



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 4 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: 191 to 225 and NC33 to NC36

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 accordance with the Scotland Bill (Programme (No. 2)) Motion to be proposed by Secretary David Mundell.

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1 AND 2, AMENDMENTS TO CLAUSES 1 TO 18 AND SCHEDULE 1

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*

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—
 - (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.

Scotland Bill, *continued*

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.

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

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.

Scotland Bill, *continued*

Angus Robertson
 Stewart Hosie
 Dr Eilidh Whiteford
 Joanna Cherry
 Pete Wishart
 Alex Salmond

NC35

★ To move the following Clause—

“Consent of the Scottish Parliament to certain Westminster Acts

(1) In section 28 of the Scotland Act 1998 (Acts of the Scottish Parliament), at the end add—

“(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.

(9) A provision is about a devolved matter if the provision—

- (a) applies to Scotland and does not relate to reserved matters,
- (b) modifies the legislative competence of the Scottish Parliament, or
- (c) modifies the functions of any member of the Scottish Government.

(10) In subsection (8), “Acts” includes any Act, whether a public general Act, a local and personal Act or a private Act.”

(2) After section 28 of the Scotland Act 1998 insert—

“28A Duty to consult the Scottish Government on Bills applying to Scotland

(1) A Minister of the Crown shall consult Scottish Ministers before introducing any Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland.

(2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—

- (a) 21 days before the proposed date of introduction, or
- (b) such later date as the Scottish Ministers may agree.”

(3) The requirement in subsection (2) does not apply if—

- (a) the Scottish Ministers so agree, or
- (b) there are exceptional circumstances justifying failure to comply with the requirement.

(4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.”

Member’s explanatory statement

This new clause would ensure that the UK Parliament can only legislate in devolved areas with the consent of the Scottish Parliament. It puts the Sewel Convention onto a statutory footing, as agreed by the Smith Commission.

Scotland Bill, continued

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Pete Wishart
Alex Salmond
Joanna Cherry

NC36

★ To move the following Clause—

“Scottish independence referendum

- (1) Paragraph 5A in Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.
- (2) In sub-paragraph (1), leave out “if the following requirements are met”.
- (3) Leave out sub-paragraphs (2) to (4).”

Member’s explanatory statement

This New Cause would permit the Scottish Parliament to decide whether and when to hold a referendum on Scottish independence.

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Pete Wishart
Alex Salmond
Joanna Cherry

195

★ Clause 1, page 1, leave out lines 7 and 8 and insert—

“(1A) The Scottish Parliament is a permanent part of the United Kingdom’s constitution.

(1B) Subsection (1) or (1A) may be repealed only if—

- (a) the Scottish Parliament has consented to the proposed repeal, and
- (b) a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”

Member’s explanatory statement

This amendment is to ensure that the Scottish Parliament can only be abolished with the consent of the Scottish Parliament and the Scottish people after a referendum.

Mr Alistair Carmichael

5

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

Scotland Bill, *continued*

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Pete Wishart
Alex Salmond
Joanna Cherry

196

★ Clause 1, page 1, leave out lines 12 and 13 and insert—

“(1A) The Scottish Government is a permanent part of the United Kingdom’s constitution.

(1B) Subsection (1) or (1A) may be repealed only if—

(a) the Scottish Parliament has consented to the proposed repeal, and

(b) a referendum has been held in Scotland on the proposed repeal and a majority of those voting at the referendum have consented to it.”

Member’s explanatory statement

This amendment is to ensure that the Scottish Parliament can only be abolished with the consent of the Scottish Parliament and the Scottish people after a referendum.

Mr Alistair Carmichael

6

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

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Pete Wishart
Tommy Sheppard
Joanna Cherry

197

★ Page 2, line 1, leave out Clause 2

Member’s explanatory statement

This amendment signals intent to oppose ‘Clause stand part’ with respect to Clause 2 and to move New Clause (Consent of the Scottish Parliament to certain Westminster Acts) to take its place.

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”

Scotland Bill, continued

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

198

★ Clause 3, page 2, line 7, leave out “Section B3 of”

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.

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.

Scotland Bill, *continued*

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 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.

Scotland Bill, *continued*

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

(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—

Scotland Bill, continued

- (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.

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.

Scotland Bill, continued

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

199

- ★ Clause 10, page 11, line 18, leave out “the decision whether to pass or reject it” and insert “the motion that the Bill be passed is debated”

Member’s explanatory statement

Amendments 199 to 203 to Clause 10 aim to clarify matters around references to the Supreme Court, in particular where the Scottish Parliament resolve to reconsider the Bill.

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

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

200

- ★ Clause 10, page 11, line 38, after “unless”, insert “it is passed without division, or”

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.

Scotland Bill, *continued*

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

201

★ Clause 10, page 12, line 16, at end insert—

“(2A) He shall not make a reference by virtue of paragraph (a) of subsection (2) if the Parliament resolves that it wishes to reconsider the Bill.

(2B) He shall not make a reference by virtue of paragraph (b) of subsection (2) if—

(a) the Bill was passed without a division, or

Scotland Bill, continued

- (b) the Bill was passed on a division and the number of members voting in favour of it was at least two thirds of the total number of seats for members of the Parliament.”

Member’s explanatory statement

This amendment establishes that a Bill passed by consensus in the Scottish Parliament (i.e. without a division) automatically meets the super-majority requirement and ensures that a Presiding Officer’s statement is not required if the super-majority requirements are not triggered.

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.

Scotland Bill, *continued*

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

202

★ Clause 10, page 12, line 23, at end insert—

“(3A) Subsection (3B) applies where—

- (a) a reference has been made in relation to a Bill under this section, and
- (b) the reference has not been decided or otherwise disposed of.

(3B) If the Parliament resolves that it wishes to reconsider the Bill—

- (a) the Presiding Officer shall notify the Advocate General, the Lord Advocate and the Attorney General of that fact, and
- (b) the person who made the reference in relation to the Bill shall request the withdrawal of the reference.”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

203

★ Clause 10, page 12, line 25, leave out subsections (11) and (12) and insert—

“(10A) In subsection (4) after paragraph (a) insert—

(aa) where section 32A(2)(b) applies—

- (i) the Supreme Court decides that the Bill or any provision of the Bill relates to a protected subject matter, or
- (ii) a reference has been made in relation to the Bill under section 32A and the Parliament subsequently resolves that it wishes to reconsider the Bill.”

