

Supplementary Legislative Consent Memorandum

Levelling-up and Regeneration Bill

Background

1. This memorandum has been lodged by Shona Robison, Deputy First Minister and Cabinet Secretary for Finance, under Rule 9B.3.1(c) of the Parliament's standing orders. The Levelling Up and Regeneration Bill ("the Bill") was introduced in the House of Commons on 11 May 2022 and an LCM (LCM-S6-23) was lodged on 27 July 2022, recommending withholding consent. Further amendments were subsequently lodged, with final amendments to the Bill lodged on 28 September 2023. The Bill can be found at [Levelling-up and Regeneration Bill - Parliamentary Bills - UK Parliament](#).

Content of the Bill

2. The stated aim of the Bill is to give effect to aspects of the UK Government's levelling up agenda to reduce economic, social, and environmental disparities between and within different parts of the UK. The Bill forms part of the wider UK Government programme to 'level up the country' as set out in the February 2022 Levelling Up White Paper¹. Part 1 of the Bill introduces statutory provision for the UK Government's "Levelling-up Missions" which cover many areas that are within the devolved responsibility of the Scottish Government and Scottish Parliament including justice, health, and education. The Bill also includes provisions for planning reform (for England) outlined in the August 2020 Planning for the Future White Paper².

3. The Bill has 264 clauses and 25 schedules and is divided into 13 parts. The provisions relevant to this memorandum are: Part 1 on Levelling-up Missions; provisions on Planning Data (Part 3, Chapter 1), interlinked with Environmental Outcome Reports ("EORs") (Part 6), and Part 12 on Miscellaneous. Parts within the Bill not mentioned in this memorandum will not require an LCM and have therefore not been included.

4. The Bill is to support the UK Government's commitment to reducing the geographic disparity between different regions of the UK by spreading opportunity more equally. The Bill seeks to improve the planning process, tackle inequality, support recovery from the pandemic and respond to climate change. The Bill includes:

¹ [Levelling Up the United Kingdom - White Paper](#)

² [Planning for the Future - White Paper](#)

- Provisions imposing duties on UK Government Ministers to make statements of levelling-up missions which focus on how the UK Government intend to reduce geographical disparities across the UK; the statement must also detail how the Minister proposes to measure and report progress in delivering those levelling-up missions; report annually on the delivery of the levelling-up missions; and review the statements of levelling-up missions.
- Provisions relating to planning data, which are linked to the functioning of EORs. This provision gives the Secretary of State the power to regulate the processing of planning data by planning authorities, to create binding “approved data standards” for that processing and provides planning authorities with the power to require planning data to be provided to them in accordance with the relevant approved data standards.
- Provisions to improve outcomes for the natural environment, through the introduction of powers for the Secretary of State to specify outcomes relating to environmental protection in the UK or a relevant offshore area.
- Provisions introducing a new approach to environmental assessment, by providing powers to introduce EORs across a range of consenting matters (such as planning, marine licensing, forestry, energy, transport, and agriculture as well as other consenting systems), to depart from the current and EU-derived procedural approach in place across the UK.
- Provisions to amend the Marine and Coastal Access Act 2009 to introduce powers for the Secretary of State to make regulations which set the level of fees payable for post-consent marine license monitoring, variations, and transfers.
- Provisions to enable the carrying out of a review of the Royal Institution of Chartered Surveyors (“RICS”).

Provisions which require legislative consent

5. The Bill is a relevant Bill under Rule 9B.1.1 of the Standing Orders, as it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament and alters the executive function of the Scottish Ministers. The LCM process is therefore engaged. The provisions of the Bill which apply to Scotland and require the legislative consent of the Scottish Parliament are outlined below.

6. Part 1 contains provisions that would give UK Government Ministers a duty to make statements to the Westminster Parliament on levelling-up missions set by the UK Government, which focus on reducing geographical disparities across the UK and then to report on progress of those missions and to review the statements, including for devolved matters, such as education, health, housing, and justice. The UK Government claims that Part 1 of the Bill does not require legislative consent: “Since these duties apply to inequalities across the UK as a whole this does not relate to the legislative competence of the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru” (Explanatory Notes, paragraph 1539). However, the Scottish Government’s view is that in substance these provisions provide a legislative framework to underpin a role for UK Ministers in devolved areas so these provisions are for those purposes - of education, health, housing and justice - which are within the legislative competence of the Scottish Parliament.

7. Part 3, Chapter 1 relates to Planning Data provisions, linked to the functioning of EORs. It gives the Secretary of State powers to regulate the processing of planning data by planning authorities and provides planning authorities with the power to require planning data to be provided to them in accordance with the relevant approved data standards. Given planning is a devolved matter, any planning data related to environmental assessment would also be devolved.

8. Part 6 provides powers to replace the existing Environmental Impact Assessment (“EIA”) and Strategic Environmental Assessment (“SEA”) regimes. The majority of EIA and SEA processes are within the legislative competence of the Scottish Parliament. Regulations for EIA are bespoke for the differing consenting regimes that are applied in Scotland, and cover a range of sectors including planning, marine licensing, forestry, energy, transport, and agriculture. The position in relation to the EIA and SEA frameworks for marine and energy matters is slightly more complicated as there is a mixture of legislatively devolved, executively devolved and reserved matters.

9. The UK Government intends to replace the current environmental assessment regime through Part 6 and the implementation of EOR regulations. Part 6 of the Bill grants “appropriate authorities”, including the Scottish Ministers, the power to make EOR regulations. Part 6 also gives the Secretary of State the power to make EOR regulations which contain provision within legislative competence or executively devolved competence (in circumstances where the Scottish Ministers have regulation making powers), but only subject to the consent of the Scottish Ministers. Moreover, the Secretary of State is required to consult the Scottish Ministers when making EOR regulations which contain provision that confers a function on or modifies or removes a function of the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside the legislative competence of the Scottish Ministers. There are various provisions throughout Part 6 with implications for the Scottish Ministers and their devolved functions and powers in the context of EIA and SEA.

Recommendation on legislative consent

10. The Scottish Government previously recommended withholding consent to all clauses in the Bill. However, given the extensive negotiations conducted over several months, and the current treatment of the Sewel Convention by the UK Government, giving consent to certain clauses will secure the negotiated improvements to the Bill. The Scottish Government recommends that the Scottish Parliament consents to the relevant provisions in Part 3, Chapter 1; Part 6; and Part 12 but withholds consent to the relevant provisions in Part 1 of the Bill, as summarised below.

