

Parliamentary Bureau - Legislative Consent Memorandums

Planning and Infrastructure 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.

Planning and Infrastructure Bill

2. This Bill was introduced in the House of Commons on 11 March 2025.

3. An LCM was lodged by Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy on 27 March 2025.

4. The Bill is primarily aimed to accelerate housing development and infrastructure projects across England. The Bill cuts across a number of different subject matters, namely: planning; nationally significant infrastructure projects (NSIPs); the transmission, distribution and supply of electricity; forestry matters, transport and roads; the operation of harbours; the environment; and compulsory purchase. The relevant provision in the Bill is found in:

- Part 1, Clauses 14 – 20 (and schedule 1), which make changes, applying only in Scotland, with respect to applications for consent for development of electricity infrastructure under the 1989 Act.
- Clause 42, which provides enhanced powers for Scottish Ministers to recover costs associated with the handling of applications for port development.
- Clause 96, which makes commencement and transitional provision in relation to the above clauses.

5. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill with the exception of clause 42 and clause 96(1)(z1).

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the Net Zero, Energy and Transport Committee. The committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Net Zero and Energy, with the exception of matters relating to just transition. The Cabinet Secretary for Transport is responsible (amongst other things) for maritime policy and ports. The Acting Cabinet Secretary for Net Zero and Energy is responsible (amongst other things) for energy systems.

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 Net Zero, Energy and Transport Committee as lead committee.

Tobacco and Vapes Bill (UK legislation)

Introduction

9. 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.

Tobacco and Vapes Bill

10. This Bill was introduced in the House of Commons on 5 November 2024.

11. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Health and Social Care on 21 November 2024. Following the tabling of relevant amendments by the UK Government on age verification in relation to tobacco and vaping products, a supplementary LCM was lodged by the Cabinet Secretary on 28 March 2025.

12. The Bill modifies, amends, extends, and re-enacts several existing tobacco and vaping control measures to create a consistent legislative framework and broadly seeks to align provisions across the UK, building on the existing legislative frameworks that apply.

13. Amendment NC11 inserts a new clause into the Bill, relating to the defence to the offence of underage sale of tobacco or vaping products. The amendment gives Scottish Ministers the power to prescribe methods, including but not limited to the showing of a document, which can be used to establish a person's age for the purposes of the defence. Scottish Ministers have asked the UK Government to include this power to enable them to authorise digital identity services in future, should they be satisfied that it is appropriate to do so. Amendment 81 gives the Scottish Ministers the power to commence this new clause by regulations.

14. The 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 as amended on age verification in relation to tobacco and vaping products.

Designation of lead committee

15. The relevant provisions in the Bill fall within the remit of the Health, Social Care and Sport Committee. The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care. The Cabinet Secretary is responsible (amongst other things) for health improvement and protection. He is supported by the Minister for Public Health and Women's Health, who is responsible (amongst other things) for public health and healthy working lives. The Committee is also considering the original LCM.

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

Recommendation

17. The Bureau is invited to refer, under Rule 9B.3.5, the supplementary LCM to the Health, Social Care and Sport Committee as lead committee.

Parliamentary Business Team
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