Scottish Independence Referendum (Franchise) 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 to 15 Long Title

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

Section 2

Patrick Harvie
Supported by: Alison McInnes

30 In section 2, page 2, line 3, after <enactment> insert <other than section 3 of the 1983 Act>

Patrick Harvie

31 In section 2, page 2, leave out lines 5 and 6

Section 3

Alison McInnes

32 In section 3, page 2, line 8, at beginning insert <Subject to section 3A,>

Patrick Harvie

40 In section 3, page 2, line 8, after <person> insert <who is not the subject of arrangements made by regulations under subsection (2A)>

Alison McInnes

1 In section 3, page 2, line 10, at end insert <, where that sentence is for a term of four years or more.>

Alison McInnes

2 In section 3, page 2, line 10, at end insert <, where that sentence is for a term of more than six months.>

Patrick Harvie

41 In section 3, page 2, line 13, at end insert—
(2A) The Scottish Ministers must by regulations make arrangements to ensure that convicted persons who are expected to be released from detention in a penal institution before 18 March 2015 are entitled to vote in an independence referendum.

(2B) Regulations under subsection (2A) are subject to the affirmative procedure.

Patrick Harvie

33 In section 3, page 2, line 23, leave out from <(whether) to end of line 28 and insert <under the 1983 Act or the Political Parties, Elections and Referendums Act 2000,>

Patrick Harvie

34 Leave out section 3

After section 3

Alison McInnes

35 After section 3, insert—

<3A Offenders in prison entitled to vote

(1) A convicted person is entitled to vote in an independence referendum if the person falls within subsection (2) or (3).

(2) A person falls within this subsection if—

(a) the person is detained in a penal institution in pursuance of a sentence for a term of less than four years,

(b) the person will by 18 March 2015 be entitled to be released unconditionally under section 1(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, and

(c) the person is not convicted of a sexual offence within the meaning of section 210A of the Criminal Procedure (Scotland) Act 1995.

(3) A person falls within this subsection if—

(a) the person is serving a short-term custody and community sentence within the meaning of section 4(1) of the Custodial Sentences and Weapons (Scotland) Act 2007,

(b) the person will by 18 March 2015 be entitled to be released on short-term community licence under section 5 of the 2007 Act, and

(c) the person is not convicted of a sexual offence within the meaning of section 210A of the Criminal Procedure (Scotland) Act 1995.>

Schedule 1

Nicola Sturgeon

3 In schedule 1, page 8, line 30, after <canvass> insert <between 1 October 2013 and 10 March 2014>
Nicola Sturgeon

4 In schedule 1, page 8, line 32, leave out <Subsection (1A) is> and insert <Subsections (1A) and (2) are>

Nicola Sturgeon

5 In schedule 1, page 9, line 10, in the second column, at end insert—

<In each of subsections (2A) and (5)(a), the reference to the 15th October in the year in question is to be read as a reference to the date on which the canvass form was received by the registration officer.>

Nicola Sturgeon

6 In schedule 1, page 15, line 27, leave out <Paragraph (2)(a) is> and insert <In paragraph (2), sub-paragraphs (a) and (aa) are>

Section 7

Nicola Sturgeon

7 In section 7, page 4, leave out line 14 and insert—

<( ) meets either of the requirements specified in subsection (2A).

(2A) The requirements are that—

(a) the person is, or has been, a child looked after by a local authority, or

(b) the person is being kept in secure accommodation.>

Nicola Sturgeon

8 In section 7, page 4, line 16, at end insert—

<( ) In subsection (2A)—

(a) the reference to a child looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children), and

(b) “secure accommodation” means accommodation provided, for the purpose of restricting the liberty of children, in an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) that—

(i) provides residential accommodation for children for the purposes of the Children’s Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968, and

(ii) is approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (regulations in relation to care services).>
Schedule 2