11. In those areas where the Scottish Government is recommending consent, the Scottish Government remains concerned about aspects of the Bill. Detailed information about concerns is provided on a clause-by-clause basis (within paragraphs 16-94). There are however two specific issues the Parliament should note. First, the UK Government, through Part 6 of the Bill, seeks to establish a system of environmental assessment separate and distinct to the approach established under EU legislation. All the current EIA (applicable to projects) and SEA (applicable to plans, programmes, and strategies) regimes operating within Scotland and in Scottish waters follow a similar framework and are designed to align with EU regulations. They are well-established

and well understood, noting that there are opportunities for reform and improving efficiency.

12. The Scottish Parliament legislated for SEA under the Environment Assessment (Scotland) Act 2005, whereas for EIA, EIA regulations within devolved competence were made under section 2(2) of the European Communities Act 1972 (the “1972 Act”). As a consequence of the UK’s withdrawal from the EU, the 1972 Act has been repealed.

13. The consent limitations within Part 6 provide the Scottish Ministers with the discretion to decide whether to adopt the proposed EOR approach in areas of devolved legislative competence (for example, in areas including planning, forestry or transport), or to maintain and further align with the EU and the established EU-derived EIA approach. The position in relation to the EIA framework for marine and energy matters is more complex due to the mixture of legislatively devolved, executively devolved and reserved matters. For example, on EIA for marine renewables, the Scottish Ministers have:

- Devolved legislative competence in respect of the marine environment in the Scottish inshore region (0-12 nautical miles (“nm”));³
- Devolved executive competence in respect of electricity generating stations (including offshore renewable energy developments) consented under section 36 of the Electricity Act 1989 across Scotland (onshore and between 0-12nm) and in the Scottish part of the Renewable Energy Zone (“REZ”) (12-200nm);⁴ and
- Executively devolved powers and functions for marine works/licensing EIA in the Scottish offshore region⁵ (regulations making powers in respect of EIA for marine works in the Scottish offshore region are reserved to Westminster).

14. It is possible that a mixture of EIA and EOR could apply in the context of consenting for offshore renewables developments. The Scottish Ministers may decide to retain the existing EIA approach for marine works environmental assessment in the Scottish inshore region (0-12nm) and continue alignment with the EU regarding environmental assessment in the areas in which Ministers’ have devolved powers. It is anticipated that the UK Government will use Part 6 of the Bill to adopt a distinct EOR approach for marine works environmental assessment in the Scottish offshore region (beyond 12nm), where the regulation making power in respect of the current EIA regime is currently reserved to Westminster. As outlined above, the consent limitations now included allow the Scottish Government to recommend consent to Part 6. The recommendation to consent to all relevant clauses within Part 6 is not a reflection of satisfaction or agreement with the proposed changes to the environmental assessment regime, rather consent to this Part leaves the option open to the Scottish Ministers as to whether to adopt an EOR approach to environmental assessment (should this become a favourable option in due course). The recommendation to consent to Part 6 is also given in recognition that some aspects of the environmental assessment regime undertaken by the Scottish Government remain reserved to Westminster, as such,

³ For which Scottish Ministers apply the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (SSI 2017/115) (previously made by Scottish Ministers under s.2(2) of the 1972 Act).

⁴ For which Scottish Ministers apply the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (SSI 2017/101) (previously made by Scottish Ministers under s.2(2) of the 1972 Act).

⁵ For which Scottish Ministers apply the Marine Works (Environmental Impact Assessment) Regulations 2007 (SI 2007/1518).

there are limitations to the extent to which any proposed reform of the existing environmental assessment regime may be opposed.

15. The second issue of note relates to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the “2017 Regulations”). Although regulation making for electricity works EIA remains executively devolved to the Scottish Ministers (by Scotland Act Orders in place since 1999), the Scottish Ministers no longer have an operative enabling power to amend EIA processes and provisions within the 2017 Regulations, nor do the Scottish Ministers have powers to make new regulations. The 2017 Regulations were previously made using section 2(2) powers under the 1972 Act, this power is no longer available following the UK’s exit from the EU. Further, the Scottish Parliament cannot pass primary legislation creating such an enabling power, as the Scottish Parliament has no legislative competence in this area. This leaves a significant gap which Scottish Government officials sought to have rectified through amendments to Part 6 of the Bill. This was rejected by the UK Government, who have instead stated that a Scotland Act Order will be progressed to reinstate the Scottish Ministers’ regulation making powers. The UK Government’s commitment to a Scotland Act Order is an additional basis on which consent to Part 6 is recommended.

Part 1: Levelling-up missions

Clause 1 – Statement of levelling-up missions

16. Clause 1 puts a duty on a Minister of the Crown to prepare, and lay before each House of Parliament, a statement of levelling-up missions. The 12 missions, six of which relate to devolved competencies, relate to reducing disparity across different parts of the UK. Reporting will include progress methodology and metrics for each mission, how progress will be measured and the timescales for doing so. The provision was amended from when the original memorandum was lodged to provide additional detail on the content of the assessment of geographical disparities, including those involving devolved competencies. The amendments also now contain a requirement for a Minister of the Crown, in preparing a statement of levelling-up missions, to have regard for any role of devolved legislation and authorities in relation to the levelling-up missions in the statement, and to carry out consultation as deemed appropriate. The Scottish Government does not consider that these go far enough to ameliorate constitutional concerns noted in the previous memorandum.

Clause 2 – Statement of levelling-up missions: devolution

17. Clause 2 makes provisions for a Minister of the Crown, whilst preparing a statement of levelling-up missions, to have regard to any role of the devolved legislatures and devolved authorities in connection with those missions. This is an amendment from the previous version of the Bill which did not refer to having regard for devolved authorities. A document must be prepared of how this has been complied with. This document must then be laid before each House of Parliament and published at the same time as, or as soon as is reasonably practicable after the statement of levelling-up missions is so laid and published.

18. When preparing a statement of levelling up missions, a Minister of the Crown must carry out appropriate consultation with devolved authorities. This is an amendment to the previous version of the Bill which did not refer to consulting devolved

authorities, prior to the original LCM. As noted above, it does not go far enough to remove the Scottish Government's constitutional concerns.

