



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 2 November 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: 34 to 136 and NC12 to NC17

CONSIDERATION OF BILL (REPORT STAGE)

SCOTLAND BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary David Mundell

NC12

★ To move the following Clause—

“Permanence of the Scottish Parliament and Scottish Government

In the Scotland Act 1998 after Part 2 (the Scottish Administration) insert—

Scotland Bill, *continued*

“PART 2A

PERMANENCE OF THE SCOTTISH PARLIAMENT AND SCOTTISH GOVERNMENT

63A Permanence of the Scottish Parliament and Scottish Government

- (1) The Scottish Parliament and the Scottish Government are a permanent part of the United Kingdom’s constitutional arrangements.
- (2) The purpose of this section is, with due regard to the other provisions of this Act, to signify the commitment of the Parliament and Government of the United Kingdom to the Scottish Parliament and the Scottish Government.
- (3) In view of that commitment it is declared that the Scottish Parliament and the Scottish Government are not to be abolished except on the basis of a decision of the people of Scotland voting in a referendum.””

Member’s explanatory statement

This amendment inserts a new clause into the Scotland Act 1998 and replaces Clause 1. It states that the Scottish Parliament and Government are permanent parts of the United Kingdom’s constitutional arrangements, and that those institutions are not to be abolished except on the basis of a decision of the people of Scotland in a referendum.

Secretary David Mundell

NC13

- ★ To move the following Clause—

“Functions exercisable within devolved competence: elections

- (1) The Scotland Act 1998 (“the 1998 Act”) has effect, in relation to any function so far as exercisable within devolved competence by virtue of a provision of section 3, as if references to a “pre-commencement enactment” were to—
 - (a) an Act passed before or in the same session as the relevant date,
 - (b) any other enactment made before the relevant date,
 - (c) subordinate legislation under section 106 of the 1998 Act, to the extent that the legislation states that it is to be treated as a pre-commencement enactment,
 but did not include the 1998 Act or this Act (or any amendment made by either of those Acts) or (subject to paragraph (c)) an enactment comprised in subordinate legislation under either of those Acts.
- (2) In this section—
 - (a) expressions used in the 1998 Act have the same meaning as in that Act;
 - (b) the relevant date is the date on which section 3 comes into force.”

Member’s explanatory statement

This amendment makes provision for various existing functions of Ministers of the Crown in respect of elections to instead be exercised by Scottish Ministers, so far as such functions are exercisable within devolved competence by virtue of Clause 3.

Scotland Bill, *continued*

Secretary David Mundell

NC14

★ To move the following Clause—

“Welfare foods

- (1) Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 (social security schemes) is amended as follows.
- (2) In the Exceptions, after exception 8 (see section 23 above) insert—

“Exception 9

The subject-matter of section 13 of the Social Security Act 1988 (benefits under schemes for improving nutrition: pregnant women, mothers and children).”

- (3) In the Interpretation provision, at the end insert—

“The reference to the subject-matter of section 13 of the Social Security Act 1988 is to be construed as a reference to it as at the day on which section [*Welfare foods*] of the Scotland Act 2015 comes into force (and, accordingly, paragraph 5(1) of Part 3 of this Schedule does not apply to that reference).”

- (4) Omit Section J5 (welfare foods).
- (5) In the Social Security Act 1988, in section 13(2) (benefits under schemes for improving nutrition: consultation) omit “the Scottish Ministers and”.

Member’s explanatory statement

This amendment devolves to the Scottish Parliament legislative competence regarding welfare foods, enabling the Scottish Parliament, in relation to Scotland, to abolish or amend schemes for the provision of welfare foods, as currently made under section 13 of the Social Security Act 1988, or to make new schemes for the provision of welfare foods.

Secretary David Mundell

NC15

★ To move the following Clause—

“Abortion

In Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) omit Section J1 (abortion).”

Member’s explanatory statement

This amendment removes the specific reservation of abortion in Part 2 of Schedule 5 of the Scotland Act 1998 thereby devolving legislative competence on the subject-matter of abortion to the Scottish Parliament.

Scotland Bill, *continued*

Secretary David Mundell

NC16

★ To move the following Clause—

“Public sector duty regarding socio-economic inequalities

- (1) Part 1 of the Equality Act 2010 (socio-economic inequalities) is amended as follows.
- (2) Section 1 (public sector duty) is amended as follows.
- (3) In subsection (2) for “by a Minister of the Crown” substitute “in accordance with subsection (2A)”.
- (4) After subsection (2) insert—
 - “(2A) The guidance to be taken into account under subsection (2) is—
 - (a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;
 - (b) in any other case, guidance issued by a Minister of the Crown.”
- (5) Section 2 (power to amend section 1) is amended as follows.
- (6) In subsections (7) and (9) omit “the Scottish Ministers or”.
- (7) In subsection (10) for “the Ministers” substitute “the Welsh Ministers”.
- (8) In subsection (11) for “section” substitute “Part”.
- (9) In section 216 of that Act (commencement) at the beginning of subsection (3) insert “Subject to subsection (4),” and after that subsection insert—
 - “(4) The following provisions of Part 1 (socio-economic inequalities) come into force on such day as the Scottish Ministers may by order appoint—
 - (a) section 1, so far as it applies to a relevant authority as defined by section 2(5);
 - (b) section 2, so far as it confers a power on the Scottish Ministers;
 - (c) section 3, for the purposes of section 1 to the extent mentioned in paragraph (a).
 - (5) The following do not apply to an order under subsection (4)—
 - (a) section 207(2) (see instead section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: powers exercisable by Scottish statutory instrument), and
 - (b) section 210.”
- (10) In the Interpretation and Legislative Reform (Scotland) Act 2010, in section 30(4) (other instruments laid before the Parliament: exceptions) after paragraph (i) insert—
 - “(j) section 216(4) of the Equality Act 2010 (c.15).””

Member’s explanatory statement

This new clause enables the Scottish Ministers to commence Part 1 of the Equality Act 2010 in respect of public bodies exercising devolved functions in Scotland. It also enables the Scottish Ministers to issue guidance to public authorities in Scotland exercising devolved functions and makes consequential amendments.

Scotland Bill, *continued*

Secretary David Mundell

NC17

★ To move the following Clause—

“Destination of fines, forfeitures and fixed penalties

- (1) The Scotland Act 1998 is amended as follows.
- (2) After section 65 (payments out of the Scottish Consolidated Fund) insert—

“65A Destination of fines, forfeitures and fixed penalties

Where an Act of Parliament or subordinate legislation under an Act of Parliament requires or authorises a sum to be paid into the Consolidated Fund, and the sum appears to the Secretary of State to be a fine, forfeiture or fixed penalty, the Secretary of State may with the consent of the Treasury by regulations modify the Act or subordinate legislation so as to require or authorise the sum to be paid instead into the Scottish Consolidated Fund.”

- (3) In Schedule 7 (procedure for subordinate legislation), in paragraph 1(2) insert at the appropriate place—

“Section 65A | Type K”.”

Member’s explanatory statement

This clause will allow the Secretary of State, with the Treasury’s consent, to amend primary and secondary legislation, so that fines, forfeitures, and fixed penalties imposed by courts and tribunals in Scotland are retained by the Scottish Government by changing the destination from the Consolidated Fund to the Scottish Consolidated Fund.

Ian Murray
Wayne David

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, the House of Lords, or 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, in consultation and with the agreement of Scottish Ministers, 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—

Scotland Bill, *continued*

- (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

The new Clause provides for the establishment of an independent commission to investigate the impact of FFA.

Ian Murray
Wayne David

NC2

To move the following Clause—

“New benefits

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 8 (see section 23 above) insert—

“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.””

Member's explanatory statement

The new Clause expands and clarifies the right of the Scottish Government to create new benefits—that is, benefits not in existence on the date on which the bill is passed.

