

PARLIAMENTARY BUREAU

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUMS

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.

Economic Crime and Corporate Transparency Bill

2. This Bill was introduced in the House of Commons on 22 September 2022.

3. An LCM was lodged by Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance on 5 May 2023. A supplementary LCM was subsequently lodged on 19 June 2023.

4. The UK Government has presented the Bill as having three key objectives:

- Prevent organised criminals, fraudsters, kleptocrats and terrorists from using companies and other corporate entities to abuse the UK's open economy.
- Strengthen the UK's broader response to economic crime, in particular by giving law enforcement new powers to seize cryptoassets used or obtained through unlawful conduct and enabling businesses in the financial sector to share information more effectively to prevent and detect economic crime.
- Support enterprise by enabling Companies House to deliver a better service for over four million UK companies and improving the reliability of its data to inform business transactions and lending decisions across the economy.

5. The original LCM indicated that the Scottish Government intended to lodge a motion seeking the Scottish Parliament's consent to some, but not all, of the relevant provision in this Bill. The supplementary LCM indicates that, in light of discussions with, and amendments lodged by, the UK Government, complete consent is now recommended.

Designation of lead committee

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

- Criminal Justice Committee – whose 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.
- Economy and Fair Work Committee – whose remit is to consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance; the LCM relates to *economic* crime and was lodged by the Cabinet Secretary for Finance.

7. Of these, the remit of the Criminal Justice Committee is considered most relevant because of the focus on the prevention of, and response to, crime. This is also the Committee which was referred, and has considered, the original LCM.

Northern Ireland Troubles (Legacy and Reconciliation) Bill

8. The Northern Ireland Troubles (Legacy and Reconciliation) Bill was introduced in the House of Commons on 17 May 2022.

9. An LCM was lodged by Keith Brown MSP, Cabinet Secretary for Justice and Veterans, on 20 October 2022. A supplementary LCM was lodged by Angela Constance, Cabinet Secretary for Justice and Home Affairs on 16 June.

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

- To establish a new independent body, the Independent Commission for Reconciliation and Information Recovery (ICRIR). When requested to do so, this body will conduct investigations into deaths and very serious injuries which resulted from conduct forming part of the Troubles.
- To require designated persons to carry out a programme of memorialisation work, including an oral history initiative.
- To introduce a conditional immunity scheme, allowing those who cooperate with the ICRIR to receive immunity from prosecution for offences resulting in or connected with Troubles-related deaths and serious injuries.
- To bar investigations into Troubles related incidents by any organisation other than the ICRIR, and bar prosecutions for Troubles-related offences not involving death or serious injury, or which are not connected to offences involving death or serious injury.
- To bar civil claims arising from conduct forming part of the Troubles and events between 1 January 1966 and 10 April 1998, where a claim has yet to be filed by the date of the Bill's introduction.
- To provide that inquests which have not yet reached the stage of a substantive hearing by the 1 May 2023 or the date on which the ICRIR becomes operational (whichever comes first) will be stopped, but can be referred by families or coroners to the ICRIR for investigation.

11. The original LCM indicated that consent was not recommended in relation to this Bill. That continues to be the position set out in the supplementary LCM.

Designation of lead committee

12. The devolved matters in the Bill relate to the investigation of deaths and harmful conduct, criminal justice, civil justice, and Fatal Accident Inquiries. As such, the LCM engages the remit of two committees.

- Criminal Justice Committee – whose 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.

- Equalities, Human Rights and Civil Justice Committee – whose remit includes to consider and report on matters relating to civil justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs.

13. As the matters contained in the Bill fall within the remit of both criminal justice and civil justice (for example, relating to both criminal investigations and civil claims), both of these remits are engaged. It is considered that the Criminal Justice Committee has the primary interest in the Bill and it is this Committee that was referred, and considered, the original LCM.

Other committees

14. A designation in favour of one committee does not prevent any other committee within whose remit the LCM falls from also considering the LCM.

15. The LCMs 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

16. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Criminal Justice Committee as lead committee on both LCMs. Draft Bureau motions are set out below.

**Parliamentary Business Team
June 2023**