

# Parliamentary Bureau – Supplementary Legislative Consent Memorandum

## Criminal Justice 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.

### Criminal Justice Bill

2. This Bill was introduced in the House of Commons on 14 November 2023.
3. An LCM was lodged by Angela Constance, Cabinet Secretary for Justice and Home Affairs on 21 December 2023. A supplementary LCM was lodged by the Cabinet Secretary on 13 February 2024, following amendments to the Bill being tabled that made additional relevant provision.
4. The UK Government has set out that the Bill is intended to amend the criminal law to make provision about criminal justice including the powers and duties of the police; dealing with offenders; reforms to the confiscation regime under the Proceeds of Crime Act 2002, the use of monies in suspended accounts; the prevention and detection of crime and disorder; begging, rough sleeping and anti-social behaviour; and for connected purposes.
5. Amendments to clauses 1 to 4 contain relevant provision. Clauses 1 and 2 introduce new offences to criminalise the possession, importation, manufacture, adaptation, supply and offering to supply of articles for use in serious crime. This includes provision for the Secretary of State to add further articles, by regulation, as required and to consult with the Scottish Ministers before doing so. Clause 3 of the Bill makes it an offence to possess or import, make, adapt, supply or offer to supply an electronic device which gives rise to a reasonable suspicion that the device will be used in connection with a relevant offence. Clause 4 of the Bill relates to the evidential burden for the defences in Clause 1(3) or 3(3).
6. The supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the further relevant provision in this Bill.

### Designation of lead committee

7. The relevant provision in the Bill falls within the remit of the Criminal Justice Committee. The Committee's remit includes 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 police and for justice reform. The initial LCM was also referred to the Criminal Justice Committee.

8. The supplementary 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

9. The Bureau is invited to refer, under Rule 9B.3.5, the supplementary LCM to the Criminal Justice Committee as lead committee.

Parliamentary Business Team

February 2024