LORDS AMENDMENTS TO THE
SCOTLAND BILL
[The page and line references are to HL Bill 73, the bill as first printed for the Lords]

Clause 3
1 Page 2, leave out lines 17 and 18 and insert—
“( ) Omit the words from “The franchise at local government elections” to the end of the Exceptions and insert—”
2 Page 2, line 21, at end insert—
“The subject-matter of section 43(1AA) of the Representation of the People Act 1983.”
3 Page 2, leave out lines 30 to 33
4 Page 3, leave out line 35 and insert—
“( ) In the Interpretation provision, omit the definitions of “Digital service” and “Ordinary local election” and insert—”

Clause 4
5 Page 4, leave out lines 18 to 20

Clause 5
6 Page 5, line 30, leave out “from the words” and insert “for the words from”
7 Page 6, line 7, at end insert—
“( ) Omit subsections (5A) to (5C).”
8 Page 6, line 13, leave out “(1ZA)” and insert “(1AA)”
9 Page 6, line 14, leave out from beginning to first “The” in line 15 and insert “After subsection (1A) insert—
(1AA) ”
10 Page 6, line 15, leave out “date specified by” and insert “day specified in or fixed under”
11 Page 6, line 16, leave out “date is the same date as” and insert “day is the day of”
Page 6, leave out lines 18 to 24 and insert—

“(1AB) Where subsection (1AA) prevents the poll being held on the day specified in or fixed under subsection (1), the poll is to be held on such other day as the Scottish Ministers may by order specify.

(1AC) An order under subsection (1AB) is subject to the affirmative procedure.”

Clause 8

Page 10, line 33, leave out “In paragraphs 3, 4, 7 to 10, 12 and 14”

Clause 10

Page 11, line 30, at end insert “and (2C) (date of elections to the Parliament).”

Page 11, line 33, leave out subsection (7)

Page 11, line 36, leave out “is revoked” and insert “and the Scotland Act 1998 (Modification of Schedules 4 and 5) Order 2015 (S.I. 2015/1764) are revoked.”

Clause 11

Page 12, line 36, after “decided” insert “on”

Page 12, line 37, after “32A(2)(b)” insert “that any provision of the Bill relates to a protected subject-matter”

Page 13, line 31, after “decides” insert “on”

Page 13, line 32, after “32A(2)(b)” insert “that any provision of the Bill relates to a protected subject-matter”

Clause 13

Page 16, line 21, at end insert—

“(17) Regulations under this section must be made by statutory instrument.”

After Clause 19

Insert the following new Clause—

“Borrowing

Borrowing

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

(2) Section 66(1) (borrowing by the Scottish Ministers from the Secretary of State) is amended as follows.

(3) At the end of paragraph (b) omit “and”.

(4) In paragraph (c)—

(a) after “devolved taxes,” omit “or”;

(b) after “Scottish rate resolution,” insert “or from amounts payable under section 64A,”.”
(5) After paragraph (c) insert—

“(d) any sums which in accordance with rules determined by the Treasury are required by them to meet current expenditure because of an excess of welfare payments over forecast welfare payments, and

(e) any sums which in accordance with rules made by the Treasury are required by them to meet current expenditure because of a Scotland-specific negative economic shock.”

(6) After that subsection insert—

“(1ZA) In subsection (1)(d) “welfare payments” means—

(a) payments under any provision relating to matters within exceptions 1 to 10 in Section F1 of Part 2 of Schedule 5 or exception 1 in Section H3 of that Part, and

(b) payments attributable to regulations made by the Scottish Ministers by virtue of section 27 or 28 of the Scotland Act 2016 (powers in relation to universal credit).”

(7) In section 67(2) and (3A) (lending under section 66(1)) for “£500 million” substitute “£1.75 billion”.

(8) In section 67A (lending for capital expenditure) in subsections (1) and (3) for “£2.2 billion” substitute “£3 billion”.

(9) The Treasury may by regulations make transitional or saving provision in connection with the coming into force of the amendments made by this section.

(10) Regulations under subsection (9) must be made by statutory instrument.

(11) A statutory instrument containing regulations under subsection (9), if made without a draft having been approved by a resolution of the House of Commons, is subject to annulment in pursuance of a resolution of the House of Commons.”

Insert the following new Clause—

“Information

Provision of information to the Office for Budget Responsibility

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

(2) After section 96 (provision of information to the Treasury) insert—

“96A Provision of information to the Office for Budget Responsibility

(1) The Office for Budget Responsibility has a right of access at any reasonable time to all Scottish public finances information which it may reasonably require for the purpose of the performance of its duty under section 4 of the Budget Responsibility and National Audit Act 2011 (duty to examine and report on the sustainability of the public finances).

(2) The Office is entitled to require from any person holding or accountable for any Scottish public finances information any assistance or explanation which the Office reasonably thinks necessary for that purpose.”
(3) “Scottish public finances information” means information held by
the Scottish Ministers or by any Scottish public authority specified
in regulations made by the Secretary of State.