(10B) After that subsection insert—

“(4A) Standing orders shall provide for an opportunity for the reconsideration of a Bill after its rejection if (and only if), where section 32A(2)(a) applies—

- (a) the Supreme Court decides that the Bill or any provision of the Bill does not relate to a protected subject matter, or
- (b) the Parliament resolves that it wishes to reconsider the Bill”

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

204

★ Clause 11, page 13, line 4, at end insert—

“(1A) In paragraph 1 of Part I (The protected provisions, Particular enactments) of Schedule 4 (protection of Scotland Act 1988 from modification), delete “(2)(f) the Human Rights Act 1998””

Member’s explanatory statement

This amendment would remove the Human Rights Act 1998 from the list of protected provisions in Schedule 4 of the Scotland Act 1998.

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.

Scotland Bill, *continued*

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

205

- ★ Clause 11, page 13, line 8, paragraph (a)(ii), leave out “(3)” and insert “(2B)”

Member’s explanatory statement

Amendments 205 to 223 to Clause 11 would grant the Scottish Parliament powers to make decisions about all matters relating to the arrangements and operations of the Scottish Parliament and Scottish Government as agreed in the Smith Commission.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

206

- ★ Clause 11, page 13, line 9, paragraph (a)(iii), leave out “11” and insert “12”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

207

- ★ Clause 11, page 13, line 10, paragraph (a)(iv), leave out “section” to the end and insert “sections 13 to 27,”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

208

- ★ Clause 11, page 13, line 11, paragraph (a)(v), leave out from “(v)” to the end and insert “section 28(1) to (6),”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

209

- ★ Clause 11, page 13, line 13, paragraph (a)(vii), leave out “27(1) and (2)” and insert “31”

Scotland Bill, continued

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

210

★ Clause 11, page 13, line 14, paragraph (a)(viii), leave out “28(5)” and insert “32(1) to (3).”

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

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

211

★ Clause 11, page 13, line 15, paragraph (a)(ix), leave out “(1)(a) and (b) and (2) and (3)”

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.

Scotland Bill, *continued*

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

212

★ Clause 11, page 13, line 19, paragraph (b)(i), leave out “44(1B)(a) and (b), and (2)” and insert “44(1C), (2) and (4),”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

213

★ Clause 11, page 13, line 20, paragraph (b)(ii), leave out “(3) to (7)” and insert “to 50”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

214

★ Clause 11, page 13, line 21, paragraph (b)(iii), leave out “46(1) to (3)” and insert “51(1), (2) and (4)”

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

215

★ Clause 11, page 13, line 22, paragraph (b)(iv), leave out “47(3)(b) to (e)” and insert “52”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

216

★ Clause 11, page 13, line 23, paragraph (b)(v), leave out “48(2) to (4)” and insert “59”

Scotland Bill, continued

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

217

★ Clause 11, page 13, line 24, paragraph (b)(vi), leave out “49(2) and (4)(b) to (e)” and insert “61”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

218

★ Clause 11, page 13, line 25, leave out paragraph (b)(vii)

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

219

★ Clause 11, page 13, line 26, paragraph (c), leave out “(3)”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

220

★ Clause 11, page 13, line 27, paragraph (d), leave out from “general” to the end of the paragraph, and insert “sections 81 to 85,) sections 91 to 95, and section 97,”

Scotland Bill, *continued*

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.

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

221

★ Clause 11, page 13, line 29, paragraph (e), leave out from “supplementary” to the end of the paragraph in line 38, and insert—

- “(i) sections 112, 113 and 115, and Schedule 7 (insofar as those sections and that Schedule apply to any power in this Act of the Scottish Ministers to make subordinate legislation),
- (ii) sections 118, 120 and 121,
- (iii) section 124 (insofar as that section applies to any power in this Act of the Scottish Ministers to make subordinate legislation),
- (iv) section 126(1) and (6) to (8), and
- (v) section 127,”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

222

★ Clause 11, page 13, line 40, paragraph (g), leave out “6” and insert “7”

Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

223

★ Clause 11, page 13, line 42, paragraph (h), leave out “paragraphs 1 to 6 of”

Scotland Bill, *continued*

Angus Robertson
 Stewart Hosie
 Dr Eilidh Whiteford
 Joanna Cherry
 Pete Wishart
 Alex Salmond

224

★ Clause 11, page 13, line 43, at end insert—

“(2A) In paragraph 4 of Part I (The protected provisions, This Act) of Schedule 4 (protection of Scotland Act 1988 from modification), insert new sub-paragraph—

“(5A) This paragraph does not apply to amendments to Schedule 5, Part II, Head A, Section 1A insofar as they relate to—

- (a) taxes and excise in Scotland,
- (b) government borrowing and lending in Scotland, and
- (c) control over public expenditure in Scotland.”

Member’s explanatory statement

This amendment would enable the Scottish Parliament to amend the Scotland Act 1988 to remove the reservation on taxation, borrowing and public expenditure in Scotland, with the effect that the Scottish Parliament could then legislate in these areas to provide for full fiscal autonomy in Scotland.

Ian Murray

27

Clause 15, page 18, line 21, 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, leave out lines 28 to 39

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.

Scotland Bill, *continued*

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.

REMAINING NEW CLAUSES AND NEW SCHEDULES, AMENDMENTS TO THE REMAINING CLAUSES OF THE BILL, AMENDMENTS TO SCHEDULE 2 AND REMAINING PROCEEDINGS ON CONSIDERATION

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

Scotland Bill, continued

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.

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;

Scotland Bill, *continued*

- (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.

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.

Scotland Bill, *continued*

Secretary David Mundell

NC34

★ To move the following Clause—

“Power to create other new benefits

- (1) The Scotland Act 1998 is amended as follows.
- (2) In Section F1 of Part 2 of Schedule 5, in the Exceptions, after exception 9 (see section [*Welfare foods*] above) insert—

“Exception 10

Schemes which provide assistance for social security purposes to or in respect of individuals by way of benefits and which—

- (a) are supported from sums paid out of the Scottish Consolidated Fund,
- (b) do not fall within exceptions 1 to 9, and
- (c) are not connected with reserved matters (other than matters reserved only by virtue of this Section).