Clause 6 – Changes to mission progress methodology and metrics or target dates

19. Clause 6 relates to changes made to methodology, metrics or target dates with regarding to reporting on missions and makes provisions for a Minister of the Crown to have regard to any role of devolved legislatures and devolved authorities in connection with those missions, and that appropriate consultation must be carried out with devolved authorities by a Minister of the Crown. This is an amendment to the previous version of the Bill which did not refer to having regard for or consulting with devolved authorities, prior to the original LCM. As noted above, it does not go far enough to remove the Scottish Government's constitutional concerns.

Clause 7 – Reviews of statements of levelling-up missions

20. Clause 7 relates to reviewing of the current statement of the levelling up missions and makes provisions for a Minister of the Crown to have regard to any role of devolved legislatures and devolved authorities in connection with those missions, and that appropriate consultation must be carried out with devolved authorities by a Minister of the Crown. This is an amendment to the previous version of the Bill which did not refer to having regard for or consulting with devolved authorities, prior to the last LCM. As noted above, it does not go far enough to remove the Scottish Government's constitutional concerns.

The Scottish Government does not recommend giving consent to Clause 1, 2, 6 and 7

21. Collectively, the amendments made to these clauses add consultation requirements to a Minister of the Crown in relation to devolved authorities and relevant to six devolved competencies. The Scottish Government considers that these are insufficient to address the concerns detailed in the original LCM. In summary, it is for the Scottish Government, accountable to the Scottish Parliament, to decide how policies in devolved areas are developed and delivered in Scotland, including allocation of funding, in line with the devolved settlement. UK Government Ministers do not have a role in setting targets for matters within devolved responsibilities. Additionally, the legislation does not make clear how UK Government Ministers will ascertain the causal link between a UK Government policy and movement across a specific mission target in a devolved competency (e.g., health, housing, transport, economic development), and ensure that any change in that metric was not the result of Scottish Government policy interventions. The Scottish Government cannot therefore recommend consent to Part 1 of the Bill.

Part 3: Planning, Chapter 1 – Planning data

Clause 85 – Power in relation to planning data

22. Clause 85 makes provision requiring a relevant 'planning authority' to comply with any approved data standards which are applicable in processing 'planning data' as is specified or described in the regulations.

23. In relation to Scotland, 'planning data' means data that is limited to the 'relevant planning enactment' specifically Part 4 and Part 6 of the Bill. As the Scottish Government's consent (see amended Clause 90) is now required for the making of any regulations relating to planning data, the Scottish Government recommends giving consent to this clause. The requirement for consent means the Scottish Ministers retain the option to only adopt planning data standards that align to Scotland's digital planning transformation programme and data strategy.

Clause 86 – Power in relation to the provision of planning data

24. Clause 86 makes provision for a relevant planning authority to require a person or persons of a particular description, to provide planning data as is specified or described in planning data regulations, (a) in any form and manner, or (b) in a particular form and manner which complies with any approved data standards which are applicable.

25. In relation to Scotland, 'planning data' means data that is limited to the 'relevant planning enactment' specifically Part 4 and Part 6 of the Bill. As the Scottish Government's consent (see amended Clause 90) is now required for the making of any regulations relating to planning data, the Scottish Government recommends giving consent to this clause. The requirement for consent means the Scottish Ministers retain the option to only adopt planning data forms of provision that align to Scotland's digital planning transformation programme and data strategy.

Clause 87 – Power to require certain planning data to be made publicly available

26. Clause 87 makes provisions for a relevant planning authority to make planning data, as is specified or described in the regulations, available to the public under an approved open licence.

27. In relation to Scotland, 'planning data' means data that is limited to the 'relevant planning enactment' specifically Part 4 and Part 6 of the Bill. As the Scottish Government's consent (see amended Clause 90) is now required for the making of any regulations relating to planning data, the Scottish Government recommends giving consent to this clause. The requirement for consent means the Scottish Ministers retain the option to only publish planning data which aligns to Scotland's digital transformation programme and data strategy under an approved open licence.

Clause 88 – Disclosure of planning data does not infringe copyright in certain cases

28. Clause 88 makes provisions for a relevant planning authority to make planning data available to a person without infringing copyright, if making the data available is necessary for the purposes of enabling or facilitating the Bill Part 3 – Planning, Chapter 1 – Planning Data.

29. In relation to Scotland, 'planning data' means data that is limited to the 'relevant planning enactment' specifically Part 4 and Part 6 of the Bill. As the Scottish Government's consent (see amended Clause 90) is now required for the making of any regulations relating to planning data, the Scottish Government recommends giving

consent to this clause. The requirement for consent means the Scottish Ministers retain the option to ensure copyright infringement is removed only for planning that aligns to Scotland's digital planning transformation programme and data strategy.

Clause 90 – Requirements to consult devolved administrations

30. Clause 90 makes provisions for the UK Secretary of State to make planning data regulations which contain provision within Scottish devolved competence after consulting the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence.

31. Subject to the following amendment proposed by UK Government -

Clause 83 [now Clause 90], page 90, line 29, at end insert— “(1A) The Secretary of State may only make planning data regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers after consulting the Scottish Ministers, unless— (a) that provision is contained in regulations which require the consent of the Scottish Ministers by virtue of subsection (1), or (b) that provision is merely incidental to, or consequential on, provision that would be outside Scottish devolved legislative competence.”

32. As a result of this proposed amendment to clause 90, which requires the consent of the Scottish Ministers, rather than being limited to consultation, the Scottish Government recommends giving consent to this clause. The requirement for consent means that the Scottish Ministers retain the option to exercise appropriate controls relating to clauses 85-88.

Clause 91 – Planning data regulations made by devolved authorities

33. Clause 91 references Schedule 14 (“Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities”) which places restrictions on the exercise of powers to make EOR regulations by devolved authorities.

34. This provision includes a restriction for devolved authorities making provisions outside devolved competence. Other restrictions on the exercise of powers require consultation, consent, or a joint exercise. The Scottish Government recommends giving consent to this clause, as Schedule 14 has been created to enable Scottish Ministers to make regulations where the provisions are within devolved competence (either legislatively or executively).

Part 6: Environmental outcome reports

35. Part 6 represents a new approach to environmental assessment, diverging from the existing, EU derived system of environmental assessment.

