

---

## SUBJECT: HOLYROOD WITHHOLDS LEGISLATIVE CONSENT ON WELFARE REFORM

---

### Holyrood MSPs withhold consent on Welfare Reform Bill

On 22<sup>nd</sup> December, the Scottish Parliament took a momentous and historic step, as a majority of MSPs voted in favour of withholding legislative consent to significant parts (Universal Credit and Personal Independence Payment) of the UK Government's Welfare Reform Bill. This is the first time in its history that the Scottish Parliament has withheld legislative consent to a UK Government Bill.

Under an agreement known as the "Sewel Convention", Westminster will not pass bills that contain "relevant provisions" without first obtaining the consent of the Scottish Parliament. "Relevant provisions" could change the law on a devolved matter, alter the legislative competence of the Scottish Parliament or the executive competence of Scottish Ministers.

The decision will not stop Westminster changing the welfare benefits system. However, it is a very strong signal from the Scottish Parliament about the extent of concern in Scotland about the impact of the Welfare Reform Bill. Several of the Scottish Parliament's committees, led by the Health and Sport Committee, have been scrutinising the Welfare Reform Bill over the past few months. SFHA provided both written and oral evidence to the Infrastructure and Capital Investment Committee, who relayed our concerns to the lead committee.

In advance of the 23rd December debate, the Cabinet Secretary for Health, Nicola Sturgeon, said "Put simply, the Scottish Government supports a welfare system that is simpler, makes work pay and lifts people out of poverty. However this approach is being fundamentally undermined by the UK Government's deep and damaging cuts to benefits and services that will impact on some of the most vulnerable people in Scotland."

SFHA briefed all MSPs ahead of the debate on the housing related implications of the Welfare Reform Bill. Our concerns and our welcome of the Health and Sport Committee's recommendations to the Parliament were cited several times during the debate, including during the closing speeches.

The implications of the vote are as follows:

- Legislative consent has been given in respect of data sharing, industrial injuries disablement benefit and the social mobility and child poverty commission;
- Legislative consent has been declined in relation to the introduction of Universal Credit and Personal Independence Payments – instead primary legislation will be introduced to give Scottish Ministers the powers that they need to manage the consequences of these reforms;
- The Scottish Parliament will set up a Welfare Committee
- The Scottish Parliament will continue to make the case to the UK Government to reconsider the Welfare Reform Bill and more broadly its welfare reform agenda.



In closing the debate and urging MSPs to support her motion, Nicola Sturgeon asked MSPs to “stand up for decency”.

The transcript of the debate is available on the Scottish Parliament’s website, in the [Official Report of the 22nd December](#) proceedings in the Chamber and you can see the [Decision Time outcome here](#). For a full update on the progress of the Welfare Reform Bill and to download our briefing to MSPs, check out the [Welfare Reform Bill](#) page on our website, in Policy/Consultations.

Contact: David Ogilvie [dogilvie@sfha.co.uk](mailto:dogilvie@sfha.co.uk) and Claire Munro [cmunro@sfha.co.uk](mailto:cmunro@sfha.co.uk)

SFHA  
January 2012