



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Monday 9 November 2015

REPORT STAGE PROCEEDINGS

SCOTLAND BILL, AS AMENDED

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

Secretary David Mundell

Agreed to **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—

“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.””
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Scotland Bill, continued

Secretary David Mundell

Agreed to 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.”

Ian Murray
Wayne David*Negated on division* 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

Scotland Bill, *continued*

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.”

Ian Murray

Not called 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.”

Mr Graham Allen

Not called 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.”

Mr Graham Allen

Not called 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—

Scotland Bill, continued

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

Mr Graham Allen

Not called 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.”

Mr Graham Allen

Not called 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.”

Ian Murray

Not called 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

Scotland Bill, *continued*

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.”

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

Negatived on division 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.

Scotland Bill, *continued*

- (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.”

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

Negated on division **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).”

Secretary David Mundell

Agreed to **34**

Page 1, line 4, leave out Clause 1

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

Not called **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.”

Mr Alistair Carmichael

Not called **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

Not called 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.”

Mr Alistair Carmichael

Not called 6

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

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

Not called 197

Page 2, line 1, leave out Clause 2

Mr Alistair Carmichael

Not called 7

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

Mr Alistair Carmichael

Not called 8

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

Mr Alistair Carmichael

Not called 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

Not called 198

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

Secretary David Mundell

Agreed to 35

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

Secretary David Mundell

Agreed to 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”

Secretary David Mundell

Agreed to 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,”
-

Secretary David Mundell

Agreed to 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,”

Secretary David Mundell

Agreed to 39

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

Secretary David Mundell

Agreed to 40

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

Scotland Bill, continued

Secretary David Mundell

Agreed to 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).”

Secretary David Mundell

Agreed to 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.”

Secretary David Mundell

Agreed to 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—

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

Secretary David Mundell

Agreed to 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.”

Secretary David Mundell

Agreed to 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.”

Secretary David Mundell

Agreed to 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

Scotland Bill, *continued*

membership of the Scottish Parliament and to the date of any other election.”

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

Not called 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”

Secretary David Mundell

Agreed to 47

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

Mr Alistair Carmichael

Not called 10

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

Secretary David Mundell

Agreed to 48

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

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

Not called 200

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

Secretary David Mundell

Agreed to 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.
() ”

Secretary David Mundell

Agreed to 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

Scotland Bill, continued

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).” ”

Secretary David Mundell

Agreed to 51

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

Secretary David Mundell

Agreed to 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”

Secretary David Mundell

Agreed to 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.”

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

Not called 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

(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.”

Secretary David Mundell

Agreed to 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).””

Secretary David Mundell

Agreed to 55

Clause 10, page 12, line 21, at end insert—

“() Section 33 (scrutiny of Bills by the Supreme Court) is amended as follows.”

Secretary David Mundell

Agreed to 56

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

Scotland Bill, continued

Secretary David Mundell

Agreed to 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”.

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

Not called 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

Not called 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”

Scotland Bill, *continued*

Secretary David Mundell

Agreed to 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),”.

Secretary David Mundell

Agreed to 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”

Secretary David Mundell

Agreed to 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”.

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

Not called 204

- Clause 11, page 13, line 2, 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””

Secretary David Mundell

Agreed to 61

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

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

Not called 205

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

Scotland Bill, continued

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

Not called **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

Not called **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

Not called **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

Not called **209**

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

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

Not called **210**

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

Secretary David Mundell

Agreed to **62**

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

Scotland Bill, *continued*

Secretary David Mundell

Agreed to 63

Clause 11, page 13, at the end of line 14 insert—
“() section 31(3),”

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

Not called 211

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

Secretary David Mundell

Agreed to 64

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

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

Not called 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),”

Secretary David Mundell

Agreed to 65

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

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

Not called 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

Not called 214

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

Scotland Bill, continued

Secretary David Mundell

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

*Agreed to 66*Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

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

*Not called 215*Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

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

*Not called 216*Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

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

Not called 217

Secretary David Mundell

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

*Agreed to 67*Angus Robertson
Stewart Hosie
Dr Eilidh Whiteford
Joanna Cherry
Pete Wishart
Alex Salmond

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

Not called 218

Secretary David Mundell

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),”*Agreed to 68*

Scotland Bill, *continued*

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

Not called 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

Not called 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,”

Secretary David Mundell

Agreed to 69

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

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

Not called 221

Clause 11, page 13, line 29, paragraph (e), leave out from “supplementary” to end of 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

Not called 222

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

Scotland Bill, continued

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

Not called **223**

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

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

Not called **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.””

