

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSALS

REFERRAL OF DRAFT PROPOSAL FOR THE DOMESTIC BUILDING ENVIRONMENTAL STANDARDS (SCOTLAND) BILL

1. A draft proposal for a Domestic Building Environmental Standards (Scotland) Bill was lodged on 3 May 2022 by Alex Rowley MSP.
2. The proposal is for a bill to introduce new minimum environmental design standards for all new-build housing to meet the Passivhaus standard or a Scottish equivalent in order to improve energy efficiency and thermal performance.
3. The member lodged a consultation document on 3 May 2022. The consultation opened on 4 May 2022 and will close on 27 July 2022. The Bureau is therefore invited to consider which committee to refer the draft proposal and consultation document to for information at this stage.
4. Responsibility for Building Standards lies with the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (<https://www.gov.scot/about/who-runs-government/cabinet-and-ministers/minister-for-zero-carbon-buildings-active-travel-and-tenants-rights/>). That Minister supports the Cabinet Secretary for Net Zero, Energy and Transport and the Cabinet Secretary for Social Justice, Housing and Local Government.
5. The proposal falls within the remits of the following committees:

Committee	Remit and relevance
Net Zero, Energy and Transport Committee	<p>The draft proposal relates to the environmental standards of buildings. As mentioned above, building standards is in the portfolio of the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights.</p> <p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none"> • matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport. <p>The Cabinet Secretary for Net Zero, Energy and Transport has responsibility for, among other things, environmental protection, sustainable development, circular economy, the Scottish Environment Protection Agency (SEPA) and Zero Waste Scotland. As indicated</p>

	<p>above, the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights supports that Cabinet Secretary.</p> <p>For those reasons, this committee's remit is engaged.</p>
<p>Local Government, Housing and Planning Committee</p>	<p>As rehearsed above, the draft proposal relates to building standards.</p> <p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A):</p> <ul style="list-style-type: none"> • matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister. <p>The Cabinet Secretary for Social Justice, Housing and Local Government's responsibilities include responsibility for building standards: https://www.gov.scot/about/who-runs-government/cabinet-and-ministers/cabinet-secretary-for-social-justice-housing-and-local-government/.</p> <p>As indicated above, the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, who has direct ministerial responsibility for building standards, also supports that Cabinet Secretary, and has previously given evidence to the Local Government, Housing and Planning committee on building-related matters including building standards.</p> <p>Therefore, this committee's remit is engaged.</p>

6. The proposal engages the remits of the two committees mentioned above, and an argument can be made for the draft proposal being referred to either committee. As indicated above, the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights reports to both the Cabinet Secretary for Net Zero, Energy and Transport and the Cabinet Secretary for Social Justice, Housing and Local Government. The Minister has previously given evidence to the Local Government, Housing and Planning Committee on building-related issues.

7. In light of this and the Cabinet Secretary for Social Justice, Housing and Local Government’s overarching responsibility for building standards, it is recommended that the Bureau refers the draft proposal to the Local Government, Housing and Planning Committee for information only. Lack of formal referral does not prevent the Net Zero, Energy and Transport Committee from considering the draft proposal.

Recommendation

8. The Bureau is invited on this occasion to refer the draft proposal on the Domestic Building Environmental Standards (Scotland) Bill to the Local Government, Housing and Planning Committee.

REFERRAL OF DRAFT PROPOSAL FOR DISABILITY COMMISSIONER (SCOTLAND) BILL

9. A draft proposal for a Disability Commissioner (Scotland) Bill was lodged on 11 May 2022 by Jeremy Balfour MSP.
10. The proposal is for a Bill to establish a Disability Commissioner for Scotland.
11. The draft proposal is accompanied by a consultation document which runs from 12 May to 3 August 2022.
12. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
13. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
14. The proposal falls within the remit of the following committee.

Committee	Remit and relevance
Equalities, Human Rights and Civil Justice	<p>The Committee’s remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none"> • matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament • human rights, including Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom • matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans

	<p>In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.</p>
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15. The proposed Bill is concerned with the establishment of a commissioner to represent and advocate for disabled people in Scotland. The Equalities, Human Rights and Civil Justice Committee's remit includes consideration of matters relating to the prevention, elimination or regulation of discrimination on grounds of disability. In addition, under its remit, it may consider matters for which the Minister for Equalities and Older People holds responsibility, including disability equalities.

Recommendation

16. The Bureau is invited to refer the draft proposal on the Disability Commissioner (Scotland) Bill to the Equalities, Human Rights and Civil Justice Committee.

**Non-Government Bills Unit
May 2022**