



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 20 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: NC11*

### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.*

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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;

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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.*

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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.*

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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.*

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**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.*

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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.*

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Mr Graham Allen

NC7

To move the following Clause—

**“Local authority’s power of general competence**

- (1) A local authority has power to do anything that individuals generally may do.
- (2) Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise—
  - (a) unlike anything the authority may do apart from subsection (1), or
  - (b) unlike anything that other public bodies may do.
- (3) In this section “individual” means an individual with full capacity.

**Scotland Bill, continued**

- (4) Where subsection (1) confers power on the authority to do something, it confers power to do it in any way whatever, including—
  - (a) power to do it anywhere in the United Kingdom or elsewhere,
  - (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
  - (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
- (5) The generality of the power conferred by subsection (1) (“the general power”) is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.
- (6) Any such other power is not limited by the existence of the general power.”

***Member’s explanatory statement***

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

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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.*

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Scotland Bill, *continued*

Mr Graham Allen

NC9

To move the following Clause—

**“Subsidiarity**

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

***Member’s explanatory statement***

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

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Mr Graham Allen

NC10

To move the following Clause—

**“Commission on social and economic rights**

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

***Member’s explanatory statement***

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

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Ian Murray

NC11

★ To move the following Clause—

**“Scottish block grant**

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

Scotland Bill, *continued*

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

**Member’s explanatory statement**

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

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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”	
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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”	
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Mr Alistair Carmichael	10
Clause 10, page 11, line 28, at end insert— “( ) the period between general elections specified in section 2(2)”	
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Ian Murray	27
Clause 15, page 18, line 20, leave out “the amount described in subsection (3)” and	

Scotland Bill, *continued*

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.*

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.*

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Scotland Bill, *continued*

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.*

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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.*

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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.*

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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.*

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Mr Alistair Carmichael

11

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

## 10 Consideration of Bill (Report Stage): 20 October 2015

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### Scotland Bill, *continued*

- 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.*
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- 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
- Mr Alistair Carmichael 17  
Clause 33, page 35, leave out lines 26 to 30
- 
- 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”

Scotland Bill, *continued*

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	

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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;

*Scotland Bill, continued*

- (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 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.

Scotland Bill, *continued*

*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.

**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	

*Scotland Bill, continued*

*Proceedings*

*Time for conclusion of proceedings*

Clauses 31 to 37, Schedule 2,  
Clauses 38 to 45, new Clauses  
relating to Part 4, new Schedules  
relating to Part 4

Three hours after the  
commencement of proceedings on  
the Bill on the fourth day

Clauses 46 to 55, new Clauses  
relating to Part 5, new Schedules  
relating to Part 5, Clauses 56 to 58,  
new Clauses relating to Part 6, new  
Schedules relating to Part 6, Clauses  
59 to 64, new Clauses relating to  
Part 7, new Schedules relating to  
Part 7, remaining proceedings on the  
Bill

The moment of interruption on the  
fourth day

*Consideration and Third Reading*

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

*Programming committee*

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

*Other proceedings*

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