This exception does not except providing assistance by way of pensions to or in respect of individuals who qualify by reason of old age.

This exception does not except providing assistance where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual’s conduct (for example, non-compliance with work-related requirements relating to the benefit) unless—

- (a) the requirement for it also arises from some exceptional event or exceptional circumstances, and
- (b) the requirement for it is immediate.

For the purposes of this exception “reserved benefit” means a benefit which is to any extent a reserved matter.

In this exception the reference to schemes supported from sums paid out of the Scottish Consolidated Fund does not include schemes—

- (a) in respect of which sums are at some time paid out of the Scottish Consolidated Fund, but
- (b) which are directly supported from payments out of the Consolidated Fund, the National Insurance Fund or the Social Fund, or out of money provided by Parliament.”

- (3) Schedule 4 (enactments etc protected from modification) is amended as follows.
- (4) In paragraph 2, at the end insert—

“(5) Sub-paragraph (3) does not affect sub-paragraph (1) as it applies to an Act of the Scottish Parliament so far as any matter to which a provision of the Act relates falls within exception 10 of Section F1 of Part 2 of Schedule 5.”

- (5) In paragraph 3, at the end insert—

“(3) Sub-paragraph (1) does not affect the application of paragraph 2 to modifications which are incidental to, or consequential on, any provision, if it is only by virtue of exception 10 of Section F1 of Part

Scotland Bill, continued

2 of Schedule 5 that the provision does not relate to reserved matters.””

Member’s explanatory statement

This amendment creates a new exception to the social security reservation to provide the Scottish Parliament with new powers to create new benefits. It provides competence to legislate for social security benefits the cost of which is to be met from the Scottish Consolidated Fund.

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.

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—

Scotland Bill, continued

- (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

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

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.
- (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

Scotland Bill, *continued*

- (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.

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—

Scotland Bill, continued

- (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 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.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Neil Gray

NC18

☆ To move the following Clause—

“Tax credits

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.

Scotland Bill, *continued*

- (2) In the Exceptions, after exception 9 (see section (Welfare foods) (2) above) insert—

“Exception 10

The subject-matter of the Tax Credits Act 2002.””

Member’s explanatory statement

This New Clause devolves to the Scottish Parliament the power to make provision for child tax credit, and working tax credit.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Chris Stephens

NC19

- ☆ To move the following Clause—

“Employment and industrial relations

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998, Head H (Employment) is amended as follows.
- (2) Omit Section H1 (employment and industrial relations).
- (3) Insert new Section H1A as follows.

“H1A. National Minimum Wage

The subject-matter of the National Minimum Wage Act 1998.””

Member’s explanatory statement

This new clause would devolve employment rights and duties and industrial relations, except for the national minimum wage, to the Scottish Parliament.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Chris Stephens

NC20

- ☆ To move the following Clause—

“National minimum wage

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998, Head H (Employment) is amended as follows.
- (2) Omit ‘(h) the National Minimum Wage Act 1998’.
- (3) For the heading “Exception”, substitute “Exceptions”.

Scotland Bill, *continued*

(4) After the heading “Exceptions” insert—

“The subject-matter of the National Minimum Wage Act 1998.””

Member’s explanatory statement

This new clause would devolve the subject-matter of the National Minimum Wage Act 1998 to the Scottish Parliament.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

NC21

☆ To move the following Clause—

“National Insurance: employers’ contributions

- (1) Section F1 of Schedule 5 to the Scotland Act 1998 is amended as follows.
- (2) In the illustrations, omit “National Insurance;”
- (3) In the Exceptions, after exception 11 (see section (Benefits relating to children)) insert—

“Exception 12

National Insurance so far as relating to contributions payable by employers.””

Member’s explanatory statement

This new clause would devolve employers’ National Insurance contributions to the Scottish Parliament.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

NC22

☆ To move the following Clause—

“Job search and support

In Part 2 of Schedule 5 to the Scotland Act 1998, omit Section H3 (job search and support).”

Member’s explanatory statement

This new clause would devolve employment support programmes to the Scottish Parliament.

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

NC23

☆ To move the following Clause—

“Working age benefits

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 9 (see section 23A above) insert—

“Exception 10

Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—

- (a) universal credit under Part 1 of the Welfare Reform Act 2012;
- (b) jobseeker’s allowance (whether contributions-based or income based) under the Jobseekers Act 1995;
- (c) employment and support allowance (whether contributory or income-related) under Part 1 of the Welfare Reform Act 2007;
- (d) income support under section 124 of the Social Security and Benefits Act 1992;
- (e) housing benefit under section 130 of that Act and
- (f) child tax credit and working tax credit under the Tax Credits Act 2002.

The benefits referred to in paragraphs (a) to (f) above are—

- (a) in the case of income-based jobseeker’s allowance and income-related employment support allowance, those benefits as they existed on 28 April 2013 (the day before their abolition),
- (b) in the case of the other benefits, those benefits as they existed on 28 May 2015 (the date of introduction into Parliament of the Bill for the Scotland Act 2015).””

Member’s explanatory statement

This new clause would devolve working age benefits to the Scottish Parliament.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

NC24

☆ To move the following Clause—

“Universal credit: powers to vary other elements

- (1) A function of making regulations to which this section applies, so far as it is exercisable by the Secretary of State in or as regards Scotland, is exercisable by the Scottish Ministers concurrently with the Secretary of State.

Scotland Bill, *continued*

- (2) This section applies to—
- (a) regulations under section 8(3)(a) of the Welfare Reform Act 2012 (amount in respect of earned income) so far relating to the work allowance (that is, the amount of a claimant’s earned income that is to be disregarded in calculating the amounts to be deducted from the maximum amount in accordance with section 8(3) of that Act),
 - (b) regulations under section 10 of that Act (amount in respect of responsibility for children and young persons),
 - (c) regulations under section 12 of that Act (amounts in respect of other particular needs or circumstances) so far as relating to—
 - (i) the needs or circumstances referred to in subsection (2)(c) of that section (caring responsibilities for a severely disabled person), or
 - (ii) needs or circumstances of a claimant in paid work relating to childcare costs,
 - (d) regulations under any of sections 14 to 22, 24 and 25 of that Act (work-related requirements), and
 - (e) regulations under any of sections 26 to 28 of that Act (sanctions).
- (3) The Scottish Ministers may not exercise the function of making regulations to which this section applies unless they have consulted the Secretary of State.
- (4) The Secretary of State may not exercise the function of making regulations to which this section applies in or as regards Scotland unless he or she has consulted the Scottish Ministers.
- (5) Where regulations are made by the Scottish Ministers by virtue of subsection (1)—
- (a) section 43 of the Welfare Reform Act 2012 (regulations: procedure) does not apply, and
 - (b) the regulations are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010).”