36. Part 6 introduces powers for an appropriate authority to make EOR regulations, specifying outcomes relating to environmental protection in the UK or a relevant offshore area. EOR regulations may require an EOR to be prepared in relation to proposed relevant consents or proposed relevant plans. EOR regulations may also amend, repeal, or revoke existing environmental assessment legislation.

37. Part 6 contains 15 relevant clauses (clauses 157 to 169, and 171 to 172, with clause 170 being limited to planning legislation in England and Wales), Schedules 14, 15 and 25 also apply to Part 6 provisions. As the clause-by-clause analysis below reveals, Part 6 requires an LCM on the following bases:

- In respect of legislative competence, all of the relevant clauses (clauses 157 to 169, 171 to 172, and Schedules 14, 15, and 25) make provision for a purpose within the legislative competence of the Scottish Parliament, that of planning, marine licensing and planning (inshore within 0-12nm), forestry, transport and agriculture, where the Scottish Ministers have discretion to adopt EOR regulations in place of the existing regime for environmental assessment. As Part 6 introduces broad powers to create a new system for EORs throughout the UK, the relevant clauses of Part 6 make provision for a purpose within legislative competence, as they make provision with sweeping implications across all areas of devolved legislative competence with EIA and SEA regimes (namely, planning, marine licensing, and planning (inshore within 0-12nm), forestry, transport, and agriculture)
- In respect of executive competence, all of the relevant clauses (clauses 157 to 169, 171 to 172, and Schedules 14, 15 and 25) make provision to alter the executive competence of the Scottish Ministers in relation to their executive regulation making and/or executive decision making functions for section 36 and 37 consenting under the Electricity Act 1989 (onshore, inshore between 0-12nm and offshore beyond 12nm), decommissioning functions (inshore between 0-12nm and offshore beyond 12nm) and marine licensing and marine planning (offshore beyond 12nm), in the following specific manner:
 - Clause 157, as the Secretary of State may make EOR regulations amending or replacing existing environmental assessment legislation, in relation to which the Scottish Ministers have a range of executively devolved functions. Clause 157 also makes provision that alters the devolved executive regulation making powers of the Scottish Ministers. For the time being, pending a Scotland Act Order to reinstate the previously agreed devolution settlement, the Secretary of State may make EOR regulations in relation to environmental assessment for electricity works, where the Scottish Ministers were previously transferred an executively devolved regulation making power. As explained above (paragraph 15), the Scottish Ministers' power to make regulations in this area has been rendered inoperative due to Brexit and the repeal of the European Communities Act 1972; however, the Secretary of State for Levelling Up, Housing and Communities, Michael Gove has committed to reinstating the Scottish Ministers' regulation power in this context through a Scotland Act Order, to be taken forward within the current UK Parliamentary term.
 - Clause 158, as the Secretary of State may make EOR regulations with provisions requiring an EOR, amending or replacing existing environmental assessment legislation, in relation to which the Scottish Ministers have a range of executively devolved functions.
 - Clause 159, as the Secretary of State may make EOR regulations with provisions defining "relevant consent" and "relevant plan" for the purposes of Part 6 and the environmental assessment powers and processes it sets out. The Scottish Ministers have a range of executively devolved functions which would be affected by such EOR regulations.

- Clause 160, as the Secretary of State may make EOR regulations setting out how a relevant consent or plan which affects delivery of a specified environmental outcomes is to be assessed or monitored. The Scottish Ministers have a range of executively devolved functions which would be affected by such EOR regulations.
- Clause 161, as the Secretary of State may, through EOR regulations, require the Scottish Ministers to undertake public engagement in relation to any proposed relevant consent or plan. The Scottish Ministers have a range of executively devolved functions which would be affected by such requirements in EOR regulations.
- Clause 162, as the Secretary of State may make EOR regulations in areas of devolved legislative competence and executively devolved legislative competence where the Scottish Ministers have regulation making powers (only with the consent of the Scottish Ministers). The Secretary of State may also make EOR regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers (upon consulting the Scottish Ministers).
- Clause 163, read together with Schedule 14, as these contain restrictions on the exercise of the Scottish Ministers' executively devolved powers and functions under Part 6.
- Clause 164, as the Secretary of State may direct that no EOR is to be prepared in relation to a proposed relevant consent which is solely for the purposes of national defence or preventing or responding to civil emergency. EOR regulations may provide for further circumstances in which the Secretary of State may make a direction. The Scottish Ministers have a range of executively devolved functions which would be affected by such a direction from the Secretary of State.
- Clause 165, as the Secretary of State may make EOR regulations with provisions about, or in connection with, the enforcement of requirements imposed by or under Part 6, in relation to which the Scottish Ministers have a range of executively devolved functions which would be affected by such a direction from the Secretary of State.
- Clause 166, as the Secretary of State may make EOR regulations with provision requiring a public authority (defined to include the Scottish Ministers) to report on, or provide information in relation to, the delivery of specified environmental outcomes.
- Clause 167, as the Scottish Ministers are required to consult the public before making EOR regulations or guidance, and the Secretary of State may make EOR regulations with provision requiring a public authority to respond, or respond in a particular way or by a particular time, to a consultation regarding EOR regulations. The Scottish Ministers have a range of executively devolved functions which would be affected by this clause and any EOR regulations made by the Secretary of State under this clause.
- Clause 168, as the Secretary of State may make guidance in respect of functions carried out under EOR regulations and existing environmental assessment legislative in areas of devolved legislative and executive competence (subject to the consent of the Scottish Ministers in respect of matters within Scottish devolved legislative competence).

- Clause 169, as the Secretary of State may amend, repeal, revoke relevant existing environmental legislation through EOR regulations, or otherwise make provision about or in connection with the interaction of Part 6 with existing environmental assessment legislation or habitats regulations.
- Clause 171, as the Secretary of State may make EOR regulations with provision about or in connection with the procedure to be followed in relation to anything done under Part 6, among other matters listed in this clause, in relation to which the Scottish Ministers have a range of executively devolved functions.
- Clause 172, read together with Schedule 15 and 25, as interpretation provisions these are integral to the operation and understanding of all preceding clauses to which the Scottish Ministers have a range of executively devolved functions.

Clause 157 – Power to specify environmental outcomes

38. The clause defines “environmental protection,” “natural environment” and “cultural heritage” for the purposes of Part 6.

