

## PARLIAMENTARY BUREAU

### LEGISLATIVE CONSENT MEMORANDUM – ONLINE SAFETY 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.

#### Online Safety Bill

2. The Online Safety Bill was introduced in the House of Commons on 17 March 2022.

3. An LCM was lodged by Keith Brown MSP, Cabinet Secretary for Justice and Veterans, on 31 March 2022. A supplementary LCM was subsequently lodged by Michael Matheson, Cabinet Secretary for NHS Recovery, Health and Social Care, on 1 June 2023.

4. The Bill establishes a new regulatory regime to address illegal and harmful content online. This includes regulation of providers of user-to-user internet services (such as Facebook, Twitter, Youtube and Instagram which enable the publication and sharing of user-generated content) and search services which enable users to search multiple websites and databases. The Bill gives Ofcom regulatory powers in respect of these services.

5. The supplementary LCM relates to amendments to the Bill as regards the creation of an offence of encouraging or assisting the serious self-harm of another person. These amendments were tabled by the UK Government for consideration at Committee stage in the House of Lords on 18 May 2023. This offence will extend to Scotland and the amendments make provision for a purpose within the legislative competence of the Scottish Parliament.

6. The supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill, including the amendments in relation to the new offence.

#### Designation of lead committee

7. The relevant amendments to the Bill appear to fall within the remit of two committees:

Criminal Justice Committee

The Committee's current 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 amendments establish a new offence, as such, the remit of this committee is engaged.

Health, Social Care and Sport Committee

The Committee's current remit includes "*to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care*". These matters now form part of the responsibilities of the Cabinet Secretary for NHS Recovery, Health and Social Care. As the amendments relate to encouraging or assisting self-harm, and self-harm can be considered a health issue, the remit of this committee is engaged.

8. It is considered that the Criminal Justice Committee has the primary interest in the Bill (and this committee considered and reported on the original LCM).

9. The LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

### **Recommendation**

10. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9B.3.5, to designate the Criminal Justice Committee as the lead committee to consider and report on the LCM.

**Parliamentary Business Team**  
**June 2023**