Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 6 Long Title

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

Section 3

Kenny MacAskill

1 In section 3, page 4, line 38, leave out from beginning to end of line 5 on page 5

Kenny MacAskill

2 In section 3, page 5, leave out lines 6 to 13 and insert—

<194MA Effect of the exception

(1) Where the disclosure of information is excepted from section 194J by section 194M, the disclosure of the information is not prevented by any obligation of confidentiality or other limitation on disclosure arising otherwise than under section 194J.

(2) For the purpose of subsection (1), such an obligation or limitation does not include one imposed—

(a) by, under or by virtue of any enactment, or

(b) by any interdict or other court order applying in connection with this section.>

Kenny MacAskill

3 In section 3, page 6, line 10, at end insert—

<194NA Consent if UK interest

(1) Unless subsection (3) is complied with, section 194M(1) is of no effect in relation to any information falling within subsection (2).

(2) Information falls within this subsection if it—

(a) is held by the Commission, and

(b) at any time, has been supplied by the UK Government under arrangements of any kind.

(3) This subsection is complied with if, at any time, the UK Government has in connection with section 194M(1) given its consent to disclosure of the information.
(4) In this section, “the UK Government” means a Minister of the Crown or a department of the Government of the United Kingdom.

Kenny MacAskill

4 In section 3, page 6, line 13, leave out from <obtained> to end of line 20 and insert <falling within subsection (1A).

(1A) Information falls within this subsection if it—

(a) is held by the Commission, and

(b) at any time, has been supplied by a designated foreign authority under arrangements of any kind.

Kenny MacAskill

5 In section 3, page 6, leave out lines 24 to 27 and insert—

(a) the arrangements concerned, or

(b) subsection (5).

(5) Where not previously given by virtue of those arrangements, it is for the Commission to seek the designated foreign authority’s consent to disclosure of the information.

Kenny MacAskill

6 In section 3, page 6, leave out lines 28 and 29

Kenny MacAskill

7 In section 3, page 6, line 29, at end insert—

<( ) Subsection (1) does not apply if the information also falls within section 194NA(2).>

Kenny MacAskill

8 In section 3, page 6, line 30, leave out from beginning to end of line 3 on page 7 and insert—

<194P Designated foreign authority>

Kenny MacAskill

9 In section 3, page 7, line 4, leave out from first <the> to end of line 9 and insert <a designated foreign authority are to a current or previous authority of a prosecutorial, judicial or other character which is or was located within a country or territory outwith the United Kingdom.>

Kenny MacAskill

10 In section 3, page 7, line 11, leave out <relevant foreign authority (as described in subsection (5))> and insert <particular authority in question>

Kenny MacAskill

11 In section 3, page 7, line 15, leave out <(ignoring paragraph (a) of that subsection (4))>
Kenny MacAskill

12 In section 3, page 7, line 17, at end insert—

<( ) In the application of subsection (6), paragraph (a) of subsection (4) of that section is to be ignored.>

Kenny MacAskill

13 In section 3, page 7, line 27, leave out <Her Majesty’s Government in> and insert <the Government of>

Kenny MacAskill

14 In section 3, page 7, line 30, leave out <(and section 194M(3))>

Kenny MacAskill

15 In section 3, page 8, line 2, leave out <(and section 194M(3))>