(4) This section is subject to any enactment or rule of law which
operates to prohibit or restrict the disclosure of information or the
giving of any assistance or explanation.”

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

“Section 96A Type C”.”

Clause 21

Page 24, line 42, at end insert—

“( ) In section 138 of the Social Security Contributions and Benefits Act 1992
(payments out of the social fund) after subsection (4) insert—

“(4A) This section has effect in or as regards Scotland as if—
(a) references in subsections (1)(a) and (2) to the making of
payments out of the social fund were to the making of
payments by the Scottish Ministers,
(b) the reference in subsection (2) to the Secretary of State were
to the Scottish Ministers, and
(c) the reference in subsection (4) to regulations were to
regulations made by the Scottish Ministers.

(4B) Where regulations are made by the Scottish Ministers under this
section—
(a) sections 175(2) and (7) and 176 do not apply, and
(b) the regulations are subject to the negative procedure (see
section 28 of the Interpretation and Legislative Reform
(Scotland) Act 2010).

(4C) The power to make an Order in Council under section 30(3) of the
Scotland Act 1998 is exercisable for the purposes of this section as it
is exercisable for the purposes of that Act.””

Clause 27

Page 29, line 3, leave out “43” and insert “43(1)”

Page 29, line 4, leave out “sections 189(3) and 190” and insert “section 189(3)”

Clause 28

Page 29, line 35, leave out from beginning to “not” in line 36 and insert “section
189(3) of the Social Security Administration Act 1992 does”
After Clause 30

Insert the following new Clause—

“Social Security Advisory Committee and Industrial Injuries Advisory Council

(1) Section 53 of the Scotland Act 1998 does not apply in relation to any function of a Minister of the Crown under the legislation relating to social security and industrial injuries advisory bodies.

(2) Section 117 of that Act does not apply in relation to any reference to a Minister of the Crown in that legislation.

(3) In this section—

“the legislation relating to social security and industrial injuries advisory bodies” means any provision of sections 170 to 174 of, and Schedules 5 to 7 to, the Social Security Administration Act 1992 (Social Security Advisory Committee and Industrial Injuries Advisory Council);

“Minister of the Crown” includes the Treasury.”

Clause 31

Leave out Clause 31

Clause 35

Page 37, line 14, leave out “the Equality Act 2006 or”

Page 37, line 15, leave out “those Acts” and insert “that Act”

Page 37, line 18, leave out “those Acts” and insert “that Act”

Page 37, line 20, leave out “the Acts do” and insert “that Act does”

Page 37, line 22, leave out “those Acts” and insert “that Act”

Page 37, line 23, leave out “those Acts” and insert “that Act”

Page 37, line 32, leave out from first “Act” to “are” in line 33 and insert “2010 and any subordinate legislation made under that Act”

Clause 38

Page 41, line 17, leave out from “relating” to “to” in line 18

Page 41, line 18, at end insert—

“( ) In paragraph (d) of that reservation, after “the Road Traffic Act 1988” insert “, except so far as relating to the parking of vehicles on roads,”.”

Page 41, line 19, after first “the” insert “first”

Page 41, line 21, leave out “After that exception” and insert “At the end”

Page 41, line 24, leave out from second “as” to “(and” in line 25 and insert “substituted by section 19 of the Road Safety Act 2006 as at the date when section 38 of the Scotland Act 2016 comes into force, treating section 19 and any amendment affecting it at that date as if they were in force”
Clause 39

42 Page 42, leave out lines 37 to 40 and insert—

“(a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
(b) otherwise, means the Secretary of State.”

43 Page 43, line 12, leave out subsection (24)

Clause 40

44 Page 44, line 31, leave out “relevant” and insert “national”

45 Page 44, line 40, leave out paragraph (g)

After Clause 40

46 Insert the following new Clause—

“Roads: parking

(1) The Road Traffic Act 1988 is amended as follows.

(2) Section 20 (parking on verges etc: definition of “heavy commercial vehicle”) is amended as follows.

(3) In subsection (5) for “Secretary of State” substitute “national authority”.

(4) At the end add—

“(8) In subsection (5) “national authority”—

(a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
(b) otherwise, means the Secretary of State.

(9) Before making any regulations under subsection (5) in relation to vehicles used on roads in Scotland, the Secretary of State must consult the Scottish Ministers.”

(5) Section 41 (regulation of construction, weight, equipment and use of vehicles) is amended as follows.

(6) In subsection (1) for “Secretary of State” substitute “national authority”.

(7) After subsection (2) insert—

“(2A) In subsection (1) “national authority”—

(a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
(b) otherwise, means the Secretary of State.

