



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 22 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: NCs 20-25

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This document includes all remaining amendments and includes any withdrawn amendments at the end.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

36

Ian Murray
Wayne David
Mr Douglas Carswell

To move the following Clause—

NC1

Scotland Bill, *continued*

“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.

Ian Murray
Wayne David

NC20

- ★ To move the following Clause—

“Review of operation of VAT refund schemes in Scotland

- (1) The Treasury shall, within six months of the day on which this Act is passed, publish and lay before the House of Commons a review of the application of VAT refund schemes for businesses in Scotland.
- (2) The review must include an analysis of the impact of the qualifying criteria for the VAT refund schemes—
 - (a) in Section 33 of the VAT Act 1994, and
 - (b) for Government Departments and the NHS,

Scotland Bill, continued

on the level of VAT payable by Police Scotland and by the Scottish Fire and Rescue Services.”

Member’s explanatory statement

Following the amalgamation of the (formerly regional) Scottish fire and rescue services and Scottish police forces into a single fire service (the Scottish Fire and Rescue Services) and a single police force (Police Scotland) respectively, they are no longer eligible for VAT exemptions under the VAT refund schemes mentioned. This amendment requires the Treasury to carry out and publish a review of the schemes in Scotland, and in particular in relation to the level of VAT payable by Police Scotland and the Scottish Fire and Rescue Services.

Ian Murray

NC21

★ To move the following Clause—

“The Scottish Office of Budget Responsibility

- (1) Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) is amended as follows.
- (2) In Section A1 (fiscal, economic and monetary policy)—
 - (a) For the heading “Exception” substitute “Exceptions”—
 - (b) After that heading, insert—

“The creation of a body corporate, called The Scottish Officer for Budget Responsibility, for the independent scrutiny of Scotland’s public finances, including all tax and spending in areas for which the Scottish Government has legislative competence.””

Member’s explanatory statement

This New Clause would provide for the creation of a Scottish Office for Budget Responsibility to exercise fiscal and budgetary oversight over Scottish Government competencies. The Smith Commission recommended that the Scottish Parliament should seek to expand and strengthen the independent scrutiny of Scotland’s public finances in recognition of the additional variability and uncertainty that further tax and spending devolution will introduce into the budgeting process.

Mr Graham Allen

NC23

★ To move the following Clause—

“Local Discretionary Taxation

Individual local authorities in Scotland shall have the discretion to raise additional income by levying a tax, in addition to Council Tax and Non-Domestic Rates, on either residents, occupiers, property owners or visitors in the local authority or within a discrete area of the local authority.”

Member’s explanatory statement

The power will enable local authorities to introduce tax(es) without the need to seek approval from Scottish Government, with the rates and reliefs being determined locally and the local authority being both granted powers to ensure that those on which the tax is levied have a legal obligation

Scotland Bill, continued

to pay and the local authority having the discretion to determine how the additional revenue is expended.

Mr Graham Allen

NC24

★ To move the following Clause—

“Tax and Economy Forum

- (1) The Secretary of State shall appoint a Tax and Economy Forum to conduct an analysis of the impact of the changes in legislative and executive competence resulting from this Act on the economy, labour market and public finances in Scotland and in the other parts of the United Kingdom.
- (2) The Tax and Economy Forum may make recommendations for fiscal reforms within England, to be considered by the Secretary of State.”

Member’s explanatory statement

The new Clause would require the appointment of a Tax and Economy Forum to assess the impacts of fiscal devolution proposed within this Bill on Scotland and on the rest of the United Kingdom.

Mr Graham Allen

NC25

★ To move the following Clause—

“UK Commission on fiscal powers

- (1) Within 6 months of the day on which this Act is passed, the Secretary of State shall appoint a commission to examine the deployment of fiscal powers at local, devolved and United Kingdom levels.
- (2) The commission shall comprise between 4 and 6 representatives of any of—
 - (a) the Scottish Parliament,
 - (b) the National Assembly for Wales,
 - (c) the Northern Ireland Assembly
 - (d) the Local Government Association
 - (e) the House of Commons, and
 - (f) the House of Lords.
- (3) The bodies mentioned in subsection (2) shall select their representatives in any way they see fit and the chief executive or presiding officer of each of those bodies shall inform the Secretary of State of the names of the representatives of those bodies, which may replace their representatives whenever the body concerned has determined to do so.
- (4) Subject to subsection (5), the commission may determine its own quorum and methods of working and must publish a protocol setting out its own terms of reference.
- (5) The commission shall keep the operation of fiscal powers under review, making reports and recommendations as it deems appropriate.

