

Coronavirus (Scotland) (No.2) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

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Social care sector

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Amendments in debating order

Housing and tenancies

Graham Simpson

- 15 In schedule 1, page 6, line 35, after <tenancy> insert <is for the 2019-20 academic year and>

Andy Wightman

- 16 In schedule 1, page 7, line 1, at end insert—

<PART

TENANT HARDSHIP FUND

Tenant hardship fund

- (1) The Scottish Ministers must establish and maintain a fund to be known as the “tenant hardship fund”.
- (2) The Scottish Ministers must use the tenant hardship fund to provide financial support to tenants subject to such tenancies as mentioned in subsection (3) who—
 - (a) are in need of financial assistance due to a reduction in their income during the emergency period, and
 - (b) meet such other eligibility criteria as may be prescribed in regulations.
- (3) The types of tenancies eligible for the tenant hardship fund are—
 - (a) assured tenancies,
 - (b) Scottish secured tenancies,
 - (c) short Scottish secured tenancies,
 - (d) private residential tenancies.
- (4) The Scottish Ministers are to make regulations—
 - (a) making further provision about the establishment, maintenance and administration of the tenant hardship fund,
 - (b) prescribing what financial assistance an individual who is entitled to assistance from the tenant hardship fund is to be given.
- (5) Regulations under this section are subject to the affirmative procedure.
- (6) In sub-paragraph (2) “emergency period” means the period—
 - (a) beginning with the date on which Part 1 comes into force, and
 - (b) ending with the later of—
 - (i) 30 September 2020, and
 - (ii) the date specified by regulations under section 9(3).”.>

Pauline McNeill

- 22 In schedule 1, page 7, line 1, at end insert—

THIS IS NOT THE MARSHALLED LIST

<PART

TENANT RENT SUPPORT FUND

- (1) The Scottish Ministers must establish and maintain a fund to be known as the “tenant rent support fund” to provide support to tenants—
 - (a) who are unable to pay their rent due to a reduced income attributable to the coronavirus, and
 - (b) who are subject to such tenancies as mentioned in subsection (2),
to pay their rent.
- (2) The types of tenancies eligible for the tenant rent support fund are—
 - (a) assured tenancies,
 - (b) Scottish secured tenancies,
 - (c) short Scottish secured tenancies,
 - (d) private residential tenancies.
- (3) The Scottish Ministers are to make regulations—
 - (a) making further provision about the establishment, maintenance and administration of the tenant rent support fund,
 - (b) prescribing what financial assistance an individual who is entitled to assistance from the tenant rent support fund is to be given and for how long
- (4) Regulations under this section are subject to the affirmative procedure.
- (5) The Scottish Ministers may consult such persons as they consider appropriate before laying regulations before the Scottish Parliament under subsection (3).”.>

Andy Wightman

- 17 In schedule 1, page 7, line 1, at end insert—

<PART

RENT FREEZE FOR ASSURED TENANCIES, SCOTTISH SECURE TENANCIES, SHORT SCOTTISH SECURE TENANCIES AND PRIVATE RESIDENTIAL TENANCIES

Rent freeze for assured tenancies

- (1) The Housing (Scotland) Act 1988 is amended by this paragraph.
- (2) In section 24 (increase of rent under assured tenancies)—
 - (a) in subsection (1) at beginning insert “Subject to subsection (1A)”,
 - (b) after subsection (1) insert—

“(1A) The landlord may not serve on the tenant a notice proposing a new rent to take effect for a period starting on the day the Coronavirus (Scotland) (No.2) Act 2020 comes into force and ending two years after that day.”.

Rent freeze for Scottish secure tenancies and short Scottish secure tenancies

- (1) The Housing (Scotland) Act 2001 is amended by this paragraph.
- (2) In section 25 (increase in rent of charges)—
 - (a) in subsection (1) at beginning insert “Subject to subsection (1A)”,

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(b) after subsection (1) insert—

“(1A) The landlord under a Scottish secure tenancy may not increase the rent or any other charge payable under the tenancy for a period starting on the day the Coronavirus (Scotland) (No.2) Act comes into force and ending two years after that day.”.

Rent freeze for private residential tenancies

(1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.

(2) In section 22 (landlord’s power to increase rent)—

(a) in subsection (1) at beginning insert “Subject to subsection (1A)”,

(b) after subsection (1) insert—

“(1A) The landlord under a private residential tenancy may not increase the rent payable under the tenancy for a period starting on the day the Coronavirus (Scotland) (No.2) Act 2020 comes into force and ending two years after that day.”.>

Andy Wightman

18 In schedule 1, page 7, line 1, at end insert—

<PART

DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD

Rent arrears

(1) Liability for rent arrears accrued during the emergency period by tenants—

(a) unable to pay rent during the emergency period,

(b) subject to such tenancies as mentioned in subsection (2), and

(b) meeting such other eligibility criteria as may be prescribed in regulations,
is extinguished.

(2) The tenancies are—

(a) assured tenancies under section 12 of the Housing (Scotland) Act 1988,

(b) Scottish secured tenancies under section 11 of the Housing (Scotland) Act 2001,

(c) short Scottish secured tenancies under section 34 of the Housing (Scotland) Act 2001,

(d) private residential tenancies under section 1 of the Private Housing (Tenancies) (Scotland) Act 2016

(3) Regulations under sub-paragraph (1) are subject to the affirmative procedure.

(4) For the purposes of this paragraph, “emergency period” means the period for which this paragraph is in force.>

Andy Wightman

19 In schedule 1, page 7, line 1, at end insert—

THIS IS NOT THE MARSHALLED LIST

<PART

GROUNDS FOR EVICTION: DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD

Assured tenancies

3A(1) The Housing (Scotland) Act 1988 is amended by this paragraph.

(2) In section 18 (orders for possession)—

(a) after subsection (3A) insert—

“(3B) In considering whether Ground 8 in Part I of Schedule 5 to this Act is established, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if at the beginning of the day on which the Tribunal commences proceedings for the recovery of possession of a house let on an assured tenancy the emergency period has expired.”.

(b) in subsection (8)—

(i) after (3A) insert “, (3B)”,

(ii) before paragraph (a) insert—

“(za) “emergency period” means the period for which paragraph 3A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.

Scottish secured tenancies and short Scottish secure tenancies

3B(1) The Housing (Scotland) Act 2001 is amended by this paragraph.

(2) In section 16 (powers of court in possession hearings)—

(a) after subsection (2) insert—

“(2A) In considering whether the landlord has a ground for recovery of possession under paragraph 1 of Schedule 2 to this Act, the court must disregard any arrears that arose in respect of any part of the emergency period if at the beginning of the day on which the court commences proceedings for the recovery of possession the emergency period has expired.”.

