



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Liam McArthur MSP
Deputy Presiding Officer
Chair of the Conveners Group

11 November 2025

Dear Liam

Committee scrutiny of supplementary Legislative Consent Memorandums (LCMs)

I am writing to you following the Committee's recent experience with a number of supplementary Legislative Consent Memorandums (LCMs) that were lodged late in the process at Westminster, leaving no time for scrutiny. The Committee found this frustrating. It concerns us that this might signal a more general trend of the Parliament not playing the role it should do during the legislative consent process.

I'll briefly outline three recent experiences for some context on this issue:

- Great British Energy Bill – an LCM on introduction and three supplementary LCMs were lodged for this Bill. The first supplementary we were able to take account of in our substantive report on the LCM. The second resulted from amendments lodged late in the process at Westminster and we were only able to report within the given deadline by holding an additional meeting to agree a short report, with no new evidence having been taken. Our report commented that the process of agreeing it “amounts therefore to an almost literal case of a committee going through the motions in order to meet a formal requirement of the Scottish Parliament's Standing Orders”. The third supplementary was then lodged, once again in response to a late UK Government amendment. To avoid what felt like the increasingly absurd position of having to agree yet another report that could make no substantive comment on the matter in hand, the Committee agreed to a suspension of Rule 9B.3.5 of Standing Orders to let the matter go straight to the Chamber.
- Bus Service (No. 2) Bill – this did not trigger the LCM process at introduction but did following a series of late amendments. This again resulted in accelerated timetabling, with the Committee having no chance to consider the Bill before the motion on legislative consent being taken in the Chamber. Standing Orders were again suspended so that we did not have to report.
- Planning and Infrastructure Bill – an LCM and two supplementary LCMs were lodged. The Committee reported on the original LCM and, separately, the first

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supplementary. The second supplementary was lodged late in the Bill's process at Westminster (again due to late amendments), so again the Committee had no opportunity to scrutinise the LCM before the motion had to be taken. Standing Orders were again suspended to avoid a pointless report.

I understand that we are not the only Committee to have experienced this. Frequent instances of a committee being unable to meaningfully report call the whole legislative consent process into question. The Parliament agreed to the consent process in our Standing Orders to ensure effective scrutiny of devolved issues in UK Bills. To have to so often disregard the rules demonstrates a failure in this process.

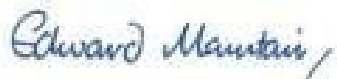
The Committee's recent experience shows us being left as a bystander rather than a participant in the consent process. It is committees that play the key role in leading the conversation on the Parliamentary side by offering the reflective evidence-based deliberation that a Chamber debate cannot replicate. The Parliament should be able to take a decision on a motion on legislative consent after careful and informed consideration.

The Committee has highlighted this issue in a number of LCM reports as well as in correspondence to the Constitution, Europe, External Affairs and Culture Committee, the Standards, Procedures and Public Appointments Committee, the Leader of the House of Commons and now, alongside this letter, the Commons Speaker. I raise it with you now in the hope that the Conveners Group can discuss this issue to:

- identify how common the issue I have outlined is across committees,
- assess the strength of feeling on this matter,
- agree any next steps that could be taken to do this better and avoid the consent process being devalued in this way.

I also take this opportunity to highlight a related issue whereby the Scottish Government lodges, in effect, merely a "holding LCM" pending a full analysis of the Bill. This does not set out the Government's position on consent in relation to all clauses in the Bill. While appreciating that such LCMs have the modest benefit of the Committee receiving some basic information and allowing the consent process to formally start, the Committee questions whether they observe the letter or spirit of the process set out in Standing Orders. The lead committee having to be kept waiting for the Scottish Government to set out its consent position increases the risk of the Committee (as in the examples above) being unable to report to the Parliament from a truly informed position. I hope this distinct but related matter is something Conveners Group might also be able to discuss.

Yours sincerely,



Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee