Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 and 2  Schedule
Sections 3 to 16  Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Elizabeth Smith
29 In section 1, page 1, line 10, leave out <approval> and insert <agreement>

Elizabeth Smith
30 In section 1, page 1, line 12, leave out <approved by> and insert <agreed with>

Fiona Hyslop
1 In section 1, page 1, line 24, at end insert—
<( ) An authority’s records management plan may make different provision for the
management of different kinds of public records (taking account, for example, of the
different levels of risk associated with the management of different kinds of records).>

Ken Macintosh
31 In section 1, page 1, line 26, at end insert <including information on how such plans will relate to
functions delivered on behalf of authorities by contractors.>

Fiona Hyslop
2 In section 1, page 1, line 26, at end insert—
<( ) The Keeper may issue different guidance under subsection (3) in relation to different
authorities.
( ) Before issuing guidance under subsection (3), the Keeper must—
5 (a) consult the following on a draft of the guidance, namely—
   (i) such authorities as the Keeper considers will be affected by the guidance,
   and
   (ii) such other persons (if any) as the Keeper considers appropriate, and
   (b) have regard to any views expressed in response to the consultation.>
Ken Macintosh

2A As an amendment to amendment 2, line 7, leave out <and> and insert—

<( ) such bodies representing contractors as the Keeper considers will be affected by the guidance, and>

Elizabeth Smith

32 In section 1, page 1, line 28, leave out <the Keeper’s approval> and insert <agreement with the Keeper>

Elizabeth Smith

33 In section 1, page 2, line 1, leave out <must, if the Keeper so requires> and insert <may, with the agreement of the Keeper>

Fiona Hyslop

3 In section 1, page 2, line 1, after <requires,> insert <or

(b) may, with the Keeper’s approval,>

Elizabeth Smith

34 In section 1, page 2, line 4, leave out lines 4 and 5 and insert <may, with the agreement of the Keeper,>

Ken Macintosh

35 In section 1, page 2, line 7, at end insert <or separate functions of those authorities if required under subsection (5)>

Section 3

Ken Macintosh

36 In section 3, page 3, line 15, leave out <subsection (1)> and insert <this Part>

Elizabeth Smith

37 Leave out section 3

Section 4

Elizabeth Smith

38 In section 4, page 3, line 20, leave out <approval> and insert <agreement>

Ken Macintosh

39 In section 4, page 3, line 21, leave out <the Keeper may determine> and insert <to comply with the guidance issued under section 1(3)>
Elizabeth Smith
40 In section 4, page 3, line 24, leave out <approve> and insert <agree>

Elizabeth Smith
41 In section 4, page 3, line 26, leave out <reject> and insert <return>

Elizabeth Smith
42 In section 4, page 3, line 27, leave out subsection (4)

Ken Macintosh
43 In section 4, page 3, line 27, leave out <for the Keeper to determine> and insert <to be determined in the guidance issued under section 1(3)>

Elizabeth Smith
44 In section 4, page 3, line 28, leave out <approve or reject> and insert <agree or return>

Fiona Hyslop
4 In section 4, page 3, line 31, at end insert—
<(  ) the nature of the authority and its public records, and
(  ) any representations made by the authority.>

Fiona Hyslop
5 In section 4, page 3, line 31, at end insert—
<(  ) Where the Keeper is considering rejecting the proposed plan, before deciding whether to do so, the Keeper must—
(a) notify the authority—
   (i) that the Keeper is considering rejecting the proposed plan, and
   (ii) of the reasons for doing so,
(b) give the authority an opportunity to make representations, and
(c) have regard to any representations made by the authority.>

Elizabeth Smith
5A As an amendment to amendment 5, line 2, leave out <rejecting> and insert <returning>

Elizabeth Smith
5B As an amendment to amendment 5, line 5, leave out <rejecting> and insert <returning>

Elizabeth Smith
45 In section 4, page 3, line 32, leave out <rejects> and insert <returns>
Elizabeth Smith

46 In section 4, page 3, line 34, leave out <rejection> and <return>

Elizabeth Smith

47 In section 4, page 3, line 36, leave out <approval> and insert <agreement>

Section 5

Elizabeth Smith

48 In section 5, page 4, line 6, leave out <approval> and insert <agreement>

Fiona Hyslop

6 In section 5, page 4, line 8, after <determine> insert <in accordance with subsections (1A) to (1C)>

Fiona Hyslop

7 In section 5, page 4, line 8, at end insert—

<(1A) The Keeper must not determine a review date under subsection (1)(b) which is earlier than five years after the date on which the authority’s records management plan was last approved.

(1B) In subsection (1A), reference to the plan being approved includes—

(a) approval of the plan under section 4,
(b) if the authority has been required to carry out a review of the plan under subsection (1)(b) of this section or section 6(3)(b), approval of the revised or, as the case may be, resubmitted plan, and
(c) if the authority has submitted a revised plan under subsection (3) of this section, approval of the revised plan.