(b) after subsection (6) insert—

“(7) For the purposes of this section “emergency period” means the period for which paragraph 3B of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.

Private residential tenancies

3C(1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.

(2) In schedule 3 paragraph 12 (rent arrears)—

(a) in sub-paragraph (1) at beginning insert “Subject to sub-paragraph (1A)”,

(b) after sub-paragraph (1) insert—

“(1A) In considering whether the ground named by sub-paragraph (1) applies, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if at the beginning of the day on which the Tribunal first considers the application for an eviction order the emergency period has expired.”.

(c) after sub-paragraph (5)(c) insert—

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“(d) references to the “emergency period” are to the period for which paragraph 3C of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.>

Andy Wightman

20 In schedule 1, page 7, line 1, at end insert—

<PART

GROUNDS FOR EVICTION: DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD
WHERE LANDLORD HAS BEEN IN RECEIPT OF LOANS FROM THE SCOTTISH MINISTERS

Assured tenancies

- (1) The Housing (Scotland) Act 1988 is amended by this paragraph.
- (2) In section 18 (orders for possession)—
 - (a) after subsection (3A) insert—

“(3B) In considering whether Ground 8 in Part I of Schedule 5 to this Act is established, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

 - (a) the tenant’s landlord was in receipt of any loan from the Scottish Ministers, in relation to their role as landlord, to mitigate the effects of the emergency period,
 - (b) at the beginning of the day on which the Tribunal commences proceedings for the recovery of possession of a house let on an assured tenancy the emergency period has expired.”.
 - (b) in subsection (8)—
 - (i) after (3A) insert “, (3B)”,
 - (ii) before paragraph (a) insert—

“(za) “emergency period” means the period—

 - (i) beginning with the date on which Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force, and
 - (ii) ending with the later of—
 - (A) 30 September 2020, and
 - (B) the date specified by regulations under section 9(3) of that Act.”.

Scottish secured tenancies and short Scottish secure tenancies

- (1) The Housing (Scotland) Act 2001 is amended by this paragraph.
- (2) In section 16 (powers of court in possession hearings)—
 - (a) after subsection (2) insert—

“(2A) In considering whether the landlord has a ground for recovery of possession under paragraph 1 of Schedule 2 to this Act, the court must disregard any arrears that arose in respect of any part of the emergency period if—

 - (a) the landlord was in receipt of any loan from the Scottish Ministers, in relation to their role as landlord, to mitigate the effects of the emergency period,

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(b) at the beginning of the day on which the court commences proceedings for the recovery of possession the emergency period has expired.”.

(b) after subsection (6) insert—

“(7) For the purposes of this section “emergency period” means the period—

(i) beginning with the date on which Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force, and

(ii) ending with the later of—

(A) 30 September 2020, and

(B) the date specified by regulations under section 9(3) of that Act.”.

Private residential tenancies

(1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.

(2) In schedule 3 paragraph 12 (rent arrears)—

(a) in sub-paragraph (1) at beginning insert “Subject to sub-paragraph (1A)”,

(b) after sub-paragraph (1) insert—

“(1A) In considering whether the ground named by sub-paragraph (1) applies, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

(a) the tenant’s landlord was in receipt of any loan from the Scottish Ministers, in relation to their role as landlord, to mitigate the effects of the emergency period,

(b) at the beginning of the day on which the Tribunal first considers the application for an eviction order the emergency period has expired.”.

(c) after sub-paragraph (5)(b) insert—

“(c) references to the “emergency period” are to the period—

(i) beginning with the date on which Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force, and

(ii) ending with the later of—

(A) 30 September 2020, and

(B) the date specified by regulations under section 9(3) of that Act.”.>

Graham Simpson

42 In schedule 4, page 22, line 34, at end insert—

<PART

HOLIDAY LETS

(1) The Private Housing (Tenancies) (Scotland) Act 2016 applies in accordance with the modification in sub-paragraph (2).

(2) Schedule 1 has effect as if paragraph 6 were repealed.

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- (3) The Scottish Ministers must by regulations make such further modifications to the Private Housing (Tenancies) (Scotland) Act 2016 as they consider necessary or expedient for the purpose of ensuring the effective operation of the modification in sub-paragraph (2).
- (4) Without prejudice to the generality of sub-paragraph (3), further modifications to ensure the effective operation of the modification in sub-paragraph (2) include in particular modifications to ensure—
 - (a) that a holiday let can be made available as a private residential tenancy for a fixed renewable period of two months,
 - (b) that the landlord or the tenant may at any time give 28 days' notice of intention to end the tenancy.
- (5) Regulations under sub-paragraph (3)—
 - (a) must be laid before the Scottish Parliament as soon as practicable after they are made,
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (6) In calculating the period of 28 days in sub-paragraph (5)(b), no account is to be taken of any period during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (7) If regulations cease to have effect as a result of sub-paragraph (5)(b), that does not—
 - (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.>

Graham Simpson

46 In schedule 4, page 22, line 34, at end insert—

<PART

COUNCIL TAX: EXEMPT DWELLINGS

- (1) The Council Tax (Exempt Dwellings) (Scotland) Order 1997 (S.I. 1997/728) applies in accordance with the modification in this paragraph.
- (2) Schedule 1 has effect as if after paragraph 4 there were inserted—

“4A. A dwelling available for rent which is not occupied.”.>

Graham Simpson

47 In schedule 4, page 22, line 34, at end insert—

<PART

COUNCIL TAX: EXEMPT DWELLINGS

- (1) The Council Tax (Exempt Dwellings) (Scotland) Order 1997 (S.I. 1997/728) applies in accordance with the modification in this paragraph.
- (2) Schedule 1 has effect as if after paragraph 12 there were inserted—

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- “12A. A dwelling which would have fallen under paragraphs 10, 11 or 12 of this schedule that has become unoccupied for a reason relating to coronavirus.”>

Social care sector

Neil Findlay

- 21 In schedule 1, page 7, line 1, at end insert—

<PART

NATIONAL COLLECTIVE BARGAINING FOR PRIVATE SOCIAL CARE SECTOR

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, establish a national system of negotiations for the private social care sector.
- (2) The purpose of the national system is to ensure that all workers in the private social care sector benefit from consistent arrangements throughout Scotland in relation to matters of terms and conditions arising from issues relating to coronavirus.
- (3) Without prejudice to the generality of sub-paragraph (2), the matters include death in service payments and other payments relating to the effects of coronavirus.
- (4) For the purposes of this paragraph, the “private social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010, except one which is operated by a public or third sector body.>