Scotland Bill, *continued*

Ian Murray
Wayne David

NC3

To move the following Clause—

“Joint Committee on Welfare Devolution

- (1) There is to be a Committee (to be known as the Joint Committee on Welfare Devolution) to examine the transfer, implementation and operation of the powers devolved to the Scottish Parliament by Part 3 of this Act.
- (2) The Joint Committee on Welfare Devolution is to be responsible for ensuring full co-operation, consultation and information-sharing between the UK Government, the Scottish Government, and relevant stakeholders.
- (3) The Joint Committee on Welfare Devolution is to publish a report—
 - (a) on the transfer and implementation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once every three months for the first three years from the date when this Act is passed, and
 - (b) on the operation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once in each calendar year after three years from the date when this Act is passed.
- (4) Schedule (The Joint Committee on Welfare Devolution), which makes further provision in relation to the Joint Committee on Welfare Devolution, has effect.”

Member’s explanatory statement

This new Clause, linked to New Schedule NS1 on the Joint Committee on Welfare Devolution, provides for a cross-Parliament committee to oversee the transition and implementation of welfare powers transferred under this Act. The Committee would include members from both Parliaments and would be required to report frequently in the transition phase and thereafter annually.

Ian Murray

NC4

To move the following Clause—

“Review of operation of Gift Aid in Scotland

The Treasury must lay before the House of Commons a review of the operation of Gift Aid in Scotland within a year of Part 2 of this Act coming into force.”

Member’s explanatory statement

This self-explanatory New Clause would require a review of the operation of Gift Aid in Scotland.

Scotland Bill, *continued*

Ian Murray

NC5

To move the following Clause—

“Childcare element of universal credit

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in Exceptions, after exception 6 (see section 22 above) insert—

“Exception 7

The subject-matter of regulations 31 to 34 of the Universal Credit Regulations 2013.””

Member’s explanatory statement

This new clause would devolve to the Scottish Parliament the power to make rules about the childcare element of Universal Credit.

Mr Graham Allen

NC6

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 providing local people consent.”

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

Mr Graham Allen

NC7

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.

Scotland Bill, continued

- (4) Where subsection (1) confers power on the authority to do something, it confers power to do it in any way whatever, including—
 - (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.”

Member’s explanatory statement

This new Clause 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

NC8

To move the following Clause—

“Competences of local government in Scotland

- (1) The First Minister must, after consultation with representatives from local government in Scotland, publish a list of competences of local government in Scotland.
- (2) After the list has been published, the First Minister may not publish any amended list of competences of local government in Scotland without first obtaining approval of the revised list consent from—
 - (a) the Scottish Parliament, with two-thirds of its membership voting in favour of the amended list, and
 - (b) the Convention of Scottish Local Authorities.”

Member’s explanatory statement

This new clause entrenches the independence of local government in Scotland from interference by national government in Scotland.

Scotland Bill, *continued*

Mr Graham Allen

NC9

To move the following Clause—

“Subsidiarity

That subsidiarity as defined by the Maastricht Treaty 1992 Article 5(3) shall apply to the functions of national and local government in Scotland.”

Member’s explanatory statement

This extends protection of Scottish Local Government’s independence by protecting its subsidiarity behind a European Treaty applicable to the United Kingdom.

Mr Graham Allen

NC10

To move the following Clause—

“Commission on social and economic rights

- (1) The Secretary of State shall appoint a commission on social and economic rights.
- (2) The Secretary of State shall invite the Presiding Officers or Speakers of the House of Commons, House of Lords, National Assembly of Wales, Northern Ireland Assembly and the Scottish Parliament each to nominate no more than three persons to the commission on social and economic rights.
- (3) The commission on social and economic rights must report on—
 - (a) the practicality of making the Scottish Parliament and Scottish Government subject to the rights contained in the International Covenant on Economic, Social and Cultural Rights; and
 - (b) the consequences of Scottish devolution for the attainment of economic and social rights throughout the United Kingdom.
- (4) The Secretary of State may by regulations determine the role, composition, organisation and powers of the commission on social and economic rights.”

Member’s explanatory statement

The purpose of this New Clause is to create a commission to consider whether economic and social rights could be made justiciable in Scotland, and the prospects for achieving fuller attainment of economic and social rights throughout the United Kingdom.

Ian Murray

NC11

To move the following Clause—

“Scottish block grant

The Secretary of State must lay before the House of Commons before the end of the first month of each financial year a full record, including minutes of meetings and correspondence at Ministerial level, of discussions between the Secretary of State, the Treasury and Scottish Ministers relating to the non-budget expenditure

Scotland Bill, *continued*

to be voted by Parliament authorising the payment of grants to the Scottish Consolidated Fund for that financial year.”

Member’s explanatory statement

The purpose of this new clause is to ensure transparency and accountability of the process leading to the annual settlement between the Treasury and Scottish Ministers of the block grant to the Scottish Consolidated Fund.

Secretary David Mundell 34

★ Page 1, line 4, leave out Clause 1

Member’s explanatory statement

This amendment leaves out Clause 1, which is replaced by New Clause NC12.

Mr Alistair Carmichael 5

Clause 1, page 1, line 7, leave out “recognised as”

Mr Alistair Carmichael 6

Clause 1, page 1, line 12, leave out “recognised as”

Mr Alistair Carmichael 7

Clause 2, page 2, line 6, leave out “normally”

Mr Alistair Carmichael 8

Clause 2, page 2, line 6, after “legislate”, insert “(a)”

Mr Alistair Carmichael 9

Clause 2, page 2, line 6, after “matters”, insert “and
(b) to alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Government”

Secretary David Mundell 35

★ Clause 3, page 2, line 21, leave out “and (2B)”

Member’s explanatory statement

This amendment devolves to the Scottish Parliament the power in new section 2(2B) of the Scotland Act 1998, inserted by Clause 5 of the Bill, for Scottish Ministers to make an order specifying an alternative day on which the poll for a Scottish Parliamentary general election shall be held.

Scotland Bill, continued

Secretary David Mundell

36

- ★ Clause 3, page 2, line 38, leave out from “elections)” to third “the” in line 40 and insert “where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election within the legislative competence of the Parliament and to the date of”

Member’s explanatory statement

Campaign expenditure by political parties and controlled expenditure by third parties, is regulated for specific periods before certain elections. This amendment provides for competence to be reserved in respect of such expenditure where these periods overlap, even if the relevant election polls are on different days.

Secretary David Mundell

37

- ★ Clause 3, page 3, leave out lines 17 to 19 and insert—

“(a) section 1, except in relation to—

- (i) financing the Electoral Commission,
- (ii) preparation, laying and publication by the Commission of reports about the performance of its functions, and
- (iii) provision by the Commission of copies of regulations made by it or notice of the alteration or revocation of such regulations,”

Member’s explanatory statement

This amendment amends the exception to the reservation of section 1 of the Political Parties, Elections and Referendums Act 2000 so that the financing, reporting and (for regulations it makes) notification functions of the Electoral Commission are devolved insofar as these matters apply in respect of elections to the Scottish Parliament.

Secretary David Mundell

38

- ★ Clause 4, page 3, line 39, leave out “provision” and insert “any provision that would be within the legislative competence of the Parliament, if included in an Act of the Scottish Parliament,”

Member’s explanatory statement

This amendment would have the effect that the powers of the Scottish Ministers under section 12 of the Scotland Act 1998 would be aligned with the legislative competence of the Scottish Parliament.

Secretary David Mundell

39

- ★ Clause 4, page 4, line 4, leave out from “polls” to end of line 24

Member’s explanatory statement

This amendment is consequential on amendment 38, as that amendment renders it unnecessary to specify the particular combinations of polls as regards which the Scottish Ministers may exercise powers under section 12 of the Scotland Act 1998.

