AMENDMENTS
TO BE MOVED
IN COMMITTEE

Clause 1

LORD NORTON OF LOUTH

Page 1, leave out lines 9 and 10
Page 1, leave out lines 11 and 14

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH

Page 1, leave out lines 15 to 17 and insert—

“( ) Subsection (1) may only be repealed if—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.”

Clause 2

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH

Page 2, leave out lines 5 to 7 and insert—

“(8) But the Parliament of the United Kingdom may 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.
Clause 2—continued

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

Page 2, line 7, at end insert—

“(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 must not introduce a Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland unless a Minister of the Crown has consulted the Scottish Ministers.

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

(a) 21 days before the proposed date of introduction, or

(b) such later date as the Scottish Ministers may agree.

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

(a) the Scottish Ministers so agree, or

(b) there are exceptional circumstances justifying failure to comply with the requirement.

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

After Clause 2

LORD FOULKES OF CUMNOCK
BARONESS SUTTIE

Insert the following new Clause—

“Scottish Senate

(1) There shall be a Scottish Senate which shall be the second chamber of the Scottish Parliament.

(2) The Scottish Senate shall consist of 46 members, to be elected using the Single Transferable Vote system in each region of Scotland, in elections to be held on the same day as the elections for the Scottish Parliament.

(3) Each electoral region shall return the following number of Members—

(a) Central Region: 5 members

(b) Glasgow: 6 members

(c) Highlands and Islands: 4 members

(d) Lothian: 7 members

(e) Mid Scotland & Fife: 5 members

(f) North East Scotland: 7 members

(g) South of Scotland: 6 members
After Clause 2—continued

(h) West of Scotland: 6 members.

(4) The Boundary Commission for Scotland must keep under review the regions and the number of Members to be returned for each region, and if appropriate make a report to the Secretary of State recommending changes.

(5) Any reports by the Boundary Commission for Scotland under subsection (4) are subject to the requirements, and to the provision for the implementation of recommendations by Order in Council, contained in Schedule 1 to the Scotland Act 1998.

(6) The proceedings of the Scottish Senate shall be regulated by Standing Orders agreed by the Senate.

(7) Standing Orders agreed by the Senate shall include provision for the Senate to—

(a) undertake pre-legislative scrutiny of proposed Bills;
(b) consider and propose amendments to legislation agreed by the Scottish Parliament for future consideration by the Scottish Parliament before it is submitted for Royal Assent;
(c) debate and pass resolutions on devolved matters; and
(d) establish committees with the power to call or require Scottish Ministers to give evidence on any devolved matter.”

Clause 11

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH

Page 12, line 9, leave out “decision whether to pass or reject it,” and insert “motion that the Bill be passed is debated,”

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Page 12, line 19, at end insert—

“( ) the period between general elections specified in section 2(2),”

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH

Page 12, line 22, after “area,” insert “—

“( ) the period between general elections specified in section 2(2),
( ) the alteration of boundaries, regions or any equivalent electoral area,”
Clause 11 — continued

LORD WALLACE OF TANKERNESS
LORD STEPHEN
Page 12, line 24, at end insert—
“( ) the term of a Parliament, except in respect of any Act of the Scottish Parliament passed before 31 March 2016”

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH
Page 12, line 29, after “unless” insert “it is passed without a division, or”
Page 13, line 17, at end insert—
“( ) He shall not make a reference by virtue of subsection (2)(a) if the Parliament resolves that it wishes to reconsider the Bill.
( ) He shall not make a reference by virtue of subsection (2)(b) 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.”
Page 13, line 22, at end insert—
“(4) Subsection (5) 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.
(5) If the Parliament resolves that it wishes to reconsider the Bill—
(a) the President Officer shall notify the Advocate General, the Lord Advocate and the Attorney General of that fact, and
(b) the person who made the reference shall request the withdrawal of the reference.”
Page 13, line 32, at end insert—
“( ) In subsection (4) after paragraph (a) insert—
“(ab) 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 32A and the Parliament subsequently resolves that it wishes to reconsider the Bill.”
Page 13, line 32, at end insert—
“( ) After subsection (4) insert—
“( ) Standing orders shall provide for an opportunity for the reconsideration of a Bill after its rejection if (and only if), where section 32A(2)(b) applies—
(a) the Supreme Court decides that the Bill or any provision of the Bill does not relate to a protected subject matter, or
Clause 11—continued

(b) the Parliament resolves that it wishes to reconsider the matter.”.”

Clause 12

LORD HOPE OF CRAIGHEAD
LORD NORTON OF LOUTH

Page 14, line 6, at end insert—

“( ) In paragraph 1(2)(f) of Schedule 4 (protection of Scotland Act 1998 from modification), after “Human Rights Act 1998” insert “except the Convention rights set out in Schedule 1 to that Act”.”

After Clause 19

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Insert the following new Clause—

“Fiscal framework: review

(1) Any agreement between Her Majesty’s Government and Scottish Ministers regarding a fiscal framework for operation of the tax powers and funding of the Scottish Parliament shall be reviewed not earlier than 4 years nor later than 5 years following the enactment of this Act.

(2) The review under subsection (1) shall be undertaken by a Commission consisting of an equal number of members from the Scottish Parliament and the United Kingdom Parliament, including members from the House of Commons and the House of Lords.

(3) The Commission shall publish a report, which may include recommendations, and shall submit copies of the report to both Houses of the United Kingdom Parliament and the Scottish Parliament.”

Clause 34

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Page 33, line 18, leave out “may” and insert “must following agreement with the Scottish Government”

Clause 49

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Page 51, line 36, leave out from “authorised” to “(or” Page 52, line 4, leave out from “authorised” to “, or” in line 5
Clause 49 — continued

Page 52, line 22, leave out subsection (6)

After Clause 50

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Insert the following new Clause —

“Business Associations

( ) Part 2 of Schedule 5 to the Scotland Act 1998 is amended as follows.

( ) In section C1 (Business Associations) at the end of the exceptions insert—

“(c) the law on partnerships and unincorporated associations,
(d) the creation of new forms of cooperative enterprise,
(e) the creation of new forms of mutual enterprise,
(f) the creation of new economic interest groups where the European Economic Interest Group under regulation EEC 2137/85 is not available because the members do not come from more than one state.”

Insert the following new Clause —

“Regulation of solicitors

(1) Part 2 of Schedule 5 to the Scotland Act 1998 is amended as follows.

(2) In section A3 (Financial Services) at end insert —

“The regulation of the advice services and activities provided by a Scottish solicitor within the meaning of Section 325(2) of the Financial Services and Markets Act 2000 or by licensed providers under the Legal Services (Scotland) Act 2010.”

(3) In section B6 (Immigration and Nationality), at end insert —

“Exception

The regulation of immigration advice or immigration services by members of the Law Society of Scotland or by licensed providers under the Legal Services (Scotland) Act 2010.”

(4) In section C2 (Insolvency) at end insert —

“The regulation and advice, services and activities of an insolvency practitioner who is a Scottish solicitor within the meaning of Part 13 of the Insolvency Act 1986 (c. 45) or by licensed providers under the Legal Services (Scotland) Act 2010.”
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3rd December 2015