

Coronavirus (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 and 2	Schedule 1
Section 3	Schedule 2
Section 4	Schedule 3
Section 5	Schedule 4
Section 6	Schedule 5
Section 7	Schedule 6
Section	Schedule 7
Sections 9 to 17	Long Title

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

Schedule 1

Pauline McNeill

1 In schedule 1, page 6, line 3, at end insert—

<Power to provide for rent-free periods in the social and private rental sector

- (1) The Scottish Ministers may by regulations make such provision as they consider necessary for the purposes of enabling rent-free periods for tenants renting domestic properties as dwelling houses during the period for which this paragraph is in force.
- (2) Regulations under subsection (1) are subject to the negative procedure.
- (3) The Scottish Ministers may consult such persons as they consider appropriate before laying regulations before the Scottish Parliament under subsection (1).>

Andy Wightman

2 In Schedule 1, page 6, line 8, leave out from <(2)> to end of line 9 and insert <(1) (First-tier Tribunal’s power to issue an eviction order) has effect as if for the words from “if” to “applies” there is substituted “only if there are exceptional circumstances or where suitable alternative accommodations has become available.”>

Andy Wightman

3 In schedule 1, page 6, line 16, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 4 In schedule 1, page 6, line 22, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 5 In schedule 1, page 6, line 28, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 6 In schedule 1, page 6, line 34, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 7 In schedule 1, page 7, line 2, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 8 In schedule 1, page 7, line 8, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 9 In schedule 1, page 7, line 14, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 10 In schedule 1, page 7, line 23, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 11 In schedule 1, page 7, line 30, after <facts> insert <and, in particular to any relevant facts relating to coronavirus>

Andy Wightman

- 12 In schedule 1, page 7, line 31, leave out from beginning to end of line 36 on page 8

Andy Wightman

- 13 In Schedule 1, page 9, line 2, leave out from beginning to end of line 5 and insert—
- <(a) as if in subsection (1) for the words “on” to “Act” there is substituted “there are exceptional circumstances or where suitable alternative accommodations has become available.”.
 - (b) subsections (2) to (8) were repealed.>

Andy Wightman

- 14 In schedule 1, page 9, line 9, leave out from <in> to end of line 13 and insert <—
<(a) before subsection (1) there is inserted—
“(A1) The First-Tier Tribunal shall not make an order for possession of a house under a short assured tenancy unless there are exceptional circumstances or where suitable alternative accommodation has become available.”.
(b) subsections (1) to (5) were repealed.>

Andy Wightman

- 15 In schedule 1, page 9, line 18, leave out from beginning to end of line 3 on page 10

Andy Wightman

- 16 In schedule 1, page 10, line 21 at end insert—
<No tenant renting a domestic property in the social or private rental sector may be issued with a notice to leave during the period when schedule 1 is in force under the—
(a) Private Housing (Tenancies) (Scotland) Act 2016,
(b) Housing (Scotland) Act 1988,
(c) Rent (Scotland) Act 1984,
(d) Housing (Scotland) Act 2001.>

Andy Wightman

- 17 In schedule 1, page 10, line 22, leave out from beginning to end of line 33 on page 14

Pauline McNeill

- 18 In schedule 1, page 11, line 23, at end insert—
<*Rent (Scotland) Act 1984: Excluded tenancies and occupancy rights*
6A(1) The Rent (Scotland) Act 1984 applies, in relation to a right of occupancy which confers rights of occupation in a hostel, within the meaning of the Housing (Scotland) Act 1987, in accordance with the modifications in this paragraph.
(2) Section 23A (Excluded tenancies and occupancy rights) has effect as if subsection (5) (Rights of occupation in a hostel) were repealed.>

Andy Wightman

- 19 In schedule 1, page 11, line 25, leave out from beginning to end of line 31 on page 12 and insert—
<No proceedings may be raised under section 36 of the Housing (Scotland) Act 2001, as a result of coronavirus unless suitable alternative accommodation is available to the tenant.>

Andy Wightman

- 20 In schedule 1, page 12, line 11, at end insert—
<() Section 16 (powers of court in possession proceedings) has effect as if before subsection (1) there is inserted—

“(A1) The court may not make an order for recovery of possession as a result of coronavirus unless suitable accommodation has become available to the tenant.”.>

Andy Wightman

21 In schedule 1, page 14, line 33, at end insert—

<Additional measures to protect tenants

11 (1) The Housing (Scotland) Act 2001 applies, in relation to the powers of court in possession proceedings within the meaning of section 16 of that Act while this paragraph is in force, in accordance with the modifications in this paragraph.

