The amendments have been marshalled in accordance with the Instruction of 1st December 2015, as follows—

<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>After Schedule 1</th>
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</thead>
<tbody>
<tr>
<td>74</td>
<td>Insert the following new Schedule—</td>
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"SCHEDULE

THE JOINT COMMITTEE ON WELFARE DEVOLUTION

Membership

1 The Joint Committee on Welfare Devolution shall 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 Parliament who are not Ministers of the Crown;
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(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 by the Speaker of the House of Commons and the Lord Speaker of the House of Lords.

3 The members of the Joint Committee on Welfare Devolution mentioned in paragraph 1(e) are to be appointed 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 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 with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, to be taken to be references to the committee by whom the functions are for the time being exercisable.

6 In this Schedule, references to the Welfare Reform Committee of the Scottish Parliament are—
   (a) if the name of that Committee is changed, to be taken (subject to paragraph (b)) to be references to the Committee by its new name;
   (b) if the functions of that Committee at the passing of this Act with respect to welfare policy and payments (or functions substantially corresponding thereto) become functions of a different committee of the Scottish Parliament, to be taken to be references to the committee by whom the functions are for the time being exercisable.

Term of office of Committee members

7 A member may resign from the Committee at any time by giving notice to the Secretary of State.

8 A member may be re-appointed (or further re-appointed) to membership of the Committee.

Committee proceedings

9 The Joint Committee on Welfare Reform may determine its own procedure.

10 The validity of any proceedings of the Joint Committee on Welfare Reform is not affected by—
   (a) any vacancy among, or
After Schedule 1—continued

(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 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 a panel to advise the Joint Committee on Welfare Reform 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.”

After Clause 19

LORD McAVOY
LORD DAVIDSON OF GLEN CLOVA
LORD McFALL OF AlCLUITH

75 Insert the following new Clause—

“Non-budget expenditure and the Scottish Consolidated Fund: further provisions

Before the end of the first month of each financial year, the Secretary of State must lay before Parliament a full record, including minutes of meetings and Ministerial correspondence, of discussions between the Secretary of 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.”

LORD KERR OF KINLOCHARD
LORD TURNBULL

75A Insert the following new Clause—

“Borrowing powers

(1) Section 66 of the Scotland Act 1998 (borrowing by the Scottish Ministers etc.) is amended as follows.

(2) For subsections (1A) and (1B) substitute—

“(1A) Subject to subsection (1B), the Scottish Ministers may borrow by way of loan or by the issue of bonds (but not bonds transferable by delivery) any sums required by them.

(1B) Borrowing by Scottish Ministers shall be subject to—

(a) annual limits; and
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After Clause 19—continued

(b) an overall ceiling.

(1C) The annual limits and the overall ceiling shall be set by regulations made by the Treasury, following consultation with Scottish Ministers.

(1D) Regulations under subsection (1C) may not be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament."

LORD WALLACE OF TANKERNESS
LORD STEPHEN

76 Insert the following new Clause—

"Fiscal framework: review

(1) Any agreement between Her Majesty’s Government and the 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 Parliament of the United Kingdom, 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 Parliament of the United Kingdom and the Scottish Parliament."

Clause 20

LORD McAVOY
LORD DAVIDSON OF GLEN CLOVA

77 Page 23, leave out lines 4 to 12 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.”

Clause 21

LORD KIRKWOOD OF KIRKHOPE

77A Page 24, line 31, at end insert “including the Winter Fuel Payments Scheme”
Clause 21 — continued

LORD DUNLOP

77B 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 22

LORD KIRKWOOD OF KIRKHOPE

77C Page 25, line 6, leave out from “benefit” to end of line 10

77D Page 25, leave out lines 11 and 12

77E Page 25, leave out lines 15 to 22

77F Page 25, line 24, at end insert—

“A payment made on behalf of Scottish Ministers exercising powers under Exception 5, and the right to receive such a payment, shall be disregarded in applying any enactment or instrument under which regard is had to a person’s means.”

Clause 23

LORD KIRKWOOD OF KIRKHOPE

77G Page 25, leave out lines 38 and 39

77H Page 25, leave out lines 40 to 47
Amendment
No. Clause 24

LORD KIRKWOOD OF KIRKHOPE

77J Page 26, line 19, leave out “short-term”

77K Page 26, line 28, at end insert—

“Illustration
Any delay in any reserved benefits being paid on time or delay in any reserved hardship payments being made.”

Clause 26

LORD KIRKWOOD OF KIRKHOPE

77L Page 27, line 21, at end insert—

“(d) have been formally notified to the Secretary of State by Scottish Ministers, prior to the implementation of the scheme.”

77M Page 27, line 41, at end insert—

“A payment made on behalf of Scottish Ministers exercising powers under Exception 10, and the right to receive such a payment, shall be disregarded in applying any enactment or instrument under which regard is had to a person’s means.”

Clause 27

LORD KIRKWOOD OF KIRKHOPE

77N Page 28, line 15, at end insert—

“( ) The Secretary of State and the Scottish Ministers must prepare and maintain a memorandum describing in general terms how they intend concurrently to exercise the making of regulations under this section.”