Monica Lennon

- 24 In schedule 1, page 7, line 13, at end insert—

<PART

SOCIAL CARE STAFF SUPPORT FUND

- (1) The Scottish Ministers must, as soon as practicable after Royal Assent, establish and maintain a fund to be known as the “social care staff support fund”.
- (2) The Scottish Ministers must use the fund to provide financial assistance to workers in the social care sector—
 - (a) whose ability to work is restricted, for a reason relating to coronavirus (such as, but not limited to, inability to work in multiple or linked workplaces), and
 - (b) as a result of that restriction, whose income is reduced or who are otherwise experiencing financial hardship during the period when Part 1 is in force.
- (3) The Scottish Ministers must by regulations make further provision about the establishment, maintenance and administration of the fund.
- (4) Regulations under sub-paragraph (3)—
 - (a) must be laid before the Scottish Parliament as soon as practicable after they are made,
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (5) In calculating the period of 28 days in sub-paragraph (4)(b), no account is to be taken of any period during which the Scottish Parliament is—

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- (a) in recess for more than 4 days, or
 - (b) dissolved.
- (6) If regulations cease to have effect as a result of sub-paragraph (4)(b), that does not—
- (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.
- (7) In sub-paragraph (2), the “social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010.>

Michael Russell

26 In schedule 1, page 10, line 22, at end insert—

<PART

CARE HOMES: EMERGENCY INTERVENTION ORDERS

- (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 65 there were inserted—

“65A Care homes: emergency intervention orders

- (1) The Scottish Ministers may apply to the sheriff for an emergency intervention order in respect of a care home service provided at accommodation specified in the application.
- (2) An emergency intervention order is an order which—
 - (a) authorises the Scottish Ministers to nominate a person to act as a nominated officer,
 - (b) authorises the nominated officer to—
 - (i) enter and occupy the accommodation specified in the order (“the accommodation”),
 - (ii) direct and control the provision of the care home service at the accommodation, and
 - (iii) do anything that the officer considers necessary to ensure that the services are provided to an appropriate standard, and
 - (c) requires the person who is (or, immediately prior to the granting of an order under section 65, was) registered under this chapter as the provider of a care home service at the accommodation (“the affected provider”) to comply with any direction given by the officer in relation to the provision of care home services at the accommodation,for such period of up to 12 months as may be specified in the order.
- (3) An emergency intervention order has no effect on the rights or obligations of persons receiving care home services at the accommodation.
- (4) The Scottish Ministers may, where satisfied that it is essential do so, exercise the powers that would be available under an emergency intervention order prior to making an application to the sheriff.
- (5) But, where the Scottish Ministers exercise powers under subsection (4) they must make an application as soon as practicable.

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- (6) The sheriff must make an emergency intervention order if it appears to the sheriff that, unless the order is made, for a reason relating to coronavirus there will be a serious risk to the life, health or wellbeing of persons at the accommodation.
- (7) The sheriff may include such incidental provision in an emergency intervention order as the sheriff thinks fit (for example, prohibiting the sale of the accommodation or the disposal of any assets used in the provision of care services at the accommodation).
- (8) As soon as practicable after the Scottish Ministers has made an application under subsection (1), it must notify the appropriate authorities.
- (9) Where a sheriff makes an emergency intervention order, the Scottish Ministers must as soon as reasonably practicable give a copy of it to—
 - (a) the affected provider, and
 - (b) the appropriate authorities.
- (10) The sheriff may determine an application under subsection (1) in the absence of the affected provider.
- (11) An emergency intervention order under this section has effect from—
 - (a) the time at which it is made, or
 - (b) such other time as the sheriff considers appropriate.
- (12) The sheriff may, on the application of the Scottish Ministers or the affected provider—
 - (a) vary an emergency intervention order,
 - (b) extend its duration for a further period of up to 6 months,
 - (c) revoke it (either immediately or on such date as the sheriff may specify).
- (13) For the purpose of this section—
 - (a) the appropriate authorities are—
 - (i) the local authority and the health board within whose area the care home service is provided,
 - (ii) Healthcare Improvement Scotland,
 - (b) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (c) “nominated officer” means an individual appointed by the Scottish Ministers who they consider suitable to perform the functions conferred under an emergency intervention order.

65B Care homes: appeals against emergency intervention orders

- (1) An appeal may be made to the Sheriff Appeal Court against the making of an emergency intervention order under section 65A within the period of 14 days beginning with the day on which the order is made.
- (2) On an appeal, the Sheriff Appeal Court may—
 - (a) confirm the emergency intervention order,
 - (b) revoke the order,

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- (c) modify the order,
 - (d) make such other order as the court thinks fit.
- (3) The decision of the Sheriff Appeal Court on an appeal under this section is final.
- (4) An emergency intervention order has effect notwithstanding the making of an appeal in relation to the order.

65C Further provision in relation to emergency intervention orders

- (1) The Scottish Ministers may by regulations make further provision in connection with emergency intervention orders under section 65A.
- (2) Regulations under this paragraph—
- (a) must be must be laid before the Scottish Parliament as soon as practicable after they are made, and
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (3) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.
- (4) If regulations cease to have effect as a result of sub-paragraph (2)(b), that does not—
- (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.”.>

Michael Russell

27 In schedule 1, page 10, line 22, at end insert—

<PART

POWERS OF LOCAL AUTHORITIES AND HEALTH BODIES IN RELATION TO CERTAIN CARE SERVICES

Power of local authority to purchase distressed care home or care at home service provider

- 13 (1) A local authority may acquire (by agreement)—
- (a) a relevant provider of care home services,
 - (b) a relevant provider of care at home services, or
 - (c) any asset or liability of a provider mentioned in paragraph (a) or (b),
- in the circumstances described in paragraph 15.
- (2) This paragraph is without prejudice to sections 69 and 70 of the Local Government (Scotland) Act 1973 (subsidiary powers and acquisition of land by agreement).

Power of health body to purchase distressed care home service provider

- 14 (1) A health body may, on behalf of the Scottish Ministers, acquire (by agreement)—
- (a) a relevant provider of care home services, or
 - (b) any asset or liability of such a provider,

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in the circumstances described in paragraph 15.

- (2) A health body must comply with a direction given by the Scottish Ministers in relation to the functions conferred on it under this paragraph.
- (3) The power under sub-paragraph (2) to give a direction includes the power to vary or revoke an earlier direction under that sub-paragraph.
- (4) A direction given under this paragraph must—
 - (a) be in writing, and
 - (b) be published in such manner as the Scottish Ministers consider appropriate.
- (5) This paragraph is without prejudice to section 79 of the National Health Service (Scotland) Act 1978 (purchase of land and moveable property).