Member’s explanatory statement

This new clause would give the Scottish Parliament greater flexibility to make changes in Universal Credit.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

NC25

☆ To move the following Clause—

“Benefits relating to children

In Section F1 of Part 2 of Schedule 5 to the Scotland Act 1998, in the Exceptions, after exception 10 (see section (Working age benefits) above) insert—

“Exception 11

Benefits entitlement to which, or the purposes of which, are the same as or similar to those of any of the following benefits—

Scotland Bill, *continued*

- (a) guardian’s allowance under section 77 of the Social Security Contributions and Benefits Act 1992;
- (b) child benefit under Part 9 of that Act.

The benefits referred to in paragraphs (a) and (b) are those benefits as they existed on 28 May 2015 (the date of introduction into Parliament of the Bill for the Scotland Act 2015).”

Member’s explanatory statement

This new clause would devolve benefits relating to children to the Scottish Parliament.

Angus Robertson
 Mike Weir
 Dr Eilidh Whiteford
 Stewart Hosie
 Natalie McGarry
 Chris Stephens

NC26

☆ To move the following Clause—

“Health and safety

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998 (“the 1998 Act”), omit Section H2 (health and safety).
- (2) The Health and Safety Executive is a cross-border public authority for the purposes of the 1998 Act.
- (3) The 1998 Act applies in relation to the Health and Safety Executive in the same way as it applies in relation to cross-border public authorities specified in an Order in Council under section 88(5) of the 1998 Act.”

Member’s explanatory statement

This new clause would devolve health and safety to the Scottish Parliament and designates the Health and Safety Executive as a cross-border public authority.

Scotland Bill, *continued*

Angus Robertson
 Mike Weir
 Dr Eilidh Whiteford
 Stewart Hosie
 Natalie McGarry
 Angela Crawley

NC27

☆ To move the following Clause—

“Equal opportunities

“In Part 2 of Schedule 5 to the Scotland Act 1998, omit Section L2 (equal opportunities).”

Member’s explanatory statement

This new clause would devolve equal opportunities to the Scottish Parliament.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Tommy Sheppard
 Roger Mullin

NC28

☆ To move the following Clause—

“Crown property

- (1) Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.
- (2) Omit paragraph 2(3)
- (3) In paragraph 3(3), omit paragraph (a).
- (4) After paragraph 3, insert—

“(3A) Without prejudice to paragraphs 2 and 3, paragraph 1 does not reserve—

- (a) removing or altering functions of, or conferring functions on, the Crown Estate Commissioners in relation to the holding or management of property within paragraph 3(1),
- (b) where a function of the Crown Estate Commissioners of holding property is so removed, the transfer of any property held in exercise of the function.”

- (5) Functions relating to Crown property are, so far as they relate to Crown property in or relating to the Scottish offshore region, to be treated for the purposes of the Scotland Act 1998 as exercisable in or as regards Scotland.

- (6) In subsection (5)—

“Crown property” means property within paragraph 3(1) of Part 1 of Schedule 5 to the Scotland Act 1998, “Scottish offshore region” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 322 of that Act)

Scotland Bill, continued

- (7) In section 1(2) of the Civil List Act 1952 (payment of hereditary revenues into the Scottish Consolidated Fund), omit “from bona vacantia, ultimus haeres and treasure trove”.”

Member’s explanatory statement

This alternative to clause 31 would reduce the complexity of the current arrangements relating to the Crown Estate by removing the reservation relating to the management of the Crown Estate and provides the Scottish Parliament with full legislative competence in relation to the management of the Crown Estate in or as regards Scotland. It would also transfer any functions of the Crown Estate Commissioners in relation to rights to the continental shelf beyond the 200 nautical mile limit adjacent to Scotland.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 John Nicolson

NC29

- ☆ To move the following Clause—

“Party political broadcasts

In Section K1 of Part 2 of Schedule 5 to the Scotland Act 1998 (broadcasting), after the reservation insert—

“Exceptions

The regulation of

- (a) party political broadcasts in connection with elections that are within the legislative competence of the Parliament, and
- (b) referendum campaign broadcasts in connection with referendums held under Acts of the Scottish Parliament.””

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 John Nicolson

NC30

- ☆ To move the following Clause—

“Broadcasting

Leave out section K1 in Part 2 of Schedule 5 (Broadcasting) to the 1998 Act.”

Scotland Bill, *continued*

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Calum Kerr

NC31

☆ To move the following Clause—

“Levies in respect of agriculture, taking wild game, aquaculture and fisheries etc.

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section A1 is amended as follows.
- (2) In the Exceptions, after the exception for devolved taxes insert—

“Levies in respect of agriculture, taking wild game, aquaculture and fisheries (including sea fisheries) or a related activity: their collection and management.”
- (3) After the Exceptions insert—

“Interpretation

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.

“aquaculture” includes the breeding, rearing or cultivation of fish (of any kind), seafood or aquatic organisms.

“related activity” means the production, processing, manufacture, marketing or distribution of—

- (c) anything (including any creature alive or dead) produced or taken in the course of agriculture, taking wild game or aquaculture, or caught (by any means) in a fishery,
- (d) any product which is derived to any substantial extent from anything so produced or caught.””

Member’s explanatory statement

This new Clause would give the Scottish Parliament general legislative competence in respect of agricultural, aquacultural and fisheries levies.

Scotland Bill, *continued*

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Drew Hendry

NC32

☆ To move the following Clause—

“Rail Services

In Part 2 of Schedule 5 to the Act, in section E2, after “Exceptions” there is inserted—

“The provision of rail passenger services that are Scotland-only services (and so far as they include other services, include only cross-border services designated by the Scottish Ministers), including the power to decide who will run such services, the provisions of the Railways Act 1993 notwithstanding.”

