

PARLIAMENTARY BUREAU

DOMESTIC BUILDING ENVIRONMENTAL STANDARDS (SCOTLAND) BILL: APPLICATION OF RULES 9.14.13, 13A and 13B OF STANDING ORDERS ON MEMBERS' BILLS

Purpose

1. The Scottish Government has made a statement in writing that it will legislate to give effect to Alex Rowley MSP's proposal for a Domestic Building Environmental Standards (Scotland) Bill. The purpose of this paper is to inform Business Managers of the procedure that is required to be followed when the Scottish Government makes such a statement in relation to a Member's Bill.
2. This procedure was changed in May 2019 following the report of the Commission on Parliamentary Reform so this will be the first time that the relevant updated rules have been applied. In addition to making a statement in writing the Government is now also required to make an oral statement to the Parliament.

Background

3. Alex Rowley MSP lodged his final proposal for a Member's Bill entitled the Domestic Building Environmental Standards (Scotland) Bill on 16 November 2022. The final proposal wording reads:

“A proposal for a Bill to introduce new minimum environmental design standards for all new-build housing to meet a Scottish equivalent to the Passivhaus standard, in order to improve energy efficiency and thermal performance”.¹

4. On Thursday 15 December 2022, Patrick Harvie, MSP, Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, made a written statement to Alex Rowley under Rule 9.14.13 stating that:

“the Scottish Government will make subordinate legislation within two years, to introduce new minimum environmental design standards for all new-build housing to meet a Scottish equivalent to the Passivhaus standard, in order to improve energy efficiency and thermal performance.

Accordingly, the legislation will give effect to Alex Rowley MSP's final proposal for a Domestic Building Environmental Standards (Scotland) Bill.”

¹ “Passivhaus” is a certified and accredited building method that provides solutions to deliver net-zero housing. Further information is available on page 7 of the [Consultation Document](#)

5. The effect of the Minister's written statement is that Alex Rowley's final proposal falls (and he does not gain the right to introduce a Member's Bill). In accordance with Rule 9.14.13, the statement will appear in the Business Bulletin for Friday 16 December.
6. Under Rule 9.14.13A, the Scottish Government is also required to repeat this statement at a meeting of the Parliament "as soon as is reasonably practicable". Under Rule 9.14.13B, the member who lodged the final proposal (in this case Alex Rowley MSP) "may ask questions on the statement".
7. Rules 9.14.13, 9.14.13A and 9.14.13B are annexed to this paper for information, along with Rule 13.2.1 (the rule governing Ministerial statements more generally).

Ministerial statement

8. Procedurally, that statement should be a distinct and self-contained item of business. To satisfy Rule 9.14.13B, Alex Rowley MSP, as the member whose Bill proposal is being given effect to, should have the opportunity to ask questions following the statement. Any further questions from other members would be at the discretion of the Presiding Officer.
9. Timetabling of the statement is a matter for the Bureau to decide as part of its discussion of the Business Programme. It is, however, suggested that around 15 minutes would be a sufficient amount of time for the Statement and questions from Alex Rowley MSP, and any further questions from other members at the Presiding Officer's discretion. As such, it would be helpful if Business Managers could indicate whether any of their members are likely to wish to ask questions under this item. This item could be taken at the end of business, immediately before Decision Time.
10. It is anticipated that the discussion on the proposed business programme at the Bureau meeting on 20 December 2022 will include consideration of the scheduling of the statement.

Recommendations

11. **The Bureau is invited to note the contents of this paper, and to schedule the Ministerial Statement as part of its consideration of the Business Programme.**
12. **Business Managers are also invited to indicate whether any of their members may wish to ask questions following the Statement.**

**Non-Government Bills Unit
December 2022**

ANNEXE – RELEVANT STANDING ORDER RULES

Rule 9.14.13

“A statement under this paragraph is a statement made by a member of the Scottish Government or junior Scottish Minister that the Scottish Government will initiate legislation, within a period of 2 years from the date of the statement or by the end of the same session, if sooner, to give effect to the final proposal. The right to make such a statement may be waived at any time during the period referred to in paragraph 11 by notice in writing to the member who lodged the final proposal and to the Clerk; and such a notice shall be published in the Business Bulletin”.

Rule 9.14.13A

“A statement under paragraph 13 shall be made in writing to the member and to the Clerk (who shall arrange for it to be published in the Business Bulletin), and shall be repeated to a meeting of the Parliament as soon as reasonably practicable”.

Rule 9.14.13B

“When a statement is repeated to a meeting of the Parliament under paragraph 13A, the member who lodged the final proposal may ask questions on the statement. In addition, other members may, at the discretion of the Presiding Officer, ask questions on the statement”.

Rule 13.2.1

“Where a member of the Scottish Government or junior Scottish Minister wishes to make a statement to a meeting of the Parliament (“a ministerial statement”), notice shall be given to the Presiding Officer. The Presiding Officer shall then notify the Parliamentary Bureau who shall include notice of the ministerial statement in a business programme. A ministerial statement may be debated”.