

# Parliamentary Bureau – Legislative Consent Memorandums

## Animal Welfare (Livestock Exports) 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.

### Animal Welfare (Livestock Exports) Bill

2. This Bill was introduced in the House of Commons on 4 December 2023.
3. An LCM was lodged by Mairi Gougeon, Cabinet Secretary for Rural Affairs, Land Reform and Islands on 19 December 2023 and supported by Gillian Martin, Minister for Energy and Environment.
4. The Animal Welfare (Livestock Exports) Bill prohibits the export of certain livestock for slaughter, including fattening for subsequent slaughter, beginning in or transiting through Great Britain to EU member states and other third countries.
5. 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

6. The relevant provision in the Bill falls within the remit of the Rural Affairs and Islands Committee. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands (with certain exceptions). The Cabinet Secretary is responsible (amongst other things) for agriculture, and the supporting Minister is responsible (amongst other things) for animal health and welfare.
7. 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.

## Investigatory Powers (Amendment) Bill (UK legislation)

### Introduction

8. 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

### Investigatory Powers (Amendment) Bill

9. This Bill was introduced in the House of Lords on 8 November 2023.
10. An LCM was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs on 15 December 2023.
11. The Investigatory Powers Act 2016 (IPA 2016) sets out the statutory framework for the use (by security and intelligence agencies, law enforcement and other public authorities) of investigatory powers to obtain communications and communications data. These powers cover the interception of communications, the retention and acquisition of communications data, and equipment interference for obtaining communications and other data.
12. The Bill updates elements of the IPA 2016 to ensure that the UK's investigatory powers framework remains fit for purpose in the face of evolving threats. The introduction of the Bill follows the publication of the Home Secretary's statutory report on the 2016 Act in February 2023, and a subsequent review by the former Independent Reviewer of Terrorism Legislation, Lord Anderson of Ipswich KBE KC, published in June 2023. The key objective of the Bill is to make targeted reforms to the IPA 2016 to ensure that it remains fit-for-purpose for intelligence services, law enforcement and other public authorities.
13. The Bill is in six parts:
  - Part 1 makes changes to the Bulk Personal Dataset (BPD) regime, which will improve the intelligence services' ability to respond with greater agility and speed to existing and emerging threats to national security;
  - Part 2 makes changes to oversight arrangements to support the Investigatory Powers Commissioner to effectively carry out their role;
  - Part 3 provides clarity on Communications Data including an additional condition on the use of Internet Connection Records;
  - Part 4 makes changes to the Notices Regime;
  - Part 5 contains miscellaneous provisions;
  - Part 6 contains general provisions.
14. Most of the Bill relates to reserved matters, but the provisions in Part 2 require legislative consent as they provide oversight arrangements for devolved authorities and bodies exercising devolved functions.
15. 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

16. The relevant provision in the Bill falls within the remit of the Criminal Justice Committee. The committee's remit is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Cabinet Secretary is responsible (amongst other things) for security and resilience.
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.

## Automated Vehicles Bill (UK legislation)

### Introduction

18. 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.

### Automated Vehicles Bill

19. This Bill was introduced in the House of Lords on 8 November 2023.
20. An LCM was lodged by Mairi McAllan, Cabinet Secretary for Transport, Net Zero and Just Transition on 20 December 2023 and supported by Fiona Hyslop, Minister for Transport.
21. The Automated Vehicles Bill implements the recommendations of a 4-year review of the regulation of automated vehicles ("AV") carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission. The Explanatory Notes to the Bill state that "[i]t is intended to set the legal framework for the safe deployment of self-driving vehicles in Great Britain". The regulation of AV involves provision about both the design of vehicles and also driver liability and traffic management.
22. The Bill is comprised of 7 Parts and 6 schedules:
  - Part 1 and schedules 1 and 2 – Regulatory scheme for automated vehicles
  - Part 2 and schedule 3 – Criminal liability for vehicle use
  - Part 3 and schedule 4 – Policing and investigation
  - Part 4 and schedule 5 – Marketing restrictions
  - Part 5 and schedule 6 – Permits for automated passenger services
  - Part 6 – Adaptation of existing regimes
  - Part 7 – General provision
23. The LCM indicates that the Scottish Government is currently not in a position to recommend a position on consent but will lodge a supplementary LCM in due course with further information on its consent position and other relevant issues. The Scottish Government has noted that the delay is due to lack of engagement

by the UK Government prior to introduction of the Bill, and the substantial nature of the relevant content.

## Designation of lead committee

24. The relevant provision in the Bill falls within the remit of the following committees:

- Net Zero, Energy and Transport Committee – the relevant provision relates to the regulation of vehicles. The committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition. The Cabinet Secretary is supported by the Minister for Transport who is responsible (amongst other things) for national transport strategy, public transport, and roads and road safety.
- Criminal Justice Committee – the Bill makes provision in relation to criminal offences and criminal liability. The committee's remit is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Cabinet Secretary is responsible (amongst other things) for justice reform, justice system and criminal law procedure.

25. Of these, the remit of the Net Zero, Energy and Transport Committee appears more relevant due to the focus on permitting and regulation of automated vehicles. However, formal designation of that committee as lead committee does not preclude any other committee whose remit is engaged from considering the LCM if it so wishes.

26. 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

27. The Bureau is invited to refer, under Rule 9B.3.5:

- the LCM on Animal Welfare (Livestock Exports) Bill (UK legislation) to the Rural Affairs and Islands Committee as lead committee.
- the LCM Investigatory Powers (Amendment) Bill (UK legislation) to the Criminal Justice Committee as lead committee.

28. The Bureau is also invited to agree, under Rule 9B.3.5, that the Net Zero, Energy and Transport Committee be designated as lead committee on the Automated Vehicles Bill LCM.

Parliamentary Business Team

December 2023