



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 18 June 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 111 to 114

COMMITTEE OF THE WHOLE HOUSE

SCOTLAND BILL

NOTE

This document includes all remaining amendments and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [8 June 2015].

*CLAUSES 12 TO 17, SCHEDULE 1, CLAUSE 18, NEW CLAUSES RELATING TO PART 2,
NEW SCHEDULES RELATING TO PART 2*

Graham Stringer
Mr Kevan Jones

Page 19, line 18, leave out Clause 16

 Scotland Bill, *continued*

Ian Murray
Wayne David
Mr Douglas Carswell

NC1

To move the following Clause—

“Independent Commission on Full Fiscal Autonomy

- (1) The Secretary of State shall appoint a commission of between four and eleven members to conduct an analysis of the impact of full fiscal autonomy on the Scottish economy, labour market and public finances and to report by 31 March 2016.
- (2) No Member of the House of Commons or of the Scottish Parliament may be a member of the commission.
- (3) No employee of the Scottish Government or of any government Department or agency anywhere in the United Kingdom may be a member of the commission.
- (4) The Secretary of State shall appoint as members of the commission only persons who appear to the Secretary of State to hold a relevant qualification or to have relevant experience.
- (5) The Secretary of State shall not appoint as a member of the commission any person who is a member of a political party.
- (6) Before appointing any member of the commission, the Secretary of State must consult—
 - (a) the Chair of any select committee appointed by the House of Commons to consider Scottish affairs, and
 - (b) the Chair of any select committee appointed by the House of Commons to examine the expenditure, administration and policy of Her Majesty’s Treasury and its associated public bodies.
- (7) The Secretary of State may by regulations issue the commission with terms of reference and guidelines for the commission’s working methods, including an outline definition of the policy of full fiscal autonomy for the commission to analyse.
- (8) The Secretary of State must lay copies of the report of the commission before both Houses of Parliament, and must transmit a copy of the report of the commission to the presiding officer of the Scottish Parliament.
- (9) Regulations under this section must be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.”

Member’s explanatory statement

This New Clause requires the Secretary of State for Scotland to establish an independent commission of external experts, appointed in consultation with the Treasury Select Committee and Scottish Affairs Select Committee, to publish a report by 31 March 2016 setting out an analysis of the policy of Full Fiscal Autonomy on the Scottish economy, labour market and public finances.

Scotland Bill, *continued*CLAUSES 19 TO 30, NEW CLAUSES RELATING TO PART 3,
NEW SCHEDULES RELATING TO PART 3

Ian Murray Wayne David Kate Green			
	Clause 19, page 21, line 28, after “employment”, insert— “(d) housing benefit.”		11
Ian Murray Kate Green			112
★	Clause 19, page 22, leave out lines 6 and 7 <i>Member’s explanatory statement</i> <i>Removes the word “short-term” in the clause devolving disability benefit. It is not clear what “short-term” means in this context, how it will be defined or whom it may exclude from receiving the benefit.</i>		
Ian Murray Wayne David			48
	Clause 19, page 22, line 45, leave out sub-paragraph (a).		

Ian Murray Wayne David			49
	Clause 20, page 23, line 33, leave out “8” and insert “9”		
Ian Murray Wayne David			50
	Clause 20, page 23, line 34, leave out “8” and insert “9”		

Ian Murray Wayne David Kate Green			12
	Clause 21, page 24, leave out lines 9 and 10		

 Scotland Bill, *continued*

Ian Murray
Wayne David
Kate Green

Clause 22, page 24, leave out lines 36 and 37

13

Ian Murray
Wayne David
Kate Green

Clause 23, page 25, line 28, leave out “short term”

8

Ian Murray
Wayne David
Kate Green

★ Clause 23, page 25, line 39, leave out “occasional”

111

Ian Murray
Wayne David
Kate Green

Clause 23, page 25, line 46, at end insert—

15

“Exception 9

A benefit not in existence at the relevant date provided entitlement to or the purpose of the benefit is different from entitlement to or the purpose of any benefit that is—

- (a) in existence at the relevant date,
- (b) payable by or on behalf of a Minister of the Crown, and
- (c) otherwise a reserved benefit.

For the purpose of this exception—

“the relevant date” means the date of introduction into Parliament of the Bill that becomes the Scotland Act 2015;

“reserved benefit” means a benefit which is to any extent a reserved matter.”

Ian Murray
Wayne David
Kate Green

Clause 24, page 26, line 23, leave out paragraph (b) and insert—

“(b) they have consulted the Secretary of State as to when any change made by the regulations is to start to have effect.”

