

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM REFERRALS

HEALTH AND CARE 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.

Health and Care Bill

2. The Health and Care Bill was introduced in the House of Commons on 6 July 2021.

3. An LCM was lodged by Humza Yousaf MSP, Cabinet Secretary for Health and Social Care on 31 August 2021.

4. The UK Government describes the principal purpose of the Bill as to give effect to the policies that were set out as part of the NHS's recommendations for legislative reform following the Long Term Plan and in the White Paper 'Integration and Innovation: Working together to improve Health and Social Care for all' published in February 2021 (paragraph 1 of the Explanatory Notes). As health is devolved, the majority of the provisions in the Bill apply to England and Wales only.

5. The LCM indicates that the Scottish Government does not currently intend to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill. The LCM states that this is due to powers being conferred in the Bill which are exercisable by the Secretary of State in devolved areas without the consent of the Scottish Ministers.

Designation of lead committee

6. The Bill makes a range of provision relating to health and care. As such, it falls within the remit of the Cabinet Secretary for Health and Social Care. The remit of the Health, Social Care and Sport Committee includes "*to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care*". The remit of the Health, Social Care and Sport Committee is therefore engaged.

7. No other committee remit appears to be engaged.

8. The LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

9. The Bureau is invited to agree to refer, under Rule 9B.3.5, the LCM on the Health and Care Bill to the Health, Social Care and Sport Committee to consider and report on it.

SOCIAL SECURITY (UP-RATING OF BENEFITS) BILL (UK LEGISLATION)

Introduction

10. 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.

Social Security (Up-rating of Benefits) Bill

11. The Social Security (Up-rating of Benefits) Bill was introduced in the House of Commons on 8 September 2021.

12. An LCM was lodged by Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government, on 10 September 2021.

13. The Bill makes provision to allow the up-rating of certain pensions and industrial death benefit. The Bill is on an expedited timetable at Westminster as the Secretary of State's review of earnings must be completed by 26 November 2021 to allow time for IT systems to be programmed to allow these benefits to be delivered. This necessitates a condensed consideration in the Scottish Parliament but the usual scrutiny procedure remains deliverable in the timescale without suspension of any Standing Orders.

14. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill.

Designation of lead committee

15. The Bill is concerned with an element of social security. Social security is within the responsibilities of the Cabinet Secretary for Social Justice, Housing and Local Government. The remit of the Social Justice and Social Security Committee is "*to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning*". The remit of the Social Justice and Social Security Committee is therefore engaged.

16. No other committee remit appears to be engaged.

17. The LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

18. The Bureau is invited to agree to refer, under Rule 9B.3.5, the LCM on the Social Security (Up-rating of Benefits) Bill to the Social Justice and Social Security Committee to consider and report on it.

**Parliamentary Business Team
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