39. Clause 157 creates a regulation making power for “appropriate authorities,” the definition of which is provided at clause 172(3) and includes a “devolved authority”, defined to include the Scottish Ministers. This clause makes provision for a purpose within the legislative competence of the Scottish Parliament, by providing that the Scottish Ministers may make EOR regulations specifying outcomes relating to environmental protection in the UK or a relevant offshore area (these outcomes are recognised as “specified environmental outcomes” for the purposes of Part 6). When making EOR regulations which contain provision about what specified environmental outcomes are to be in areas of devolved competence, the Scottish Ministers are required to have regard to the current environmental policy strategy (within the meaning of section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021).

40. In order for this clause to function in accordance with the current devolution settlement, a Scotland Act Order reinstating the Scottish Ministers’ regulation making powers for the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 Regulations”) is required (see paragraph 15 for context). The UK Government has committed to the reinstatement of the Scottish Ministers’ regulation making powers for the 2017 Regulations through a transfer of functions Scotland Act Order before the end of the current Westminster parliamentary term. The Scottish Ministers would be able to rely on the regulation making power in clause 157, in conjunction with the enabling powers provided through a Scotland Act Order, to amend or replace the 2017 Regulations through an EOR regulation.

41. The Scottish Government recommends giving consent to this clause. The Scottish Ministers are not obliged to adopt an EOR approach to environmental assessment (in areas where they have devolved competence to make regulations); this clause creates a discretionary power that may be used by the Scottish Ministers. Once the UK Government has taken forward a Scotland Act Order to reinstate the Scottish Ministers’ executively devolved regulation making powers for environmental assessments for electricity works, Scottish Ministers will then have an enabling power

by virtue of clause 157 to make further environmental assessment regulations in this area, should they wish to do so.

Clause 158 – Environmental outcomes reports for relevant consents and relevant plans

42. Clause 158 provides that EOR regulations may require an EOR to be prepared in relation to a proposed relevant consent or a proposed relevant plan. The clause also defines what “environmental outcomes reports” will assess, in the context of a proposed relevant consent or plan, and sets out what EOR regulations may include provision about or in connection with.

43. The Scottish Government recommends giving consent to this clause as this specifies what EOR regulations may make provisions about, relevant to the Scottish Ministers’ power to make EOR regulations under clause 157.

Clause 159 – Power to define “relevant consent” and “relevant plan” etc

44. The Scottish Government recommends giving consent to this clause as it makes provision relevant to the Scottish Ministers’ power to make EOR regulations under clause 157.

45. Clause 159 provides that EOR regulations may set out the type of consents that are to be considered as “relevant consents” for the purposes of EOR (these “category 1” consents will always require an EOR) subsection (2) provides that EOR regulations may set out those consents that should be considered “category 2” consents - a “category 2” consent will only be required to produce an EOR where it meets criteria set through regulations made under this clause. Subsection (3) allows for EOR regulations to be made that set the criteria where a consent listed as a “category 2” consent will be a relevant consent and therefore require an EOR. Subsection (4) allows for EOR regulations to impose a requirement for a consent in relation to a project (in accordance with the explanatory notes, the provision will be used, as in the current EIA agriculture regime, where no other consenting mechanism exists). Subsection (5) allows for EOR regulations to set out how a consent required by subsection (4) is to be given, including that it may be given, or refused, by an EOR. Subsection (6) provides that a relevant plan for the purposes of this part will be defined through regulations. This clause requires that, for a plan to be capable of being specified as a relevant plan, it must or may relate to a project or environmental protection in the UK. Subsection (7) extends the definition of “proposed relevant consent” and “proposed relevant plan” to include modifications, variations or revisions of consents and plans and lastly subsections (8) and (9) define the meaning of the term “consent” and “project” for the purposes of Part 6.

46. The Scottish Government recommends giving consent to this clause.

Clause 160 – Assessing and monitoring impact on outcomes etc

47. Clause 160 provides that EOR regulations may make provision about how the extent to which a relevant consent or relevant plan affects the delivery of a specified environmental outcome is to be assessed or monitored. Subsection (2) makes provision for EOR regulations to set out how any proposals assessed in EORs should

be assessed and monitored. Subsection (3) allows for EOR regulations to make provision requiring action to be taken if an assessment or monitoring under this clause determines that it appropriate to take action to a) increase the extent to which an environmental outcome is delivered, b) mitigate or remedy the effects of an environmental outcome not being delivered to any extent or c) compensate for a specified environmental outcome not being delivered to any extent.

48. As it may be necessary for the Scottish Ministers, if Ministers elect to use the power under clause 157 to make EOR regulations, to state in such regulations how specified environmental outcomes are to be assessed and monitored, the Scottish Government recommends giving consent to this clause.

Clause 161 – Safeguards: non-regression, international obligations and public engagement

49. This clause is intended to establish the UK Government’s commitment to non-regression of environmental protection, public engagement, and international obligations. Clause 161 provides that an appropriate authority may make EOR regulations only if satisfied that making the regulations will not result in environmental law providing an overall level of environmental protection that is less than that provided by environmental law at the time the Bill is passed. Subsection (2) is an additional constraint that ensures regulations cannot contain provisions that are inconsistent with the implementation of the UK’s international obligations relating to the assessment of the environmental impact of relevant plans and relevant consents. Subsection (3) sets out that an appropriate authority, in exercising its functions under Part 6, must enable adequate public engagement in relation to a proposed relevant consent or plan. Subsection (4) provides the definitions of “adequate public engagement” and “environmental law” for the purposes of Part 6.

50. The Scottish Government recommends giving consent to this clause, as this clause aligns with our broad policy goals in this area, namely that any changes in law or policy should maintain or increase the level of environmental protection and not allow for deterioration of environmental standards.

Clause 162 – Requirements to consult devolved administrations

51. Clause 162 requires the Secretary of State to obtain the consent of the Scottish Ministers when making EOR regulations which contain provision within Scottish devolved legislative competence or which could be made by the Scottish Ministers within their devolved executive competence (unless a provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence).