5

Scotland Bill, *continued*

Ian Murray
Wayne David
Kate Green

Clause 25, page 27, line 1, after second “of”, insert “the delivery mechanism for”

7

Ian Murray
Wayne David
Kate Green

Clause 25, page 27, line 3, leave out paragraph (b) and insert—
“(b) they have consulted the Secretary of State as to when any change made by the regulations is to start to have effect.”

6

Ian Murray
Kate Green

★ Clause 26, page 27, line 29, leave out “where the assistance is for at least a year”
Member’s explanatory statement
This would allow the provision of employment programmes where assistance is for less than a year. The Scottish Government could develop support programmes for those who repeatedly move in and out of short periods of work, or admit people to the Work Programme early.

113

Ian Murray
Wayne David
Kate Green

Clause 26, page 27, line 36, after “person”, insert “in conjunction with the local authority”

9

Ian Murray
Kate Green

★ Clause 26, page 27, line 39, at end insert—
“(b) provision of support for disabled persons in the form of non-repayable payments to enable them to access employment, remain in employment, or move into self-employment or start a business.”
Member’s explanatory statement
This amendment provides for the devolution of the Access-to-work scheme.

114

Ian Murray
Wayne David
Kate Green

Clause 26, page 27, line 41, at end insert “and
(d) temporary jobs paid at least the national minimum wage providing a route back into further work.”

10

 Scotland Bill, *continued*

CLAUSES 31 TO 37, SCHEDULE 2, CLAUSES 38 TO 45, NEW CLAUSES RELATING TO PART 4, NEW SCHEDULES RELATING TO PART 4

 Mr Alistair Carmichael
 Ian Murray
 Wayne David

Clause 31, page 30, line 34, leave out “may” and insert “must”

23

 Ian Murray
 Wayne David

Clause 31, page 30, line 36, leave out “Ministers” and insert “Parliament”

52

Mr Alistair Carmichael

Clause 31, page 30, line 38, at end insert—

57

“(1A) The Treasury and Scottish Ministers must agree a scheme transferring to the control of each of Shetland Islands Council, Orkney Islands Council and Comhairle nan Eilean Siar (“the island authorities”) on the transfer date all the existing Scottish functions and rights of the Commissioners relating to those parts of the Scottish zone surrounding each of the island authorities.

(1B) The exact extent of the parts of the Scottish zone to be transferred under subsection (1A) will be agreed by the Treasury and Scottish Ministers in consultation with the island authorities and in accordance with the principles contained within the United Nations Convention on the Law of the Sea articles 16, 74 and 84.”

Member’s explanatory statement

This Amendment would require the relevant functions of the Crown Estate in the Shetland Islands, Orkney and Na h-Eileanan Siar (the “Western Isles”) to be transferred to the councils for those areas. Articles 16, 74 and 84 of the UN Convention on the Law of the Sea set out principles for defining geographical extent in relation to the territorial sea, exclusive economic zones and the Continental shelf respectively.

Mr Alistair Carmichael

Clause 31, page 32, line 25, leave out “C” and insert “A”

24

Mr Alistair Carmichael

Clause 31, page 32, line 31, leave out “then, instead of the type C procedure”

25

Mr Alistair Carmichael

Clause 31, page 32, line 31, leave out “I” and insert “A”

26

Scotland Bill, continued

Ian Murray
Wayne David

91

Clause 32, page 34, line 13, at end insert “including a requirement for gender balance among the members of boards of Scottish public authorities.”

Member’s explanatory statement

The Amendment would ensure continued progression towards achieving gender balance on boards of Scottish public authorities.

Ian Murray
Wayne David

53

Clause 33, page 35, line 18, leave out sub-sub-paragraph (b)

Mr Alistair Carmichael

27

Clause 33, page 35, leave out lines 18 and 19

Mr Alistair Carmichael

28

Clause 33, page 35, leave out lines 24 and 25

Mr Alistair Carmichael

29

Clause 33, page 35, leave out lines 26 to 30

Ian Murray
Wayne David

54

Clause 33, page 37, line 17, at end insert—

“(7A) Scottish Ministers, in conjunction with the Advisory, Conciliation and Arbitration Service (ACAS) shall establish and oversee a process, involving Scottish businesses and trades unions, to end the current employment tribunal fee system in Scotland”

Mr Alistair Carmichael

30

Clause 43, page 45, line 7, at end add—

“(aa) leave out the subject matter of the Estate Agents Act 1979”

Mr Alistair Carmichael

31

Clause 45, page 47, line 7, leave out “for which the maximum charge for use is more than £10”