Member’s explanatory statement

This amendment would devolve rail services in Scotland giving Scottish Ministers full powers and flexibility to decide who would run such services.

Angus Robertson
 Stewart Hosie
 Mike Weir
 Hannah Bardell
 Drew Hendry

NC33

★ To move the following Clause—

“Civil Aviation Authority

(1) In Section 1 of the Civil Aviation Act 1982, at end insert—

“(4) The Secretary of State must consult the Scottish Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1), and in relation to activities of the Civil Aviation Authority.

(5) In subsection (4), “Scotland” has the same meaning as in the Scotland Act 1998.”

Member’s explanatory statement

This New Clause would allow a ‘formal consultative role’ for the Scottish Government and the Scottish Parliament in setting the strategic priorities for the Civil Aviation Authority.

Scotland Bill, *continued*

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;
 - (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

Scotland Bill, continued

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.

Ian Murray

194

- ★ Clause 19, page 21, line 39, leave out from “of” to end of line 7 on page 22 and insert “a disabled person or person with a physical or mental impairment or health condition in respect of effects or needs arising from that disability, impairment or health condition.”

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
Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black

Neil Gray

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

191

★ Clause 20, page 23, line 33, leave out "8" and insert "10"

Member's explanatory statement

This amendment is consequential on NC14 and NC34. It adjusts the numbering in the heading to a provision inserted by clause 20.

Secretary David Mundell

192

★ Clause 20, page 23, line 34, leave out "8" and insert "10"

Member's explanatory statement

This amendment is consequential on NC14 and NC34. It provides that nothing in the exceptions inserted by those New Clauses is to be read as excepting the National Insurance Fund, the Social Fund or the provision of budgeting loans.

Scotland Bill, *continued*

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.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

159

☆ Clause 22, page 24, leave out lines 36 to 48.

Member's explanatory statement

This amendment would remove some of the restrictions, including those relating to sanctions, in relation to discretionary housing payments.

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.

Scotland Bill, *continued*

Ian Murray
Wayne David
Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry

Mhairi Black

Neil Gray

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.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

161

☆ Clause 23, page 25, line 40, after "individuals", insert "—
" (a) "

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

162

☆ Clause 23, page 25, line 45, at end add ", or (b) who are part of a family facing exceptional pressure."

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Stewart Hosie
Natalie McGarry
Neil Gray

163

☆ Clause 24, page 26, line 20, leave out from "unless" to end of line 25 and insert "they have consulted the Secretary of State"

Member's explanatory statement

This amendment would remove the requirement for the Scottish Government to obtain consent from a UK Secretary of State in relation to Universal Credit and the costs of claimants who rent accommodation.

Scotland Bill, *continued*

Secretary David Mundell

Clause 24, page 26, line 22, leave out from “regulations” to end of line 25 and insert— 77

“() 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

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

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

Clause 24, page 26, line 35, leave out “negative procedure (see section 28” and insert “affirmative procedure (see section 29” 32

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.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

☆ Clause 25, page 26, line 45, leave out from “unless” to end of line 5 on page 27 and insert “they have consulted the Secretary of State” 164

Member’s explanatory statement

This amendment would remove the requirement for the Scottish Government to obtain consent from a UK Secretary of State in relation to persons to who, and time when, Universal Credit is paid.

Scotland Bill, continued

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.

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.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

165

☆ Clause 26, page 27, line 22, leave out from beginning to “for” in line 23 and insert “Arrangements”

Member’s explanatory statement

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes.

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

166

☆ Clause 26, page 27, leave out lines 27 to 29 and insert—

“(b) assisting persons (including persons claiming reserved benefits) who are unemployed or at risk of long-term unemployment to select, obtain and retain employment;”

Member’s explanatory statement

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Natalie McGarry
Mhairi Black
Neil Gray

167

☆ Clause 26, page 27, line 34, leave out “another person” and insert “a person other than the person making the arrangements”

Member’s explanatory statement

Amendments 165, 166 and 167 make provision for the Scottish Parliament to have power to legislate on arrangements for employment support programmes.

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 79 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.

Scotland Bill, continued

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

193

★ Clause 29, page 29, line 38, after “8” insert “and 10”

Member’s explanatory statement

This amendment is consequential on NC34. It provides that a function exercisable by the Scottish Ministers within devolved competence by virtue of the exception inserted by that New Clause is a relevant Scottish social security function for the purposes of sharing information under clause 29.

Secretary David Mundell

83

Clause 29, page 29, line 45, at the end insert—

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

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Richard Arkless

168

☆ Page 30, line 30, leave out Clause 31.

Mr Alistair Carmichael

11

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

Scotland Bill, *continued*

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) 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.

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.

Scotland Bill, continued

- 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.
- 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.

Scotland Bill, *continued*

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.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 John Nicolson

169

☆ Clause 32, page 33, line 44, leave out subsection (2)

Member’s explanatory statement

This amendment delivers a more explicit reference to the devolution of competence over gender quotas in respect of public bodies in Scotland but ensures that it is “not limited to” gender quotas, as agreed in the Smith Commission report.

Scotland Bill, *continued*

Ian Murray
Kate Green

225

- ★ Clause 32, page 34, line 2, leave out subsection (3) and insert—
“(3) Under the heading “Exceptions”, at end insert—

“The subject-matter of Part 11, Chapter 1 of the Equality Act 2010 (public sector equality duty)

Equal opportunities in relation to the Scottish functions of any Scottish public authority or cross-border public authority including appointments to the board of any Scottish public authority. The provision falling within this exception includes provision that reproduces or applies an enactment contained in the Equality Act 2006 or the Equality Act 2010, with or without modification, without affecting the enactment as it applies for the purposes of those Acts. It does not include any modification of those Acts, other than modifications of the types specified in paragraphs (a) to (d)

- (a) provision that supplements or is otherwise additional to provision made by those Acts, and which may enhance but may not diminish the protection and promotion of equal opportunities afforded by the provision made by those Acts;
- (b) in particular, provision imposing a requirement to take action that the Acts do not prohibit;
- (c) provision that extends application of the existing powers and duties of, or grants additional powers to, the Commission for Equality and Human Rights in respect of provisions made under any part of subsection (3)
- (d) provision that requires the Commission for Equality and Human Rights to attend the proceedings of the Scottish Parliament for the purposes of giving evidence and to send each annual report of the Commission to the Scottish Ministers and that requires the Scottish Ministers to lay each annual report received before the Scottish Parliament.”