Nicola Sturgeon
9 In schedule 2, page 18, line 9, at end insert—

<![Address line 1]>
[Address line 2]
[Address line 3]
[Address line 4]>

Nicola Sturgeon
10 In schedule 2, page 18, line 11, leave out <(see over the page for more details)>

Nicola Sturgeon
11 In schedule 2, page 18, leave out lines 13 to 17 and insert—

<If there are 15 year olds living at this address who will be 16 by the referendum on 18 September 2014, they should be registered using this form to make sure they can vote in the referendum. Please enter their details in Part 1 below, sign Part 2 and return the form. This is required by law. Please see over the page for more details.>

Patricia Ferguson
11A As an amendment to amendment 11, line 2, leave out <will be 16 by the referendum on 18 September 2014> and insert <were born before 19 September 1998>

Nicola Sturgeon
13 In schedule 2, page 18, line 18, leave out <no> and insert <no>

Nicola Sturgeon
12 In schedule 2, page 18, line 18, after <address> insert <who will be 16 by 18 September 2014>

Patricia Ferguson
36 In schedule 2, page 18, line 18, after <address> insert <who were born before 19 September 1998>

Nicola Sturgeon
14 In schedule 2, page 18, line 20, leave out from <This> to end of line 21

Patricia Ferguson
37 In schedule 2, page 18, line 22, leave out from <will> to end of line and insert <were born before 19 September 1998>
Nicola Sturgeon

15 In schedule 2, page 18, line 22, leave out <[date of referendum]> and insert <18 September 2014>

Patricia Ferguson

38 In schedule 2, page 18, line 23, leave out <will be 16 by [date of referendum]> and insert <were born before 19 September 1998>

Nicola Sturgeon

16 In schedule 2, page 18, line 23, leave out <[date of referendum]> and insert <18 September 2014>

Nicola Sturgeon

17 In schedule 2, page 18, line 24, leave out <to register>

Nicola Sturgeon

18 In schedule 2, page 18, line 25, at end insert <Please also cross out and replace any incorrect information shown below.>

Nicola Sturgeon

19 In schedule 2, page 18, leave out lines 26 to 33 and insert—

<table>
<thead>
<tr>
<th>Please write in BLOCK LETTERS</th>
<th>Date of birth</th>
<th>Postal vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td>First name and middle initials</td>
<td>Nationality</td>
</tr>
</tbody>
</table>

Nick

Nicola Sturgeon

20* In schedule 2, page 19, line 6, leave out <E-mail address> >

Nicola Sturgeon

21 In schedule 2, page 19, line 6, at end insert—

< E-mail address >

Patricia Ferguson

39 In schedule 2, page 19, line 13, leave out <, but will be 16 by the referendum on [date of referendum]> and insert <and who were born before 19 September 1998>
Nicola Sturgeon
22 In schedule 2, page 19, line 13, leave out <[date of referendum]> and insert <18 September 2014>

Nicola Sturgeon
23 In schedule 2, page 19, line 19, leave out <[date of referendum]> and insert <18 September 2014>

Nicola Sturgeon
24 In schedule 2, page 19, line 20, leave out <[date]> and insert <18 September>

Nicola Sturgeon
25 In schedule 2, page 19, line 33, leave out <DD/MM/YYYY> and insert <DD/MM/YY>

Nicola Sturgeon
26 In schedule 2, page 19, line 34, leave out <05/12/1997> and insert <05/12/97>

Nicola Sturgeon
27 In schedule 2, page 20, line 8, leave out <a mailshot> and insert <information>

Section 9

Nicola Sturgeon
28 In section 9, page 4, line 30, at end insert—
<( ) The register, or an entry in it, may be disclosed to a person so far as necessary for the purposes of a criminal investigation or criminal proceedings relating to an offence (or alleged or suspected offence) under—
(a) an applied enactment, or
(b) the Act of the Scottish Parliament by virtue of which an independence referendum is held.>

Section 13

Nicola Sturgeon
29 In section 13, page 6, line 13, leave out <December> and insert <October>