Ian Murray

Not called **27**

Clause **15**, page **18**, line **21**, leave out “the amount described in subsection (3)” and insert ‘the whole amount’

Ian Murray

Not called **28**

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

Ian Murray

Not called **29**

Clause **15**, page **18**, leave out lines 28 to 39

Ian Murray

Not called **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.”

Ian Murray

Not called **31**

Clause **15**, page **18**, line **39**, at end insert “Provided that the amount payable is not

Scotland Bill, *continued*

less than half of the agreed reduced rate amount.”

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

Agreed to **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”.

Secretary David Mundell

Agreed to **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

Scotland Bill, continued

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

Secretary David Mundell

Agreed to on division **NC15**

To move the following Clause—

“Abortion

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

Scotland Bill, *continued*

Secretary David Mundell

Agreed to NC16

To move the following Clause—

“Public sector duty regarding socio-economic inequalities

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

Secretary David Mundell

Agreed to NC17

To move the following Clause—

“Destination of fines, forfeitures and fixed penalties

- (1) The Scotland Act 1998 is amended as follows.

Scotland Bill, *continued*

- (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”.

Ian Murray
Wayne David

Not called 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.”

Scotland Bill, continued

Ian Murray
Wayne David

Not called 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.”

Ian Murray

Not called 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.””

Mr Graham Allen

Not called 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.”

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

Negatived on division **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.
- (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.””

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

Not called **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.””

Scotland Bill, continued

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

Not called **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”.
- (4) After the heading “Exceptions” insert—

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

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

Not called **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.””

Scotland Bill, continued

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

Not called 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).”

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

Not called 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),

Scotland Bill, continued

- (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).””

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

Not called **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.
 - (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).””
-

Scotland Bill, continued

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

Not called 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—

- (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).”

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

Not called 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.”
-

Scotland Bill, continued

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

Negatived on division NC27

To move the following Clause—

“Equal opportunities

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

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

Not called 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”.”

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

Not called 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

Not called 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

Not called 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.””
-

Scotland Bill, continued

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

Not called 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.””

Angus Robertson
Stewart Hosie
Mike Weir
Hannah Bardell
Drew Hendry

Not called 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.””

Scotland Bill, *continued*

Ian Murray
Wayne David

Not called 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.

Ian Murray

Not called 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

Agreed to 70

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

Secretary David Mundell

Agreed to 71

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

 Scotland Bill, *continued*

Secretary David Mundell

Clause 20, page 23, line 27, after “financial” insert “or other”

Agreed to 72

Secretary David Mundell

Clause 20, page 23, line 27, at end insert “or reducing”

Agreed to 73

Secretary David Mundell

Clause 20, page 23, line 33, leave out “8” and insert “10”

Agreed to 191

Secretary David Mundell

Clause 20, page 23, line 34, leave out “8” and insert “10”

Agreed to 192

 Ian Murray
 Wayne David

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

Not called 21

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

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

Not called 159

Secretary David Mundell

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

Agreed to 76Ian Murray
Wayne David

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

Not called 22

Scotland Bill, *continued*

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

Mhairi Black

Neil Gray

Not called 23

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

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

Not called 161

Clause 23, page 25, line 40, after “individuals”, insert “—
“(a) ”

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

Not called 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

Not called 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”

Secretary David Mundell

Agreed to 77

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

“() If—

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

Scotland Bill, continued

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.”

Ian Murray
Wayne David

Not called 24

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

Ian Murray

Not called 32

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

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

Not called 164

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”

Secretary David Mundell

Agreed to 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.”

Ian Murray
Wayne David

Not called 25

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

Ian Murray

Not called 33

Clause 25, page 27, line 13, leave out “negative procedure (see section 28” and

Scotland Bill, *continued*

insert “affirmative procedure (see section 29)”

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

Not called 165

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

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

Not called 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;”

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

Not called 167

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

Secretary David Mundell

Agreed to 79

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

Secretary David Mundell

Agreed to 80

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

Secretary David Mundell

Agreed to 81

Clause 27, page 28, line 29, after “sections” insert “[*Functions exercisable within*]”

Scotland Bill, *continued**devolved competence: elections],”*

Secretary David Mundell

Clause 29, page 29, line 32, after “pensions,” insert—
“() welfare foods,”

Agreed to 82

Secretary David Mundell

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

Agreed to 193

Secretary David Mundell

Clause 29, page 29, line 45, at the end insert—
“() a function of the Scottish Ministers relating to welfare foods;”

Agreed to 83

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

Page 30, line 30, leave out Clause 31.

