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Economy, Energy and Tourism Committee

Legislative Consent Memorandum: Enterprise Bill



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Economy, Energy and Tourism Committee

The remit of the Committee is to consider and report on the Scottish economy, enterprise, energy, tourism, renewables and other matters falling within the responsibility of the Cabinet Secretary for Finance, Constitution and Economy (apart from those covered by the remit of the Infrastructure and Capital Investment Committee), and matters relating to cities.



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Background

1. In December 2015, the Scottish Government laid a Legislative Consent Memorandum (LCM)¹ in the Parliament seeking consent for specific provisions in the Enterprise Bill.² The Parliamentary Bureau referred the LCM to the Committee on 15 December 2015.
2. The Delegated Powers and Law Reform Committee considered the LCM at its meeting on 5 January 2016 and reported that it was content with the delegated powers conferred on the Scottish Ministers in the Bill, and with the procedures to which they are subject.
3. The DPLR Committee's report can be accessed online—

http://www.scottish.parliament.uk/S4_SubordinateLegislationCommittee/Reports/DPLR_S042016R03.pdf

Provisions which relate to Scotland

4. According to the LCM, the Bill contains two provisions which are within the legislative competence of the Parliament or alter the executive competence of Scottish Ministers. The provisions relate to—
 - Part 1 (Clauses 1 – 13) – Small Business Commissioner
 - Clause 34 (originally Clause 26) – Public Sector Exit Payments
5. Further detail on the effect of these provisions and the reasons for seeking the legislative consent of the Scottish Parliament are set out in the LCM.

Consideration by the Committee and recommendation

6. The Economy, Energy and Tourism Committee took evidence from Fergus Ewing MSP, Minister for Business, Energy and Tourism, and officials, on the LCM at its meeting on 20 January 2016.³
7. The Official Report of the meeting can be accessed online—
<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10327>
8. The Committee examined the relevant provisions and also explored with the Minister the reasons why provisions in the Bill relating to the Green Investment Bank had not been deemed to require legislative consent.

Recommendation

9. The Committee recommends that the Parliament gives its consent.

¹ Scottish Government. (2015) [Legislative Consent Memorandum on the Enterprise Bill](#).

² UK Parliament. [Enterprise Bill \[HL\]](#) 2015-16.

³ Economy, Energy and Tourism Committee. *Official Report*, 20 January 2016.

Annexe A

Extracts from the Minutes of the Economy, Energy and Tourism Committee

3rd Meeting, 2016 (Session 4), Wednesday 20 January 2016

4. Enterprise Bill (UK Parliament legislation): The Committee took evidence on legislative consent memorandum LCM(S4) 40.1 from—

Fergus Ewing, Minister for Business, Energy and Tourism, Oonagh Gil, Deputy Director, Enterprise and Cities, Geoff Owenson, Senior Policy Official, Finance Pay Policy, and Stuart Foubister, Divisional Solicitor, Scottish Government.

6. Enterprise Bill (UK Parliament legislation) (in private): The Committee agreed to recommend that the Parliament give consent to the legislative consent memorandum lodged by John Swinney (LCM(S4) 40.1), and agreed to delegate to the Convener and Clerk responsibility for production and publication of a short report detailing the Committee's consideration.