Secretary David Mundell

40

- ★ Clause 4, page 4, line 33, leave out “the use of”

Member’s explanatory statement

The effect of this amendment is that the restriction on the powers of Scottish Ministers regarding

Scotland Bill, *continued*

the Digital Service in new section 12(4) of the Scotland Act 1998 (see Clause 4) more accurately reflects the extent of the reservation of the Digital Service set out in Clause 3(5).

Secretary David Mundell

41

- ★ Clause 5, page 6, line 10, at the end insert “, unless the day of the poll is determined by a proclamation under subsection (5) as modified by subsection (5ZA).”

Member’s explanatory statement

This amendment means that where Scottish Ministers make an order under section 2(2B) of the Scotland Act 1998 specifying an election date, and the Presiding Officer proposes a new date for the election under section 2(5) of that Act, the election will be held on the date proposed under section 2(5).

Secretary David Mundell

42

- ★ Clause 5, page 6, line 13, at the end insert—

“() After subsection (5) insert—

“(5ZA) Where a day is specified by order under subsection (2B), subsection (5) applies as if the reference to the first Thursday in May were a reference to that day.”

Member’s explanatory statement

The amendment is linked to amendment 41 and provides that the Presiding Officer’s power at section 2(5) of the Scotland Act 1998 to propose a new date for an election, applies in relation to a date specified for such a poll under new section 2(2B) of that Act.

Secretary David Mundell

43

- ★ Clause 6, page 6, line 33, leave out subsections (2) and (3) and insert—

“() In section 10ZC (registration of electors in Great Britain) at the end insert—

“(4) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.

(5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—

- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.

(6) In this section—

“election in Scotland” means—

- (a) an election for membership of the Scottish Parliament, or

Scotland Bill, *continued*

- (b) a local government election in Scotland;
 “UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.”
- () In section 10ZD (registration of electors in Great Britain: alterations) at the end insert—
- “(4) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.
- (5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—
- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.
- (6) In this section “election in Scotland” and “UK digital service” have the same meaning as in section 10ZC.”
- () In section 53 (power to make regulations about registration etc) at the end insert—
- “(9) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.
- (10) The power of the Scottish Ministers to make regulations by virtue of subsection (9) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—
- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
- (b) regulations made by them in exercise of the power are subject to the negative procedure.
- (11) In subsection (9)—
- “election in Scotland” means—
- “(a) an election for membership of the Scottish Parliament, or
- (b) a local government election in Scotland;
- “UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.””

Member’s explanatory statement

By this amendment, the Scottish Ministers are given powers relating to the Digital Service, but may not without the Government’s consent require any changes to the Digital Service, prevent the Government from making any changes to the Digital Service, or require the continuation of the Digital Service.

Scotland Bill, *continued*

Secretary David Mundell

44

- ★ Clause 7, page 8, line 15, leave out from “apply” to end of line 16 and insert “to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”

Member’s explanatory statement

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Secretary David Mundell

45

- ★ Clause 7, page 8, line 40, leave out from “apply” to end of line 41 and insert “to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”

Member’s explanatory statement

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Secretary David Mundell

46

- ★ Clause 7, page 9, line 13, leave out from “apply” to end of line 14 and insert “to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.”

Member’s explanatory statement

This amendment is consequential on amendment 36 and ensures that the language of Clause 7 is consistent with the language of Clause 3.

Secretary David Mundell

47

- ★ Clause 10, page 11, line 19, leave out “the provisions of the Bill relate” and insert “any provision of the Bill relates”

Member’s explanatory statement

This amendment has the effect that the Presiding Officer must decide whether any provision of a bill relates to a protected subject-matter, rather than deciding more generally whether the provisions of a bill so relate.

Mr Alistair Carmichael

10

Clause 10, page 11, line 28, at end insert—

“() the period between general elections specified in section 2(2)”

Secretary David Mundell

48

- ★ Clause 10, page 11, line 36, leave out “the provisions of a Bill relate” and insert “any provision of a Bill relates”

Member’s explanatory statement

This amendment is consequential on amendment 47, as the Presiding Officer’s statement will now

Scotland Bill, continued

state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Secretary David Mundell

49

- ★ Clause 10, page 12, line 1, leave out from beginning to second “in” and insert—

“() Section 32 (submission of Bills for Royal Assent) is amended as follows.

() ”

Member's explanatory statement

This amendment is a technical amendment to reformat Clause 10 and introduce amendment 50.

Secretary David Mundell

50

- ★ Clause 10, page 12, line 2, at end insert—

“() After subsection (2) insert—

“(2A) The Presiding Officer shall not submit a Bill for Royal Assent if the Supreme Court has decided a reference made in relation to the Bill under section 32A(2)(b), unless since the decision the Bill has been approved in accordance with standing orders made by virtue of section 36(5).” ”

Member's explanatory statement

By this amendment, a bill that passed with a simple majority in respect of which the Supreme Court subsequently decides that a simple majority is sufficient, must be reconsidered before being submitted for Royal Assent.

Secretary David Mundell

51

- ★ Clause 10, page 12, line 11, leave out “the provisions of the Bill relate” and insert “any provision of the Bill relates”

Member's explanatory statement

This amendment is consequential on amendment 47, as the Presiding Officer's statement will now state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Secretary David Mundell

52

- ★ Clause 10, page 12, line 15, leave out “the provisions of the Bill do not relate” and insert “no provision of the Bill relates”

Member's explanatory statement

This amendment is consequential on amendment 47, as the Presiding Officer's statement will now state the Presiding Officer's decision as to whether any provision of a bill relates to a protected subject-matter.

Secretary David Mundell

53

- ★ Clause 10, page 12, line 16, at end insert “, unless the number of members voting in favour of the Bill at its passing is at least two-thirds of the total number of seats for members of the Parliament.”

Member's explanatory statement

By this amendment a bill may not be referred to the Supreme Court on the question whether the requirement for a two-thirds majority applies to the bill, if the bill passed with at least a two-thirds majority.

Scotland Bill, *continued*

Secretary David Mundell

54

- ★ Clause 10, page 12, line 19, leave out from “unless” to end of line 21 and insert “since the notification the Bill has been approved or rejected in accordance with standing orders made by virtue of section 36(5).”

Member’s explanatory statement

This amendment is consequential on amendment 60. It enables a Law Officer to refer a bill to the Supreme Court regarding a protected subject-matter question even if he had previously notified he would not refer the bill, if the bill has since been reconsidered on any ground.

Secretary David Mundell

55

- ★ Clause 10, page 12, line 21, at end insert—
“() Section 33 (scrutiny of Bills by the Supreme Court) is amended as follows.”

Member’s explanatory statement

This amendment is a technical amendment to reformat the introduction of subsection (9) of Clause 10, in light of the additional amendment to section 33 of the Scotland Act 1998 by amendment 57.

Secretary David Mundell

56

- ★ Clause 10, page 12, line 22, leave out “to section 33”

Member’s explanatory statement

This amendment is consequential on amendment 56, which is a technical amendment to reformat the introduction of subsection (9) of the clause.

Secretary David Mundell

57

- ★ Clause 10, page 12, line 23, at end insert—
“() In subsection (2)(b) omit “subsequent”.
() In section 35(3) (power to intervene in certain cases)—
 (a) in paragraph (b) omit “subsequent”, and
 (b) in paragraph (c) after “section” insert “32A(2)(b) or”.”

Member’s explanatory statement

This amendment is related to amendment 60. It changes the time limits that apply in sections 33 and 35 of the Scotland Act 1998 respectively, so that those time limits apply whenever a bill is reconsidered and regardless of the reason for the reconsideration.

