



The Scottish Parliament  
Pàrlamaid na h-Alba

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## Delegated Powers and Law Reform Committee

# Legislative Consent Memorandum: delegated powers relevant to Scotland in the Online Safety Bill



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# Delegated Powers and Law Reform Committee

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;

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

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



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)

# Committee Membership



**Convener**  
**Stuart McMillan**  
Scottish National Party



**Deputy Convener**  
**Bill Kidd**  
Scottish National Party



**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**Craig Hoy**  
Scottish Conservative  
and Unionist Party



**Paul Sweeney**  
Scottish Labour

# Introduction

1. At its meeting on 24 May 2022, the Committee considered the delegated powers conferred on the Scottish Ministers in a UK Bill, the [Online Safety Bill](#) ("the Bill").
2. Paragraph 6 of Rule 9B.3 of Standing Orders provides that the Delegated Powers and Law Reform Committee may consider and report on whether proposed delegated powers in any Bill or other legislation should be expressed as a power to make secondary legislation.
3. The Bill is a UK Government Bill introduced in the House of Commons on 11 May 2022 by Nadine Dorries MP, the Secretary of State for Digital, Culture, Media and Sport. The Bill is currently at the Committee stage in the House of Commons.
4. The Bill imposes duties on user-to-user internet services which share user-generated content and search services in relation to three types of content:
  - illegal content;
  - content that is harmful to children; and
  - content that is legal but harmful to adults.
5. A [Legislative Consent Memorandum](#) ("the LCM") for the Bill was lodged by the Scottish Government on 31 March 2022.
6. The lead committee for the LCM is the Criminal Justice Committee.

# Delegated Powers

7. There are two clauses in the Bill which confer delegated powers on the Scottish Ministers. The Committee determined that it did not need to draw the attention of the Parliament to these clauses:
- clause 175(3) – Scottish Ministers’ powers to amend list of descriptions of education and childcare for the purpose of exemption from requirements of the Bill; and
  - clause 176(2) – Scottish Ministers’ powers to amend list of child sexual exploitation and abuse offences relevant to operation of ‘priority illegal content’

8. **The Committee is therefore content with the powers conferred on the Scottish Ministers in clauses 175(3) and 176 (2) of the Bill.**