Member’s explanatory statement

The purpose of this New Clause is to ensure that there is proper consultation between the different

Scotland Bill, continued

parts of the United Kingdom to ensure that new Scottish fiscal powers are deployed in a way that does not undermine the cohesion of the UK. The proposed Commission could also make recommendation regarding the future of devolved fiscal powers.

*CLAUSES 19 TO 30, NEW CLAUSES RELATING TO PART 3,
NEW SCHEDULES RELATING TO PART 3*

- Ian Murray
Wayne David
Kate Green
- 11**
- Clause 19, page 21, line 28, after “employment”, insert—
“(d) housing benefit.”
- Ian Murray
Kate Green
- 112**
- Clause 19, page 22, leave out lines 6 and 7
Member’s explanatory statement
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.
- 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”
-

 Scotland Bill, *continued*

Ian Murray
Wayne David
Kate Green

Clause 21, page 24, leave out lines 9 and 10

12

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 45, at end add—

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.”

Scotland Bill, *continued*

Ian Murray
Wayne David
Kate Green

- 5
- 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.”
-

Ian Murray
Wayne David
Kate Green

- 7
- Clause 25, page 27, line 1, after second “of”, insert “the delivery mechanism for”

Ian Murray
Wayne David
Kate Green

- 6
- 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.”
-

Ian Murray
Kate Green

- 113
- 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.

Ian Murray
Wayne David
Kate Green

- 9
- Clause 26, page 27, line 36, after “person”, insert “in conjunction with the local authority”

Ian Murray
Kate Green

- 114
- 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.

Scotland Bill, *continued*

Ian Murray
Wayne David
Kate Green

- 10
- 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.”

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

- 23
- Clause 31, page 30, line 34, leave out “may” and insert “must”

Ian Murray
Wayne David

- 52
- Clause 31, page 30, line 36, leave out “Ministers” and insert “Parliament”

Mr Alistair Carmichael

- 57
- Clause 31, page 30, line 37, at end insert—
- “(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

- 24
- Clause 31, page 32, line 25, leave out “C” and insert “A”

Mr Alistair Carmichael

- 25
- Clause 31, page 32, line 31, leave out “then, instead of the type C procedure”

 Scotland Bill, *continued*

- Mr Alistair Carmichael 26
 Clause 31, page 32, line 31, leave out “I” and insert “A”
-
- Ian Murray 91
 Wayne David
 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.
-
- Mr Alistair Carmichael 27
 Clause 33, page 35, leave out lines 18 and 19
- Ian Murray 53
 Wayne David
 Clause 33, page 35, line 18, leave out sub-sub-paragraph (b)
- 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 54
 Wayne David
 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—

 Scotland Bill, *continued*

“(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”

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)””

Ian Murray
 Wayne David

NC22

★ To move the following Clause—

“Obstructive parking

- (1) In section E1 of Schedule 5 to the Scotland Act 1998 (Road transport) after “Exceptions”, insert—
 “The subject matter of sections 19 to 22 (Stopping on verges, etc, or in dangerous positions, etc.) of the Road Traffic Act 1988;

Scotland Bill, continued

The subject-matter of section 41(5) (Regulation of construction, weight, equipment and use of vehicles) of the Road Traffic Act 1988 in so far as it relates to the making of regulations making it an offence to cause or permit a vehicle to stand on the road so as to cause any unnecessary obstruction of the road.”

- (2) After section 51 of the Road Traffic Offenders Act 1988 (Fixed penalty offences) insert new section 51A—

“51A Offences under Road Traffic Act 1988

- (1) Any offence in respect of a vehicle under regulations made by Scottish Ministers under section 41(5) (Regulation of construction, weight, equipment and use of vehicles) of the Road Traffic Act 1988 is a fixed penalty offence for the purposes of this Part of this Act if it is specified as such in those regulations, but subject to subsection (2) below.
- (2) An offence under an enactment so specified is not a fixed penalty offence for those purposes if it is committed by causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any enactment.”
- (3) Before proposing a change in regulation of a subject matter falling under this section, Scottish Ministers shall—
- (a) consult the Secretary of State, and
 - (b) publish and lay before the Scottish Parliament an assessment of the impact on road safety of any difference between the proposed change in Scotland and road traffic rules in other parts of the United Kingdom.””

Member’s explanatory statement

This amendment is intended to ensure that offences in relation to parking on pavements can be enforced by the Scottish Parliament. Other offences would be unaffected. This amendment is based on Mark Lazarowicz’s Private Members’ Bill from the last Parliament, which was supported in principle by the then Secretary of State for Scotland.