(2B) Before making any regulations under this section in relation to the parking of vehicles on roads in Scotland, the Secretary of State must consult the Scottish Ministers.””
Clause 41

Page 45, line 11, leave out subsections (3) to (6)

Clause 45

Page 47, line 4, leave out subsection (5)

Page 47, leave out lines 11 to 20 and insert—

“(1A) The Scottish Ministers may not make regulations under subsection (1)(e) prescribing model clauses that may be prescribed under subsection (1B).

(1B) The Secretary of State may make regulations prescribing model clauses on the consideration payable for a licence granted by the Scottish Ministers, and the following so far as they relate to such consideration—

(a) the measurement of petroleum obtained from the licenced area (including the facilitation of such measurement);
(b) the keeping of accounts;
(c) cancellation of a licence by the Secretary of State if there has been a failure to pay consideration or to comply with a clause on a matter falling within paragraph (a) or (b).

(1C) Model clauses prescribed under subsection (1B) shall, unless the Secretary of State thinks fit to modify or exclude them in any particular case, be incorporated in any licence granted by the Scottish Ministers.”

Clause 65

Page 73, line 20, after “24,” insert “25,”

Page 73, line 27, after “24,” insert “25,”

Page 73, line 37, after “24,” insert “25,”

Clause 68

Page 74, line 28, leave out “(whenever passed or made)”

Page 74, line 31, at end insert—

“( ) For the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, subsection (2) applies to an enactment, instrument or document whenever passed or made.

( ) Otherwise, subsection (2) applies to—

(a) an Act of Parliament passed before or in the same session as this Act;
(b) an Act of the Scottish Parliament passed, or an instrument or document made, before the end of the session in which this Act is passed.”

Page 75, line 4, after “enactment” insert “— (a)”
Page 75, line 4, after “Parliament,” insert “and
(b) for the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, also includes”

Clause 69

Page 75, line 27, at the end insert—
“( ) sections 3 to 12;”

Page 75, line 33, at beginning insert “Section (Borrowing) and”

Page 75, line 33, at beginning insert “Section (Provision of information to the Office for Budget Responsibility) and”

Schedule 2

Page 78, line 21, leave out paragraphs 8 and 9 and insert—
“8 (1) Section 86 (speed limits for particular classes of vehicles) is amended as follows.
(2) For “national authority” in each place substitute “relevant authority”.
(3) Omit subsection (9).

9 In section 88 (temporary speed limits) for “national authority” in each place substitute “relevant authority”.”

Page 82, line 28, at end insert—
“Road Traffic Act 1988 (c. 52)
In section 195 of the Road Traffic Act 1988 (regulations) after subsection (4) insert—
“(4ZA) Regulations made by the Scottish Ministers under section 20(5), 36(5) or 41(1) are subject to the negative procedure.””

Page 84, line 20, at end insert—
“PART 2
EXERCISE OF POWERS BY AGREEMENT

Traffic signs powers

33 (1) Sub-paragraph (2) 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).
(2) Despite anything in section 39 or 40 or Part 1 of this Schedule, 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 sub-paragraph (1) in relation to Scotland), with the consent of the Scottish Ministers.

(3) The traffic signs powers are—
   (a) the power to make regulations under section 25 of the Road Traffic Regulation Act 1984 (pedestrian crossings);
   (b) the power to make regulations under section 64 of that Act (traffic signs);
   (c) the power to give general directions under section 65(1) of that Act (placing of traffic signs);
   (d) the power to give general directions under section 85(2) of that Act (traffic signs for indicating speed restrictions);
   (e) the power to make regulations under section 36(5) of the Road Traffic Act 1988 (traffic signs: discretionary disqualification for failure to comply).

(4) The Secretary of State may exercise a power in any way by virtue of this paragraph only if the Secretary of State could have exercised it in that way but for the amendments made by sections 39 and 40 and Part 1 of this Schedule.

Powers to exempt from speed limits

34 (1) Sub-paragraph (2) applies in relation to the first statutory instrument made by the Secretary of State containing regulations under section 87(1)(b) of the Road Traffic Regulation Act 1984 as substituted by section 19 of the Road Safety Act 2006 (exemptions from speed limits: prescribed purposes and circumstances) in relation to vehicles used on roads in England.

(2) Despite anything in section 39 or 40 or Part 1 of this Schedule, the Secretary of State may by that instrument, with the consent of the Scottish Ministers—
   (a) make any provision under section 87(1)(b) of the Road Traffic Regulation Act 1984 that could be made by the Scottish Ministers, and
   (b) in connection with any provision made by virtue of paragraph (a), make any provision under any of the traffic signs powers mentioned in paragraph 33(3) that could be made by the Scottish Ministers.

(3) The Secretary of State may exercise a power in any way by virtue of this paragraph only if the Secretary of State could have exercised it in that way but for the amendments made by sections 39 and 40 and Part 1 of this Schedule.”
LORDS AMENDMENTS TO THE
SCOTLAND BILL

Ordered, by The House of Commons,
to be Printed, 21 March 2016.