LORD DUNLOP

77P Page 29, line 3, leave out “43” and insert “43(1)”

77Q Page 29, line 4, leave out “sections 189(3) and 190” and insert “section 189(3)”

Clause 28

LORD KIRKWOOD OF KIRKHOPE

77R Page 29, line 12, at end insert—

“( ) The Secretary of State and the Scottish Ministers must prepare and maintain a memorandum describing in general terms how they intend concurrently to exercise the function of making regulations under this section.”
Amendment No. Clause 28 — continued

LORD DUNLOP

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 28

LORD McAVOY
LORD DAVIDSON OF GLEN CLOVA

Insert the following new Clause —

“Joint Committee on Welfare Devolution

(1) There shall be a 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 shall be responsible for ensuring full co-operation, consultation and information-sharing between the United Kingdom Government, the Scottish Government and relevant stakeholders.

(3) The Joint Committee on Welfare Devolution shall 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 on which 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, starting three years from the date on which 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.”

Clause 29

LORD McAVOY
LORD DAVIDSON OF GLEN CLOVA

Page 30, line 20, at end insert —

“( ) provision of support for disabled persons in the form of non-repayable payments to enable them to access employment, remain in employment, or move into self-employment or start a business,”

LORD KIRKWOOD OF KIRKHOPE

Page 30, line 28, at end insert —

“This exception extends to all Job Centre plus services.”
Amendment No. 79ZB

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

LORD DUNLOP

Lord Dunlop gives notice of his intention to oppose the Question that Clause 31 stand part of the Bill.

Amendment No. 79ZC

Insert the following new Clause—

“Social Security Advisory Committee

In section 170 of the Social Security Administration Act 1992 (the social security advisory committee), after subsection (1) insert—

“(1A) The Scottish Ministers may request the Social Security Advisory Committee to—

(a) give advice and assistance to the relevant Scottish Minister in connection with the discharge of his or her functions in relation to a relevant Scottish social security function; and

(b) perform such other duties in relation to Scotland as may be assigned to the Social Security Advisory Committee under any enactment.”

Amendment No. 79ZD

Insert the following new Clause—

“Pilot schemes

(1) Any power to make—

(a) regulations under Part 3 of this Act,
After Clause 33—continued

(b) regulations under the Social Security Administration Act 1992 relating to Part 3 of this Act, or
(c) regulations under the Social Security Act 1998 relating to Part 3 of this Act,
may be exercised by Scottish Ministers so as to make provision for “pilot schemes” in Scotland.

(2) In subsection (1), “pilot scheme” means carrying out an activity or set of activities and testing—

(a) the extent to which the activity is likely to make Part 3 simpler to understand or administer,
(b) the extent to which the activity is likely to promote—
(i) improved provision for carers or people with low incomes or disabilities, or
(ii) people remaining in work, or obtaining or being able to obtain more or better-paid work, or
(c) the extent to which the activity is likely to affect the conduct of claimants or other people in any other way.

(3) A pilot scheme may be limited in its application to—

(a) one or more areas,
(b) one or more classes of person,
(c) persons selected—
(i) by reference to prescribed criteria, or
(ii) on a sampling basis.

(4) A pilot scheme may have initial effect for up to three years, and Scottish Ministers may then by regulations extend the pilot scheme for a further year.

(5) A pilot scheme may be replaced by another pilot scheme making the same or similar provision.

(6) A pilot scheme may include consequential or transitional provision in relation to its expiry.”

Clause 65

LORD DUNLOP

79ZE Page 73, line 20, after “24,” insert “25,”
79ZF Page 73, line 27, after “24,” insert “25,”
79ZG Page 73, line 37, after “24,” insert “25,”

Clause 68

LORD HOPE OF CRAIGHEAD
LORD FORSYTH OF DRUMLEAN

79A Page 74, line 22, leave out paragraph (a)
Clause 68—continued

LORD WALLACE OF TANKERNESS
LORD STEPHEN

79AA Page 74, line 23, leave out “1, 3, 4, 5 or 6” and insert “3”

79AB Page 74, line 25, leave out “1, 3, 4, 5 or 6” and insert “3”

LORD HOPE OF CRAIGHEAD
LORD FORSYTH OF DRUMLEAN

79B Page 74, line 27, leave out subsections (2) and (3)

LORD WALLACE OF TANKERNESS
LORD STEPHEN

79BA Page 74, line 31, leave out paragraph (c)

79BB Page 74, line 37, leave out paragraph (e)

LORD HOPE OF CRAIGHEAD
LORD FORSYTH OF DRUMLEAN

79C Page 74, line 39, leave out from “section” to end of line 40

79D Page 74, line 43, leave out subsection (6)

79E Page 75, line 3, leave out subsection (7)

LORD WALLACE OF TANKERNESS
LORD STEPHEN

79EA Page 75, line 11, leave out paragraphs (c) and (d)

LORD FORSYTH OF DRUMLEAN

Lord Forsyth of Drumlean gives notice of his intention to oppose the Question that Clause 68 stand part of the Bill.