Member’s explanatory statement

This amendment makes provision for the Scottish Parliament to have legislative competence in respect of the public sector equality duty, and in respect of equality of opportunity in relation to the functions of Scottish and cross-border public authorities, including appointments to public boards. It clarifies that the Scottish Parliament’s power to make modifications to the Equality Acts 2006 and 2010 is limited to making provision that enhances the protection and promotion of equal opportunities. The amendment makes provision for the powers of the Equality and Human Rights Commission to be applied in relation to any modifications to the Acts. It also enables provision to be made to increase the accountability of the Equality and Human Rights Commission to the Scottish Parliament.

Scotland Bill, *continued*

Secretary David Mundell
 Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley

Natalie McGarry

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.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Natalie McGarry

171

☆ Clause 32, page 34, line 4, at end insert—

“Equal opportunities in relation to an appointment as a member of a Scottish public authority.”

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.

Scotland Bill, continued

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.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Alison Thewliss

157

☆ Clause 32, page 34, line 16, at end insert—

“(d) equal opportunity provisions in relation to candidates at an election for membership of the Scottish Parliament and a local government election in Scotland.”

Member’s explanatory statement

This would allow the necessary competence for gender quotas in relation to the Scottish Parliament and local government to be transferred to the Scottish Parliament.

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.

Angus Robertson
Mike Weir
Dr Eilidh Whiteford
Stewart Hosie
John Nicolson
Natalie McGarry

172

☆ Clause 32, page 34, line 18, leave out “the Equality Act 2010 and Part 1 of that Act” and insert “and the Equality Act 2010”

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.

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Natalie McGarry

173

- ☆ Clause 32, page 34, line 25, leave out subsection (6) and insert—
- “() In section 2 (*power to amend section 1*)—
- (a) in subsection (7), omit “the Scottish Ministers or”,
 - (b) in subsection (10), before “Ministers” insert “Welsh”

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.*

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Natalie McGarry

174

- ☆ Clause 32, page 34, line 37, leave out subsection (9) and insert—
- “() In section 216 (commencement) at the beginning of subsection (3) insert “Subject to subsection (4),” and after that subsection insert—
- “(4) Part 1 comes into force on such day as the Scottish Ministers may by order appoint so far as it—
- (a) confers a power on the Scottish Ministers
 - (b) relates to a public authority in respect of which such a power is exercisable.
- (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.”

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.*

Scotland Bill, *continued*

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Natalie McGarry

175

☆ Clause 32, page 35, line 2, leave out subsection (10)

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—
- (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;

Scotland Bill, *continued*

- (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

15

Mr Alistair Carmichael

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

16

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Richard Arkless

176

☆ Clause 33, page 35, leave out lines 26 to 30 and insert—

“This Schedule does not reserve the transfer of all the functions of a tribunal referred to in sub-paragraph (2) to a Scottish tribunal, so far as the functions are exercisable in relation to Scottish cases or a specified category of Scottish cases, in accordance with provision made by Her Majesty by Order in Council.”

Member’s explanatory statement

This amendment would ensure that all functions exercisable in relation to Scottish cases or a specified category of Scottish cases should transfer to the Scottish Parliament.

Mr Alistair Carmichael

17

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

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
John Nicolson

177

☆ Clause 33, page 35, leave out from beginning of line 31 to end of line 7 on page 36

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Richard Arkless

178

☆ Clause 33, page 36, line 22, at end insert—

“() For the avoidance of doubt, this Schedule does not reserve—

- (a) a Scottish tribunal’s practice and procedure when exercising functions that have been transferred to it by virtue of this paragraph, or
- (b) the fees and expenses chargeable for, or in connection with, proceedings before a Scottish tribunal when it is exercising those functions.”

Member’s explanatory statement

This amendment makes clear that competence over a tribunal’s practice, rules of procedure and fees in relation to transferred cases becomes devolved, as per the Smith Commission recommendation.

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Drew Hendry

179

☆ Clause 34, page 37, line 28, leave out from “relating” to “to” in line 29

Member’s explanatory statement

This amendment would remove a restriction on the full devolution of speed limits in relation to emergency vehicles.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Drew Hendry

180

☆ Clause 36, page 41, line 15, leave out paragraph (a) and insert—

“(a) in relation to vehicles used on roads in Scotland, means the Scottish Ministers.”

Member’s explanatory statement

This amendment would amend section 130(3) of the Road Traffic Regulation Act 1984 so that Scottish Ministers are added into the provision as the relevant “national authority”.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Drew Hendry

181

☆ Clause 36, page 41, line 19, at end insert—

“(18) In section 130 (application of Act to Crown)—

(a) in subsection (3) for “Secretary of State” substitute “relevant authority”, and

(b) after that subsection insert—

“(3A) In subsection (3) “relevant authority”—

(a) in relation to vehicles used on roads in Scotland, means the Scottish Ministers,

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

Member’s explanatory statement

This amendment would amend section 130(3) of the Road Traffic Regulation Act 1984 so that Scottish Ministers are added into the provision as the relevant “national authority”.

Scotland Bill, *continued*

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 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.

Scotland Bill, *continued*

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;
 - (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.

Scotland Bill, continued

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.

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.

Scotland Bill, *continued*

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.

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.

Scotland Bill, *continued*

- 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.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Natalie McGarry

- 182
- ☆ Clause 45, page 47, leave out lines 4 to 8, and insert—
“*Exceptions*
The number of relevant gaming machines authorised (if any) in respect of premises licences under the Gambling Act 2005.

Scotland Bill, *continued*

Interpretation

A “relevant gaming machine” is a gaming machine (within the meaning of section 235 of the Gambling Act 2005) for which the maximum charge for use is more than £10.”

Member’s explanatory statement

This amendment replaces the reference to betting premises with a more general reference to gambling premises, giving full effect to Smith Commission recommendation 74.

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”

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Natalie McGarry

183

☆ Clause 45, page 47, leave out lines 13 to 20 and insert—

- “(a) the Scottish Ministers in respect of premises in Scotland in so far as the order varies the number of gaming machines authorised (if any) for which the maximum charge for use is more than £10, or
- (b) otherwise, the Secretary of State.”

