Page 2, line 7, at end insert “and the decision as to whether or not the circumstances are such as to allow the Parliament of the United Kingdom to legislate with regard to any devolved matter shall be a decision for that Parliament to take, declaring further that that decision shall not be justiciable in any court of law”

LORD WALLACE OF TANKERNESS
LORD STEPHEN

Leave out Clause 2 and insert the following new Clause—

“Legislative consent motions

In section 28 of the Scotland Act 1998 (Acts of the Scottish Parliament) at the end insert—

“(8) But it is recognised that the Parliament of the United Kingdom will not normally legislate—

(a) with regard to devolved matters, or

(b) to alter the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers, without the consent of the Scottish Parliament.

(9) The application of subsection (8) shall not be questioned in any court of law.

(10) For the purposes of subsection (8), the words “devolved matters” means any matter not reserved to the United Kingdom Parliament under this Act.”"
Amendment No.

Clause 3

LORD DUNLOP

3 Page 2, line 21, at end insert—

“The subject-matter of section 43(1AA) of the Representation of the People Act 1983.”

4 Page 2, leave out lines 30 to 33

Clause 5

LORD DUNLOP

5 Page 6, line 11, leave out “(1ZA)” and insert “(1AA)”

6 Page 6, line 12, leave out from beginning to first “The” in line 13 and insert “After subsection (1A) insert—

(1AA) ”

7 Page 6, line 13, leave out “date specified by” and insert “day specified in or fixed under”

8 Page 6, line 14, leave out “date is the same date as” and insert “day is the day of”

9 Page 6, leave out lines 16 to 22 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 40

LORD DUNLOP

10 Page 43, line 11, 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,”.”

11 Page 43, line 14, leave out subsection (4)

Clause 41

LORD DUNLOP

12 Page 44, leave out lines 34 to 37 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;”.”

Amendment No.
Amendment No. 13  Page 45, line 10, leave out subsection (24)

Clause 42

LORD DUNLOP

Page 46, line 30, leave out “relevant” and insert “national”

Page 46, line 39, leave out paragraph (g)

After Clause 42

LORD DUNLOP

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.”
Amendment No.

After Clause 70

LORD McCLUSKEY

17 Insert the following new Clause—

“The Barnett Formula

Within 30 days of the date on which this Act is passed, the Secretary of State shall publish as a memorandum, supplementary to the agreement between the Scottish Government and the United Kingdom Government on the Scottish Government’s fiscal framework, a document containing a full description of any agreement reached between the governments relating to the future of the Barnett Formula or its application, amendment, reassessment 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.”

Clause 71

LORD McCLUSKEY

18 Page 77, line 9, at end insert—

“( ) section (The Barnett Formula);”

Schedule 2

LORD DUNLOP

19 Page 80, line 25, 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”.”

20 Page 84, line 30, 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.””

21 Page 87, leave out lines 20 to 26 and insert—

“(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.”