(1C) If—

(a) the Keeper has determined a review date under subsection (1)(b) in relation to a plan, and
(b) before that date, the Keeper approves—

(i) a revised plan submitted by the authority under subsection (3), or
(ii) if the authority has been required to carry out a review of the plan under section 6(3)(b), a revised or, as the case may be, resubmitted plan,

the Keeper must determine a new review date and inform the authority of the new review date.>

Elizabeth Smith

7A As an amendment to amendment 7, line 4, leave out <approved> and insert <agreed>
Elizabeth Smith

7B As an amendment to amendment 7, line 6, leave out <approval> and insert <agreement>

Elizabeth Smith

7C As an amendment to amendment 7, line 8, leave out <approval> and insert <agreement>

Elizabeth Smith

7D As an amendment to amendment 7, line 11, leave out <approval> and insert <agreement>

Elizabeth Smith

7E* As an amendment to amendment 7, line 15, leave out <approves> and insert <agrees>

Elizabeth Smith

49 In section 5, page 4, line 11, leave out <approval> and insert <agreement>

Elizabeth Smith

50 In section 5, page 4, line 13, leave out <approval> and insert <agreement>

Elizabeth Smith

51 In section 5, page 4, line 15, leave out <approval> and insert <agreement>

Elizabeth Smith

52 In section 5, page 4, line 17, leave out <approval> and insert <agreement>

Elizabeth Smith

53 In section 5, page 4, line 18, leave out <approval> and insert <agreement>

Elizabeth Smith

54 In section 5, page 4, line 20, leave out <approval> and insert <agreement>

Section 6

Fiona Hyslop

8 In section 6, page 4, line 25, leave out <compliance> and insert <records management>

Ken Macintosh

55 In section 6, page 4, line 27, leave out <the Keeper may require> and insert <is reasonable>

Fiona Hyslop

9 In section 6, page 4, line 28, leave out <compliance> and insert <records management>
In section 6, page 4, line 29, leave out <compliance> and insert <records management>.

In section 6, page 4, line 39, leave out <compliance> and insert <records management>.

Section 7

In section 7, page 5, line 7, leave out <a “warning> and insert <an “action>.

In section 7, page 5, line 9, at end insert—

Where the Keeper is considering issuing an action notice to an authority, before deciding whether to do so, the Keeper must—

(a) notify the authority—

(i) that the Keeper is considering issuing an action notice, and

(ii) of the reasons for doing so,

(b) give the authority an opportunity to make representations, and

(c) have regard to any representations made by the authority.>

In section 7, page 5, line 10, leave out <warning> and insert <action>.

In section 7, page 5, line 11, leave out <warning> and insert <action>.

Section 8

In section 8, page 5, line 14, at end insert <which must cover the relationship between an authority’s records management plan and that of a contractor carrying out the authority’s functions.>

In section 8, page 5, line 14, at end insert—

Before publishing the model records management plan under subsection (1), the Keeper must—

(a) consult the following on a draft of the plan, namely—

(i) each authority, and
(ii) such other persons (if any) as the Keeper considers appropriate, and
(b) have regard to any views expressed in response to the consultation.

Ken Macintosh

16A As an amendment to amendment 16, line 5, leave out <and> and insert—
<(  ) bodies representing contractors, and>

Elizabeth Smith

57 In section 8, page 5, line 16, leave out <approval> and insert <agreement>

Fiona Hyslop

17 In section 8, page 5, line 19, at end insert—
<(  ) Before publishing a revised model plan under subsection (3), the Keeper must—
(a) consult the following on a draft of the plan, namely—
   (i) such authorities as the Keeper considers will be affected by the revisals to
   the plan, and
   (ii) such other persons (if any) as the Keeper considers appropriate, and
(b) have regard to any views expressed in response to the consultation.>

Ken Macintosh

17A As an amendment to amendment 17, line 5, leave out <and> and insert—
<(  ) such bodies representing contractors as the Keeper considers will be
affected by the revisals to the plan, and>

Section 9

Fiona Hyslop

18 In section 9, page 5, line 23, at end insert—
<(  ) The Keeper may issue different guidance under subsection (1) in relation to different
authorities.
(a) consult the following on a draft of the guidance, namely—
   (i) such authorities as the Keeper considers will be affected by the guidance,
   and
   (ii) such other persons (if any) as the Keeper considers appropriate, and
(b) have regard to any views expressed in response to the consultation.>

Ken Macintosh

58 Leave out section 9
After section 9

Fiona Hyslop

19 After section 9, insert—

<Application of Part 1 in relation to sheriff court records and JP court records

(1) This section applies in relation to the public records of a sheriff court or a justice of the peace court.

(2) The Sheriff Principal of the sheriffdom in which the court is located is responsible for carrying out the authority’s functions under this Part in relation to such public records.

(3) Accordingly, in relation to such public records, a reference in this Part to an authority (other than in section 3) is to be read as a reference to the Sheriff Principal.>

Section 11

Elizabeth Smith

59 In section 11, page 6, line 7, leave out <approved by> and insert <agreed with>

Fiona Hyslop

20 In section 11, page 6, line 8, leave out <compliance> and insert <records management>

Fiona Hyslop

21 In section 11, page 6, line 10, leave out <warning> and insert <action>

Fiona Hyslop

22 In section 11, page 6, line 12, leave out <a warning> and insert <an action>

Section 12

Fiona Hyslop

23 In section 12, page 6, line 21, leave out <compliance> and insert <records management>

Fiona Hyslop

24 In section 12, page 6, line 31, leave out <warning> and insert <action>

Section 13

Fiona Hyslop

25 In section 13, page 6, line 35, at end insert—

<( ) sections 2(3) and 2A(4) of the Public Records (Scotland) Act 1937 (c.43) (care and preservation of sheriff court and JP court records).>
Section 14

Fiona Hyslop

26 In section 14, page 7, leave out lines 17 to 22 and insert—

<( ) in subsection (4), for “subsections (1) and (3)” substitute “subsection (1)”.

Fiona Hyslop

27 In section 14, page 7, leave out lines 28 to 33

Long Title

Fiona Hyslop

28 In the long title, page 1, line 2, leave out <court records> and insert <the transmission of court records to the Keeper of the Records of Scotland>