52. The Scottish Government was able to secure negotiated amendments to this clause so that the drafting now more accurately reflects the specific nature of both the legislative competences and executive regulation making powers held by the Scottish Ministers. The Scottish Ministers have bespoke drafting provisions in this clause, distinct from other devolved administrations, following successful negotiations with the UK Government. To some extent, the provision within this clause applying to the Scottish Ministers’ executively devolved functions is redundant in the absence of reinstatement of the Scottish Ministers’ regulation making power for the

2017 Regulations. This clause, specifically the consent limitation in place in respect of a “provision which could be made by the Scottish Ministers”, is drafted with the intention to preserve Minister’s executively devolved regulation making powers for the 2017 Regulations, expected to be operational again imminently following the reinstatement of Ministers’ enabling power through a Scotland Act Order (a commitment made by the UK Government as part of the drafting negotiations underpinning this clause).

53. The Secretary of State is required to consult the Scottish Ministers when making EOR regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers (unless that provision is contained in regulations which require the consent of the Scottish Ministers or that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence). The other devolved administrations have similar consent and consult provisions in respect of the Secretary of State’s regulation making powers in the context of devolved and executively devolved competences.

54. Clause 162 also defines the meaning of “within Scottish devolved legislative competence”, for the purposes of Part 6, as a provision, if included in an Act of the Scottish Parliament, would be within the legislative competence of that Parliament. Under the initial drafting of Part 6, the Secretary of State was able to make EOR regulations in areas of devolved legislative and executive competence after only consulting Scottish Ministers.

55. The Scottish Government recommends giving consent to this clause following negotiated amendments with the UK Government removing a provision to consult the Scottish Ministers and replacing it with a provision requiring that the Secretary of State obtain the Scottish Ministers’ consent before EOR regulations are made which contain provision within Scottish devolved legislative competence and executively devolved legislative competence where the Scottish Ministers have regulation making powers. Consent to this clause leaves the option open to the Scottish Ministers as to whether to adopt an EOR approach to environmental assessment within devolved competence (should this become a favourable option in due course).

Clause 163 – EOR Regulations: devolved authorities

56. Clause 163 references Schedule 14 (“Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities”) which places restrictions on the exercise of powers to make EOR regulations by devolved authorities.

57. The Scottish Government recommends giving consent to this clause as this clause, read together with Schedule 14, defines the meaning of devolved competence and specifies the extent of the Scottish Ministers’ power to make EOR regulations under Part 6.

Clause 164 – Exemptions for national defence and civil emergency etc

58. Clause 164 allows the Secretary of State to direct that no EOR is required to be prepared in relation to a proposed relevant consent which is solely for the purposes of national defence or preventing or responding to civil emergency. EOR regulations may

provide for further circumstances in which the Secretary of State is to be able to direct that no EOR is required to be prepared.

59. This clause is relevant to the Scottish Ministers' power to make EOR regulations which may make provision requiring an EOR to be prepared in relation to a proposed relevant consent (under clauses 157 and 158), a direction may be given by the Secretary of State under clause 164 to exempt of any such relevant consent. As it may be necessary for such exemptions to be made under this clause for the purposes of national defence or civil emergency, or for further related purposes or circumstances yet to be determined, the Scottish Government recommends giving consent to this clause.

Clause 165 – Enforcement

60. Clause 165 provides that EOR regulations may make provision about, or in connection with, the enforcement of requirements imposed by or under Part 6. This clause lists the nature of enforcement provisions that may be included in EOR regulations, including provisions creating a criminal offence, and the imposition of civil sanctions.

61. The Scottish Government recommends giving consent to this clause as it specifies the nature of enforcement provisions that may be included in EOR regulations, relevant to the Scottish Ministers' power to make EOR regulations under clause 157.

Clause 166 – Reporting

62. Clause 166 provides for EOR regulations to make provision requiring a public authority to report on, or provide information in relation to, the delivery of specified environmental outcomes.

63. As the Scottish Ministers are captured by the definition of public authority, this clause opens the possibility of the UK Government requiring the Scottish Ministers to provide information on specified environmental outcomes. This requirement would likely be limited to marine works in the Scottish offshore region, as the Scottish Ministers would hold the discretion on whether to consent to any regulations making this requirement where the Scottish Ministers had EOR regulation making powers. Subject to the successful delivery of a Scotland Act Order reinstating regulation making powers for electricity works EIA, this power may only capture offshore marine licensing EOR regulations. In this area outwith devolved legislative competence or executively devolved regulation making functions, the Secretary of State is required at clause 162 to consult the Scottish Ministers where regulations confer, removes or modifies an EOR function. The Scottish Government could make representations on any potential reporting requirements contained within offshore marine licensing EOR regulations prior to those regulations being made, noting that reporting requirements would alter the existing EIA processes and approach to devolution.

64. On balance, having regard to its potential limited application and ability to make representations to the UK Government, the Scottish Government recommends giving consent to this clause.

Clause 167 – Public consultation etc

65. Clause 167 requires an appropriate authority to consult the public before making, amending, or repealing relevant existing legislation in respect of environmental assessment, a duty is also placed on appropriate authorities to consult the public when making EOR regulations that set specified environmental outcomes, or amend, repeal, or revoke relevant existing environmental assessment legislation.

66. In addition, clause 167 provides the possibility of EOR regulations requiring a public authority to respond in a certain way to a consultation. As with clause 166, this would capture the Scottish Ministers, where the Secretary of State has regulation making powers. Where the Scottish Ministers do not have the discretion to consent to EOR regulations (e.g., in respect of marine works EORs in the Scottish offshore region), the Secretary of State could theoretically make requirements of the Scottish Ministers. In this area outwith devolved legislative competence or executively devolved regulation making functions, the Secretary of State is required at clause 162 to consult the Scottish Ministers where regulations confer, removes, or modifies an EOR function. The Scottish Government would likely make representations on this point during the statutory consultation on the regulations.

67. On balance, the Scottish Government recommends giving consent to this clause, as the provisions to consult the public aligns with the Scottish Government's principle of seeking stakeholder views ahead of the introduction of new legislation. The provision that could place requirements on the Scottish Ministers should, like clause 166, have limited effect and may in part or whole be mitigated through the statutory consultation process.

Clause 168 – Guidance

68. Clause 168 requires public authorities to have regard to guidance issued by the Secretary of State when exercising functions under Part 6 in respect of environmental assessment. Where a public authority is carrying out a function under EOR regulations made under Part 6 by the Secretary of State acting jointly with one or more devolved authority, the public authority is required to have regard to guidance issued by Secretary of State or any of the devolved authorities in relation to the function being undertaken.

