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**Rural Economy and Connectivity Committee
Comataidh Eaconomaidh Dùthchail is Co-
cheangailteachd**

**Legislative Consent Memorandum on
the Laser Misuse (Vehicles) Bill
(LCM(S5)14)**



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Rural Economy and Connectivity Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Economy and Connectivity.



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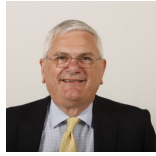
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Executive Summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the Legislative Consent Memorandum on the Laser Misuse (Vehicles) Bill and its agreement to—
 - recommend to Parliament that it approve the Legislative Consent Memorandum on this Bill;
 - recommend to Parliament that it approve the motion drafted by the Minister for Transport and the Islands as follows:
 - ” That the Parliament agrees that the relevant provisions of the Laser Misuse (Vehicles) Bill 2017-19, which completed House of Lords report stage on 27 February 2018, relating to the creation of a new offence regarding the misuse of lasers in relation to vehicles, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

Background

2. [The Laser Misuse \(Vehicles\) Bill](#) was introduced into the House of Lords on 19 December 2017, and had its first reading in the House of Commons on 7 March 2018.
3. The purpose of the Bill as set out in the [Legislative Consent Memorandum](#) (LCM) is as follows—
 - ” The Bill, as amended, seeks to create an offence of shining or directing a laser beam towards a moving vehicle (or one that is ready to move) where the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle.
4. The Bill as amended contains 4 clauses. Clause 1 concerns the offence of shining or directing a laser beam towards a moving vehicle. Clause 2 concerns offences relating to air traffic services. Clause 3 is an interpretation clause. Clause 4 concerns the extent, commencement and short title of the Bill.
5. All of the Bill's provisions extend to Scotland, and it makes provision on devolved matters. Only clause 2 relates to reserved matters. The Bill did not originally require legislative consent as it only related to air traffic (a reserved matter), but amendments to the Bill at Westminster have widened its scope to include other forms of vehicular traffic, including cars and bikes. It requires the consent of the Scottish Parliament as the offence covers a wide range of circumstances, affecting any vehicle used for travel by land, water and sea. Certain of these circumstances relate to devolved matters such as, for example, bicycles used away from the road.

Scrutiny of the LCM

6. The Cabinet Secretary for the Rural Economy and Connectivity, Fergus Ewing MSP, lodged LCM(S5)14 on 14 March 2018. The draft motion, which will be lodged by the Minister for Transport and Islands is—
 - ” That the Parliament agrees that the relevant provisions of the Laser Misuse (Vehicles) Bill 2017-19, which completed House of Lords report stage on 27 February 2018, relating to the creation of a new offence regarding the misuse of lasers in relation to vehicles, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.
7. This Memorandum was considered by the Rural Economy and Connectivity Committee at its meeting on 21 March 2018. As part of its scrutiny of the LCM, the Committee took evidence from the Minister for Transport and the Islands and his officials.
8. During the Committee meeting, the Committee asked various questions of the Minister for Transport and the Islands related to the nature and extent of the Bill's provisions, including how these relate to Scotland. The Committee also noted the short timing that it had to consider the Legislative Consent Memorandum. The Minister for Parliamentary Business wrote, before the Committee meeting, to the Presiding Officer to provide explanation (see Annex A) of the truncated timing. This was due to the Minister for Transport and the Islands dealing with transport resilience issues during the period of bad weather.
9. Full details of the Committee's discussion of the LCM can be viewed in the Official Report of its 21 March meeting, following its publication on the Committee's webpages: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99825.aspx>

Recommendation

10. The Committee has considered the Legislative Consent Memorandum on the Laser Misuse (Vehicles) Bill and noted the explanation provided about why it was not lodged sooner.

11. The Committee recommends to Parliament that it approves the Legislative Consent Memorandum on this Bill.

12. The Committee further recommends to Parliament that it approves the motion drafted by the Minister for Transport and the Islands seeking approval of this Legislative Consent Memorandum.

Annex A

Letter from Minister for Parliamentary Business to the Presiding Officer sent on 14 March 2018

I am writing to let you know that the Government intend to lodge a Legislative Consent Memorandum (LCM) with the Scottish Parliament in respect of relevant aspects of the Laser Misuse (Vehicles) Bill. I would like to explain why it has not been possible to lodge an LCM in accordance with the timescales set out in Parliament's Standing Orders.

The Laser Misuse (Vehicles) Bill will create an offence of shining or directing a laser beam towards a moving vehicle (or one that is ready to move) and towards an air traffic facility, or towards a person providing air traffic services. As amended, the Bill will criminalise the shining or directing of laser beams towards any vehicle used for travel by land, water or air and accordingly makes provision which would be within the Scottish Parliament's legislative competence.

Scottish Parliament Standing Orders provide that an LCM should normally be lodged with the Scottish Parliament two weeks of Government amendments being lodged.

In the case of the Laser Misuse (Vehicles) Bill this would have been 6 March. This was due to Humza Yousaf, Minister for Transport and the Islands, being unable to clear on time the draft Legislative Consent Memorandum ahead of the Cabinet Sub-committee on Legislation approval, whilst he was fully dedicated dealing with transport resilience issues during the period covering the red and amber weather warnings affecting Scotland from 28 February to 2 March.

I anticipate that the LCM will be lodged by 15 March I am copying this letter to the Convener of the Rural Economy and Connectivity Committee.

Joe FitzPatrick