Circumstances in which powers under this Part may be exercised

- 15 (1) This paragraph describes the circumstances in which the powers conferred by paragraph 13 or 14 may be exercised in relation to a relevant provider of care home services or care at home services (“the provider”).
- (2) The circumstances are that, for a reason relating to coronavirus—
 - (a) the provider is in serious financial difficulty,
 - (b) the local authority or, as the case may be, the health body is satisfied that there is a threat to the life, health or wellbeing of the persons receiving the services, or
 - (c) the provider has recently ceased to provide the services.
- (3) For the purposes of sub-paragraph (2)(a), a provider is to be regarded as being in serious financial difficulty if it notifies SCSWIS of an insolvency event under regulation 6A, 6B or 6C of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (S.S.I 2011/210).
- (4) As soon as practicable after receiving notification of such an insolvency event, SCSWIS is to inform—
 - (a) any local authority and Health Board in whose areas the services are being provided,
 - (b) the Common Services Agency, and
 - (c) Healthcare Improvement Scotland,that such notification has been received.
- (5) For the purposes of being satisfied as to the threat described in sub-paragraph (2)(b)—
 - (a) in a case where the proposed acquisition is by a local authority, it must consult—
 - (i) SCSWIS,
 - (ii) any other local authority in whose area the services are being provided,
 - (iii) any Health Board in whose area the services are being provided,
 - (iv) the Common Services Agency,
 - (v) Healthcare Improvement Scotland,
 - (vi) such other persons or bodies as it considers appropriate (if any),
 - (b) in a case where the proposed acquisition is by a health body, it must consult—

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- (i) SCSWIS,
- (ii) any local authority in whose area the services are being provided,
- (iii) any Health Board in whose area the services are being provided,
- (iv) the Common Services Agency,
- (v) Healthcare Improvement Scotland,
- (vi) such other persons or bodies as it considers appropriate (if any).

Interpretation

16 In this Part—

“asset” includes any right or interest in land or moveable property,

“care home service” has the meaning given in paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

“care at home service” means the provision of—

- (a) domiciliary services (within the meaning of section 94 of the Social Work (Scotland) Act 1968), or
- (b) a support service consisting wholly or mainly of providing personal care in the home of the person receiving the care,

“Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978, and “area”, in relation to a Health Board, means the area for which the Board is constituted,

“health body” means a Health Board, the Common Services Agency or Healthcare Improvement Scotland,

“personal care” has the meaning given in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

“relevant provider of care home services” means a person or body providing care home services other than a local authority or a health body,

“relevant provider of care at home services” means a person or body providing care at home services other than a local authority or a health body,

“SCSWIS” means Social Care and Social Work Improvement Scotland,

“support service” has the meaning given in paragraph 1 of schedule 12 of the Public Services Reform (Scotland) Act 2010.>

Monica Lennon

30 In schedule 1, page 10, line 22, at end inset—

<PART

DUTIES OF THE CARE INSPECTORATE

Care Inspectorate: care home inspections

12A(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

- (2) The Act has effect as if after section 53 (inspection) there were inserted—

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“53A Care Inspectorate: inspections of care homes

- (1) The Care Inspectorate must, for the duration of the emergency period lay a report before the Parliament every two weeks, beginning with the day on which this section comes into force, setting out—
 - (a) the care homes inspected during those two weeks, and
 - (b) the findings of those inspections.
- (2) “emergency period” means the period for which paragraph 12A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.>

Monica Lennon

31 In schedule 1, page 10, line 22, at end insert—

<PART

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: DUTY TO ENSURE MANAGEMENT IN PLACE FOR CARE HOME SERVICES DURING THE EMERGENCY PERIOD

Management of care home services during the emergency period

12B(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

- (2) The Act has effect as if after section 57 there were inserted—

Duties of SCSWIS in relation to the management of care home services

“57A Duties of SCSWIS in relation to the management of care home services

- (1) During the emergency period SCSWIS must impose temporary management on a care home service where the condition in subsection (2) applies.
- (2) The condition is that the management of the care home service is unable to perform its functions by a reason attributable to the coronavirus.
- (3) In this section—
 - (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (b) “emergency period” means the period for which paragraph 12B of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force”.>

Jackie Baillie

33 In schedule 1, page 10, line 22, at end insert—

<PART

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: REPORTING ON CORONAVIRUS DEATHS IN CARE HOMES

Reporting on coronavirus deaths in care homes

12C(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

- (2) The Act has effect as if after section 79 there were inserted—

“79A Reporting on coronavirus deaths in care homes

THIS IS NOT THE MARSHALLED LIST

- (1) Any person who provides a care home service must, for the duration of the emergency period, make a report to SCSWIS every day, beginning with the day on which this section comes into force, on—
 - (a) the number of deaths of residents in the care home from coronavirus,
 - (b) the number of deaths of residents in the care home suspected to be attributable to coronavirus,
 - (c) the total number of deaths in the care home irrespective of whether or not they are attributable to coronavirus.
- (2) As soon as practicable and in any event no later than 7 days after receiving that information from all persons providing care home services, SCSWIS must make a report to the Scottish Ministers on—
 - (a) the total number of deaths in care homes in Scotland from coronavirus,
 - (b) the total number of deaths of residents in care homes in Scotland suspected to be attributable to coronavirus,
 - (c) the total number of deaths in care homes in Scotland irrespective of whether or not they are attributable to coronavirus.
- (3) The Scottish Ministers must lay the report from SCSWIS under subsection (2) before the Scottish Parliament as soon as practicable and in any event no later than 7 days after they have received it.
- (4) In this section—
 - (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (b) “emergency period” means the period for which paragraph 12C of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force”.>

Jackie Baillie

34 In schedule 1, page 10, line 22, at end insert—

<PART

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: CONDITIONS ON CARE HOME SERVICE PROVIDERS DURING THE EMERGENCY PERIOD

Conditions on care home service providers during the emergency period

12D(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

(2) The Act has effect as if after section 67 there were inserted—

“67A Conditions notices on care home service providers during the emergency period

- (1) Subsection (2) applies—
 - (a) to a person providing care home services registered under this Chapter as a condition of registration,
 - (b) during the emergency period.

THIS IS NOT THE MARSHALLED LIST

- (2) SCSWIS must give notice to the person providing the care home service specifying that the conditions mentioned in subsection (3) are conditions of registration.
- (3) The conditions are that the person providing the care home service must report to SCSWIS—
 - (a) all deaths of care home residents where the resident has been diagnosed as having coronavirus or suspected of having coronavirus,
 - (b) on the quality, availability and use of personal protective equipment,
 - (c) each week on how many staff working in the care home—
 - (i) have been tested for coronavirus,
 - (ii) have tested positive for coronavirus,
 - (c) each week on how many residents of the care home—
 - (i) have been tested for coronavirus,
 - (ii) have tested positive for coronavirus.
- (4) The conditions under this section take effect immediately on receipt of the notice under subsection (2).
- (5) Sections 69 and 70 do not apply to a condition notice under this section.
- (6) In this section—
 - (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (b) “emergency period” means the period for which paragraph 12D of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force”.>

Monica Lennon

50 In schedule 4, page 22, line 34, at end insert—

<PART

NATIONAL SOCIAL CARE OFFICER

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, appoint a person as national social care officer.
- (2) A person is eligible for appointment as national social care officer if the person has training, qualifications and experience suitable to allow the person to fulfil the function specified in sub-paragraph (3).
- (3) The function of the national social care officer is to provide advice to the Scottish Ministers on issues relating to coronavirus in respect of the social care sector in Scotland.
- (4) In sub-paragraph (3), the “social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010.>

THIS IS NOT THE MARSHALLED LIST

Young carer grants supplement

Alison Johnstone

23 In schedule 1, page 7, line 13, at end insert—

<YOUNG CARER GRANTS SUPPLEMENT

Young carer grants supplement

- (1) The Scottish Ministers must by regulations make provision for the payment of a supplement to a young carer grant paid under the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019 (S.S.I 2019/324).
- (2) Regulations must make provision for the supplement to be paid to a person who is eligible (whether decided on the application or following a re-determination or decision about the outcome of an appeal) for a young carer grant having made an application—
 - (a) before the beginning of the emergency period,
 - (b) during the emergency period.
- (3) Regulations under sub-paragraph (1)—
 - (a) must be laid before the Scottish Parliament as soon as practicable after they are made,
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (4) In calculating the period of 28 days in sub-paragraph (5)(b), no account is to be taken of any period during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (5) If regulations cease to have effect as a result of sub-paragraph (5)(b), that does not—
 - (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.
- (6) For the purpose of this paragraph, “emergency period” means the period for which this paragraph is in force.>

Extension of services under the minor ailment service

Alison Johnstone

25 In schedule 1, page 7, line 13, at end insert—

<PART

PHARMACY SERVICES: EXTENSION OF MINOR AILMENT SERVICE

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, make provision to extend eligibility criteria for the minor ailment service (as described in NHS Circular PCA (P)(2016) 12, issued on 20 July 2016) during the period before Part 1 expires by virtue of section 9(1).

THIS IS NOT THE MARSHALLED LIST

- (2) Provision made under sub-paragraph (1) must provide for community pharmacy contractors to be able to—
 - (a) offer minor ailment service consultations to any person seeking information or advice about oral contraceptives or other forms of self-administered contraceptives, and
 - (b) prescribe and provide to any such person, free of charge, oral contraceptives or other forms of self-administered contraceptives.>

Bankruptcy

Jackie Baillie

- 1 In schedule 1, page 8, line 32, at end insert—

<Effect of moratorium on diligence

- (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modification in this paragraph.
- (2) Section 197 (moratorium on diligence following notice under section 195(1) or 196(1)) has effect as if after subsection (2) there were inserted—
 - “(2A) While a moratorium on diligence applies in relation to the person, no interest, fees, charges or penalties in respect of a period after the date the moratorium period begins in accordance with section 198(1)(a) may be added to the debt owed by the person.”>

Jackie Baillie

- 2 In schedule 1, page 9, line 36, leave out from beginning to end of line 13 on page 10 and insert—

<7A. No fee is payable under item 22 in Part 2 of the table of fees.”>

Regulation of businesses

Colin Smyth

- 28 In schedule 1, page 10, line 22, at end insert—

<PART

DUTY TO MAKE REGULATIONS PREVENTING NON-ESSENTIAL WORK

Prevention of non-essential work

- (1) The Scottish Ministers must make regulations under schedule 19 paragraph 1(1) of the Coronavirus Act 2020 (which confers power on the Scottish Ministers to make health protection regulations) to prevent persons from undertaking or being compelled to undertake any work that does not fall within the definition of essential work.
- (2) The first regulations made in pursuance of subsection (1) must define “essential work”.
- (3) The first regulations made in pursuance of subsection (1) must come into force no later than 28 days after Royal Assent.>

THIS IS NOT THE MARSHALLED LIST

Colin Smyth

29 In schedule 1, page 10, line 22, at end insert—

<PART

DUTY TO MAKE REGULATIONS IMPOSING RESTRICTIONS AND REQUIREMENTS ON RE-OPENING BUSINESSES

Restrictions and requirements on re-opening businesses

- (1) No businesses listed in schedule 1 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) which were closed under those regulations or any other businesses closed during the emergency period may re-open in the course of the emergency period before the Scottish Ministers make regulations under schedule 19 to the Coronavirus Act 2020 (which confers power on the Scottish Ministers to make health protection regulations) to impose restrictions and requirements on the those businesses to protect public health.
- (2) The first regulations made in pursuance of sub-paragraph (1) must come into force before any business closed in accordance with Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) may re-open.
- (3) Regulations made in pursuance of sub-paragraph (1) are also to apply to businesses who have remained open during the course of the emergency period.
- (4) In sub-paragraph (1), “emergency period” means the period—
 - (a) beginning with the date on which Part 1 comes into force, and
 - (b) ending with the later of—
 - (i) 30 September 2020, and
 - (ii) the date specified by regulations under section 9(3).”>.

Neil Findlay

32 In schedule 1, page 10, line 22, at end insert—

<PART

TRADE UNION HEALTH AND SAFETY FUND

- (1) The Scottish Ministers must establish and maintain a fund to be known as the “trade union health and safety fund”.
- (2) The Scottish Ministers must use the trade union health and safety fund to establish and support a sustainable network of trade union health and safety representatives.
- (3) The purpose of the network in sub-paragraph (2) is, for the period until Part 1 expires by virtue of section 9(1), to conduct inspections of workplaces to ensure their safety in regard to issues relating to coronavirus.
- (4) The Scottish Ministers must by regulations make further provision about the establishment, maintenance and administration of the trade union health and safety fund.
- (5) Regulations under sub-paragraph (4)—
 - (a) must be laid before the Scottish Parliament as soon as practicable after they are made,

THIS IS NOT THE MARSHALLED LIST

- (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (6) In calculating the period of 28 days in sub-paragraph (5)(b), no account is to be taken of any period during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (7) If regulations cease to have effect as a result of sub-paragraph (5)(b), that does not—
 - (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.>

Alex Cole-Hamilton

49 In schedule 4, page 22, line 34, at end insert—

<PART

CONTROL OF OBSTRUCTIONS IN ROADS

- (1) The Roads (Scotland) Act 1984 applies in accordance with the modification in this paragraph.
- (2) Section 59 (control of obstructions in roads) has effect as if—
 - (a) after subsection (2) there were inserted—