69. Before issuing guidance under this clause, the Secretary of State is required to obtain the consent of the Scottish Ministers when guidance relates to a matter which would be within Scottish devolved legislative competence (by virtue of clause 162 and the definition of "within Scottish devolved legislative competence"), or relates to a matter which could be made by the Scottish Ministers (i.e., where the Scottish Ministers have devolved executive regulation making powers). This consent limitation was negotiated and agreed with the UK Government as an amendment to Part 6, the initial drafting proposed a lesser standard of protection for the Scottish Ministers' devolved competences and functions. In areas outwith devolved legislative competence or executively devolved regulation making functions, the Secretary of State is required at clause 162 to consult the Scottish Ministers where regulations confer, removes, or modifies an EOR function. On this basis, if the Secretary of State takes forward guidance on marine works EORs in the Scottish offshore region, there would be a requirement to consult the Scottish Ministers as this would modify the operation of executive functions.

70. The Scottish Ministers are required to obtain the consent of the Secretary of State before issuing guidance that relates to matter about which would not be within Scottish devolved legislative competence, or which could not be made by the Scottish Ministers. Similar consent and consult provisions apply to Welsh Ministers and the relevant Northern Ireland department.

71. Under subsection (6), a public authority carrying out a function under existing environmental assessment legislation listed in Part 1 of Schedule 15 (other than a function under Schedule 3 to the Harbours Act 1964, so far as relating to environmental impact assessments in Scotland) must have regard to any guidance issued by the Secretary of State in relation to the function. Under subsection (7), a public authority carrying out a function under existing environmental assessment legislation listed in Part 2 of Schedule 15 or under Schedule 3 to the Harbours Act 1964 so far as relating to environmental impact assessments in Scotland, must have regard to any guidance issued by the Scottish Ministers in relation to the function. This reflects the separation of “existing environmental assessment legislation” across different parts of the Schedule. A public authority, defined under clause 172(3) to include the Scottish Ministers, is not required to have regard to guidance issued by the Secretary of State in relation to functions under existing environmental assessment legislation listed in Part 2 of the Schedule 15 (listing Scottish environmental assessment legislation) and functions under Schedule 3 to the Harbours Act 1964 so far as relating to environmental impact assessments in Scotland. Instead, such public authorities carrying out these functions must have regard to guidance issued by the Scottish Ministers.

72. The provisions outlined in the preceding paragraphs reflect the negotiated amendments achieved at clause 162, these agreed amendments were carried through to equally apply within this clause. On balance, having regard to the consent/consult safeguards on application of this clause and the Scottish Ministers’ ability to make representations to the UK Government, the Scottish Government recommends giving consent to this clause.

Clause 169 – Interaction with existing environmental assessment legislation and the Habitats Regulations

73. Clause 169 allows for EOR regulations to make provision about, or in connection with, the interaction of Part 6 with existing environmental assessment legislation or Habitats Regulations (as defined in subsection (4)). EOR Regulations may amend, repeal, or revoke relevant existing environmental assessment legislation (as defined by reference to clause 172 and Schedule 15).

74. The Scottish Government recommends giving consent to this clause as this clause specifies how the Scottish Ministers’ may use the EOR regulation making power under clause 157.

Clause 171 – EOR regulations: further provision

75. Clause 171 sets out what EOR regulations may make provision about or in connection with.

76. This provision covers, amongst other things, such matters as procedures to be followed in relation to EOR's, publication of and consultation of EOR's, and who and how EOR's are to be submitted.

77. These are necessary to set out practical procedures. The Scottish Government recommends giving consent to this clause.

Clause 172 – Interpretation of Part 6

78. Clause 172 sets out definitions which apply in relation to Part 6, including the definition of “existing environmental assessment legislation” (in reference to Schedule 15) and the definition of “relevant existing environmental assessment legislation”.

79. This clause provides essential definitions required to understand the purpose, meaning and effect of Part 6, as such the Scottish Government recommends giving consent to this clause.

Further information on the Clauses in Part 6 (with the exception of clause 170, which is limited to planning legislation in England and Wales)

80. In relation to the above clauses, it should be noted that the Scottish Ministers broadly maintain all existing devolved and executively devolved roles, functions and responsibilities currently undertaken for environmental assessment consenting in Scotland (except in relation to electricity works environmental assessment, in respect of which the UK Government has committed to taking forward a Scotland Act order to reinstate Scottish Ministers' executively devolved regulation making powers, plus the concerns noted above regarding reporting, consultation, and guidance). Therefore, the Scottish Government giving consent to these clauses does not mean that there is a requirement to move to an EOR regime.

Schedule 14 – Regulations under Part 6: Restrictions on devolved authorities

81. Schedule 14 provides that no provision may be made by a devolved authority (defined to include the Scottish Ministers), acting alone in EOR regulations under Part 6, unless that provision is within the devolved competence of the devolved authority. “Devolved competence” is defined in paragraph 5, in respect of Scottish Ministers, to include a provision if (i) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or (ii) it is provision which could be made in other subordinate legislation by the Scottish Ministers (i.e., this covers executively devolved regulation making powers). Similar definitions of “devolved competence” are provided for the Welsh Ministers and that of Northern Ireland.

82. The Scottish Government recommends giving consent to this schedule as it has been created to enable Scottish Ministers to make regulations where the provisions are within devolved competence (either legislatively or executively).

Schedule 15 – Existing environmental assessment legislation

83. In accordance with clause 172 of Part 6, Schedule 15 defines “existing environmental assessment legislation” for the purposes of Part 3 and Part 6 of the Bill.

84. Part 1 of Schedule 15 lists existing environmental assessment legislation applicable to England and Wales, and Part 2 of Schedule 15 lists existing environmental assessment legislation made by the Scottish Parliament and applicable to the Scottish Ministers.

85. The Scottish Government recommends giving consent to this schedule as it has been created to specify existing environmental assessment legislation, required for the functioning of various clauses within Part 6. Part 2 of this Schedule is relevant to the Scottish Ministers’ devolved competences and powers under Part 6 (clause 169) to make EOR regulations which may amend, repeal or replace relevant existing environmental assessment legislation.

Schedule 25 – Regulations under Part 6: Form and Scrutiny

86. Schedule 25 provides that any power to make EOR regulations by Scottish Ministers are exercisable by statutory instrument, and that regulations must go through various levels of scrutiny depending on their scope and application in accordance with standard procedures.