Secretary David Mundell

58

- ★ Clause 10, page 12, line 26, leave out lines 26 to 29 and insert—
“(aa) the Supreme Court decides a reference made in relation to the Bill under section 32A(2)(b),”.

Member’s explanatory statement

This amendment is consequential on amendments 47 and 53, by which the key question is whether any provision of a bill relates to a protected subject-matter. It also simplifies the wording of new section 36(4)(aa) of the Scotland Act 1998.

Scotland Bill, continued

Secretary David Mundell

59

- ★ Clause 10, page 12, line 32, leave out from “if,” to “to” in line 34 and insert “on a reference made in relation to the Bill under section 32A(2)(a), the Supreme Court decides that no provision that is subject to the reference relates”

Member’s explanatory statement

This amendment is consequential on amendments 47 and 53, by which the key question is whether any provision of a bill relates to a protected subject-matter. It also simplifies the wording of new subsection 36(4A) of the Scotland Act 1998.

Secretary David Mundell

60

- ★ Clause 10, page 12, line 35, leave out subsections (13) and (14) and insert—
- “() In subsection (5) for “any Bill amended on reconsideration” substitute “—
- (a) any Bill amended on reconsideration in accordance with standing orders made by virtue of subsection (4)(a), (b) or (c), and
- (b) any Bill reconsidered in accordance with standing orders made by virtue of subsection (4)(aa) or (4A),”.

- () In subsection (6)—

- (a) after “28(2)” insert “, 31(2A), 31A, 32A(2)(b)”;
- (b) for “which has been amended on reconsideration” substitute “to which subsection (5)(a) or (b) applies”.

Member’s explanatory statement

This amendment, which is in part consequential on a number of other amendments, means that requirements regarding a final stage for a bill, and for approval of a bill following reconsideration to be treated as the passing of the bill, apply regardless of the ground for reconsideration.

Secretary David Mundell

61

- ★ Clause 11, page 13, line 8, after “(2)” insert “, (2B)”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 2(2B) of the Scotland Act 1998, which relates to the power of the Scottish Ministers to set the date of an election for membership of the Scottish Parliament in certain circumstances.

Secretary David Mundell

62

- ★ Clause 11, page 13, line 14, after “28” insert “(4) and”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 28(4) of the Scotland Act 1998, which relates to the Clerks dating of Royal Assent for a Bill.

Secretary David Mundell

63

- ★ Clause 11, page 13, at the end of line 14 insert—

“() section 31(3),”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 31(3) of the Scotland

Scotland Bill, *continued*

Act 1998, which relates to determining through standing orders the form and manner of a certain statements by the Presiding Officer.

Secretary David Mundell

64

- ★ Clause 11, page 13, line 16, leave out “39” and insert “38”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend section 38 of the Scotland Act 1998, which relates to Letters Patent and proclamations.

Secretary David Mundell

65

- ★ Clause 11, page 13, line 19, leave out “leave out “(1B)(a) and (b),” and insert “(1)(a) to (c)”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 44(1)(c) of the Scotland Act 1998, which relates to the Lord Advocate and Solicitor General for Scotland’s membership of the Scottish Government.

Secretary David Mundell

66

- ★ Clause 11, page 13, line 22, after “47” insert “(2) and”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 47(2) of the Scotland Act 1998, which relates to the Scottish Parliament’s agreement to the appointment of ministers.

Secretary David Mundell

67

- ★ Clause 11, page 13, line 24, after “49(2)” insert “, (3)”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsection 49(3) of the Scotland Act 1998, which relates to the Scottish Parliament’s agreement to the appointment of junior ministers.

Secretary David Mundell

68

- ★ Clause 11, page 13, line 26, leave out “section 69(3)” and insert—

“(i) section 69(2) to (5), and

(ii) section 70(1) to (5) and (7) to (9),”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsections 69(2) to (5) of the Scotland Act 1998, which relate to the Auditor General for Scotland, and subsections 70(1) to (5) and (7) to (9) of that Act, which relate to financial control, accounts and audit.

Secretary David Mundell

69

- ★ Clause 11, page 13, line 28, after “91,” insert “92(1), (2) and (4) to (6),”

Member’s explanatory statement

This amendment gives power to the Scottish Parliament to amend subsections 92(1), (2) and (4) to (6) of the Scotland Act 1998, which relate to the Queen’s Printer for Scotland.

Scotland Bill, continued

Ian Murray

27

Clause 15, page 18, line 20, leave out “the amount described in subsection (3)” and insert ‘the whole amount’

Member’s explanatory statement

The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

28

Clause 15, page 18, line 26, leave out “the amount described in subsection (4)” and insert ‘the whole amount’

Member’s explanatory statement

The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

29

Clause 15, page 18, line 28, leave out subsections (3) and (4)

Member’s explanatory statement

The purpose of this and the linked amendments to Clause 15 is to allow a sum equivalent to all of the revenue raised by both standard and reduced rates of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

30

Clause 15, page 18, line 33, at end insert “Provided that the amount payable is not less than half of the agreed standard rate amount.”

Member’s explanatory statement

This amendment would ensure that the share of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the standard rate of VAT is cut in the future.

Ian Murray

31

Clause 15, page 18, line 39, at end insert “Provided that the amount payable is not less than half of the agreed reduced rate amount.”

Member’s explanatory statement

This amendment would ensure that the share of the revenue raised by the reduced rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the reduced rate of VAT is cut in the future.

Secretary David Mundell

70

★ Clause 19, page 22, line 43, leave out “relevant carer” and insert “person”

Member’s explanatory statement

To enable the Scottish Parliament to legislate for the payment of a carer’s benefit to a person who is under 16, is in full-time education or is gainfully employed, this amendment removes the defined term “relevant carer” and replaces it with “person”.

Scotland Bill, *continued*

Secretary David Mundell

71

- ★ Clause 19, page 22, leave out lines 45 to 48

Member's explanatory statement

This amendment removes the definition of "relevant carer" which, as consequence of amendment 70, is no longer required.

Secretary David Mundell

72

- ★ Clause 20, page 23, line 27, after "financial" insert "or other"

Member's explanatory statement

This amendment and amendment 73 will give the Scottish Parliament the competence to legislate for forms of non-financial assistance to support people with a view to reducing maternity expenses, funeral expenses or expenses for heating in cold weather.

Secretary David Mundell

73

- ★ Clause 20, page 23, line 27, at end insert "or reducing"

Member's explanatory statement

See the explanatory statement for amendment 72.

Secretary David Mundell

74

- ★ Clause 20, page 23, line 33, leave out "8" and insert "9"

Member's explanatory statement

This amendment is consequential on New Clause 14 and it adjusts numbering in a new clause title inserted by Clause 20.

Secretary David Mundell

75

- ★ Clause 20, page 23, line 34, leave out "8" and insert "9"

Member's explanatory statement

This amendment is consequential on New Clause 14 and provides that nothing in the New Clause is read as excepting the National Insurance Fund and certain other Funds and assistance.

Ian Murray
Wayne David

21

- Clause 21, page 24, leave out lines 13 to 20

Member's explanatory statement

This amendment would allow the Scottish Parliament to legislate for topping up reserved benefits by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Scotland Bill, continued

Secretary David Mundell

76

- ★ Clause 22, page 24, leave out lines 38 to 48

Member's explanatory statement

This amendment removes the limit on the amount of discretionary financial assistance an individual who is in receipt of a reserved benefit to assist with rental costs can receive. The discretionary financial assistance must still be provided to help the individual with their housing costs.

Ian Murray
Wayne David

22

- Clause 22, page 25, leave out lines 1 to 8

Member's explanatory statement

This amendment would allow the Scottish Parliament to legislate for making discretionary housing payments by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Ian Murray
Wayne David

23

- Clause 23, page 25, leave out lines 30 to 37

Member's explanatory statement

This amendment would allow the Scottish Parliament to legislate for making discretionary payments to meet short-term needs by providing financial assistance in any case where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct.

