

Parliamentary Bureau – Supplementary Legislative Consent Memorandum

Public Office (Accountability) 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.

The Public Office (Accountability) Bill

2. The Public Office (Accountability) Bill was introduced by the UK Government in the House of Commons on 16 September 2025. An initial LCM was lodged by Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic, on 31 October 2025, under Rule 9B.3.1(b) of the Parliament's Standing Orders. In the initial LCM, the Scottish Government recommended withholding consent to the relevant provisions of the Bill until amendments were secured to ensure that the legislation would work in Scotland.
3. The Bill makes provision for a variety of measures relating to public authorities and public officials across the UK. It is widely referred to as the "Hillsborough Law". On introduction, two aspects of the Bill extended to Scotland:
 - A **duty of candour and assistance**, which will require public authorities and public officials at all times to act with candour, transparency and frankness in their dealings with inquiries and investigations. This includes a duty to proactively notify the lead of an inquiry or investigation if they consider they have information which may be relevant, as well as a duty to give all reasonable assistance when directed to do so (with criminal sanctions for the most serious breaches). This duty will apply to "public authorities" and "public officials" which are defined under Part 2 of Schedule 2 of the Bill; and
 - A requirement on public authorities to promote and take steps to maintain high standards of ethical conduct at all times by those who work for them. This includes a requirement on a public authority to adopt a **code of ethical conduct** which sets out standards of behaviour expected of staff. Public authorities will be required to publish the code and promote it to staff, as well as to have regard to guidance which may be issued to them by the UK Government (or the Scottish Ministers in relation to devolved matters). This duty will apply to "public authorities" defined under Part 3 of Schedule 2.
4. Following amendments tabled for Report Stage in the House of Commons, subject to agreement, it is expected that other provisions of the Bill will also extend to Scotland, including:
 - A new offence of misleading the public, which seeks to capture the most serious instances of public authorities and public officials misleading the public. In the Bill as introduced, this offence only applied to England and

Wales. Amendments tabled seek to extend the offence to both Scotland and Northern Ireland;

- Two statutory offences on misconduct in public office: an offence of seriously improper acts; and an offence of breach of duty to prevent death or serious injury. On introduction, the offences extended to England and Wales only but, following an amendment tabled on 12 January, they will extend to Scotland subject to agreement at Report Stage; and
 - ‘Parity of arms’ provisions, which apply in relation to inquiries for which UK Ministers are responsible and introduce measures such as requiring public authorities to have regard to guidance about conduct and behaviour at inquiries and to only engage legal representation insofar as necessary and proportionate. These provisions did not extend to Scotland on introduction, and the Scottish Government has therefore been exploring with the UK Government the intended effect of the provisions for Scottish public authorities (including the Scottish Ministers) insofar as they might participate in a UK inquiry. An amendment has since been tabled at Report Stage to extend Part 4 of the Bill to Scotland. This is a technical fix to the Bill which puts beyond doubt that the provisions are intended to apply to Scottish public authorities insofar as they are participating in a UK inquiry.
5. The Bill is a relevant Bill under Rule 9B.1.1 of Standing Orders, as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament, and alters the executive competence of the Scottish Ministers.
 6. The supplementary LCM was lodged by the Deputy First Minister and Cabinet Secretary for Economy and Gaelic on 4 February 2026. It deals with amendments tabled by the UK Government on 12 January 2026, following discussions between the Scottish and UK governments. In addition, amendments were tabled which extend further parts of the Bill to Scotland. The supplementary LCM notes that the relevant amendments have not yet been voted on in the UK Parliament due to Report Stage in the House of Commons being postponed. It is expected that the Bill will be carried over to the next session of the UK Parliament, and therefore the legislative consent process will continue into Session 7 of the Scottish Parliament.
 7. Following the tabling of these amendments, legislative consent is required for Part 1, Chapters 1, 2 and 3 of Part 2, Part 3, Part 4, Part 5 and Schedules 1-3. Given the uncertainty of the timetable for when Report Stage will take place, the Scottish Government has not included a draft motion on legislative consent in this memorandum.

Designation of lead committee

8. The Bill in question is complex and contains several strands which make it challenging to ascertain which committee is best suited to scrutinise the LCM as lead committee. The LCM was lodged by the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, who often has overarching responsibility for high-level public inquiries (including COVID inquiries, the Historical Abuse

Inquiry, and the Sheku Beyoh public inquiry) as part of her Deputy First Minister responsibilities. This does not neatly map onto the remit of any single committee.

9. It is considered that the LCM engages the remits of three committees to varying extents: the Finance and Public Administration (FPA) Committee; the Standards, Procedures and Public Appointments (SPPA) Committee, and the Criminal Justice Committee. These are set out in turn below.
10. The LCM appears to engage the remit of the FPA Committee. The Committee's remit includes, among other things, to consider and report on matters relating to public administration. Elements of the Bill appear to relate to public administration in a broad sense, in particular the creation of a duty of candour and assistance, which will require public authorities and public officials at all times to act with candour, transparency and frankness in their dealings with inquiries and investigations. The FPA Committee is currently undertaking an inquiry into the cost-effectiveness of Scottish public inquiries, which is also of relevance to the subject matter of the Bill. In relation to consideration of the initial LCM, **the FPA Committee was designated by the Parliament as lead committee.**
11. The LCM may also engage the remit of the SPPA Committee. The Committee's remit includes, among other things, to consider and report on matters falling within the responsibility of the Minister for Parliamentary Business. It also has an interest in matters related to standards of conduct, although its focus in this regard relates primarily to MSPs. The Minister for Parliamentary Business and Veterans is responsible (among other things) for open government, which could be considered to be engaged by the Bill's stated policy aim of ensuring transparency and accountability among public authorities.
12. Finally, the LCM may engage the remit of the Criminal Justice Committee. The Committee's remit includes, among other things, to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Cabinet Secretary is responsible (among other things) for the justice system and criminal law procedure. She is supported by the Minister for Victims and Community Safety, who is responsible (among other things) for access to justice and community safety. It is worth noting that, in the UK Parliament, the Bill is being led by the Ministry of Justice. The Bill creates new criminal offences – some of which are planned to be extended to Scotland by virtue of amendments tabled – and therefore the provisions have an impact on Scots criminal law. Moreover, the context behind the introduction of the Bill – namely high-profile public inquiries such as those into the Hillsborough Disaster and the Horizon scandal – arguably has a link to criminal justice and community safety.
13. On balance, considering the relevant provisions set out in the supplementary LCM, it is considered that the LCM most clearly engages the remit of the FPA Committee, given the clear link to public administration and the committee having already been designated as lead committee in relation to the initial LCM. However, in light of the broad and complex subject matter and the background to the Bill, it is possible that the SPPA and Criminal Justice committees may have an interest in some aspects of the supplementary LCM.

14. The initial LCM has been considered by the Delegated Powers and Law Reform (DPLR) Committee in relation to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation. The supplementary LCM may also be considered by the DPLR Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

15. The Bureau is invited to recommend, under Rule 9B.3.5 of Standing Orders, that the Parliament designate the Finance and Public Administration Committee as the lead committee in consideration of this supplementary LCM. A draft Bureau motion is set out below.

Parliamentary Business Team
February 2026

Draft Parliamentary Bureau motion—

Designation of Lead Committee – That the Parliament agrees that the Finance and Public Administration Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum relating to the Public Office (Accountability) Bill (UK Legislation).