Not called 168

Mr Alistair Carmichael

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

Not called 11

Secretary David Mundell

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

Agreed to 84

- “(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

Scotland Bill, continued

managing the estate to be required for the discharge of functions relating to its management).”

Secretary David Mundell

Clause 31, page 31, line 30, leave out “the existing Scottish functions relate” and insert “subsection (4A) applies” *Agreed to 85*

Secretary David Mundell

Clause 31, page 31, line 35, leave out “the existing Scottish functions relate” and insert “subsection (4A) applies” *Agreed to 86*

Secretary David Mundell

Clause 31, page 31, line 37, leave out “other functions of the Commissioners” and insert “the Commissioners’ functions other than the existing Scottish functions” *Agreed to 87*

Secretary David Mundell

Clause 31, page 32, line 20, leave out from beginning to “after” in line 21 and insert— *Agreed to 88*
 “() Part 1 of Schedule 5 to the Scotland Act 1998 (general reservations) is amended as follows.
 () In sub-paragraph (3) of paragraph 2,”

Secretary David Mundell

Clause 31, page 32, line 22, at end insert— *Agreed to 89*
 “() 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).””

Mr Alistair Carmichael

Clause 31, page 32, line 25, leave out “C” and insert “A” *Not called 12*

Mr Alistair Carmichael

Clause 31, page 32, line 31, leave out “then, instead of the type C procedure” *Not called 13*

Mr Alistair Carmichael

Clause 31, page 32, line 31, leave out “I” and insert “A” *Not called 14*

Secretary David Mundell

Clause 31, page 32, line 39, leave out “the transferred functions relate” and insert “section 90B(4A) applies” *Agreed to 90*

 Scotland Bill, *continued*

Secretary David Mundell

Clause 31, page 32, line 40, leave out “the Secretary of State or” *Agreed to 91*

Secretary David Mundell

Clause 31, page 33, line 7, at end insert— *Agreed to 92*
 “in section 4, the words “with the consent of Her Majesty signified under the Royal Sign Manual”;

Secretary David Mundell

Clause 31, page 33, line 14, after “1998” insert “(subject to subsections (4A) to (4D) of that section)” *Agreed to 93*

Secretary David Mundell

Clause 31, page 33, line 15, at end insert— *Agreed to 94*
 “() 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.”

Secretary David Mundell

Clause 31, page 33, line 26, leave out subsection (10) *Agreed to 95*

Secretary David Mundell

Clause 32, page 33, line 44, leave out subsection (2) and insert— *Agreed to 96*
 “(2) Omit the words from “, including the subject-matter of” to “1995”.”

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

Clause 32, page 33, line 44, leave out subsection (2) *Not called 169*

Scotland Bill, *continued*

Ian Murray
Kate Green

Not called 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.”

Secretary David Mundell

Agreed to 97

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

Secretary David Mundell

Agreed to 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.”

Scotland Bill, *continued*

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

Not called 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

Agreed to 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.”

Secretary David Mundell

Agreed to 99

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

Ian Murray

Negated on division 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.”

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

Not called 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.”

Secretary David Mundell

Agreed to 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.””

Scotland Bill, *continued*

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

Not called 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

Agreed to 102

Clause 32, page 34, line 19, leave out “Part 1 of that Act, and to”

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

Not called 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

Agreed to 103

Clause 32, page 34, line 25, leave out subsection (6)

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

Not called 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.””

Scotland Bill, *continued*

Secretary David Mundell

Clause 32, page 34, line 37, leave out subsections (9) and (10)

Agreed to 104

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

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

Not called 175

Secretary David Mundell

Clause 33, page 35, line 10, leave out from beginning to end of line 38 on page 36 and insert—

Agreed to 105

“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);

Scotland Bill, continued

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

Mr Alistair Carmichael

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

Not called 15

Mr Alistair Carmichael

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

Not called 16

 Scotland Bill, *continued*

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

Not called 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.”

Mr Alistair Carmichael

Not called 17

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

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

Not called 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

Not called 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.”

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

Not called 179

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

Scotland Bill, *continued*

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

Not called 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.”

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

Not called 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.”

Secretary David Mundell

Agreed to 106

- Clause 37, page 41, line 24, at end insert “(1) to (16)”

Secretary David Mundell

Agreed to 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—

Scotland Bill, *continued*

- (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.”

Secretary David Mundell

Agreed to **108**

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

Secretary David Mundell

Agreed to **109**

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

Secretary David Mundell

Agreed to **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.”

