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Clause 2, page 1, line 9, after ‘Wales’ insert ‘, Scotland’.

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Schedule, page 2, line 30, leave out ‘“sovereign rights” to “other Sovereign Power” substitute“” and insert ‘“certifying” to “Power” substitute “or the Scottish Ministers certifying that”.

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Schedule, page 3, line 18, leave out from ‘(2)’ to end of line 20 and insert—

‘( ) omit “subsection (4) and”, and

( ) for the words from “the Secretary of State” to the end substitute—

“(a) the Secretary of State may on payment of such fee as may with the consent of the Treasury be prescribed grant to such persons as the Secretary of State thinks fit exploration or exploitation licences, except where the Scottish Ministers have power to grant the exploration or exploitation licence in question;

(b) the Scottish Ministers may on payment of such fee as may be prescribed grant to such persons as they think fit exploration or exploitation licences.”.’.

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Schedule, page 3, line 24, after ‘fit’ insert ‘or, as the case may be, the Scottish Ministers think fit’.
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5 Schedule, page 3, line 28, after ‘fit’ insert ‘or, as the case may be, the Scottish Ministers think fit’.

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6 Schedule, page 3, line 40, after ‘State’ insert ‘or, as the case may be, the Scottish Ministers’.

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7 Schedule, page 3, line 43, after ‘State’ insert ‘or, as the case may be, the Scottish Ministers’.

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8 Schedule, page 4, line 9, after ‘prescribed’ insert—

‘(ka) requiring payment to the Scottish Ministers of such sums as may be prescribed at such times as may be prescribed;’.

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9 Schedule, page 4, line 11, after ‘State’ insert ‘or, as the case may be, the Scottish Ministers’.

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10 Schedule, page 4, line 14, leave out from ‘Where’ to ‘grant’ in line 15 and insert ‘the Secretary of State has, or the Scottish Ministers have, granted an exploration licence, neither the Secretary of State nor the Scottish Ministers may’.

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11 Schedule, page 4, line 23, leave out from beginning to ‘grant’ and insert ‘Neither the Secretary of State nor the Scottish Ministers may’.

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12 Schedule, page 4, line 31, at end insert ‘or the Scottish Ministers’.

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13 Schedule, page 5, line 18, after ‘environment)’ insert—

‘(a) in subsection (1)—
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(i) after “State”, in the first place, insert “or, as the case may be, the Scottish Ministers”,
(ii) after “State”, in the second place, insert “or the Scottish Ministers”, and
(iii) after “him” insert “(or them)”, and

(b) ‘.

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Schedule, page 5, line 19, at end insert—

(ii) after “State” insert “or the Scottish Ministers”, and

(iii) after “considers” insert “(or they consider)”.

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Schedule, page 5, line 19, at end insert—

6A In section 6 (variation or revocation of licences), after subsection (2) insert—

“(3) This section applies in relation to an exploration or exploitation licence granted by the Scottish Ministers as if references to the Secretary of State were references to the Scottish Ministers.”.

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Schedule, page 5, line 20, leave out from ‘action)’ to end of line 21 and insert—

‘(a) in subsection (1), after “State” insert “or, as the case may be, the Scottish Ministers”,
(b) in subsection (2)—

(i) for “section 2(3) above, the Secretary of State” substitute “section 2(3A) above, the Secretary of State or the Scottish Ministers”, and

(ii) after “considers” insert “(or they consider)”, and

(c) in subsection (4), after “State” insert “or, as the case may be, the Scottish Ministers”.

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Schedule, page 5, line 26, after ‘Court’ insert ‘or the Court of Session (“the registering court”)’.

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Schedule, page 5, line 29, leave out ‘High Court’ and insert ‘registering court’.

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Schedule, page 5, line 32, leave out ‘appropriate’ and insert ‘registering’.
Schedule, page 5, line 38, leave out ‘High Court’ and insert ‘registering court’.

Schedule, page 5, line 45, leave out ‘High Court’ and insert ‘registering court’.

Schedule, page 6, line 3, at end insert—
‘(7) In the application of this section in relation to Scotland references to costs are to be disregarded.’.

Schedule, page 6, line 24, leave out from ‘award’ to end of line 25 and insert ‘and (b) is to be treated for the purposes of sections 18 to 22 of the Arbitration (Scotland) Act 2010 (which make similar provision for Scotland) as a Convention award, whether or not (in either case) it would be so treated apart from this section.”.

Schedule, page 6, line 27, at end insert—
‘In section 11 (inspectors)—
(a) in subsection (1)—
(i) after “State” insert “or the Scottish Ministers”,
(ii) after “him”, in both places, insert “(or them)”, and
(iii) after “considers” insert “(or they consider)”, and
(b) in subsection (2)—
(i) after “State”, in the first place, insert “or the Scottish Ministers”, and
(ii) for “may determine with the approval” substitute “or, as the case may be, the Scottish Ministers, may determine with the approval (in the case of an appointment by the Secretary of State)”.

For section 12 substitute—
“12 Regulations and orders
(1) The Secretary of State may make regulations—
(a) prescribing anything required or authorised to be prescribed under this Act in relation to an exploration or exploitation licence granted or to be granted by the Secretary of State;
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(b) generally for carrying this Act into effect, except where the Scottish Ministers have power to make provision under subsection (2)(b).

(2) The Scottish Ministers may make regulations—
(a) prescribing anything required or authorised to be prescribed under this Act in relation to an exploration or exploitation licence granted or to be granted by the Scottish Ministers;
(b) generally for carrying this Act into effect.

(3) Regulations under this section may, in particular, make provision with respect to any of the matters mentioned in the Schedule.

(4) Regulations under this section may make different provision for different cases or classes of case and may exclude the operation of any provision of the regulations in specified cases.

(5) Any power of the Secretary of State to make regulations or an order under this Act is exercisable by statutory instrument.

(6) A statutory instrument containing regulations made under this Act by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Regulations under subsection (2) are subject to the negative procedure, within the meaning of section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010.’’.

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Schedule, page 6, line 28, leave out ‘13 (disclosure of information)’ and insert ‘13(1) (disclosure of information)—
(a) in paragraph (b), for “or the Secretary of State” substitute “, the Secretary of State or the Scottish Ministers”; and
(b) ’.

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Schedule, page 6, line 32, leave out from ‘in’ to ‘applies’ in line 33 and insert ‘the following enactments’.

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Schedule, page 6, line 34, at end insert—
‘(2) Those enactments are—
(a) Part 2 of the Food and Environment Protection Act 1985 (deposits in the sea);
(b) Part 4 of the Marine and Coastal Access Act 2009 (marine licensing);
(c) Part 4 of the Marine (Scotland) Act 2010 (marine licensing).’.
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Schedule, page 7, line 38, at end insert—

‘After section 17 insert—

“17A Exercise of functions by the Scottish Ministers

Any provision of this Act which confers a function on the Scottish Ministers is to be read as conferring a function exercisable only so far as within devolved competence (within the meaning of section 54 of the Scotland Act 1998).’.

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Schedule, page 7, line 41, at end insert—

‘In the Schedule, in paragraph 5, after “Secretary of State” insert “(or, in the case of regulations made under section 12(2), the Scottish Ministers)”.


