision in the Bill includes how these measures would impact enforcement for devolved benefits delivered under agency agreement.
5. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision of the Bill, with the exception of the provision on overpayment recovery (which it has not yet come to a consent position on).

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the Social Justice and Social Security Committee. The committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights. The Cabinet Secretary is responsible (amongst other things) for benefit automation and advice services, Scottish Government benefits and Social Security Scotland.
7. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

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

Parliamentary Business Team
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