After Clause 68

LORD McCLUSKEY

79F Insert the following new Clause—

“The fiscal framework

(1) Within 30 days of the date on which this Act is passed, the Secretary of State must publish in full the new fiscal framework agreed between the Scottish and UK Governments, unless it has already been published by the Secretary of State.
(2) Within 30 days of the date on which this Act is passed, the Secretary of State shall publish as an appendix to the new fiscal framework as published a full description of any agreement whatsoever reached between the said Governments relating to the future of the Barnett Formula or its application, amendment or replacement in the future, including any agreement as to when any such change is intended to be considered by the two Governments in the future.

(3) In this section, “the new fiscal framework” means the agreement between the said Governments as to the arrangements and institutions intended to underpin the tax and spending powers included and devolved under this Act and under the Scotland Acts of 1998 and 2012, including the funding of the Scottish budget, planning, management and scrutiny of public revenues and spending, the manner in which the block grant is or may be adjusted to accommodate further devolution, and the operation of borrowing powers and cash reserve, fiscal rules, and independent institutions.”

79G Insert the following new Clause—

“The Scottish Fiscal Commission

(1) The Scottish Parliament shall have an express power to expand the independent scrutiny of Scotland’s public finances.

(2) The power created by subsection (1) may be exercised by the creation by the Scottish Parliament of a Scottish Fiscal Commission that is independent of the Scottish Executive.

(3) The Scottish Fiscal Commission shall, as far as is possible, be modelled on the Office for Budget Responsibility.

(4) The duties and responsibilities of the Scottish Fiscal Commission shall, as far as is possible, be the same for Scotland as those of the Office for Budget Responsibility are for the United Kingdom.

(5) If any person elected as a member of the Scottish Parliament challenges the independence of any person nominated to be a member of the Scottish Fiscal Commission, the Lord President of the Court of Session shall determine whether that person is independent; and shall do so on the basis of written submissions made to him by any person or body invited by the Lord President to make representations to him on the matter; and the ruling of the Lord President on the matter shall be final and not reviewable.

(6) If the Lord President rules that a person nominated to be a member of the Scottish Fiscal Commission is not independent, that person shall not be appointed to be a member of the Commission.

(7) In this section “independence” means independence from the Scottish Government and from any political party with representation in the United Kingdom Parliament or the Scottish Parliament.”
Clause 69

LORD FORSYTH OF DRUMLEAN

79H Page 75, line 16, at end insert—

“(A1) None of sections 1 to 68 may come into force until—
(a) the Secretary of State has laid before each House of Parliament a fiscal framework setting out the arrangements and institutions underpinning the tax and spending powers included and devolved under this Act and under the Scotland Acts 1998 and 2012; and
(b) the framework has been approved by a resolution of each House of Parliament.

(A2) If any of the following provisions of this section would otherwise result in any of sections 1 to 68 coming into force before the condition in subsection (A1) is met, the coming into force of that section shall be delayed until the day that the condition in subsection (A1) is met.”

THE EARL OF KINNOULL
THE EARL OF DUNDEE

80 Page 75, line 17, leave out subsections (1) and (2) and insert—

“(1) Sections 13 to 68 of this Act shall not come into force until such time as the relevant Secretary of State has laid before Parliament a statement to the effect that the Secretary of State is satisfied that the Scottish Government and any Scottish authorities to which power is devolved under this Act have the appropriate arrangements in place with which to exercise the relevant powers devolved under this Act.

(1A) Each section or subsection to which subsection (1) applies may be the subject of a statement under subsection (1), which once laid before Parliament would cause that section or subsection to come into force.

(1B) The provisions in subsections (3) to (7) are subject to the provision in subsection (1).

(2) Sections 1, 69 and 70 come into force on the day on which this Act is passed.”

LORD McCLUSKEY

80A Page 75, line 19, at end insert—

“( ) section (The fiscal framework);”

THE EARL OF KINNOULL
THE EARL OF DUNDEE

81 Page 75, line 23, at end insert—

“( ) Section 34 shall not come into force until such time as the Secretary of State has laid a report before Parliament which sets out which persons will initially be nominated by Scottish Ministers under section 90B(1) in Part 5 of the Scotland Act 1998 as Scottish Crown Estate Commissioners, what arrangements will be put in place to facilitate the transfer of functions to such persons and what arrangements the Scottish Ministers have made for the further devolution of the management of Crown Estate assets.”
Amendment No. 81A

Page 75, line 24, leave out “2” and insert “3”

Page 75, line 27, at end insert “, or after the Scottish Fiscal Commission has been created under section (The scottish fiscal commission), whichever is the later date.”

BARONESS HAYTER OF KENTISH TOWN
LORD McAVOY

Amendment No. 82

Page 75, line 32, at end insert—

“( ) Section 50 comes into force at the end of 12 months beginning with the day on which this Act is passed.”

LORD McCLUSKEY

Amendment No. 82A

Page 75, line 37, leave out “2” and insert “3”

Amendment No. 83

[Withdrawn]