

British Sign Language (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

| | |
|-------------------|------------|
| Sections 1 to 6 | Schedule 1 |
| Sections 7 and 8 | Schedule 2 |
| Sections 9 and 10 | Long Title |

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

Section 1

Dennis Robertson

- 1 In section 1, page 1, line 9, after <Language> insert <(see section (*Forms of British Sign Language*))>

Dr Alasdair Allan

- 2 In section 1, page 1, line 9, leave out from <and> to end of line 22 and insert—
- <(1A) In furtherance of that duty, the Scottish Ministers are to prepare, lay before the Scottish Parliament and publish national plans in relation to British Sign Language in accordance with this section (such a plan being in this Act referred to as a “National Plan”)>
- 5 (1B) A National Plan is—
- (a) to set out the strategy of the Scottish Ministers in relation to the promotion, and facilitation of promotion, mentioned in subsection (1), and
- (b) to set out what the Scottish Ministers consider that relevant public authorities (see section (*Interpretation*)) should or could do to promote, and facilitate the promotion of, the use and understanding of British Sign Language within their areas of responsibility.
- 10 (1C) A National Plan may include such other material in relation to British Sign Language as the Scottish Ministers consider appropriate.
- (1D) The first National Plan is to be laid before the Scottish Parliament within the period of 2 years beginning with the date on which this Act comes into force.
- 15 (1E) National Plans are then to be laid before the Scottish Parliament at intervals of no more than 6 years since the laying of the most recent such plan.
- (1F) As soon as reasonably practicable after laying a National Plan before the Scottish Parliament, the Scottish Ministers are to publish the plan.>

Mary Scanlon

- 2A As an amendment to amendment 2, line 11, at end insert—
- <() A National Plan may set out—

- (a) the support that should be provided by relevant public authorities to a family member of a child who uses British Sign Language and who is deaf, or deafblind,
- (b) the family members who may be entitled to such support.>

Mark Griffin

3 In section 1, page 1, line 22, at end insert—

<(1G) The requirement which this section imposes to publish a National Plan includes (but is not satisfied by) making the content of the plan publicly available, in such form and manner as the Scottish Ministers consider appropriate, in British Sign Language.>

Dr Alasdair Allan

4 In section 1, page 1, line 23, after <are> insert—

<(a) to have regard to the most recently published report under section 5,
(b)>

Dr Alasdair Allan

5 In section 1, page 1, line 24, leave out <are> and insert—

<(c)>

Dr Alasdair Allan

6 In section 1, page 1, line 25, at end insert—

<(5A) Subsection (5)(a) does not apply in relation to a National Plan prepared before the publication of the first report under section 5.>

Dr Alasdair Allan

7 In section 1, page 1, line 26, after <consulted> insert <under subsection (5)(b)>

Mark Griffin

8 In section 1, page 2, line 1, at end insert—

<() In determining the form and manner of consultation for the purpose of subsection (5)(b), the Scottish Ministers are to have regard to the need to make that consultation accessible to persons who use British Sign Language and who are deaf, or deafblind.>

Dr Alasdair Allan

9 In section 1, page 2, line 2, leave out subsection (7)

Section 2

Dennis Robertson

10 Leave out section 2

Section 3

Dr Alasdair Allan

- 11 In section 3, page 2, line 8, leave out from <is,> to <(in> in line 9 and insert <is to prepare and publish plans in relation to British Sign Language in accordance with this section and section 4 (such a plan being in>

Dr Alasdair Allan

- 12 In section 3, page 2, line 11, leave out subsection (2)

Dr Alasdair Allan

- 13 In section 3, page 2, leave out lines 33 to 35 and insert—
<(iva)to the most recently published report under section 5, and>

Dr Alasdair Allan

- 14 In section 3, page 2, line 37, at end insert—
<() Subsection (4)(b)(iva) does not apply in relation to an Authority Plan prepared before the publication of the first report under section 5.>

Dr Alasdair Allan

- 15 In section 3, page 2, line 38, after <is> insert—
<(a)>

Dr Alasdair Allan

- 16 In section 3, page 2, line 39, leave out <is> and insert—
<(b)>

Dr Alasdair Allan

- 17 In section 3, page 3, line 1, leave out <(5)> and insert <(5)(a)>

Mark Griffin

- 18 In section 3, page 3, line 5, at end insert—
<() In determining the form and manner of consultation for the purpose of subsection (5)(a), a listed authority is to have regard to the need to make that consultation accessible to persons who use British Sign Language and who are deaf, or deafblind.>