Secretary David Mundell

77

- ★ Clause 24, page 26, line 22, leave out from “regulations” to end of line 25 and insert—

“() If—

- (a) the Scottish Ministers make regulations to which this section applies, and
- (b) the Secretary of State considers that it is not practicable to implement a change made by the regulations by the time that change is to start to have effect,

the Secretary of State may by regulations made by statutory instrument amend the regulations so that the change is to start to have effect from a time later than the time originally set.

- () The altered time must be no later than the Secretary of State considers necessary, having regard to the practicability of implementing the change.”

Member's explanatory statement

This amendment replaces the provision that prevents regulations being made by the Scottish Ministers unless the Secretary of State has agreed the start date of any changes with a power for the Secretary of State to postpone the start date if this cannot be met.

Scotland Bill, *continued*

Ian Murray
Wayne David

24

Clause 24, page 26, line 25, leave out “unreasonably”

Member’s explanatory statement

This amendment would make it clear that the UK Government cannot withhold agreement and will have a legal obligation to agree to any changes to regulations made by the Scottish Government using the new regulation-making powers conferred under clause 24.

Ian Murray

32

Clause 24, page 26, line 35, leave out “negative procedure (see section 28” and insert “affirmative procedure (see section 29”

Member’s explanatory statement

This amendment would require regulations made by Scottish Ministers under subsection (1) of Clause 24 (Universal credit: costs of claimants who rent accommodation) to be subject to the Scottish Parliament’s affirmative procedure.

Secretary David Mundell

78

★ Clause 25, page 27, line 2, leave out from “regulations” to end of line 5 and insert—

“() If—

- (a) the Scottish Ministers make regulations to which this section applies, and
- (b) the Secretary of State considers that it is not practicable to implement a change made by the regulations by the time that change is to start to have effect,

the Secretary of State may by regulations made by statutory instrument amend the regulations so that the change is to start to have effect from a time later than the time originally set.

- () The altered time must be no later than the Secretary of State considers necessary, having regard to the practicability of implementing the change.”

Member’s explanatory statement

This amendment replaces the provision that prevents regulations being made by the Scottish Ministers unless the Secretary of State has agreed the start date of any changes with a power for the Secretary of State to postpone the start date if this cannot be met.

Ian Murray
Wayne David

25

Clause 25, page 27, line 5, leave out “unreasonably”

Member’s explanatory statement

This amendment would make it clear that the UK Government cannot withhold agreement and will have a legal obligation to agree to any changes to regulations made by the Scottish Government using the new regulation-making powers conferred under clause 25.

Scotland Bill, continued

Ian Murray

- 33
- Clause 25, page 27, line 13, leave out “negative procedure (see section 28” and insert “affirmative procedure (see section 29”

Member’s explanatory statement

This amendment would require regulations made by Scottish Ministers under subsection (1) of Clause 25 (Universal credit: person to whom, and time when, paid) to be subject to the Scottish Parliament’s affirmative procedure.

Secretary David Mundell

- 79
- ★ Clause 27, page 28, line 12, leave out “or 26” and insert “, 26 or [*Welfare foods*]”

Member’s explanatory statement

This amendment ensures that functions of Ministers of the Crown in relation to welfare foods transfer to Scottish Ministers along with legislative competence.

Secretary David Mundell

- 80
- ★ Clause 27, page 28, line 24, leave out “or 26” and insert “, 26 or [*Welfare foods*]”

Member’s explanatory statement

This amendment makes a necessary consequential change flowing from the devolution of executive competence effected by amendment 75 to make clear that, in Clause 27 the relevant date is the date on which the relevant provision of New Clause 14 comes into force.

Secretary David Mundell

- 81
- ★ Clause 27, page 28, line 29, after “sections” insert “[*Functions exercisable within devolved competence: elections*],”

Member’s explanatory statement

This amendment is consequential to the amendments made to New Clause 13.

Secretary David Mundell

- 82
- ★ Clause 29, page 29, line 32, after “pensions,” insert—

“() welfare foods,”

Member’s explanatory statement

This amendment ensures that the Secretary of State and Scottish Ministers may share information during the course of devolving welfare foods functions and subsequently.

Secretary David Mundell

- 83
- ★ Clause 29, page 29, line 45, at the end insert—

“(1) a function of the Scottish Ministers relating to welfare foods;”

Member’s explanatory statement

This amendment is consequential on New Clause 14 and ensures that the meaning of “relevant

Scotland Bill, *continued*

Scottish social security function” includes the Scottish Ministers’ functions relating to welfare foods.

Mr Alistair Carmichael

11

Clause 31, page 30, line 34, leave out “may” and insert “must following agreement with the Scottish Government”

Secretary David Mundell

84

★ Clause 31, page 31, line 12, at end insert—

“(4A) The property, rights and interests to which the existing Scottish functions relate must continue to be managed on behalf of the Crown.

(4B) That does not prevent the disposal of property, rights or interests for the purposes of that management.

(4C) Subsection (4A) also applies to property, rights or interests acquired in the course of that management (except revenues to which section 1(2)(b) of the Civil List Act 1952 applies).

(4D) The property, rights and interests to which subsection (4A) applies must be maintained as an estate in land or as estates in land managed separately (with any proportion of cash or investments that seems to the person managing the estate to be required for the discharge of functions relating to its management).”

Member’s explanatory statement

The inserted subsections replace subsection (10) of the Clause. They clarify how the requirement to maintain as an estate in land will operate after the transfer: that there may be separately managed estates; that management is on behalf of the Crown; and that this does not prevent disposals but includes all acquisitions.

Secretary David Mundell

85

★ Clause 31, page 31, line 30, leave out “the existing Scottish functions relate” and insert “subsection (4A) applies”

Member’s explanatory statement

This amendment is consequential on amendment 84.

Secretary David Mundell

86

★ Clause 31, page 31, line 35, leave out “the existing Scottish functions relate” and insert “subsection (4A) applies”

Member’s explanatory statement

This amendment is consequential on amendment 84.

Scotland Bill, continued

Secretary David Mundell

87

- ★ Clause 31, page 31, line 37, leave out “other functions of the Commissioners” and insert “the Commissioners’ functions other than the existing Scottish functions”
Member’s explanatory statement
This amendment amends new section 90B(8)(d) to clarify the wording in this provision.

Secretary David Mundell

88

- ★ Clause 31, page 32, line 20, leave out from beginning to “after” in line 21 and insert—
 “() Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.
 () In sub-paragraph (3) of paragraph 2,”
Member’s explanatory statement
This is consequential on amendment 89.

Secretary David Mundell

89

- ★ Clause 31, page 32, line 22, at end insert—
 “() After that sub-paragraph insert—
 “(3A) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the requirements of section 90B(4A) to (4D).””
Member’s explanatory statement
This amends Schedule 5 to the Scotland Act 1998 to provide for the reservation of the subject-matter of subsections (4A) to (4D) of new section 90B (inserted by amendment 84).

Mr Alistair Carmichael

12

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

Mr Alistair Carmichael

13

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

Mr Alistair Carmichael

14

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

Secretary David Mundell

90

- ★ Clause 31, page 32, line 39, leave out “the transferred functions relate” and insert “section 90B(4A) applies”
Member’s explanatory statement
This is consequential on amendment 84.

Secretary David Mundell

91

- ★ Clause 31, page 32, line 40, leave out “the Secretary of State or”
Member’s explanatory statement
Clause 31(5) applies a modified version of the Crown Estate Act 1961 to the transferee. This amendment omits “the Secretary of State” from Clause 31(5)(b), since there will be no references to the Secretary of State in that Act as modified.