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

Mr Graham Allen

NC12

- ☆ To move the following Clause—

“Local authority’s power of general competence

- (1) A local authority has power to do anything that individuals generally may do.
- (2) Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise—
- (a) unlike anything the authority may do apart from subsection (1), or
 - (b) unlike anything that other public bodies may do.
- (3) In this section “individual” means an individual with full capacity.
- (4) Where subsection (1) confers power on the authority to do something, it confers power (subject to sections (*Boundaries of the general power*) to (*Limits on doing things for commercial purposes in exercise of general power*) to do it in any way whatever, including—

Scotland Bill, continued

- (a) power to do it anywhere in the United Kingdom or elsewhere,
 - (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
 - (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
- (5) The generality of the power conferred by subsection (1) (“the general power”) is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.
- (6) Any such other power is not limited by the existence of the general power (but see section (*Powers to make supplemental provision*)(2)).”

Member’s explanatory statement

This series of new Clauses seeks to introduce a general power of competence for Scottish local authorities, putting it beyond doubt that they may do anything that is not expressly prohibited by law. It seeks to go further than the power of wellbeing already afforded to Scottish local authorities. The proposals seek to give councils the capacity to do anything that an individual can do. Therefore, this would not enable a local authority to introduce a tax or wage war, but it would ensure that local government has the ability to use the power of general competence in the most sensible and constructive way for the benefit of the people and communities whom they serve.

Mr Graham Allen

NC13

☆ To move the following Clause—

“Boundaries of the general power

- (1) If exercise of a pre-commencement power of a local authority is subject to restrictions, those restrictions apply also to exercise of the general power so far as it is overlapped by the pre-commencement power.
- (2) The general power does not enable a local authority to do—
 - (a) anything which the authority is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the authority is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the general power,
 - (ii) to all of the authority’s powers, or
 - (iii) to all of the authority’s powers but with exceptions that do not include the general power.
- (3) The general power does not confer power to make or alter—
 - (a) arrangements of a kind which may be made under sections 56 (*arrangements for discharge of authority’s functions by committees, joint committees, officers etc.*) or 62B (*establishment of joint boards*) of the Local Government (Scotland) Act 1973,
 - (b) any other arrangements that authorise a person to exercise a function of a local authority.
- (4) In this section—
 - “post-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by a statutory provision that—
 - (a) is contained in an Act passed after the day on which this Act is passed or

Scotland Bill, continued

- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*Local authority's general power of competence*),

“pre-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by a statutory provision that—

- (a) is contained in this Act, or in any other Act passed no later than the day on which this Act is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Local authority's general power of competence*),

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in this Act, or in any other Act passed no later than the day on which this Act is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*Local authority's general power of competence*).⁷

Member's explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC14

☆ To move the following Clause—

“Limits on charging in exercise of general power

- (1) Subsection (2) applies where—
- (a) a local authority provides a service to a person otherwise than for a commercial purpose, and
- (b) its providing the service to the person is done, or could be done, in exercise of the general power.
- (2) The general power confers power to charge the person for providing the service to the person only if—
- (a) the service is not one that a statutory provision requires the authority to provide to the person,
- (b) the person has agreed to its being provided, and
- (c) ignoring this section and section 1 of the Local Authorities (Goods and Services) Act 1970 (*supply of goods and services by local authorities*), the authority does not have power to charge for providing the service.
- (3) The general power is subject to a duty to secure that, taking one financial year with another, the income from charges allowed by subsection (2) does not exceed the costs of provision.

Scotland Bill, *continued*

- (4) The duty under subsection (3) applies separately in relation to each kind of service.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC15

- ☆ To move the following Clause—

“Limits on doing things for commercial purpose in exercise of general power

- (1) The general power confers power on a local authority to do things for a commercial purpose only if they are things which the authority may, in exercise of the general power, do otherwise than for a commercial purpose.
- (2) Where, in exercise of the general power, a local authority does things for a commercial purpose, the authority must do them through a company.
- (3) A local authority may not, in exercise of the general power, do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- (4) In this section “company” means—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a registered society within the meaning the Co-operative and Community Benefit Societies Act 2014 or a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC16

- ☆ To move the following Clause—

“Powers to make supplement provision

- (1) If the Scottish Ministers think that a statutory provision (whenever passed or made) prevents or restricts local authorities from exercising the general power, the Scottish Ministers may by regulations amend, repeal, revoke or disapply that provision.
- (2) If the Scottish Ministers think that the general power is overlapped (to any extent) by another power then, for the purpose of removing or reducing that overlap, the Scottish Minister may by regulations amend, repeal, revoke or disapply any statutory provision (whenever passed or made).
- (3) The Scottish Ministers may by regulations make provision preventing local authorities from doing, in exercise of the general power, anything which is specified, or is of a description specified, in the regulations.