Dr Alasdair Allan

- 19 In section 3, page 3, line 6, leave out <current> and insert <most recently published>

Dr Alasdair Allan

- 20 In section 3, page 3, line 10, leave out subsection (10)

Section 4

Dr Alasdair Allan

- 21 In section 4, page 3, line 14, after <first> insert <applicable>

Dr Alasdair Allan

- 22 In section 4, page 3, line 17, after <first> insert <applicable>

Dr Alasdair Allan

- 23 In section 4, page 3, line 17, at end insert—

<(2A) For the purpose of subsections (1) and (2), the “first applicable National Plan” is—

- (a) where the authority is a listed authority on the date on which this Act comes into force, or becomes a listed authority before the publication of the first National Plan, the first National Plan,
- (b) where the authority becomes a listed authority after the publication of the first National Plan, the most recently published National Plan when the authority becomes a listed authority.

(2B) Subsections (1) to (2A) are subject, in the case of an authority which becomes a listed authority after the date on which this Act comes into force, to section 8(3A).>

Dr Alasdair Allan

- 24 In section 4, page 3, line 18, leave out subsection (3)

Dr Alasdair Allan

- 25 In section 4, page 3, line 23, leave out <thinks fit> and insert <considers appropriate>

Mark Griffin

- 26 In section 4, page 3, line 26, at end insert—

<(6A) A requirement which this section imposes to publish an Authority Plan includes (but is not satisfied by) making the content of the plan publicly available, in such form and manner as the listed authority publishing it considers appropriate, in British Sign Language.

(6B) A requirement which this section imposes to publish a revised Authority Plan includes (but is not satisfied by) making the content of the plan, and an explanation of the changes it contains, publicly available, in such form and manner as the listed authority publishing it considers appropriate, in British Sign Language.>

Dr Alasdair Allan

- 27 In section 4, page 3, line 27, leave out subsections (7) and (8)

Section 5

Dr Alasdair Allan

- 28 In section 5, page 3, line 39, leave out subsections (1) to (4) and insert—

<() The Scottish Ministers are to prepare, lay before the Scottish Parliament and publish progress reports in relation to British Sign Language in accordance with this section.

- () A report under this section is—
 - (a) to set out the Scottish Ministers’ views as to progress made in relation to the promotion, and facilitation of promotion, mentioned in section 1(1), and
 - (b) to set out the Scottish Ministers’ views as to progress made by relevant public authorities, generally, in relation to the promotion, and facilitation of promotion, of the use and understanding of British Sign Language within their areas of responsibility.
- () The first such report is—
 - (a) to be laid before the Scottish Parliament within the period of 3 years beginning with the date on which the first National Plan is published, and
 - (b) to relate to progress in the period from that date.
- () Such reports are then—
 - (a) to be laid before the Scottish Parliament at intervals of no more than 6 years since the laying of the most recent such report, and
 - (b) to relate to progress in the period from the laying of the most recent report.>

Dr Alasdair Allan

- 29** In section 5, page 4, line 11, leave out <Performance Review> and insert <report under this section>

Dr Alasdair Allan

- 30** In section 5, page 4, line 11, leave out <both to the National Plan and to the Authority Plans of the individual listed authorities> and insert <to relevant plans>

Dr Alasdair Allan

- 31** In section 5, page 4, line 14, leave out from <(and> to <question)> in line 16

Dr Alasdair Allan

- 32** In section 5, page 4, line 17, leave out from <(and> to end of line 19

Dr Alasdair Allan

- 33** In section 5, page 4, line 19, at end insert—

- <() For the purpose of subsection (5), “relevant plans” are—
 - (a) in relation to the first report under this section—
 - (i) the first National Plan,
 - (ii) any National Plan published subsequently, and
 - (ii) any Authority Plan of a listed authority published since the date on which the first National Plan was published,
 - (b) in relation to a subsequent report under this section—
 - (i) the National Plan which was the most recently published when the last report under this section was laid before the Scottish Parliament,
 - (ii) any National Plan published subsequently,

(iii) the Authority Plans of listed authorities which were the most recently published by those authorities when the last report under this section was laid before the Scottish Parliament, and

(iv) any Authority Plan of a listed authority published subsequently.