Member’s explanatory statement

This amendment replaces the reference to betting premises with a more general reference to gambling premises, giving full effect to Smith Commission recommendation 74.

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,”

Scotland Bill, continued

Mr Alistair Carmichael

20

Clause 45, page 47, line 35, leave out subsection (6)

Secretary David Mundell

137

☆ Clause 50, page 49, leave out lines 18 to 20 and insert—

“(1A) Subject to the following provisions of this section the power under section 9 to make a scheme in relation to Scotland is exercisable by the Secretary of State so as to make only—

- (a) provision as to the licensed suppliers to whom the scheme applies,
- (b) provision as to the aggregate amount of benefits to be provided under it by scheme suppliers, and
- (c) any other provision within section 9(4) or (9)(a) or (c)(v) or (vi).

(1B) The power to make other provision under that section for the purposes of the scheme is exercisable by the Scottish Ministers.”

Member’s explanatory statement

The amendment clarifies that those powers not transferred to Scottish Ministers remain exercisable by the Secretary of State. It also transfers an additional power to Scottish Ministers to make provision for determining the amount of any benefit provided by an energy supplier under a scheme in relation to Scotland.

Secretary David Mundell

138

☆ Clause 50, page 49, line 24, leave out “, (3)”

Member’s explanatory statement

The amendment removes the requirement for Scottish Ministers to seek the consent of the Treasury before exercising their powers in relation to fuel poverty support schemes provided by energy suppliers.

Secretary David Mundell

139

☆ Clause 50, page 49, leave out lines 25 and 26

Member’s explanatory statement

The amendment removes text no longer required as it has been incorporated into amendment 137.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Callum McCaig

184

☆ Clause 50, page 49, leave out from line 32 to line 50 on page 50 and insert—

“(4) The Scottish Ministers may not make regulations under section 9 unless they have consulted the Secretary of State about the proposed regulations.

(5) Subsection (1) does not prevent the Secretary of State making a support scheme in relation to Scotland under section 9, or varying or revoking regulations made

Scotland Bill, *continued*

by the Scottish Ministers under that section with the agreement of the Scottish Ministers.”

Secretary David Mundell

140

- ☆ Clause 50, page 49, line 37, leave out from beginning to “varying” in line 38 and insert “Subsections (1A) and (1B) do not prevent the Secretary of State from making any provision under section 9 for the purposes of a scheme in relation to Scotland, or from”
- Member’s explanatory statement**
The amendment is consequential on amendment 137.

Secretary David Mundell

141

- ☆ Clause 50, page 50, line 6, leave out from first “to” to end of line 7 and insert “make any provision not mentioned in subsection (1A)(a) to (c).”
- Member’s explanatory statement**
The amendment is consequential on amendment 137.

Secretary David Mundell

142

- ☆ Clause 50, page 50, leave out line 46 to 50 and insert—
- “(12) Section 14(5) does not apply to regulations by which the Secretary of State makes provision by virtue of subsection (5), with or without other provision under section 9.”
- Member’s explanatory statement**
The amendment is consequential on amendment 137.

Secretary David Mundell

143

- ☆ Clause 51, page 51, line 27, leave out “subsection” and insert “subsections (5A) and”
- Member’s explanatory statement**
Amendments 143, 145, 146, 148, 149, 151, 152 and 154 clarify that those powers not exercisable by the Scottish Ministers remain exercisable by the Secretary of State.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Callum McCaig

185

- ☆ Clause 51, page 52, line 9, leave out from beginning to end of line 6 on page 53 and insert—
- “(4) The power of the Scottish Ministers under section 33BC does not include power to make provision in relation to the subject matter of sections 88 to 90 of the Energy Act 2008 (smart meters).
- (5) The Scottish Ministers may not make an order under section 33BC unless they have consulted the Secretary of State about the proposed order.

Scotland Bill, *continued*

- (6) The power of the Secretary of State to make an order under section 33BC is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Secretary David Mundell

144

☆ Clause 51, page 52, line 11, at the end insert—

- “(4A) Where an overall carbon emissions reduction target has been apportioned under section 103(2A) of the Utilities Act 2000, the Scottish Ministers must—
- (a) when making any order under section 33BC, comply with the duty in subsection (4B), and
 - (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.
- (4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 33BC (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall carbon emissions reduction target that is represented by the part of it apportioned to measures carried out in Scotland.
- (4C) In subsection (4B)—
- (a) “compliance costs” means the total costs to gas suppliers of complying with carbon emissions reduction obligations that, in relation to any period, are imposed by order under section 33BC, and
 - (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

Member’s explanatory statement

Amendments 144, 147, 150 and 153 place a duty on Scottish Ministers, to exercise their powers in the way most likely to secure that the costs of the obligation relating to Scotland, when expressed as a proportion of total costs of the obligation, do not exceed the share of any overall target apportioned to Scotland.

Secretary David Mundell

145

☆ Clause 51, page 52, leave out lines 17 to 20 and insert—

- “(5A) Subsection (1) does not prevent the Secretary of State from making provision under—
- (a) section 33BC(1A), (3), (5)(a) or (7)(a), or
 - (b) section 33BC(2A) where an overall carbon emissions reduction target has not been apportioned under section 103(2A) of the Utilities Act 2000.
- (6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BC or from varying or revoking an order made by the Scottish Ministers under that section—”

Member’s explanatory statement

See explanatory statement for amendment 143.

Scotland Bill, *continued*

Secretary David Mundell

146

- ☆ Clause 51, page 53, line 14, leave out “subsection” and insert “subsections (5A) and”

Member’s explanatory statement

See explanatory statement for amendment 143.