“(2A) A person does not commit an offence under subsection (1) if—

 - (a) the obstruction is caused by a person who operates a hospitality business placing tables and chairs outside the business premise where to do so is considered reasonable in the circumstances to carry on the business while ensuring that a distance of two metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
 - (b) the person’s actions are in accordance with the conditions attached to the relevant roads authority’s consent,
 - (c) the person does not obstruct accessibility for disabled persons and persons who have limited mobility.”.
 - (b) after subsection (6) there were inserted—

“(7) In subsection (2A), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.>

Scottish welfare fund: monitoring of applications

Alison Johnstone

35 In schedule 1, page 10, line 22, at end insert—

<PART

SCOTTISH WELFARE FUND

THIS IS NOT THE MARSHALLED LIST

Scottish welfare fund: monitoring of applications

- (1) The Welfare Funds (Scotland) Act 2015 applies in accordance with the modifications in this paragraph.
- (2) Section 2 (use of welfare funds: assistance for short term need and community care) has effect as if after subsection (1) there were inserted—
 - “(1A) The Scottish Ministers must—
 - (a) request information from local authorities to enable them to monitor the level of applications for, and payments of, assistance provided by local authorities from their welfare funds established under this Act during the emergency period, and
 - (b) in light of the information provided under paragraph (a) above, consider whether additional funding should be provided to local authorities to support the demand for assistance from their welfare funds.
 - (1B) In this paragraph, “emergency period” means the period—
 - (a) beginning with the date on which Part 1 comes into force, and
 - (b) ending with the later of—
 - (i) 30 September 2020, and
 - (ii) The date specified by regulations under section 9(3).”>

Marriage and civil partnerships

Adam Tomkins

36 In schedule 1, page 10, line 22, at end insert—

<PART

MARRIAGE AND CIVIL PARTNERSHIP

Marriage and civil partnership

- (1) The Scottish Ministers must, in conjunction with the Registrar General of Births, Deaths and Marriages for Scotland, take such steps they consider to be necessary to ensure that the solemnisation of marriages and civil partnerships continues to be available in Scotland during the emergency period.
- (2) Steps taken under sub-paragraph (1) must ensure that the ability of persons to exercise rights under article 12 (right to marry) of the European Convention on Human Rights is not disproportionately interfered with for reasons relating to coronavirus.
- (3) The Scottish Ministers must, in respect of each reporting period, prepare a report on—
 - (a) the steps taken by them under sub-paragraph (1), and
 - (b) the number of marriages and civil partnerships solemnised in Scotland during the reporting period.
- (4) The Scottish Ministers must lay each report under sub-paragraph (3) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.
- (5) In this paragraph—

THIS IS NOT THE MARSHALLED LIST

“emergency period” means the period for which Part 1 is in force,

“reporting period” has the meaning given by section 12(4).>

Gordon Lindhurst

37 In schedule 1, page 10, line 22, at end insert—

<PART

MARRIAGE CEREMONIES

- (1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (S.S.I. 2020/103) are amended by this paragraph.
- (2) In regulation 4(7), after paragraph (a) insert—

“(aa) for marriage ceremonies.”.>

Concessionary travel

Neil Findlay

38 In schedule 1, page 10, line 22, at end insert—

<PART

CONCESSIONARY TRAVEL

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, establish a scheme to make provision for any person mentioned in sub-paragraph (2) to be entitled to travel on bus services within Scotland free of charge during the period until Part 1 expires by virtue of section 9(1).
- (2) The persons are any person who is unemployed and seeking work and—
 - (a) who is, or who is a member of a couple and the other member of the couple is, in receipt of—
 - (i) income support,
 - (ii) an income-based jobseeker's allowance under the Jobseekers Act 1995,
 - (iii) an income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007,
 - (iv) child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002 and the income calculated for the purpose of awarding those tax credits does not exceed £6,900,
 - (v) child tax credit under Part 1 of the Tax Credits Act 2002 and the income calculated for the purpose of awarding those tax credits does not exceed £16.105,
 - (vi) support provided under Part 6 of the Immigration and Asylum Act 1999.
 - (b) who is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012—
 - (i) as a single person, where the single person has earned income not exceeding £610, or

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- (ii) as a member of a couple, where the couple have a combined earned income not exceeding £610,
in the assessment period immediately preceding the date of Royal Assent or in any assessment period during the period in which Part 1 is in force by virtue of section 9(1),
 - (c) who is in receipt of a carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992.
- (3) In sub-paragraph (2)—
- “assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (S.I. 2013/376),
 - “couple” has the meaning given in section 39 of the Welfare Reform Act 2012,
 - “earned income” means the person's earned income within the meaning of Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (S.I. 2013/376),
 - “single person” has the meaning given in section 1(2)(a) of the Welfare Reform Act 2012.>

Sale of alcohol

Murdo Fraser

39 In schedule 1, page 10, line 22, at end insert—

<PART

SALE OF ALCOHOL

Sale of alcohol by retailers

- (1) The Licensing (Scotland) Act 2005 applies in accordance with the modification in this paragraph.
- (2) In accordance with section 27(2) (conditions of premises licence), Schedule 3 (premises licences: mandatory conditions) is modified during the emergency period so that it has effect as if there were inserted after paragraph 1—
 - “(1A) Operating plans referred to in paragraph (1) in which retail alcohol sales are restricted to certain times of the day in compliance with section 20(4) (application for premises licence) may be varied without further approval during the emergency period to permit the sale of alcohol from 8am Monday to Sunday.
 - (1B) In this paragraph, “emergency period” means the period—
 - (a) beginning with the date on which Part 1 comes into force, and
 - (b) ending with the later of—
 - (i) 30 September 2020, and
 - (ii) the date specified by regulations under section 9(3).”>

THIS IS NOT THE MARSHALLED LIST

Fixed penalty notices under Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020

Ross Greer

3 In schedule 2, page 13, line 16, at end insert—

<Fixed penalty notices under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020

- (1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (S.S.I. 2020/103) are amended by this paragraph.
- (2) In regulation 9(1)(b) for “16” substitute “18”.>

Proceeds of crime: time limit for payment of confiscation orders

Liam Kerr

4 In schedule 2, page 13, line 31, leave out paragraph 8

Keeper’s website: definition

Stewart Stevenson

5 In schedule 4, page 20, line 22, at end insert—

<“the Keeper’s website” means the website maintained by, or on behalf of, the Keeper of the Registers of Scotland with the domain name ros.gov.uk.>

Stewart Stevenson

6* In schedule 4, page 21, line 30, at end insert—

<“the Keeper’s website” means the website maintained by, or on behalf of, the Keeper of the Registers of Scotland with the domain name ros.gov.uk.>

