

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT CONSUMER SCOTLAND ACT 2020  
(CONSEQUENTIAL PROVISIONS AND  
MODIFICATIONS) ORDER 2022

*Wednesday 8 December 2021*

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**The Committee consisted of the following Members:**

*Chair:* MRS SHERYLL MURRAY

Begum, Apsana (*Poplar and Limehouse*) (Lab)  
 † Butler, Rob (*Aylesbury*) (Con)  
 † Cates, Miriam (*Penistone and Stocksbridge*) (Con)  
 † Davies, Dr James (*Vale of Clwyd*) (Con)  
 † Edwards, Ruth (*Rushcliffe*) (Con)  
 † Esterson, Bill (*Sefton Central*) (Lab)  
 † Harris, Rebecca (*Lord Commissioner of Her Majesty's Treasury*)  
 † Hudson, Dr Neil (*Penrith and The Border*) (Con)  
 Johnson, Kim (*Liverpool, Riverside*) (Lab)  
 † Jones, Andrew (*Harrogate and Knaresborough*) (Con)

† Kruger, Danny (*Devizes*) (Con)  
 † Lamont, John (*Berwickshire, Roxburgh and Selkirk*) (Con)  
 † Lewis, Clive (*Norwich South*) (Lab)  
 † Menzies, Mark (*Fylde*) (Con)  
 † Owen, Sarah (*Luton North*) (Lab)  
 † Qaisar, Ms Anum (*Airdrie and Shotts*) (SNP)  
 † Thompson, Owen (*Midlothian*) (SNP)

Jonathan Finlay, Gavin Blake, *Committee Clerks*

† **attended the Committee**

# Fifth Delegated Legislation Committee

Wednesday 8 December 2021

[MRS SHERYLL MURRAY *in the Chair*]

## Draft Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022

2.30 pm

**The Chair:** Before we begin, I remind Members that they are expected to wear face coverings and to maintain social distancing as far as possible. This is in line with current Government guidance and that of the House of Commons Commission. Please give each other and members of staff space when seated and when entering and leaving the room. I remind Members that they are asked by the House to have a covid lateral flow test twice a week if coming on to the parliamentary estate. This can be done at the testing centre in the House of Commons or at home. Members should send their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). Similarly, officials in the Gallery should communicate electronically with Ministers as far as possible.

2.31 pm

**Rebecca Harris** (Castle Point) (Con): I beg to move,

That the Committee has considered the draft Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022.

It is a great pleasure to serve under your chairmanship, Mrs Murray. I must start by apologising to you and Committee members because the Under-Secretary of State for Scotland, my hon. Friend the Member for Milton Keynes South (Iain Stewart), is unable to attend. He has to go into self-isolation because he has been in contact with someone who has tested positive. He is seeking a covid test. I am afraid that the Committee will have to make do with me today. This will probably be the most sophisticated thing I have put on the record in several years as a Government Whip.

I think I am pleased to have the opportunity to debate these consequential amendments, which will support the Scottish Government's decision to establish Consumer Scotland as the responsible body for the devolved areas of consumer advocacy and advice in Scotland. The order will establish Consumer Scotland as a non-ministerial body in the Scottish Administration and ensure its new functions are reflected in relevant UK legislation. Through the order, Consumer Scotland will become a non-ministerial office accountable to the Scottish Parliament. The order also provides that the Crown Suits (Scotland) Act 1857 does not apply to Consumer Scotland, with the effect that the Lord Advocate cannot sue or be sued in place of Consumer Scotland. Furthermore, the order adds Consumer Scotland to the list of bodies whose members are disqualified from being Members of the House of Commons under the House of Commons Disqualification Act 1975.

As Consumer Scotland is required by law to be operationally independent of Scottish Ministers, its establishment cannot continue without this section 104 order and the changes it makes. The order will also give consumers confidence in the independence of this new body. This type of statutory instrument, known as a Scotland Act order, is a form of secondary legislation made under the Scotland Act 1998, which devolved significant powers to Scotland. A section 104 order allows for necessary or expedient legislative provision in consequence of any provision made by, or under any Act of, the Scottish Parliament or secondary legislation made by Scottish Ministers. In this case, provision is required in consequence of the Consumer Scotland Act 2020, which allowed for the establishment of Consumer Scotland as the body responsible for the devolved matters of consumer advocacy and advice. The 2020 Act also created a consumer duty that requires public authorities in Scotland to consider consumers in policy and decision making.

The order ensures the independence of the new body by establishing it as a non-ministerial office independent of Scottish Ministers. The aim of the order is to amend UK legislation to provide Consumer Scotland with full authority in its role dealing with consumer advocacy and advice. Consumer Scotland will take over a range of responsibilities relating to advocacy in the energy, postal services and water sectors currently undertaken by Citizens Advice Scotland. The advice it provides will be on new and emerging issues or matters of general interest to a range of consumers. To be clear on this point about advice, as previously mentioned the draft order will ensure that Consumer Scotland remains independent from Scottish Ministers. Therefore the types of advice it provides will be an operational matter for the Consumer Scotland board.

The order also amends the House of Commons Disqualification Act 1975, adding Consumer Scotland to the list of bodies whose members are excluded from the House of Commons, to further safeguard the independence of the new body. That will allow for the creation of an independent advocacy body in Scotland that will be the voice of consumers in Scotland. It will provide leadership and support to all those working in the consumer landscape, and a co-ordinated, strategy-led approach to mitigating consumer harm in Scotland.