Secretary David Mundell

147

- ☆ Clause 51, page 53, line 47, at the end insert—

“(4A) Where an overall home-heating cost reduction target has been apportioned under section 103A(3A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 33BD, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 33BD (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall home-heating cost reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to gas suppliers of complying with home-heating cost reduction obligations that, in relation to any period, are imposed by order under section 33BD, and
- (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

Member’s explanatory statement

See explanatory statement for amendment 144.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Callum McCaig

186

- ☆ Clause 51, page 53, line 48, leave out from beginning to end of line 40 on page 54 and insert—

“(5) The Scottish Ministers may not make an order under section 33BD unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 33BD is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Scotland Bill, *continued*

Secretary David Mundell

148

☆ Clause 51, page 54, leave out lines 4 to 7 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

- (a) section 33BD(3),
- (b) section 33BC(3), (5)(a) or (7)(a) as applied by section 33BD(4), or
- (c) section 33BD(2)(a) where an overall home-heating cost reduction target has not been apportioned under section 103A(3A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BD or from varying or revoking an order made by the Scottish Ministers under that section—”

Member’s explanatory statement*See explanatory statement for amendment 143.*

Secretary David Mundell

149

☆ Clause 51, page 55, line 1, leave out “subsection” and insert “subsections (5A) and”

Member’s explanatory statement*See explanatory statement for amendment 143.*

Secretary David Mundell

150

☆ Clause 51, page 55, line 29, at the end insert—

“(4A) Where an overall carbon emissions reduction target has been apportioned under section 103(2A) of the Utilities Act 2000, the Scottish Ministers must—

- (a) when making any order under section 41A, comply with the duty in subsection (4B), and
- (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 41A (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall carbon emissions reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to electricity suppliers of complying with carbon emissions reduction obligations that, in relation to any period, are imposed by order under section 41A, and
- (b) “costs relating to Scotland” means the total costs to electricity suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

Member’s explanatory statement*See explanatory statement for amendment 144.*

Scotland Bill, *continued*

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Callum McCaig

187

☆ Clause 51, page 55, line 30, leave out from beginning to end of line 24 on page 56 and insert—

“(5) The Scottish Ministers may not make an order under section 41A unless they have consulted the Secretary of State about the proposed order.

(6) The power of the Secretary of State to make an order under section 41A is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Secretary David Mundell

151

☆ Clause 51, page 55, leave out lines 35 to 38 and insert—

“(5A) Subsection (1) does not prevent the Secretary of State from making provision under—

(a) section 41A(1A), (3), (5)(a) or (7)(a), or

(b) section 41A(2A) where an overall carbon emissions reduction target has not been apportioned under section 103(2A) of the Utilities Act 2000.

(6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 41A or from varying or revoking an order made by the Scottish Ministers under that section—”

Member’s explanatory statement

See explanatory statement for amendment 143.

Secretary David Mundell

152

☆ Clause 51, page 56, line 32, leave out “subsection” and insert “subsections (5A) and”

Member’s explanatory statement

See explanatory statement for amendment 143.

Secretary David Mundell

153

☆ Clause 51, page 57, line 16, at the end insert—

“(4A) Where an overall home-heating cost reduction target has been apportioned under section 103A(3A) of the Utilities Act 2000, the Scottish Ministers must—

(a) when making any order under section 41B, comply with the duty in subsection (4B), and

(b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.

(4B) The duty of the Scottish Ministers where subsection (4A)(a) or (b) applies is to exercise their powers under section 41B (subject to subsection (5)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall home-heating cost reduction target that is represented by the part of it apportioned to measures carried out in Scotland.

Scotland Bill, *continued*

(4C) In subsection (4B)—

- (a) “compliance costs” means the total costs to electricity suppliers of complying with home-heating cost reduction obligations that, in relation to any period, are imposed by order under section 41B, and
- (b) “costs relating to Scotland” means the total costs to electricity suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.”

Member’s explanatory statement

See explanatory statement for amendment 144.

Angus Robertson
Mike Weir
Stewart Hosie
Dr Eilidh Whiteford
Angela Crawley
Callum McCaig

188

☆ Clause 51, page 57, line 17, leave out from beginning to line 9 on page 58 and insert—

- “(5) The Scottish Ministers may not make an order under section 41B unless they have consulted the Secretary of State about the proposed order.
- (6) The power of the Secretary of State to make an order under section 41B is exercisable so as to make any provision that may be made by the Scottish Ministers under that section, or vary or revoke an order made by the Scottish Ministers under that section, but only with the agreement of the Scottish Ministers.”

Secretary David Mundell

154

☆ Clause 51, page 57, leave out lines 22 to 25 and insert—

- “(5A) Subsection (1) does not prevent the Secretary of State from making provision under—
 - (a) section 41B(3),
 - (b) section 41A(3), (5)(a) or (7)(a) as applied by section 41B(4), or
 - (c) section 41B(2)(a) where an overall home-heating cost reduction target has not been apportioned under section 103A(3A) of the Utilities Act 2000.
- (6) Subsection (1) does not prevent the Secretary of State from making any other provision under section 41B or from varying or revoking an order made by the Scottish Ministers under that section—”

Member’s explanatory statement

See explanatory statement for amendment 143.

Scotland Bill, *continued*

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Callum McCaig

189

☆ Clause 53, page 60, leave out lines 9 to 17.

Member's explanatory statement

This amendment removes restrictions on the consultation process with the Scottish Government and Scottish Parliament in relation to renewables incentive schemes.

Angus Robertson
 Mike Weir
 Stewart Hosie
 Dr Eilidh Whiteford
 Angela Crawley
 Hannah Bardell

190

☆ Clause 55, page 63, line 17, at end insert—

“() the Scottish Ministers,”

Member's explanatory statement

Clause 55 as currently drafted would allow Scottish Ministers to make a reference to the Competition and Markets Authority only in the most exceptional circumstances. This amendment would enable Scottish Ministers to make a reference without the involvement of the Secretary of State.

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

Scotland Bill, continued

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*

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.

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

Scotland Bill, *continued*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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 (PROGRAMME (NO. 2))

Secretary David Mundell

That the Order of 8 June 2015 (Scotland Bill (Programme)) be varied as follows:

1. Paragraphs (5) and (6) of the Order shall be omitted.
2. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
3. 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>
New Clauses and new Schedules relating to Parts 1 and 2, amendments to clauses 1 to 18 and Schedule 1	Three hours from the commencement of proceedings on the motion for this order

Scotland Bill, *continued*

Proceedings

Time for conclusion of proceedings

Remaining new Clauses and new Schedules, amendments to the remaining Clauses of the Bill, amendments to Schedule 2 and remaining proceedings on Consideration

Five hours from the commencement of proceedings on the motion for this order

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on the motion for this order.

NOTICES WITHDRAWN

The following Notices were withdrawn on 4 November 2015:

Amendments 74, 75, 155, 156, 158, 160 and 170
