

These documents relate to the Culpable Homicide (Scotland) Bill (SP Bill 75) as introduced in the Scottish Parliament on 1 June 2020

Culpable Homicide (Scotland) Bill

Statements on legislative competence

As required under Rule 9.3.1 and 1A of the Parliament's Standing Orders, these statements on legislative competence are published to accompany the Culpable Homicide (Scotland) Bill, introduced in the Scottish Parliament on 1 June 2020. The following other accompanying documents are published separately:

- a Financial Memorandum (SP Bill 75–FM);
 - Explanatory Notes (SP Bill 75–EN);
 - a Policy Memorandum (SP Bill 75–PM).
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Presiding Officer's statement on legislative competence

On 1 June 2020, the Deputy Presiding Officer (Linda Fabiani MSP) made the following statement:

“In my view, the provisions of the Culpable Homicide (Scotland) Bill would not be within the legislative competence of the Scottish Parliament.

The reasons for this view are that in my opinion—

(1) the Bill as a whole relates to the subject-matter of Part I of the Health and Safety at Work etc. Act 1974 which is a matter reserved under paragraph H2 of Schedule 5 to the Scotland Act 1998; and

(2) the Bill as a whole relates to the operation or regulation of business associations which are matters reserved under paragraph C1 of Schedule 5 to the Scotland Act 1998.

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Section 29(2)(b) of the 1998 Act states that a provision is outside the legislative competence of the Parliament if it relates to reserved matters. Whether a provision relates to a reserved matter is to be determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.”

Member’s statement on legislative competence

On 1 June 2020, the member in charge of the Bill (Claire Baker MSP) made the following statement:

“In my view, the provisions of the Culpable Homicide (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”

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