

Parliamentary Bureau – Supplementary Legislative Consent Memorandum Great British Energy Bill

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.

Great British Energy Bill

2. The Great British Energy Bill was introduced in the House of Commons on 25 July 2024.
3. An LCM was lodged by Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy, supported by Acting Minister for Climate Action, Dr Alasdair Allan on 8 August 2024. Three supplementary LCMs were lodged by Gillian Martin MSP, Acting Cabinet Secretary for Net Zero and Energy, supported by Acting Minister for Climate Action, Dr Alasdair Allan, on 28 January 2024, 17 February 2025, and 24 February 2025.
4. The Bill makes provision for special arrangements in relation to the regulation of a company which is designated by the Secretary of State with the objects of facilitating, encouraging and participating in—
 - the production, distribution, storage and supply of clean energy,
 - the reduction of greenhouse gas emissions from energy produced from 15 fossil fuels,
 - improvements in energy efficiency, and
 - measures for ensuring the security of the supply of energy.
5. The original LCM indicated that the Scottish Government was broadly supportive of the aims of the Bill, but not in a position to provide a position on consent due to the need for further analysis. All three supplementary LCMs indicate that the Scottish Government recommended consent to all relevant provisions in the Bill, including relevant amendments. The Scottish Government is of the view that while the Bill only establishes GB Energy, once established GB Energy will act in line with the policy aims and objectives of the Scottish Ministers, most notably tackling the climate emergency and growing the economy, and that excluding Scotland from the Bill could result in missed opportunities.

Parliamentary consideration

6. Motions on Legislative Consent providing consent to all relevant provisions of the Bill were debated and agreed by the Parliament on 6 February (in relation to the original LCM and first supplementary LCM) and on 20 February (in response to the second supplementary LCM). A further motion to consent in relation to all relevant

provisions of the Bill (in response to the third supplementary LCM) is intended to be taken in the Chamber on 25 February 2025.

7. A third supplementary LCM has been required as a result of an amendment to the Bill. A new clause 6A was tabled by the UK Government in the House of Lords on 17 February 2025, and would require the Secretary of State to appoint an independent person to carry out a review of the effectiveness of GB Energy at least every 5 years. An LCM is required as the duty introduced by new clause 6A will relate to an independent review of the activities of GB Energy which may be delivered by the Scottish Government. The review is likely to consider areas within the legislative competence of the Scottish Parliament.
8. The Net Zero, Energy and Transport Committee was designated as lead committee for the original LCM and previous supplementary LCMs. However, as regards the third supplementary LCM, the Bureau is invited to consider suspending Standing Orders so that no lead committee is designated.
9. The final stage of the Bill at Westminster is expected on 25 February. The Net Zero, Energy and Transport Committee is scheduled to meet on 25 February, but had less than one day's notice of the lodged LCM, and would have had less than one day to agree and publish a report ahead of the motion. A report after a motion has been taken by the Parliament and after the Bill has finished its passage may not be considered the best use of parliamentary time and resources.
10. Neither the original LCM or the first two supplementaries engaged the remit of the Delegated Powers and Law Reform (DPLR) Committee. We understand that the DPLR Committee has determined that its remit is not engaged by this further supplementary LCM either. There is therefore no need to suspend any Standing Orders requirements in respect of the DPLR Committee.

Recommendation

11. The Bureau is invited to consider recommending to the Parliament by motion that Rule 9B.3.5 be suspended in relation to the third supplementary LCM on the Great British Energy Bill.
12. A draft motion is provided below.

Parliamentary Business Team
February 2025

Draft Parliamentary Bureau motion on the Great British Energy Bill (UK Legislation):

Suspension of Standing Orders – That the Parliament agrees that, for the purposes of consideration of the third supplementary legislative consent memorandum on the Great British Energy Bill (UK Legislation), Rule 9B.3.5 of Standing Orders is suspended.