In summary, this instrument supports the establishment of Consumer Scotland as the new body dealing with consumer advocacy and advice across the areas of energy, postal services and water. The instrument, the policy behind it and its legislative contents have the support of Scotland's two Governments. I commend the order to the Committee.

2.35 pm

**Bill Esterson** (Sefton Central) (Lab): It is a pleasure to see you in the Chair, Mrs Murray—I was elected at the same time as you, but I think this is the first time we have been in this situation. I congratulate the Whip-cum-Minister on her fine delivery of her notes, on a subject that, it is fair to say, both she and I are coming to quite late in the day—this is not my normal brief either. I thank her for confirming my understanding of what the statutory instrument covers, and I have a few questions for her. I understand that she may be able to answer some of them today and that, if not, she will do so in writing later.

The SI was laid as a result of the Consumer Scotland Act 2020, which established Consumer Scotland as a non-ministerial body of the Scottish Administration. It makes provisions in consequence of the Act, which established Consumer Scotland as the body responsible for the devolved areas of consumer advocacy and advice in Scotland. That is the point the Minister made, and I will be teasing out the practical realities as well as the theoretical position that the SI sets out.

The SI is required to ensure that the Scottish Administration's role in dealing with consumer advocacy is reflected in relevant UK legislation, as well as to amend legislation outside the competence of the Scottish Parliament that will allow Consumer Scotland to fulfil its new role in dealing with consumer advocacy and advice. I understand that this will largely involve changing references to Citizens Advice Scotland to Consumer Scotland. The SI is not controversial, and we support the establishment of Consumer Scotland as a non-ministerial body of the Scottish Administration. We support the SI because it puts Consumer Scotland on a statutory footing.

Scottish consumers must have their interests fully represented, so we welcome the fact that through this SI there is a heightened duty for public bodies in Scotland to tackle consumer concerns and manage trust in business. Consumer Scotland will have responsibilities across reserved and devolved areas, and it is critical that the UK and Scottish Governments work together. Sadly, the SNP and the Conservatives have been more interested in constitutional wrangling than working in the shared interests of people in Scotland. Labour believes that consumer interests are of high importance and that all political parties should champion the interests of consumers by supporting the work of Consumer Scotland. Let us hope that the other parties in Scotland also recognise the importance of supporting consumer rights, as opposed to spending their time on constitutional matters.

I wish to ask the Minister a few questions about the SI and about wider consumer advocacy and protection in Scotland. The success of Consumer Scotland will be in how it acts and to what extent it protects and upholds the interests of consumers. It cannot be another Scottish Government quango. What assessments has the Minister made to ensure that Consumer Scotland's statutory powers will be impactful and will be implemented to make a meaningful contribution in terms of being on the side of Scottish consumers? Have she or her colleagues discussed with their counterparts in the Scottish Government how Consumer Scotland can be proactive as well as reactive, not only protecting consumers from harm but educating them so that they can avoid being harmed? What relevant impact assessments have been made on the new body by the Scottish Government? What discussions have the Minister or her colleagues had with Scottish Ministers about the devolved areas affected by this SI—energy, water and postal services?

We support the Minister in laying this SI before Parliament. Labour supports the creation of Consumer Scotland, and we believe that public bodies have a responsibility to drive up industry standards and to protect and empower consumers.

2.40 pm

**Owen Thompson** (Midlothian) (SNP): I will be brief. We welcome the introduction of the order, and I thank the Minister for her comments.

I found some of the comments from the Labour Front Bench interesting, given the subject. The creation of this new organisation will be of benefit to all and is not a particularly political thing. As far as I understand, nobody in the Scottish Parliament voted against it, so I am not sure how it became quite so political, but that is where we are.

Beyond that, Mrs Murray, it is just a case of welcoming the order and the creation of Consumer Scotland.

2.41 pm

**Rebecca Harris**: I thank all hon. Members and I will try to answer their questions as best I can.

In terms of engagement, the Scotland Act orders show that the two Governments can work together, and it has been confirmed that they have worked successfully together. We have worked with the Scottish Government of the development of this provision, and that has included Minister-led discussions and engagement.

In terms of the regulatory impact assessment, orders made under the Scotland Act 1998 usually do not have a direct impact. The Scottish Government ran a 12-week public consultation on the draft Consumer Scotland Bill in July 2018. However, orders taken under section 104 of the Scotland Act are not usually consulted on by the Government, as they are consequential acts of the Scottish Parliament.

I hope that the benefits of these proposals for consumers in Scotland will be evident. There will now be a focus on advocating for change on issues that particularly affect people in Scotland. The proposals recognise Scotland's distinct circumstances, such as its rural population and devolved industries. By creating an independent expert voice to speak up for consumers, combined with accountability to Ministers and a strong emphasis on practical solutions, the consumer interest should be better represented to regulators, policy makers and industry. That is our aspiration.

Through our amendments to UK legislation, we are enabling implementation of the Scottish Government's decision to establish Consumer Scotland as the new body responsible for the devolved areas of consumer advocacy and advice in Scotland. By securing the independence of this new body, we will ensure it is established within the legal parameters set out in the 2020 Act, and give consumers confidence in its ability to act independently.

To close, our support for the Scottish Government on the establishment of Consumer Scotland shows Scotland's two Governments working together. This order also demonstrates the commitment of this Government to strengthening the devolution settlement and delivering for the people of Scotland. I therefore commend the draft order to the Committee.

*Question put and agreed to.*

2.43 pm

*Committee rose.*