Land and buildings transaction tax: repayment of additional amount

Liam McArthur

40 In schedule 4, page 22, line 6, leave out <27> and insert <36>

Relief to be provided to small business tenants

Alex Cole-Hamilton

41 In schedule 4, page 22, line 34, at end insert—

THIS IS NOT THE MARSHALLED LIST

<Relief to be provided to small business tenants

- (1) The Scottish Ministers must establish a scheme to provide financial assistance during the financial year 2020-21 to a person, business or organisation in sub-paragraph (2).
- (2) The person, business or organisation is one—
 - (a) that, were it liable to an amount payable as non-domestic rate, would be eligible to receive support provided by the Scottish Ministers as a result of coronavirus to businesses liable to pay a non-domestic rate in respect of lands and heritages—
 - (i) where the combined rateable value of all business premises being £35,000 or less and the rateable value of individual premises is £18,000 or less, or
 - (ii) where the rateable value is greater than £18,000 and no more than £51,000, and
 - (b) which is not liable for a non-domestic rate by virtue of paying a service charge or other payment for business accommodation to the owner of a premise liable for a non-domestic rate.
- (3) The scheme established under this paragraph must provide financial assistance equivalent to the support that the person, organisation or business would have been eligible to receive were it as described in sub-paragraph (2)(a).>

Execution of documents

Michael Russell

8 In schedule 4, page 22, line 34, at end insert—

<PART

EXECUTION OF DOCUMENTS, ETC.

- (1) The following requirements (however expressed) do not apply—
 - (a) a requirement for a relevant person to be physically in the same place as another person when that person—
 - (i) signs or subscribes a document,
 - (ii) takes an oath, or
 - (iii) makes an affirmation or declaration,
 - (b) a requirement for another person to be physically in the same place as a relevant person when the relevant person signs or subscribes a document.
- (2) In this paragraph—

“relevant person” means—

 - (a) a solicitor,
 - (b) an advocate,
 - (c) a notary public,

“requirement” means a requirement arising from an enactment or rule of law.
- (3) For the avoidance of doubt—

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- (a) the requirements described by sub-paragraph (1)(a) include a requirement that may be fulfilled by the physical presence of a professional of a type not mentioned in the definition of “relevant person” as well as by a professional of a type that is (for example, it includes a requirement for the physical presence of a solicitor or a registered medical practitioner), but
- (b) sub-paragraph (1) only causes such a requirement not to apply in relation to a professional of a type that is mentioned in the definition of “relevant person”.>

Freedom of information

Michael Russell

7 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

Modification of Coronavirus (Scotland) Act 2020

- (1) Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020 (freedom of information) is amended by sub-paragraphs (2) to (4).
- (2) For paragraph 3 substitute—
 - “3 Section 10 (time for compliance) has effect as if modified as follows—
 - (a) in subsection (1)—
 - (i) after “subsections” there were inserted “(1A),”,
 - (ii) for “twentieth” there were substituted “fortieth”,
 - (b) after subsection (1) there were inserted—
 - “(1A) If the authority is the Scottish Ministers, subsection (1) applies with the substitution, for the reference to the fortieth working day, of a reference to the twentieth working day.”,
 - (c) in subsection (2), in the closing text, for—
 - (i) “twentieth” there were substituted “fortieth”,
 - (ii) “thirtieth” there were substituted “fiftieth”,
 - (d) in subsection (3), in the closing text, for—
 - (i) “twentieth” there were substituted “fortieth”,
 - (ii) “thirtieth” there were substituted “twentieth or fiftieth”.”.
- (3) For paragraph 4 substitute--
 - “4 Regulation 2 of the Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016 (S.S.I. 2016/346) has effect as if modified as follows—
 - (a) after paragraph (1) there were inserted—
 - “(1A) Where regulation 2(1) applies, subsections (1) and (3) of section 10 of the Freedom of Information (Scotland) Act 2002 have effect as if the references to the fortieth working day were references to either—

THIS IS NOT THE MARSHALLED LIST

- (a) the fortieth working day disregarding any working day which, in relation to the school referred to in paragraph (1), is not a school day; or
 - (b) the sixtieth working day
- whichever occurs first.”,
- (b) in paragraph (2), for the opening text there were substituted—
- “(2) Where regulation 2(1) applies, section 21(1) of the Freedom of Information (Scotland) Act 2002 has effect as if the reference to the twentieth working day were a reference to either—”.
- (4) Paragraph 5 is repealed.
 - (5) The amendment made by—
 - (a) sub-paragraph (2) does not apply in relation to a request for information or requirement for review received by a Scottish public authority before the day on which this paragraph comes into force,
 - (b) sub-paragraph (3) does not apply in relation to a requirement for review received by a relevant school before that day.
 - (6) In sub-paragraph (5)—
 - “relevant school” means—
 - (a) a grant-aided school as defined in section 135(1) of the Education (Scotland) Act 1980,
 - (b) an independent special school listed in the Register of Independent Schools kept pursuant to section 98 of the Education (Scotland) Act 1980 and which falls within paragraph (a) of the definition of “special school” in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004,
- “request for information” is to be construed in accordance with section 8 of the Freedom of Information (Scotland) Act 2002,
- “requirement for review” has the meaning given by section 20(2) of that Act,
- “Scottish public authority” has the meaning given by section 3(1) of that Act.>

Neil Findlay

48 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

Modification of Coronavirus (Scotland) Act 2020

- (1) Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020 (freedom of information) is amended by this paragraph.
- (2) In paragraph 6(2), after subparagraph (a) insert—
 - “(aa) due to the authority operating under requirements of Part 2 of this schedule that were subsequently repealed before the end of the period during which Part 1 of this Act is in force.”.
- (3) After paragraph 6(2), insert—

THIS IS NOT THE MARSHALLED LIST

“(2A) In considering whether the failure was reasonable in all the circumstances, the Commissioner must regard the public interest test as the primary consideration.”.>

Alex Cole-Hamilton

9 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraphs 3, 4, 5 and 7 are repealed.>

Alex Cole-Hamilton

10 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information) is repealed.>

Ross Greer

Supported by: Adam Tomkins

11 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraph 3 is repealed.>

Ross Greer

Supported by: Adam Tomkins

12 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraph 4 is repealed.>

Ross Greer

Supported by: Adam Tomkins

13 In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.

THIS IS NOT THE MARSHALLED LIST

- (2) In schedule 6, Part 2 (freedom of information), paragraph 5 is repealed.>

Adam Tomkins

Supported by: Ross Greer

- 14** In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
(2) In schedule 6, Part 2 (freedom of information), paragraphs 3 to 5 are repealed.>

