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Delegated Powers and Law Reform Committee
Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh
Lagh

Scottish National Investment Bank Bill:
Stage 1



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Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Overview of the Bill	2
Delegated Powers Provisions	3

Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



dplr.committee@parliament.scot



0131 348 5212

Committee Membership



Convener
Graham Simpson
Scottish Conservative
and Unionist Party



Deputy Convener
Stuart McMillan
Scottish National Party



Tom Arthur
Scottish National Party



Mary Fee
Scottish Labour



Alison Harris
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 26 March 2019, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Scottish National Investment Bank Bill at Stage 1 ("the Bill").ⁱ
2. The Committee submits this report to the lead Committee for the Bill (the Economy, Energy and Fair Work Committee) under Rule 9.6.2 of Standing Orders.
3. The Scottish Government has provided the Parliament with a memorandum on the delegated powers provisions in the Bill.ⁱⁱ

ⁱ The Bill is available [here](#).

ⁱⁱ The Delegated Powers Memorandum is available [here](#).

Overview of the Bill

4. This Government Bill was introduced by the Cabinet Secretary for Finance, Economy and Fair Work, Derek Mackay MSP, on 27 February 2019.
5. The purpose of the Bill is to create a new Scottish National Investment Bank. It achieves this by placing a duty on the Scottish Ministers to establish a public company limited by shares, named the Scottish National Investment Bank p.l.c., whose only member is the Scottish Ministers, and whose articles of association are drawn up in accordance with the provisions of the Bill.
6. The Bank will be a public body. Its policy aim is to give financial assistance to commercial activities for the purpose of promoting or sustaining economic development or employment in Scotland. The Bill gives the Scottish Ministers the power to set “strategic missions” for the Bank. They will do so by sending the Bank details of the socio-economic challenges that the Bank is to seek to address. In response the Bank will prepare a “mission report” explaining how the Bank intends to respond to the strategic missions set for it.
7. The Bill is comprised of 25 sections, and is divided into 3 Parts, concerning the establishment of the Bank, operational matters, and final provisions. A schedule applies public bodies legislation to the Bank.

Delegated Powers Provisions

8. The Committee considered each of the delegated powers in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:
- Section 23 – Power to make ancillary provision
 - Section 24(2) and (3) – Power to appoint the days on which Bill provisions come into force.

Recommendation

9. **The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.**

