

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM - PUBLIC SERVICE PENSIONS AND JUDICIAL OFFICES (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.

Public Service Pensions and Judicial Offices Bill

2. The Public Service Pensions and Judicial Offices Bill was introduced in the House of Lords on 19 July 2021.

3. An LCM was lodged by Keith Brown MSP, Cabinet Secretary for Justice and Veterans, on 21 December 2021.

4. The Explanatory Notes accompanying the Bill describe the principal legislative measures of the Bill as follows:

- To address discrimination that arose when existing public service pension schemes were closed to certain members between 2014 and 2016;
- To deliver changes to public service pension schemes to ensure that all eligible public service workers have access to high quality defined benefit schemes on a fair and equal basis;
- To ensure there are no reductions to members' benefits following completion of the cost control element of the 2016 valuations;
- To improve the terms for judicial resourcing to support the effective functioning of the judiciary, to meet future demands [includes measures to increase the mandatory retirement age and introduces powers to determine judicial allowances]; and
- To confer powers upon the Treasury to establish a new UK Asset Resolution (UKAR) Limited pension scheme.

5. 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

6. The devolved matters in the Bill relate to the judiciary – judicial mandatory retirement age and judicial allowances. As such, the LCM engages the remit of two committees.

- The remit of the Criminal Justice Committee includes “*to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans*”.

- The remit of the Equalities, Human Rights and Civil Justice Committee includes “*to consider and report on matters relating to civil justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans*”.

7. As the judiciary falls within both criminal justice and civil justice, both of these remits are engaged. It is considered that the Criminal Justice Committee has the primary interest in the Bill.

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

Recommendation

9. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9B.3.5, to designate the Criminal Justice Committee as the lead committee to consider and report on the LCM.

10. A draft motion is provided below.

Parliamentary Business Team January 2022

Draft Parliamentary Bureau motion on the Public Service Pensions and Judicial Offices Bill (UK Legislation):

Designation of Lead Committee – That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Public Service Pensions and Judicial Offices Bill (UK Legislation).