 Scotland Bill, *continued*

- Mr Alistair Carmichael 32
 Clause 45, page 47, line 17, leave out “for which the maximum charge for use is more than £10”
- Mr Alistair Carmichael 33
 Clause 45, page 47, line 35, leave out subsection (6)
- Mr Alistair Carmichael 34
 Clause 45, page 47, line 36, at end add—
 “() In Section C1 in Part 2 of Schedule 5 to the Scotland Act 1998 (Business Associations) at the end of the exceptions insert—
 “(c) the law on partnerships and unincorporated associations,
 (d) the creation of new forms of cooperative enterprise,
 (e) the creation of new forms of mutual enterprise,
 (f) the creation of economic interest groups where the European Economic Interest Group under regulation EEC 2137/85 is not available because the members do not come from more than one member state.””
- Mr Alistair Carmichael 35
 Clause 45, page 47, line 36, at end add—
 “() In Part 2 of Schedule 5 to the Scotland Act 1998 (Employment) leave out “Section H2 (Health and Safety)””

CLAUSES 46 TO 55, NEW CLAUSES RELATING TO PART 5, NEW SCHEDULES RELATING TO PART 5, CLAUSES 56 TO 58, NEW CLAUSES RELATING TO PART 6, NEW SCHEDULES RELATING TO PART 6, CLAUSES 59 TO 64, NEW CLAUSES RELATING TO PART 7, NEW SCHEDULES RELATING TO PART 7, REMAINING PROCEEDINGS ON THE BILL

Ian Murray
 Wayne David

- 1
- Clause 63, page 67, line 24, leave out paragraph (a)
Member’s explanatory statement
This amendment provides that section 1 will not come into force on the day on which the Act is passed, in order to link the commencement of Part 1 of the Act (Constitutional arrangements) with the work of the Constitutional Convention, outlined in New Clause NC2 which would be required to report by 31 March 2016.

 Scotland Bill, *continued*

 Ian Murray
 Wayne David

2

Clause 63, page 67, line 26, at end insert—

“(1A) Part 1 comes into force within one month of the publication of the report of the Constitutional Convention appointed under section (*Constitutional Convention*).”

Member’s explanatory statement

This amendment provides that Part 1 of the Act (Constitutional arrangements) comes into force after publication of the report of the Constitutional Convention, as outlined in New Clause NC2, which would be required to report by 31 March 2016.

 Ian Murray
 Wayne David

3

Clause 63, page 67, line 30, leave out subsection (3) and insert—

“(3) Part 2 of the Bill comes into force at the end of 2 months beginning with the publication of the report of the Independent Commission on Full Fiscal Autonomy appointed under section (*Independent Commission on Full Fiscal Autonomy*).”

Member’s explanatory statement

This amendment provides that Part 2 (Tax) will not come into force at the end of two months beginning with the day on which the Act is passed, in order to link the commencement of the tax provisions of the Act with the work of the Independent Commission on Full Fiscal Autonomy, appointed under New Clause NC1, which would be required to report by 31 March 2016.

 Ian Murray
 Wayne David

NC4

To move the following Clause—

“Scottish Government review of measures taken to promote gender equality in Scottish Parliament

Scottish Ministers shall, within six months of the day on which this Act is passed, publish and lay before the Scottish Parliament a comprehensive review of the measures which the Scottish Government is taking to further and to promote gender equality in the membership of the Scottish Parliament.”

Member’s explanatory statement

This New Clause aims to encourage the promotion of gender parity in the Scottish Parliament.

 ORDER OF THE HOUSE [8 JUNE 2015]

That the following provisions shall apply to the Scotland Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

*Scotland Bill, continued**Proceedings in Committee*

2. Proceedings in Committee of the whole House shall be completed in four days.
3. The proceedings shall be taken on the days shown in the first column of the following Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	
Clauses 1 to 11, new Clauses relating to Part 1, new Schedules relating to Part 1	The moment of interruption on the first day
Second day	
Clauses 12 to 17, Schedule 1, Clause 18, new Clauses relating to Part 2, new Schedules relating to Part 2	The moment of interruption on the second day
Third day	
Clauses 19 to 30, new Clauses relating to Part 3, new Schedules relating to Part 3	The moment of interruption on the third day
Fourth day	
Clauses 31 to 37, Schedule 2, Clauses 38 to 45, new Clauses relating to Part 4, new Schedules relating to Part 4	Three hours after the commencement of proceedings on the Bill on the fourth day
Clauses 46 to 55, new Clauses relating to Part 5, new Schedules relating to Part 5, Clauses 56 to 58, new Clauses relating to Part 6, new Schedules relating to Part 6, Clauses 59 to 64, new Clauses relating to Part 7, new Schedules relating to Part 7, remaining proceedings on the Bill	The moment of interruption on the fourth day

Consideration and Third Reading

5. Any proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

7. Standing Order No 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on

Scotland Bill, *continued*

Consideration or to proceedings on Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

NOTICES WITHDRAWN

The following Notices were withdrawn on 18 June:

Amendment 14
