



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 9 October 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: NC5

CONSIDERATION OF BILL (REPORT STAGE)

SCOTLAND BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

NEW CLAUSES

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.

Scotland Bill, *continued*

- (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.

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;

Scotland Bill, *continued*

“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—
 - (a) on the transfer and implementation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once every three months for the first three years from the date when this Act is passed, and
 - (b) on the operation of the powers devolved to the Scottish Parliament by Part 3 of this Act at least once in each calendar year after three years from the date when this Act is passed.
- (4) Schedule (The Joint Committee on Welfare Devolution), which makes further provision in relation to the Joint Committee on Welfare Devolution, has effect.”

Member’s explanatory statement

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

Ian Murray

NC4

To move the following Clause—

“Review of operation of Gift Aid in Scotland

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

Member’s explanatory statement

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

Scotland Bill, *continued*

Ian Murray

NC5

- ★ To move the following Clause—

“Childcare element of universal credit

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

“Exception 7

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

Member’s explanatory statement

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

| | |
|--|---|
| Mr Alistair Carmichael | 5 |
| Clause 1, page 1, line 7, leave out “recognised as” | |
| Mr Alistair Carmichael | 6 |
| Clause 1, page 1, line 12, leave out “recognised as” | |
| <hr/> | |
| 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*

Mr Alistair Carmichael

10

Clause 10, page 11, line 28, at end insert—
 “() the period between general elections specified in section 2(2)”

Ian Murray

27

Clause 15, page 18, line 20, leave out “the amount described in subsection (3)” and insert ‘the whole amount’
Member’s explanatory statement
The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

28

Clause 15, page 18, line 26, leave out “the amount described in subsection (4)” and insert ‘the whole amount’
Member’s explanatory statement
The purpose of this amendment is to allow a sum equivalent to all of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

29

Clause 15, page 18, line 28, leave out subsections (3) and (4)
Member’s explanatory statement
The purpose of this and the linked amendments to Clause 15 is to allow a sum equivalent to all of the revenue raised by both standard and reduced rates of VAT in Scotland to be paid into the Scottish Consolidated Fund.

Ian Murray

30

Clause 15, page 18, line 33, at end insert “Provided that the amount payable is not less than half of the agreed standard rate amount.”
Member’s explanatory statement
This amendment would ensure that the share of the revenue raised by the standard rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the standard rate of VAT is cut in the future.

Ian Murray

31

Clause 15, page 18, line 39, at end insert “Provided that the amount payable is not less than half of the agreed reduced rate amount.”
Member’s explanatory statement
This amendment would ensure that the share of the revenue raised by the reduced rate of VAT in Scotland to be paid into the Scottish Consolidated Fund never falls below half the of the revenue raised, even if the reduced rate of VAT is cut in the future.

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.

Ian Murray
Wayne David

22

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

Member's explanatory statement

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

Ian Murray
Wayne David

23

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

Member's explanatory statement

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

Ian Murray
Wayne David

24

Clause 24, page 26, line 25, leave out "unreasonably"

Member's explanatory statement

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

Scotland Bill, *continued*

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.

Mr Alistair Carmichael

11

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

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”

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.

Mr Alistair Carmichael

15

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

Mr Alistair Carmichael

16

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

8 Consideration of Bill (Report Stage): 9 October 2015

Scotland Bill, *continued*

| | |
|---|----|
| Mr Alistair Carmichael | 17 |
| Clause 33, page 35, leave out lines 26 to 30 | |
| <hr/> | |
| Mr Alistair Carmichael | 18 |
| Clause 45, page 47, line 7, leave out “for which the maximum charge for use is more than £10” | |
| Graham Jones | 1 |
| Clause 45, page 47, line 7, leave out “£10” and insert “£2” | |
| Mr Alistair Carmichael | 19 |
| Clause 45, page 47, line 17, leave out “for which the maximum charge for use is more than £10” | |
| Graham Jones | 2 |
| Clause 45, page 47, line 18, leave out “£10” and insert “£2” | |
| Graham Jones | 3 |
| Clause 45, page 47, line 18, after “£10”, insert— “() the content and the speed of play,” | |
| Graham Jones | 4 |
| Clause 45, page 47, line 18, after “£10”, insert— “() the number of staff required to supervise such machines,” | |
| Mr Alistair Carmichael | 20 |
| Clause 45, page 47, leave out lines 35 and 36 | |

Scotland Bill, *continued*

NEW SCHEDULES

Ian Murray
Wayne David

NS1

To move the following Schedule—

“SCHEDULE

THE JOINT COMMITTEE ON WELFARE DEVOLUTION

Membership

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

Scotland Bill, continued

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

Term of office of Committee members

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

Committee proceedings

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

Advisory Panel

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

Member's explanatory statement

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

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.

Scotland Bill, *continued*

TABLE

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

Consideration and Third Reading

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

Programming committee

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

Scotland Bill, *continued**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.
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