Neil Findlay

- 45** In schedule 4, page 22, line 34, at end insert—

<PART

FREEDOM OF INFORMATION

- (1) The Scottish Ministers must lay reports before the Parliament in accordance with this paragraph on their responses to requests for information under the Freedom of Information (Scotland) Act 2002 during the period that Part 2 of Schedule 6 of the Coronavirus (Scotland) Act 2020 is in force.
- (2) A report under sub-paragraph (1) must contain information on—
- (a) backlogs in responding to requests,
 - (b) how many requests have been responded to,
 - (c) what was provided in response to requests,
 - (d) cases which were partially refused,
 - (e) the number of requests subject to an internal review,
 - (f) backlogs in the internal review process,
 - (g) appeals made to the Scottish Information Commissioner in respect of requests.
- (3) A report under sub-paragraph (1) should be laid before the Parliament at the end of each reporting period.
- (4) A “reporting period” under sub-paragraph (3) is each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).
- (5) The Scottish Ministers must lay a report under this paragraph before the Scottish Parliament no later than 14 days after the expiry of a reporting period.>

Traffic regulation

Mark Ruskell

- 43** In schedule 4, page 22, line 34, at end insert—

THIS IS NOT THE MARSHALLED LIST

<PART

TRAFFIC REGULATION

- (1) The Road Traffic Regulation Act 1984 applies in accordance with the modifications in sub-paragraph (2).
- (2) Section 15 has effect as if—
 - (a) in subsection (1)(a) for “six months” substitute “twenty-four months”,
 - (b) in subsection (1)(b) for “eighteen months” substitute “twenty-four months”,
 - (c) in subsection (2) for “eighteen months” substitute “twenty-four months”,
 - (d) in subsection (3) for “eighteen months” substitute “twenty-four months”,
 - (e) in subsection (5) for “six months” substitute “twenty-four months”.
- (3) The Roads (Scotland) Act 1984 applies in accordance with the modifications in sub-paragraph (4).
- (4) Section 152 has effect as if—
 - (a) in subsection (3A) for “18 months” substitute “24 months”,
 - (b) in subsection (3B) for “18 months” substitute “24 months”,
 - (c) in subsection (3C) for “18 months” substitute “24 months”.>

Low emission zones

Mark Ruskell

- 44 In schedule 4, page 22, line 34, at end insert—

<PART

LOW EMISSION ZONES

- (1) This paragraph applies in relation to low emission zones in Part 2 of the Transport (Scotland) Act 2019.
- (2) The Scottish Ministers must lay a report before the Parliament on progress towards establishing low emission zones by 4 December 2020.
- (3) A report under subsection (2) must include information on—
 - (a) how progress has been impeded by coronavirus,
 - (b) how account has been taken of the impact low emission zones would have on the public health response to coronavirus.>

Advancement of equality and non-discrimination

Mark Griffin

- 51 In section 6, page 2, line 8, after <regard> insert <—
 - (a) to the importance of communicating in an inclusive way,

THIS IS NOT THE MARSHALLED LIST

(b)>

Pauline McNeill

52 In section 6, page 2, line 9, at end insert—

- <(2) In exercising the duty conferred on the Scottish Ministers by subsection (1), the Scottish Ministers must request information from the Police Service of Scotland on incidences of domestic violence received—
- (a) by the Police Service of Scotland,
 - (b) by the Police Service of Scotland from third parties,
- for the purpose of measuring the extent of domestic violence incidences.>

Conditions on support for business

Patrick Harvie

53 After section 6, insert—

<Business support: exclusion of companies etc. based in tax haven

- (1) In exercising, for the purpose of mitigating the effect on business of coronavirus, any function the Scottish Ministers may not provide financial support to a company or other entity that is incorporated or otherwise established in a tax haven.
- (2) In this section, “tax haven” means—
 - (a) a country of jurisdiction for the time being included in a common list of non-co-operative tax jurisdictions adopted by the Council of the European Union, and
 - (b) any other country or jurisdiction that the Scottish Ministers consider to be known for non-co-operation on tax matters or for generating little or no tax liability.>

Neil Findlay

54 After section 6, insert—

<Business support: conditions relating to trade union access

- (1) In exercising any function conferred by virtue of any enactment which includes provision for financial support to businesses operating in Scotland for the purpose of mitigating the effect on the business of coronavirus, the Scottish Ministers may not provide financial support to a business unless the condition in subsection (2) is met.
- (2) The condition is that the business allows access to its employees for representatives of trade unions.>

Neil Findlay

55 After section 6, insert—

<Regulated procurement: living wage condition

- (1) In relation to a regulated procurement for a regulated contract for any goods or services required for a reason relating to coronavirus, a contracting authority must impose a condition relating to the performance of the contract that the economic operator who is the successful tenderer must pay a living wage.

THIS IS NOT THE MARSHALLED LIST

- (2) An economic operator pays a living wage if the remuneration of each of its employees who undertakes any activities related to the performance of the contract is at least the living wage.
- (3) In this section—
 - (a) “regulated procurement”, “regulated contract” and “contracting authority” have the meanings given in the Procurement Reform (Scotland) Act 2014,
 - (b) “living wage” means remuneration which is sufficient to ensure an acceptable standard of living.>

Reports by the Scottish Ministers on coronavirus subordinate legislation

Adam Tomkins

56 After section 12, insert—

<Reports by the Scottish Ministers on coronavirus subordinate legislation

- (1) The Scottish Ministers must, in respect of each reporting period—
 - (a) undertake a review of Scottish statutory instruments made for a reason relating to coronavirus,
 - (b) prepare a report on that review.
- (2) A report under subsection (1) must—
 - (a) set out—
 - (i) the Scottish statutory instruments that have been made,
 - (ii) a summary of the provisions of those Scottish statutory instruments,
 - (iii) the powers under which the Scottish statutory instruments were made,
 - (iv) the parliamentary procedure that applied to each instrument,
 - (v) the date when the measure will cease to have effect,
 - (b) include—
 - (i) the status of the Scottish statutory instrument,
 - (ii) a statement that the Scottish Ministers are satisfied that the status of the Scottish statutory instruments is appropriate.
- (3) The references in subsection (2) to the “status” of a Scottish statutory instrument are to whether the Scottish statutory instrument is in force at the end of the reporting period.
- (4) Each of the following is a “reporting period”—
 - (a) the period beginning with the day after Royal Assent and ending on 31 July 2020,
 - (b) each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).
- (5) The Scottish Ministers must lay each report under subsection (1) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.
- (6) Scottish statutory instruments made under the powers to which the reporting requirements in section 12 of this Act or section 15 of the Coronavirus (Scotland) Act 2020 are exempt from this section.>

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