Scotland Bill, *continued*

Secretary David Mundell

92

- ★ Clause 31, page 33, line 7, at end insert—

“in section 4, the words “with the consent of Her Majesty signified under the Royal Sign Manual”;

Member’s explanatory statement

Clause 31(5) applies a modified version of the Crown Estate Act 1961 to the transferee. This amendment omits the reference to the Royal Sign Manual in the modified Act, so that Her Majesty will not be required to consent to certain post-transfer transactions by the transferee.

Secretary David Mundell

93

- ★ Clause 31, page 33, line 14, after “1998” insert “(subject to subsections (4A) to (4D) of that section)”

Member’s explanatory statement

This makes the power to make an Order in Council in Clause 31(7) subject to subsections (4A) to (4D) of new section 90B, which are inserted by amendment 84.

Secretary David Mundell

94

- ★ Clause 31, page 33, line 15, at end insert—

“() An Order in Council under subsection (7) may in particular—

- (a) establish a body, including a body that may be nominated under that section as the transferee;
- (b) amend, repeal, revoke or otherwise modify an enactment, an Act of the Scottish Parliament, or an instrument made under an enactment or Act of the Scottish Parliament.”

Member’s explanatory statement

This clarifies the scope of the power to make an Order in Council in Clause 31(7). A body can be established by such an order and the order can include amendments to, in particular, an Act of Parliament or an Act of the Scottish Parliament.

Secretary David Mundell

95

- ★ Clause 31, page 33, line 26, leave out subsection (10)

Member’s explanatory statement

This is consequential on amendment 84 which replaces the provision in subsection (10) about the requirement to maintain an estate in land.

Secretary David Mundell

96

- ★ Clause 32, page 33, line 44, leave out subsection (2) and insert—

“(2) Omit the words from “, including the subject-matter of” to “1995”.”

Member’s explanatory statement

This amendment removes any reference to legislation from the equal opportunities reservation in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998.

Scotland Bill, *continued*

Secretary David Mundell

97

- ★ Clause 32, page 34, leave out lines 3 and 4

Member's explanatory statement

This amendment removes the exception to the reservation on socio economic inequalities as this area is already devolved.

Secretary David Mundell

98

- ★ Clause 32, page 34, line 4, at end insert—

“Equal opportunities so far as relating to the inclusion of persons with protected characteristics in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.”

Member's explanatory statement

This amendment makes specific provision for the Scottish Parliament to have legislative competence to enact positive measures in appointments to the boards of Scottish public authorities, including the modification of existing reserved legislation.

Secretary David Mundell

100

- ★ Clause 32, page 34, line 6, after second “authority” insert “, other than any function that relates to the inclusion of persons in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.”

Member's explanatory statement

This amendment is consequential to amendment 98.

Secretary David Mundell

99

- ★ Clause 32, page 34, line 8, after second “or” insert “of”

Member's explanatory statement

This amendment corrects a typographical omission.

Ian Murray

26

- Clause 32, page 34, line 13, at end insert “including the imposition of minimum quotas for women and other persons with protected characteristics across all levels of public and political representation in Scotland.”

Member's explanatory statement

This Amendment is intended to make explicit that, among the exceptions to reserved matters on equal opportunities, the power is being devolved to the Scottish Parliament to set gender quotas.

Secretary David Mundell

101

- ★ Clause 32, page 34, line 17, leave out “at the end insert” and insert “at the appropriate places insert—

““Board” includes any other equivalent management body.”

““Non-executive post” in relation to an authority means any position the holder of which is not an employee of the authority.”

““Protected characteristic” has the same meaning as in the Equality Act 2010.””

Member's explanatory statement

This amendment defines the key terms used in amendment 98.

Scotland Bill, *continued*

Secretary David Mundell

102

- ★ Clause 32, page 34, line 19, leave out “Part 1 of that Act, and to”
Member’s explanatory statement
Consequential on amendment 97.

Secretary David Mundell

103

- ★ Clause 32, page 34, line 25, leave out subsection (6)
Member’s explanatory statement
Subsection (6) of Clause 32 is superseded by New Clause 16.

Secretary David Mundell

104

- ★ Clause 32, page 34, line 37, leave out subsections (9) and (10)
Member’s explanatory statement
Subsections (9) and (10) of Clause 32 are superseded by New Clause 16.

Secretary David Mundell

105

- ★ Clause 33, page 35, line 10, leave out from beginning to end of line 38 on page 36 and insert—
 - “2A (1) This Schedule does not reserve the transfer to a Scottish tribunal of functions of a tribunal that relate to reserved matters, so far as those functions are exercisable in relation to Scottish cases.
 - (2) “Scottish cases” has the meaning given by an Order in Council made by Her Majesty under this sub-paragraph.
 - (3) Sub-paragraph (1) does not apply where a function is excluded from transfer.
 - (4) Where a function is not excluded from transfer but is subject to qualified transfer, sub-paragraph (1) applies only if the transfer of the function is in accordance with provision made by Her Majesty by Order in Council.
 - (5) An Order in Council under sub-paragraph (4)—
 - (a) must specify the function to which it relates,
 - (b) must specify the Scottish tribunal to which the function may be transferred, and
 - (c) may make any other provision which Her Majesty considers necessary or expedient for the purposes of or in consequence of the transfer of the function and its exercise by the Scottish tribunal.
 - (6) The functions that are subject to qualified transfer are the functions of the following tribunals—
 - (a) the First-tier Tribunal or the Upper Tribunal that are established under section 3 of the Tribunals, Courts and Enforcement Act 2007;
 - (b) an employment tribunal or the Employment Appeal Tribunal;
 - (c) a tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992;
 - (d) a tribunal listed in Schedule 6 to the Tribunals, Courts and Enforcement Act 2007.
 - (7) Sub-paragraph (6)(c) and (d) include a tribunal added to the Schedule concerned after this paragraph comes into force.
 - (8) Provision made by virtue of sub-paragraph (5)(c) may—

Scotland Bill, *continued*

- (a) include provision that—
 - (i) modifies the function;
 - (ii) imposes conditions or restrictions (including conditions or restrictions relating to the composition or rules of procedure of the Scottish tribunal, or to its staff or accommodation);
 - (b) be made with a view to purposes including—
 - (i) securing consistency in any respect in practice or procedure or otherwise between the Scottish tribunal and other tribunals;
 - (ii) promoting judicial co-operation in the interests of consistency.
- (9) Sub-paragraph (8) does not limit the provision that may be made by virtue of sub-paragraph (5)(c).
- (10) The following functions are excluded from transfer—
- (a) functions of a national security tribunal;
 - (b) functions of a regulator, or of a person or body that exercises functions on behalf of a regulator;
 - (c) functions of the Comptroller-General of Patents, Designs and Trade Marks.
- (11) In this paragraph—
- a “national security tribunal” means—
 - (a) the Pathogens Access Appeal Commission;
 - (b) the Proscribed Organisations Appeal Commission;
 - (c) the Special Immigration Appeals Commission;
 - (d) the tribunal established by section 65(1) of the Regulation of Investigatory Powers Act 2000 (investigatory powers tribunal);
 - (e) any other tribunal that has functions relating to matters falling within Section B8 of Part 2 of this Schedule, except a tribunal mentioned in sub-paragraph (6);
 - a “regulator” means a person or body that has regulatory functions (within the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006);
 - a “Scottish tribunal” means a tribunal in Scotland—
 - (a) that does not have functions in or as regards any other country or territory, except for purposes ancillary to its functions in or as regards Scotland, and
 - (b) that is not, and does not have as a member, a member of the Scottish Government.
- (12) The powers conferred by this paragraph do not affect the powers conferred by section 30 or section 113.”