Secretary David Mundell

Agreed to **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”

Secretary David Mundell

Agreed to **112**

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

““8A Interpretation of Part 1

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

Scotland Bill, continued

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

Secretary David Mundell

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

Agreed to 113

Secretary David Mundell

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

Agreed to 114

“() 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.”
-

Secretary David Mundell

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

Agreed to 115

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

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

Secretary David Mundell

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

Agreed to 116

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

Secretary David Mundell

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

Agreed to 117

Secretary David Mundell

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

Agreed to 118

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

Secretary David Mundell

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

Agreed to 119

 Scotland Bill, *continued*

and insert “—

- (a) after “payment by the licence holder of sums” insert “— (a)”;
- (b) at the end insert “, or
(b) relating to”

Secretary David Mundell

Clause 43, page 46, line 2, leave out second “or” and insert “and” *Agreed to 120*

Secretary David Mundell

Clause 43, page 46, line 6, leave out paragraph (b) *Agreed to 121*

Secretary David Mundell

Clause 43, page 46, line 9, leave out from “words” to end of line 10 and insert ““(bb),” and “, (cb),”” *Agreed to 122*

Secretary David Mundell

Clause 43, page 46, line 13, leave out paragraph (f) *Agreed to 123*

Secretary David Mundell

Clause 43, page 46, line 13, at end insert—
“() In subsection (9) after “(3A)” insert “or to amounts mentioned in subsection (2)(b).”” *Agreed to 124*

Secretary David Mundell

Clause 43, page 46, line 17, leave out “such proportion of” *Agreed to 125*

Secretary David Mundell

Clause 43, page 46, line 25, leave out paragraph (b) *Agreed to 126*

Secretary David Mundell

Clause 43, page 46, line 27, at end insert—
“() in subsection (4A) the words “or Citizens Advice Scotland, or by them jointly,”” *Agreed to 127*

Secretary David Mundell

Clause 43, page 46, line 28, leave out paragraph (e) *Agreed to 128*

Scotland Bill, *continued*

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

Not called 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.

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.”

Mr Alistair Carmichael

Not called 18

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

Graham Jones

Not called 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

Not called 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.”

Mr Alistair Carmichael

Not called 19

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

Graham Jones

Not called 2

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

Graham Jones

Not called 3

Clause 45, page 47, line 18, after “£10”, insert—

“() the content and the speed of play,”

Scotland Bill, *continued*

Graham Jones

Not called 4

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

Mr Alistair Carmichael

Not called 20

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

Secretary David Mundell

Agreed to 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.”

Secretary David Mundell

Agreed to 138

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

Secretary David Mundell

Agreed to 139

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

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

Not called 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 by the Scottish Ministers under that section with the agreement of the Scottish Ministers.”

Secretary David Mundell

Agreed to 140

Clause 50, page 49, line 37, leave out from beginning to “varying” in line 38 and

Scotland Bill, continued

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”

Secretary David Mundell

Agreed to **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).”

Secretary David Mundell

Agreed to **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.”

Secretary David Mundell

Agreed to **143**

Clause **51**, page **51**, line **27**, leave out “subsection” and insert “subsections (5A) and”

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

Not called **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.
- (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

Agreed to **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.

Scotland Bill, continued

- (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.”

Secretary David Mundell

Agreed to 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—”

Secretary David Mundell

Agreed to 146

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

Secretary David Mundell

Agreed to 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

Scotland Bill, continued

- (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.”

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

Not called 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.”

Secretary David Mundell

Agreed to 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—”

Secretary David Mundell

Agreed to 149

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

Secretary David Mundell

Agreed to 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

Scotland Bill, continued

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.”

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

Not called 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

Agreed to 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—”

Secretary David Mundell

Agreed to 152

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

Secretary David Mundell

Agreed to 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

Scotland Bill, continued

- (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.
- (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.”

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

Not called 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

Agreed to 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—”

 Scotland Bill, *continued*

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

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

Not called 189

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

Clause 55, page 63, line 17, at end insert—
 “() the Scottish Ministers,”

Not called 190

Secretary David Mundell

Clause 57, page 64, line 16, at the end insert—
 “() In subsection (5) after “(3)(a)” insert “, (aa)”

Agreed to 129

Secretary David Mundell

Clause 59, page 65, line 24, after “section” insert “3,”

Agreed to 130

Secretary David Mundell

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

Agreed to 131

Secretary David Mundell

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

Agreed to 132

Secretary David Mundell

Clause 63, page 67, line 37, at the end insert—
 “(e) section 57”

Agreed to 133

Scotland Bill, *continued*

Secretary David Mundell

Agreed to 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.”

Secretary David Mundell

Agreed to 135

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

Secretary David Mundell

Agreed to 136

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

Bill read the third time, and passed.