Scotland Bill, *continued*

- (4) The Scottish Ministers may by regulations provide for the exercise of the general power by local authorities to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (5) The power under subsection (1), (2), (3) or (4) may be exercised in relation to—
 - (a) all local authorities,
 - (b) particular local authorities, or
 - (c) particular descriptions of local authority.
- (6) The power under subsection (1) or (2) to amend or disapply a statutory provision includes power to amend or disapply a statutory provision for a particular period.
- (7) Before making regulations under subsection (1), (2), (3) or (4) the Scottish Ministers must consult—
 - (a) such local authorities,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),
 as the Scottish Ministers consider appropriate.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC17

☆ To move the following Clause—

“Limits on power under section (*Powers to make supplemental provision*)(1)

- (1) The Scottish Ministers may not make provision under section (*Powers to make supplemental provision*)(1) unless the Scottish Ministers consider that the conditions in subsection (2), where relevant, are satisfied in relation to that provision.
- (2) Those conditions are that—
 - (a) the effect of the provision is proportionate to the policy objective intended to be secured by the provision,
 - (b) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it,
 - (c) the provision does not remove any necessary protection,
 - (d) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise,
 - (e) the provision is not of constitutional significance.
- (3) Regulations under section (*Powers to make supplemental provision*)(1) may not make provision for the delegation or transfer of any function of legislating.
- (4) For the purposes of subsection (3) a function of legislating is a function of legislating by order, rules, regulations or other subordinate instrument.

Scotland Bill, continued

- (5) Regulations under section (*Powers to make supplemental provision*)(1) may not make provision to abolish or vary any tax.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC18

- ☆ To move the following Clause—

“Procedure for regulations under section (*Powers to make supplemental provision*)

- (1) If, as a result of any consultation required by section (*Powers to make supplemental provision*)(7) with respect to proposed regulations under section (*Powers to make supplemental provision*)(1), it appears to the Scottish Ministers that it is appropriate to change the whole or any part of the Scottish Ministers’ proposals, the Scottish Ministers must undertake such further consultation with respect to the changes as the Scottish Ministers consider appropriate.
- (2) If, after the conclusion of the consultation required by section (*Powers to make supplemental provision*)(7) and subsection (1), the Scottish Ministers consider it appropriate to proceed with the making of regulations under section (*Powers to make supplemental provision*)(1), the Scottish Ministers must, when laying a draft of the regulations, also lay before the Scottish Parliament an explanatory document explaining the proposals and giving details of—
 - (a) the Scottish Ministers’ reasons for considering that the conditions in section (*Limits on power under section (Powers to make supplemental provision)(1)*)(2), where relevant, are satisfied in relation to the proposals,
 - (b) any consultation undertaken under section (*Powers to make supplemental provision*)(7) and subsection (1),
 - (c) any representations received as a result of the consultation, and
 - (d) the changes (if any) made as a result of those representations.
- (3) If provision under section (*Powers to make supplemental provision*)(2) is included in draft regulations under section (*Powers to make supplemental provision*)(1) laid in the circumstances described in subsection (2), the explanatory document laid with the draft regulations must also explain the proposals under section (*Powers to make supplemental provision*)(2) and give details of any consultation undertaken under section (*Powers to make supplemental provision*)(7) with respect to those proposals.
- (4) Section (*Powers to make supplemental provision*)(7) does not apply to regulations under section (*Powers to make supplemental provision*)(3) or (4) which are made only for the purpose of amending earlier such regulations—
 - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular authority or to authorities of a particular description, or

Scotland Bill, continued

- (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular authority or to authorities of a particular description.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

Mr Graham Allen

NC19

- ☆ To move the following Clause—

“Local authority’s general power of competence: interpretation

In this Part—

“the general power” means the power conferred by section (*Local authority’s general power of competence*)(1),

“statutory provision” means a provision of an Act or of an instrument made under an Act.”

Member’s explanatory statement

This new Clause is linked to the new Clause on a local authority power of general competence (NC12).

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.

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.

Scotland Bill, *continued*

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 N1, 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.

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

Proceedings

Time for conclusion of proceedings

First day

Scotland Bill, continued

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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 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.

Scotland Bill, *continued*

The following Notices were withdrawn on 18 June:

Amendment 14