87. The Scottish Government recommends giving consent as this sets out standard form and scrutiny provisions relevant to statutory instruments which would be applicable to the Scottish Ministers should they choose to make regulations under Part 6 (and are equally applicable to any appropriate authority making regulations under Part 6).

Part 12: Miscellaneous

Clause 237 – Review of governance etc of RICS

88. Clause 237 enables the Secretary of State to appoint an independent person to carry out a review of the governance of the RICS, its effectiveness in meeting its objectives, and any matter considered connected to this. The appointed person must make a written report to the Secretary of State, who in turn must publish a copy of the report.

89. In January 2021, the RICS Governing Council commissioned Alison Levitt KC to conduct an independent review into specific events that took place in 2018 and 2019 in relation to the management and decision making on its treasury management process and the subsequent dismissal of four Non-Executive Directors. The Levitt report was published in September 2021, and accepted in full by the RICS Governing Council, finding that there had been a failure of governance at RICS. The report recommended RICS conduct a further wide-ranging external review examining its purpose, governance and strategy. In December 2021, Lord Michael Bichard was appointed by the RICS Governing Council to lead this review and the report issued in June 2022.

90. The Scottish Government is supportive of measures designed to strengthen and support governance of RICS as a body operating on a UK-wide basis, and the clause is in line with the recommendations of the Bichard review which RICS has already committed to implementing. In the event that a review of the RICS was undertaken Scottish Government would expect to be consulted on the terms of reference of any review. For these reasons the Scottish Government recommends giving consent to this clause.

Clause 238 – Marine licensing

91. Clause 238 amends the Marine and Coastal Access Act 2009 by introducing a new regulation making power for the Scottish Ministers to charge for post licence monitoring, variation, and transfer of marine licenses granted for licensable marine activity in the Scottish offshore region (beyond 12nm).

92. Under the initial drafting proposed by the UK Government, this clause included provision for the Secretary of State to charge for these post determination services. The Welsh Ministers already had this power, and so to provide a consistent approach, the Scottish Ministers have been included within the extent of this clause through an amendment.

93. This clause makes provision altering the executive competence of Scottish Parliament, in relation to the executive functions of marine licensing in the offshore region (beyond 12nm). This clause also alters the executive competence of the Scottish Ministers by granting a regulation making power in the context of marine licensing.

94. The Scottish Government recommends giving consent to this clause as it makes provision allowing for an expansion of the range of chargeable fees and aligns with the Scottish Government's broad policy goals of full cost recovery for marine licensing.

Consultation

95. As the Bill was drafted and introduced by the Department for Levelling Up, Housing and Communities to the House of Commons, the Scottish Government has not undertaken consultation on the Bill. The UK Government consulted on Parts of the Bill as far as these affected England and Wales. No consultation has been conducted on the provisions as they relate to Scotland as outlined in this LCM.

Financial implications

96. There would be costs associated with transitioning from our current environmental assessment regime to adopting an EOR system, if the Scottish Ministers were minded to do so, however this cannot be quantified at this stage as there is no detail available about what such a new system might look like or how this would operate in practice (the UK Government intend to provide further detail on the practical aspects of EOR in due course). Costs would be assessed alongside the development of any necessary legislation to implement the new system.

Conclusion

97. The Scottish Government recommends withholding consent to Part 1, clauses 1-2 and 6-7. UK Government Ministers do not have a role in setting targets for matters within devolved responsibilities. It is for the Scottish Government, accountable to the Scottish Parliament, to decide how policies in devolved areas are developed and delivered in Scotland, including allocation of funding, in line with the devolved settlement.

98. The Scottish Government recommends granting consent to Part 3 – Chapter 1, clauses 85-88 and 90-91. Regarding clauses 85-88, in relation to Scotland, ‘planning data’ means data that is limited EORs and as such these clauses are consequential on the amendments made to Part 6 of the Bill. Clause 90 was amended by the UK Government to include a consent provision, and clause 91 includes a restriction for devolved authorities making provisions outside devolved competence which is accepted by the Scottish Government.

99. The Scottish Government recommends granting consent to Part 6 clauses 157-169, 171-172 and Schedules 14,15 and 25. In light of amendments negotiated by the Scottish Government and the commitment of the UK Government to deliver a Scotland Act Order reinstating Scottish Ministers’ executively devolved regulation making powers for electricity works environmental assessment, Scottish Ministers will broadly maintain all existing devolved and executively devolved roles, functions and responsibilities currently undertaken for environmental assessment consenting in Scotland and Scottish waters (concerns regarding reporting, consultation, and guidance are noted above). The Scottish Government giving consent to these clauses does not mean that there is a requirement to move to an EOR regime in the areas within devolved competence.

100. The Scottish Government recommends granting consent to Part 12 clauses 237 and 238. Clause 237 enables the Secretary of State to appoint an independent person to carry out a review of the governance of the RICS. The Scottish Government is supportive of measures designed to strengthen and support governance of RICS as a body operating on a UK-wide basis, and the clause is in line with the recommendations of the Bichard review which RICS has already committed to implementing. Clause 238 introduces a new regulation making power for the Scottish Ministers to charge for post marine license services which provides consistency between the English, Welsh, and Scottish post-determination services, this aligns with the Scottish Government’s broad policy goal of full cost recovery for marine licensing.

101. The Scottish Government recommends consent to:

- Part 3, Chapter 1, Clause 85-88 and 90-91.
- Part 6, Clause 157-169 and 171-172.
- Part 12, Clause 237 and 238.
- Schedule 14-15 and 25.

Draft Legislative Consent Motion

102. The draft motion, which will be lodged by the Deputy First Minister of Scotland and Cabinet Secretary for Finance, is:

“That the Parliament agrees that the relevant provisions in Part 3 – Chapter 1, Part 6, Part 12 and Schedules 14-15 and 25 of the Levelling Up and Regeneration Bill, introduced in the House of Commons on 11 May 2022 and subsequently amended, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.”

Scottish Government
October 2023

This Supplementary Legislative Consent Memorandum relates to the Levelling-up and Regeneration Bill (UK legislation) and was lodged with the Scottish Parliament on 11 October 2023

Levelling-up and Regeneration Bill – Supplementary Legislative Consent Memorandum

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