(2) Section 16 has effect as if in subsection (3) after paragraph (d) there is inserted—

“(e) the extent to which the arrears have arisen as a result of coronavirus”.>

Schedule 4

Stewart Stevenson

22 In schedule 4, page 25, line 28, at end insert—

<() inferred from the publication by the recipient by any means, including in print, of an electronic address to which communications may be sent.>

Monica Lennon

23 In schedule 4, page 28, line 34, insert at end—

<(d) Mental Health Tribunal for Scotland.>

Michael Russell

24 In schedule 4, page 32, line 29, leave out paragraph 11

Daniel Johnson

25 In schedule 4, page 33, line 28, leave out from beginning to end of line 5 on page 34

Alex Cole-Hamilton

26 In schedule 4, page 33, leave out lines 35 to 38 and insert—

<“(2A) The reasons referred to in paragraph (a) of subsection (1) also include that—

(a) to have the person who made the statement physically attend the trial would give rise to a particular risk—

(i) to the person’s wellbeing attributable to the coronavirus, or

(ii) of transmitting the coronavirus to others, and

(b) it is not reasonably practicable for the person to give the evidence in any other competent manner.”.>

Daniel Johnson

- 27 In schedule 4, page 40, line 11, leave out <any criminal charge> and insert <indictment>

Schedule 6

Neil Findlay

- 28 In schedule 6, page 56, line 29, at end insert—

<Application

1A This Part applies only to—

- (a) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978,
- (b) a person providing primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978),
- (c) an integration joint board established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014.>

Neil Findlay

- 29 In schedule 6, page 56, line 31, leave out paragraphs 2 to 8

Neil Findlay

- 30 In schedule 6, page 56, line 33, after <2002,> insert—

<() references to a Scottish public authority are to be read as references to a body listed in paragraph 1A of this schedule,>

Neil Findlay

- 31 In schedule 6, page 56, line 37, leave out <“sixtieth”> and insert <“fortieth”>

Neil Findlay

- 32 In schedule 6, page 56, line 39, leave out <“sixtieth”> and insert <“fortieth”>

Neil Findlay

- 33 In schedule 6, page 57, line 1, leave out <“seventieth”> and insert <“sixtieth”>

Neil Findlay

- 34 In schedule 6, page 57, line 3, leave out <“sixtieth”> and insert <“fortieth”>

Neil Findlay

- 35 In schedule 6, page 57, line 4, leave out <“seventieth”> and insert <“sixtieth”>

Ross Greer

- 36 In schedule 6, page 57, leave out lines 5 to 9

Neil Findlay

37 In schedule 6, page 57, line 6, leave out <“sixtieth”> and insert <“fortieth”>

Neil Findlay

38 In schedule 6, page 57, line 8, leave out <“sixtieth”> and insert <“thirtieth”>

Neil Findlay

39 In schedule 6, page 57, line 9, leave out <“seventieth”> and insert <“fortieth”>

Ross Greer

40 In schedule 6, page 57, line 9, at end insert—

<(3) But the provisions of this Paragraph only apply to Scottish public authorities specified by the Scottish Ministers in regulations.

(4) Regulations under sub-paragraph (3) are subject to the affirmative procedure.>

Ross Greer

Supported by: Michael Russell

41 In schedule 6, page 57, line 13, leave out paragraph 5

Ross Greer

42 In schedule 6, page 57, line 32, leave out paragraph 6

Michael Russell

43 In schedule 6, page 57, line 35, leave out <further>

Michael Russell

44 In schedule 6, page 57, line 36, after <authority> insert <other than the Scottish Ministers>

Michael Russell

45 In schedule 6, page 57, line 36, at end insert—

<(2A) A direction under sub-paragraph (2) must specify—

(a) the maximum period by which the relevant period may be extended, which may not exceed 40 working days,

(b) that the Scottish public authority must give the applicant notice of the decision to extend the relevant period promptly and in any event no later than before the relevant period expires, and

(c) the contents of the notice to be given under paragraph (b), which must include—

(i) the authority’s reasons for extending the period, and

(ii) particulars about the right to a requirement for review under section 20(1) or, as the case may be, the right to apply to the Commissioner under section 47(1).

- (2B) A direction under sub-paragraph (2) may specify different provision for different purposes and, in particular, different provision in respect of different Scottish public authorities.>

Michael Russell

46 In schedule 6, page 58, line 6, at end insert—

- <() For the purposes of this paragraph, “relevant period”, in relation to a request for information (or a subsequent requirement for review), means a period specified in section 10(1) or section 21(1) as those periods have effect by virtue of paragraph 3.>

Neil Findlay

47 In schedule 6, page 58, line 25, at end insert—

<Resources for Commissioner

In schedule 2, paragraph 4A is modified so that after sub-paragraph (2) there is inserted—

“(2A)The Commissioner may, if the Commissioner considers it necessary due to additional expenses incurred or expected to be incurred as a result of the operation of Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.

