

PARLIAMENTARY BUREAU

PROPOSED CORONAVIRUS (EXTENSION AND EXPIRY) (SCOTLAND) BILL: TIMETABLE AND PARLIAMENTARY PROCEDURE

Introduction

1. The Cabinet Secretary for Covid Recovery, John Swinney MSP, has indicated that the Scottish Government intends to introduce a Coronavirus (Extension and Expiry) (Scotland) Bill. This is expected to be introduced on Friday 18 June and published the same day.
2. Statements by the Cabinet Secretary indicate that this Bill will make provision to extend various provisions of the Coronavirus Scotland Act 2020 and the Coronavirus Scotland No.2 Act 2020 (“the Scottish Acts”) and to expire others. The Bill is not expected to make provision introducing any new policy or make permanent any of the measures taken in response to the coronavirus.

Parliamentary procedure

3. The Scottish Government has confirmed that it intends to propose that the Parliament agrees to treat the Bill as an Emergency Bill.
4. If so, the Bureau will be required to schedule time for the Parliament to debate a motion to this effect (which can be in the name of any Cabinet Secretary or Minister).
5. If the Parliament agrees to treat the Bill as an Emergency Bill, the default position set out in Rule 9.21 of Standing Orders is that it is referred straight to the Chamber for a debate and decision on the general principles, without any requirement for committee consideration of and report on the general principles. The default position is also that all three stages are dealt with on the same day, with Stage 2 being considered by a Committee of the Whole Parliament.
6. The Cabinet Secretary has, however, indicated that the Government will not seek to have all three stages considered in one day.

Timetable for consideration

7. Under Rule 9.21.2, the Bureau can propose by motion that the Parliament agree an alternative to the default timescale (i.e. to take the three Stages more quickly than the normal legislative process would allow, but allowing more time for scrutiny than taking all three stages on the same day would allow).
8. Subject to the Parliament’s agreement to treat the Bill as an Emergency Bill, one option for the timetable is as follows—
 - Stage 1 debate on Tuesday 22 June;

- Stage 2 being taken by a Committee of the Whole Parliament on Wednesday 23 June;
- Stage 3 on Thursday 24 June.

9. This allows each Stage to be taken a day apart to give Members time for reflection after each Stage and to lodge any amendments.

10. A draft motion is attached as an **Annex**. This would give effect to the proposed timetable.

Deadlines for lodging amendments at Stages 2 and 3

11. Rule 9.21.7 provides for the Presiding Officer to determine the deadlines that should apply for lodging amendments to an Emergency Bill. If the Presiding Officer does not make such a determination, the standard lodging deadlines for a Bill apply. Any determination made by the Presiding Officer will be communicated to Members by email and in the Business Bulletin.

12. The timetable proposed for considering the stages of the Bill means that the standard lodging deadlines are not suitable. Should the timetable above be agreed, the Presiding Officer is minded to propose the following deadlines—

- The deadline for lodging amendments at Stage 2 to be 9.30am on Wednesday 23 June;
- The deadline for lodging amendments at Stage 3 to be 9:30am on Thursday 24 June.

13. In proposing this determination, the Presiding Officer is seeking to balance the need to allow for some time after the end of the preceding Stage for amendments to be lodged with the need to ensure that any amendments lodged are published in time for all Members to be able to consider them prior to relevant proceedings. The Bureau is invited to comment.

Alternative Options

14. An alternative option would be to move the Meetings of the Parliament for Stage 1 and Stage 2 to the morning and having an amendment deadline of 6:00pm on Tuesday 22 June (for Stage 2) and Wednesday 23 June (for Stage 3). This would allow maximum time for Members to work on drafting amendments for Stage 2 and Stage 3 during normal working hours. It would also allow for Marshalled List and Groupings for Stage 2 and 3 to be published the day before the relevant debate, rather than the morning before, which would allow Members more time to consider these.

15. However, meetings in the Chamber in the mornings would necessitate committee meetings moving to the afternoon on Tuesday 22 June and Wednesday

23 June to avoid the relevant committees meeting at the same time at the Chamber and allow all Members the chance to participate in scrutiny of the Bill. There would also be Government business requiring to be rescheduled to ensure Ministers were free to participate in proceedings. Members may therefore feel it would be too difficult to accommodate this more unusual approach.

16. Bureau is asked to consider and decide the appropriate approach.

Parliamentary Business Team
June 2021

Annex

Draft Parliamentary Bureau motion on the Coronavirus (Extension and Expiry) (Scotland) Bill:

Timetable and procedures for consideration – That, subject to the Parliament's agreement that the Coronavirus (Extension and Expiry) (Scotland) Bill be treated as an Emergency Bill, the Parliament agrees to consider the Coronavirus (Extension and Expiry) (Scotland) Bill as follows:

- Stage 1 on Tuesday 22 June;
- Stage 2 on Wednesday 23 June;
- Stage 3 on Thursday 24 May.