() As soon as reasonably practicable after laying a report under this section before the Scottish Parliament, the Scottish Ministers are to publish the report.>

Dr Alasdair Allan

34 In section 5, page 4, line 20, leave out subsection (6)

Section 6

Dr Alasdair Allan

35 Leave out section 6

Schedule 1

Dr Alasdair Allan

36 Leave out schedule 1

Section 7

Dr Alasdair Allan

37 Leave out section 7

Before section 8

Dennis Robertson

38 Before section 8, insert—

<Forms of British Sign Language

(1) References in this Act to British Sign Language are, subject to subsection (2), to both the visual form of British Sign Language and to the tactile form of British Sign Language used and understood by some deafblind people.

(2) The references to British Sign Language in sections 1(1G) and 4(6A) and (6B) are to the visual form of British Sign Language only.>

Section 8

Dr Alasdair Allan

39 In section 8, page 4, line 32, leave out <(or described)> and insert <, or within a description listed,>

Dr Alasdair Allan

40 In section 8, page 4, line 33, leave out subsection (2)

Dr Alasdair Allan

41 In section 8, page 4, line 35, after <a> insert <relevant>

Dr Alasdair Allan

- 42 In section 8, page 4, line 35, after first <of> insert <relevant>

Dr Alasdair Allan

- 43 In section 8, page 4, line 37, after <a> insert <relevant>

Dr Alasdair Allan

- 44 In section 8, page 4, line 37, after <of> insert <relevant>

Dr Alasdair Allan

- 45 In section 8, page 4, line 39, at end insert—

<(3A) An order under subsection (3)(a) may provide that, in relation to an authority which becomes a listed authority by virtue of the order, a different National Plan to that provided for by subsection (2A)(b) of section 4 is to be the first applicable National Plan for the purposes of subsections (1) and (2) of that section.>

After section 8

Dr Alasdair Allan

- 46 After section 8, insert—

<Interpretation

- (1) In this Act—

“Authority Plan” has the meaning given by section 3(1),

“National Plan” has the meaning given by section 1(1A),

“relevant public authority” means any body, or any holder of an office, which is a Scottish public authority with mixed functions or no reserved functions (subject to subsection (3)).

- (2) The reference in subsection (1) to a Scottish public authority with mixed functions or no reserved functions is to be construed in accordance with paragraphs 1(4) and 2 of Part 3 of Schedule 5 to the Scotland Act 1998.
- (3) The Scottish Ministers are not a relevant public authority for the purposes of this Act.>

Schedule 2

Dr Alasdair Allan

- 47 In schedule 2, page 8, line 6, at end insert—

<Audit Scotland.>

Dr Alasdair Allan

- 48 In schedule 2, page 8, leave out line 7

Dr Alasdair Allan

- 49 In schedule 2, page 8, line 8, at end insert—

<The Commissioner for Ethical Standards in Public Life in Scotland.>

Dr Alasdair Allan

50 In schedule 2, page 8, leave out lines 9 and 10

Dr Alasdair Allan

51 In schedule 2, page 8, leave out lines 13 and 14

Dr Alasdair Allan

52 In schedule 2, page 8, leave out line 17

Dr Alasdair Allan

53 In schedule 2, page 8, line 18, at end insert—

<The Police Investigations and Review Commissioner.>

Dr Alasdair Allan

54 In schedule 2, page 8, leave out line 19

Dr Alasdair Allan

55 In schedule 2, page 8, leave out lines 20 and 21 and insert—

<A body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.>

Dr Alasdair Allan

56 In schedule 2, page 8, leave out line 22

Dr Alasdair Allan

57 In schedule 2, page 8, line 22, at end insert—

<The Scottish Commission for Human Rights.>

Dr Alasdair Allan

63 In schedule 2, page 8, leave out line 23 and insert—

<The Scottish Courts and Tribunals Service.

The Scottish Housing Regulator.

The Scottish Information Commissioner.>

Dr Alasdair Allan

59 In schedule 2, page 8, leave out lines 24 to 26

Dr Alasdair Allan

60 In schedule 2, page 8, leave out lines 28 and 29

Dr Alasdair Allan

61 In schedule 2, page 8, line 30, at end insert—

<The Standards Commission for Scotland.>

Dr Alasdair Allan

62 In schedule 2, page 8, leave out from line 31 to line 7 on page 9

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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS Group Scotland

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ISBN 978-1-78568-718-1
