

Parliamentary Bureau - Legislative Consent Memorandums

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.

Data (Use and Access) Bill

2. This Bill was introduced in the House of Lords on 23 October 2024.
3. An LCM was lodged by Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic on 22 November 2024.
4. The Bill makes provision for a variety of measures relating to the use of and access to data. Relevant provision in the Bill includes provision relating to access to customer data and business data, data verification services, information disclosed by Revenue Scotland, and disclosure of information to improve public service delivery to undertakings.
5. The LCM notes that the provisions in this Bill in relation to which consent is sought were previously in the UK Data Protection and Digital Information (No.2) Bill which fell at the time of the General Election.
6. 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.

Designation of lead committee

7. The relevant provision in the Bill falls within the remit of the Economy and Fair Work Committee. The committee's remit includes to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic. The Deputy First Minister and Cabinet Secretary is responsible (amongst other things) for business support, and is supported by the Minister for Business, who is responsible (amongst other things) for digital economy, strategy, and participation.
8. The Economy and Fair Work Committee also considered the original and first supplementary LCM for the UK Data Protection and Digital Information (No.2) Bill.
9. 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

10. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Economy and Fair Work Committee as lead committee.

Tobacco and Vapes Bill (UK legislation)

11. This Bill was introduced in the House of Commons on 5 November 2024.
12. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Health and Social Care on 21 November 2024.
13. The Bill aims to:
 - create a smoke-free generation, gradually ending the sale of tobacco products across the country;
 - enable regulation to strengthen the existing ban on smoking in public places;
 - ban vapes and nicotine products from being deliberately promoted and advertised to children; and
 - strengthen enforcement activity to support the implementation of the above measures and provide powers to introduce a licensing scheme for the retail sale of tobacco, herbal smoking products, cigarette papers, vapes and nicotine products in England, Wales and Northern Ireland, whilst broadening Scotland's pre-existing register by including nicotine products and herbal smoking products.
14. 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.
15. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill.

Designation of lead committee

16. 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.
17. 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

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

Parliamentary Business Team
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