Member’s explanatory statement

The amendment reorganises paragraph 2A. Provisions previously covered in both paragraphs 2A(1) and (4) are brought together in paragraph 2A(1). Part of paragraph 2A(8)(a) (previously in paragraph 2A(6)(a)(iii)) is omitted as unnecessary because section 113(2) of the 1998 Act allows different meanings of “Scottish cases” to be provided for under paragraph 2A(2) for different purposes.

Mr Alistair Carmichael

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

Scotland Bill, *continued*

Mr Alistair Carmichael 16
 Clause 33, page 35, leave out lines 24 and 25

Mr Alistair Carmichael 17
 Clause 33, page 35, leave out lines 26 to 30

Secretary David Mundell 106

★ Clause 37, page 41, line 24, at end insert “(1) to (16)”
Member’s explanatory statement
This amendment would clarify that clause 37(2) does not change the person who is to exercise ministerial functions under section 87 of the Road Traffic Regulation Act 1984 (as inserted by section 19 of the Road Safety Act 2006), so far as relating to Wales.

Secretary David Mundell 107

★ Clause 37, page 41, line 26, at end insert—
 “(3) Subsection (4) applies if the Secretary of State makes a statutory instrument revoking the following instruments in relation to England and Wales—
 (a) the Zebra, Pelican and Puffin Pedestrian Crossing Regulations and General Directions 1997 (S.I. 1997/2400);
 (b) the Traffic Signs (Temporary Obstructions) Regulations 1997 (S.I. 1997/3053);
 (c) the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113).
 (4) Despite anything in section 35 or 36 or Schedule 2, the Secretary of State may by that instrument exercise one or more of the traffic signs powers to make provision in relation to roads in Scotland (including provision revoking one or more of the instruments mentioned in subsection (3) in relation to Scotland), with the consent of the Scottish Ministers.
 (5) The traffic signs powers are—
 (a) the power to make regulations under section 25 of the Road Traffic Regulation Act 1984 (pedestrian crossings);
 (b) the power to make regulations under section 64 of that Act (traffic signs);
 (c) the power to give general directions under section 65(1) of that Act (placing of traffic signs);
 (d) the power to give general directions under section 85(2) of that Act (traffic signs for indicating speed restrictions);
 (e) the power to make regulations under section 36(5) of the Road Traffic Act 1988 (traffic signs: discretionary disqualification for failure to comply).
 (6) The Secretary of State may not by virtue of subsection (4) exercise any power in a way that the Secretary of State could not have exercised that power immediately before the coming into force of sections 35 and 36 and Schedule 2.”

Member’s explanatory statement
This amendment would mean that if the Secretary of State replaces the current regulations and general directions on traffic signs, the new provisions can, if the Scottish Ministers consent, apply

Scotland Bill, continued

in relation to Scotland, in addition to England and Wales. Replacement provisions are currently being prepared for Spring 2016.

Secretary David Mundell

108

- ★ Clause 40, page 42, line 12, after “granting” insert “and regulation”

Member’s explanatory statement

This amendment makes a minor and technical change, clarifying that both the granting and regulating of licences fall within the matters no longer reserved.

Secretary David Mundell

109

- ★ Clause 40, page 42, line 12, at end insert “that, at the time of the grant of the licence, is”

Member’s explanatory statement

This amendment makes a minor and technical change, clarifying that the access powers being transferred are those to land for the purposes of searching or boring for or getting petroleum.

Secretary David Mundell

110

- ★ Clause 40, page 42, leave out line 15 and insert—

“Access to land for the purpose of searching or boring for or getting petroleum under such a licence.”

Member’s explanatory statement

This amendment clarifies that for a given licence, the definition of onshore Scotland shall be that which applies at the time the licence is granted. This is to prevent a change in onshore-offshore delineations due to geological processes from impacting an existing licence.

Secretary David Mundell

111

- ★ Clause 41, page 43, line 34, leave out “Minister in section 4 of that Act included” and insert “Secretary of State (or the Minister) in sections 4 and 9 of that Act included references to”

Member’s explanatory statement

This amendment makes a minor and technical change, clarifying the effect of the Mines (Working Facilities and Support) Act 1966 within the Petroleum Act 1998 for the Scottish Ministers in relation to onshore Scotland.

Secretary David Mundell

112

- ★ Clause 41, page 43, leave out line 40 and insert—

““8A Interpretation of Part 1

- () This section applies for the purposes of this Part.
- () The “appropriate Minister” means—
 - (a) in relation to the Scottish onshore area, the Scottish Ministers;

Scotland Bill, *continued*

- (b) otherwise, the Secretary of State.”

Member’s explanatory statement

This amendment makes a minor and technical change, clarifying that for the entirety of Part 1 of the Petroleum Act 1998, the “Appropriate Minister” refers to Scottish Ministers in relation to onshore Scotland.

Secretary David Mundell

113

- ★ Clause 42, page 44, line 31, after “40” insert “or 41”

Member’s explanatory statement

This amendment makes a minor and technical change, clarifying that the new power for the Secretary of State to amend existing licences is framed by the necessity to make changes in relation to the provisions brought forth in both Clause 40 and Clause 41 of the Scotland Bill.

Secretary David Mundell

114

- ★ Clause 42, page 44, line 35, at end insert—

“() In the case of an existing licence granted in respect of an area (“the licence area”) of which part only was within the Scottish onshore area at the time the licence was granted—

- (a) the Secretary of State may direct that it is to have effect as a licence in respect of an area comprising that part and a separate licence in respect of an area comprising the rest of the licence area, and
- (b) subsection (1) applies in relation to each of those licences as it applies in relation to the existing licence.”

Member’s explanatory statement

This amendment enables the Secretary of State to split cross-border licences between Scotland and England so as to transfer the administration of acreage in Scotland to Scottish Ministers while maintaining the administration of acreage in England with the Secretary of State.

Secretary David Mundell

115

- ★ Clause 43, page 45, line 24, at end insert—

“, but not any related compulsory levy on postal operators.”;

- () under the heading “Interpretation”, before ““postal services”” insert “postal operator”.”

Member’s explanatory statement

This amendment has the effect of reserving powers to raise levies on postal operators for the purpose of funding consumer advocacy and advice.

Scotland Bill, continued

Secretary David Mundell

116

- ★ Clause 43, page 45, line 30, at end insert—

“, but not any related compulsory levy on persons supplying, generating, transmitting or distributing electricity.””

Member’s explanatory statement

This amendment has the effect of reserving powers to raise levies on those supplying, generating, transmitting or distributing electricity for the purpose of funding consumer advocacy and advice.

Secretary David Mundell

117

- ★ Clause 43, page 45, line 32, after “provision” insert “in relation to gas”

Member’s explanatory statement

This amendment makes a minor and technical change, correcting an omission from the Bill print at Introduction.

Secretary David Mundell

118

- ★ Clause 43, page 45, line 33, at end insert—

“, but not any related compulsory levy on persons supplying gas to premises or conveying gas through pipes.””

Member’s explanatory statement

This amendment has the effect of reserving powers to raise levies on those supplying gas to premises or conveying gas through pipes for the purpose of funding consumer advocacy and advice.

Secretary David Mundell

119

- ★ Clause 43, page 45, line 40, leave out “at the end insert “or to such proportion of” and insert “—

(a) after “payment by the licence holder of sums” insert “— (a)”;

(b) at the end insert “, or

(b) relating to”

Member’s explanatory statement

This amendment and amendment 124 make minor and technical changes to the drafting to avoid duplication.

Secretary David Mundell

120

- ★ Clause 43, page 46, line 2, leave out second “or” and insert “and”

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting, correcting a grammatical error.

Secretary David Mundell

121

- ★ Clause 43, page 46, line 6, leave out paragraph (b)

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Scotland Bill, *continued*

Secretary David Mundell

122

- ★ Clause 43, page 46, line 9, leave out from “words” to end of line 10 and insert ““(bb),” and “,(cb)”.”