(2B)The Parliamentary corporation must approve a revised budget submitted under sub-paragraph (2A) if it considers the additional expenses incurred or expected to be incurred to be reasonable in all the circumstances.”.>

Schedule 7

Pauline McNeill

48 In schedule 7, page 63, line 34, at end insert—

<Welfare funds

5A The Welfare Funds (Scotland) Act 2015 applies in accordance with the modifications in paragraph 5B.

5B Section 2 (use of welfare funds: assistance for short term need and community care) has effect as if—

- (a) in subsection (1) the words “Subject to subsection (1A),” were inserted at the beginning,
- (b) after subsection (1) there were inserted—

“(1A) A local authority may use its welfare fund in order to provide financial assistance to or in respect of a person for the purpose of payment of part or all of the rent on a dwelling-house for a period of up to 3 months where—

- (a) the dwelling-house is the sole or main residence of the person, and
- (b) the reason the person is unable to pay part or all of the rent is related to coronavirus.”.>

Ross Greer

49 In schedule 7, page 64, line 10, at end insert—

<Ability for student tenants to terminate lets

- 7A(1) The Private Housing (Tenancies) (Scotland) Act 2016 applies, in relation to the minimum notice period within the meaning of section 49 of that Act that a student tenant must give to their landlord while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 48 (tenant’s ability to bring tenancy to an end) has effect as if after subsection (1) there were inserted—
- “(1A) A tenant who is a student may bring a tenancy to an immediate end without having to fulfil the notice requirements under section 49.
- (1B) In this section “student” has the meaning given by paragraph 5 of schedule 1 to this Act.”.
- (3) Schedule 1 (tenancies which cannot be private residential tenancies) has effect as if paragraph 5 (student let) were repealed.>

Andy Wightman

50 In schedule 7, page 64, line 10, at end insert—

<Requisition of housing for key workers and homeless

- 7A(1) The Housing (Scotland) Act 1987 applies, in relation to the powers of local authorities to provide housing accommodation within the meaning of section 2 of that Act while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 2 (power of local authority to provide housing accommodation) has effect as if after subsection (1) there were inserted—
- “(1A) For the purposes of providing accommodation to persons who are homeless or otherwise in emergency need of accommodation a local authority may temporarily take possession of accommodation provided for the purposes of holiday letting, provided that such accommodation meets the standards set out in the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014.
- (1B) For the purposes of this section “holiday letting” has the meaning given by Regulation 4(4) subject to Regulation 4(5) in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020, No. 103).
- (1C) In exercising powers under section 1A local authorities must have regard to such provisions as Scottish Ministers may prescribe in regulations.”.>

Andy Wightman

51 In schedule 7, page 64, line 10, at end insert—

<Unsuitable accommodation for homeless persons

- 7A(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 applies while this paragraph is in force, in accordance with the modifications in sub-paragraphs (2) to (4).

- (2) Article 3 has effect as if the words from “but” to “children” were repealed.
- (3) Article 7(2) has effect as if for “7” there were substituted “1”.>

Pauline McNeill

- 52 In schedule 7, page 66, line 6, after <10> insert <working>

Andy Wightman

- 53 In schedule 7, page 69, line 19, at end insert—

<*Muirburn*

31A The Hill Farming Act 1946 applies in accordance with the modifications in paragraph 31B.

31B Section 23 (muirburn season) has effect as if—

(a) in subsection (1), at the beginning, there were inserted “Subject to subsection (1A),”,

(b) after subsection (1) there were inserted—

“(1A) During the relevant period, a person may not make muirburn on land.

(1B) In subsection (1A), the “relevant period” means the period in which paragraph 31B of schedule 7 of the Coronavirus (Scotland) Act 2020 has effect.”>

Before section 9

Ruth Maguire

- 54 Before section 9, insert—

<**Advancement of equality and non-discrimination**

In exercising a function conferred by virtue of Part 1 (including a function of making subordinate legislation), the Scottish Ministers must have regard to opportunities to advance equality and non-discrimination.>

Section 10

Michael Russell

- 55 In section 10, page 3, line 1, leave out subsection (6)

Section 11

Neil Findlay

- 56 In section 11, page 3, line 6, at beginning insert <Subject to subsection (1A),>

Neil Findlay

- 57 In section 11, page 3, line 6, at end insert—

<(1A) Part 2 of schedule 6 expires on 30 June 2020.>

Michael Russell

- 58 In section 11, page 3, line 31, leave out subsection (11)

After section 14

Monica Lennon

- 59 After section 14, insert—

<Reports by local authorities and Health Boards on use of powers in relation to human rights

- (1) The Scottish Ministers must, by regulations, provide for Scottish local authorities and health boards to record and on the impact on human rights in relation to the modifications to the powers relating to mental health provisions conferred by this Act.
- (2) A report under subsection (1) must be prepared 3 months after the date on which the Act receives Royal Assent.
- (3) A report under subsection (1) must be—
 - (a) laid before the Scottish Parliament, and
 - (b) submitted to the Mental Welfare Commission.>

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