Member’s explanatory statement

This amendment makes minor and technical changes to the drafting to avoid deleting references needed to collect historical costs and to delete extraneous references.

Secretary David Mundell

123

- ★ Clause 43, page 46, line 13, leave out paragraph (f)

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Secretary David Mundell

124

- ★ Clause 43, page 46, line 13, at end insert—

“() In subsection (9) after “(3A)” insert “or to amounts mentioned in subsection (2)(b)”.”

Member’s explanatory statement

See explanatory statement for amendment 119.

Secretary David Mundell

125

- ★ Clause 43, page 46, line 17, leave out “such proportion of”

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid duplication.

Secretary David Mundell

126

- ★ Clause 43, page 46, line 25, leave out paragraph (b)

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid duplication.

Secretary David Mundell

127

- ★ Clause 43, page 46, line 27, at end insert—

“() in subsection (4A) the words “or Citizens Advice Scotland, or by them jointly,”.”

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid duplication.

Secretary David Mundell

128

- ★ Clause 43, page 46, line 28, leave out paragraph (e)

Member’s explanatory statement

This amendment makes a minor and technical change to the drafting to avoid deleting references needed to collect historical costs.

Scotland Bill, *continued*

Mr Alistair Carmichael 18
Clause 45, page 47, line 7, leave out “for which the maximum charge for use is more than £10”

Graham Jones 1
Clause 45, page 47, line 7, leave out “£10” and insert “£2”

Mr Alistair Carmichael 19
Clause 45, page 47, line 17, leave out “for which the maximum charge for use is more than £10”

Graham Jones 2
Clause 45, page 47, line 18, leave out “£10” and insert “£2”

Graham Jones 3
Clause 45, page 47, line 18, after “£10”, insert—
“() the content and the speed of play,”

Graham Jones 4
Clause 45, page 47, line 18, after “£10”, insert—
“() the number of staff required to supervise such machines,”

Mr Alistair Carmichael 20
Clause 45, page 47, leave out lines 35 and 36

Secretary David Mundell 129
★ Clause 57, page 64, line 16, at the end insert—
“() In subsection (5) after “(3)(a)” insert “, (aa)”
Member’s explanatory statement
This amendment provides that the member of Ofcom appointed by the Scottish Ministers pursuant to Clause 57 has the functions of determining the number of executive members of Ofcom and making those appointments under section 1(5) of the Office of Communications Act 2002.

Secretary David Mundell 130
★ Clause 59, page 65, line 24, after “section” insert “3,”
Member’s explanatory statement
This amendment inserts a reference to Clause 3 and has the effect of applying Schedule 2 of the

Scotland Bill, *continued*

Interpretation and Legislative Reform (Scotland) Act 2010 to any functions that are exercisable within devolved competence by virtue of that Clause.

Secretary David Mundell

131

- ★ Clause 59, page 65, line 31, after “section” insert “3,”

Member’s explanatory statement

This amendment inserts a reference to Clause 3 and has the effect of applying Schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 to any functions that are exercisable within devolved competence by virtue of that Clause

Secretary David Mundell

132

- ★ Clause 59, page 65, line 41, after “section” insert “3,”

Member’s explanatory statement

This amendment inserts a reference to Clause 3 and has the effect of making sure that a reference to the relevant date for the purposes of Clause 59 also applies to Clause 3.

Secretary David Mundell

133

- ★ Clause 63, page 67, line 37, at the end insert—

“(e) section 57”

Member’s explanatory statement

This amendment allows the provisions of Clause 57 to be commenced by regulations under Clause 63.

Secretary David Mundell

134

- ★ Clause 63, page 67, line 37, at end insert—

“(4A) Section [*Destination of fines, forfeitures and fixed penalties*] comes into force on such day as the Treasury may appoint by regulations made by statutory instrument.”

Member’s explanatory statement

This is consequential on New Clause 17.

Secretary David Mundell

135

- ★ Clause 63, page 67, line 38, after “(4)” insert “or (4A)”

Member’s explanatory statement

This is consequential on New Clause 17.

Scotland Bill, *continued*

NEW SCHEDULE

Ian Murray
Wayne David

NS1

To move the following Schedule—

“SCHEDULE

THE JOINT COMMITTEE ON WELFARE DEVOLUTION

Membership

- 1 The Joint Committee on Welfare Devolution is to comprise the Secretary of State, who is to be the chair of the Committee, and the following other members—
 - (a) the Scottish Minister who is responsible to the Scottish Parliament for welfare policy and payments, who is to be the deputy chair of the Committee;
 - (b) the Member of the House of Commons who is for the time being the Chair of the Work and Pensions Select Committee of the House of Commons;
 - (c) the Member of the Scottish Parliament who is for the time being the Chair of the Welfare Reform Committee of the Scottish Parliament;
 - (d) two Members of the House of Commons who are not Ministers of the Crown;
 - (e) two Members of the Scottish Parliament who are not Scottish Ministers; and
 - (f) two persons representing local government in Scotland.
- 2 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(d) are to be appointed to membership of the Committee by the Speaker of the House of Commons.
- 3 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1 (e) are to be appointed to membership of the Committee by the Presiding Officer of the Scottish Parliament.
- 4 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(f) are to be appointed to membership of the Committee by Scottish Ministers after consultation with the Convention of Scottish Local Authorities.
- 5 In this Schedule, references to the Work and Pensions Select Committee of the House of Commons are—
 - (a) if the name of that Committee is changed, to be taken (subject to paragraph (b)) to be references to the Committee by its new name;
 - (b) if the functions of that Committee at the passing of this Act with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, to be taken to be references to the committee by whom the functions are for the time being exercisable.
- 6 In this Schedule, references to the Welfare Reform Committee of the Scottish Parliament are—
 - (a) if the name of that Committee is changed, to be taken (subject to paragraph (b)) to be references to the Committee by its new name;

Scotland Bill, continued

- (b)) if the functions of that Committee at the passing of this Act with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the Scottish Parliament, to be taken to be references to the committee by whom the functions are for the time being exercisable.

Term of office of Committee members

- 7 A member may resign from the Committee at any time by giving notice to the Secretary of State.
- 8 A member may be re-appointed (or further re-appointed) to membership of the Committee.

Committee proceedings

- 9 The Joint Committee on Welfare Reform may determine its own procedure.
- 10 The validity of any proceedings of the Joint Committee on Welfare Reform is not affected by—
- (a) any vacancy among, or
 - (b) any defect in the appointment of any of, the members of the Committee.
- 11 The Joint Committee on Welfare Reform may appoint a member of the Committee to act as chair at any meeting of the Committee in the absence of both the Secretary of State and the Scottish Minister who is deputy chair of the Committee.

Advisory Panel

- 12 The Secretary of State and Scottish Ministers acting jointly may make regulations appointing an advisory panel on the transfer, implementation and operation of the powers devolved to the Scottish Parliament by Part 3 of this Act, comprising academics, representatives of the third sector and voluntary organisations, and other relevant stakeholders.
- 13 The Joint Committee on Welfare Reform must consult any advisory panel appointed under paragraph 12 of this Schedule.

Member's explanatory statement

This new Schedule is linked to New Clause NC3 (Joint Committee on Welfare Reform) and makes provision about membership and proceedings of the Joint Committee, including the appointment of an advisory panel including third sector and academic experts.

Secretary David Mundell

136

- ★ Schedule 2, page 76, line 21, leave out paragraph (a)

Member's explanatory statement

This amendment would ensure that the Bill does not affect the powers of the Scottish Ministers under section 14 of the Road Traffic Regulation Act 1984, as expanded by section 22C of that Act, that were previously devolved by Order in Council.

Scotland Bill, continued

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

<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

Scotland Bill, *continued*

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.
-