

Consumer Scotland 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 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

General functions of Consumer Scotland: promotion of wellbeing

20, 23, 4

Businesses

21, 24, 36

Environmental impact of consumer actions

22, 27, 28

Product recall

37, 5, 6, 7

Working with others with similar functions to Consumer Scotland

8, 9, 11, 38, 39, 17

Vulnerable consumers

25, 26, 10, 2, 40

Notes on amendments in this group

Amendment 26 pre-empts amendments 10 and 2

Amendment 10 pre-empts amendment 2

Consultation with consumers

12, 13

The consumer duty

29

Meaning of “consumer”

14, 15, 3, 30, 31, 32, 33, 34, 35, 16

Notes on amendments in this group

Amendment 15 pre-empts amendments 3, 30, 31, 32, 33, 34 and 35

Minor and technical

18, 19

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

General functions of Consumer Scotland: promotion of wellbeing

Andy Wightman

- 20* In section 2, page 1, line 17, leave out <consumers in Scotland> and insert <consumer interests, in particular, but not limited to, harm that is—
- (i) financial,
 - (ii) emotional,
 - (iii) environmental,
 - (iv) physical>

Andy Wightman

- 23 In section 2, page 1, line 21, at end insert—
- <() promoting and advancing wellbeing.>

Jamie Hepburn

- 4 In section 2, page 1, line 21, at end insert—
- <() otherwise advancing inclusion, fairness and prosperity in Scotland.>

Businesses

Andy Wightman

- 21 In section 2, page 1, line 18, leave out <businesses> and insert <entities>

Andy Wightman

- 24 In section 4, page 2, line 20, leave out <business>

Andy Wightman

- 36 In section 23, page 10, line 19, after <profession> insert <, a not for profit enterprise (within the meaning of section 252(1F) of the Town and Country Planning (Scotland) Act 1997)>

Environmental impact of consumer actions

Andy Wightman

- 22 In section 2, page 1, line 21, at end insert—
- <() promoting a reduction in the consumption of natural resources.>

THIS IS NOT THE MARSHALLED LIST

Andy Wightman

27 In section 6, page 3, line 24, at end insert—

<() Consumer Scotland must have regard to the environmental impact of the actions of consumers.>

Andy Wightman

28 After section 16, insert—

<Environmental impact report

- (1) Consumer Scotland must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report on—
 - (a) the impact of the actions of consumers on progress towards meeting the net-zero emissions target set out in section A1 of the Climate Change (Scotland) Act 2009, and
 - (b) where the actions of consumers have a negative impact on progress towards meeting the net-zero emissions target, the nature and extent of that impact.
- (2) In preparing a report under subsection (1), Consumer Scotland must have regard to the views of persons, bodies and organisations having an interest in consumer matters.
- (3) Consumer Scotland must—
 - (a) lay a copy of each report prepared under subsection (1) before the Scottish Parliament, and
 - (b) send a copy of it to the Scottish Ministers.
- (4) In this section, “reporting period” means—
 - (a) the period of 3 years beginning with 1 April following the coming into force of this section, and
 - (b) each subsequent period of 3 years.>

Product recall

Jackie Baillie

37 After section 4, insert—

<The product recall function

- (1) Consumer Scotland must—
 - (a) maintain and keep under review a product recall database,
 - (b) publish or otherwise make available the information held in the database in any manner Consumer Scotland considers appropriate for the purpose of bringing it to the attention of consumers,
 - (c) provide advice and information to any consumers affected or potentially affected by the circumstances that gave rise to the information being held in the database.
- (2) In this section “product recall” means a request from a manufacturer for the return of a product following the discovery of safety issues or product defects that might endanger the consumer.>

THIS IS NOT THE MARSHALLED LIST

Jamie Hepburn

5 In section 5, page 2, line 30, at end insert—

<(1A) Consumer Scotland must take such steps as it considers appropriate to provide or secure the provision of advice and information to consumers about recalls of goods in Scotland which Consumer Scotland considers to be major (either in terms of the significance of the potential risk to individuals from the goods or the scale of the recall).>

Jamie Hepburn

6 In section 5, page 2, line 31, leave out <power conferred by subsection (1)> and insert <functions conferred by subsections (1) and (1A)>

Jamie Hepburn

7 In section 5, page 2, line 37, at end insert—

<() For the purpose of subsection (1A), a recall of goods includes a case where, instead of goods being taken back from consumers, corrective measures are being taken in relation to them.>

Working with others with similar functions to Consumer Scotland

Jamie Hepburn

8 In section 6, page 3, line 7, after <by> insert <specified persons and>

Jamie Hepburn

9 In section 6, page 3, line 7, leave out <public bodies> and insert <persons>

Jamie Hepburn

11 In section 6, page 3, line 24, at end insert—

<(8) In subsection (3)(a), “specified” means specified in regulations made by the Scottish Ministers.>

Jackie Baillie

38 In section 14, page 6, line 27, at end insert—

<() how, in conducting the investigation, Consumer Scotland has had regard to any activities carried on by other bodies with the same functions as, or similar functions to, Consumer Scotland.>

Jackie Baillie

39 In section 15, page 6, line 36, at end insert—

<() Without prejudice to the generality of subsection (2), a report under subsection (1) must set out how Consumer Scotland has had regard to any activities carried on by other bodies with the same functions as, or similar functions to, Consumer Scotland.>

THIS IS NOT THE MARSHALLED LIST

Jamie Hepburn

17 In section 24, page 11, line 3, at end insert—

<() section 6(8),>

Vulnerable consumers

Andy Wightman

25 In section 6, page 3, line 10, leave out <vulnerable consumers> and insert <consumers experiencing vulnerability>

Andy Wightman

26 In section 6, page 3, line 13, leave out from <“vulnerable> to end of line 24 and insert <“consumers experiencing vulnerability” includes, but is not restricted to, those consumers who experience vulnerability by virtue of age, mental or physical health, economic circumstances, geography or caring responsibilities.>

Jamie Hepburn

10 In section 6, page 3, line 13, leave out from <includes> to end of line 24 and insert <means consumers who, by reason of their circumstances or characteristics—

- (a) may have significantly fewer or less favourable options as consumers than a typical consumer, or
- (b) are otherwise at a significantly greater risk of—
 - (i) harm being caused to their interests as consumers, or
 - (ii) harm caused to those interests being more substantial, than would be the case for a typical consumer.>

Jackie Baillie

2 In section 6, page 3, line 19, at end insert—

<() individuals whose personal circumstances and characteristics, whether permanent or temporary, combine with market factors to create a situation where the individual is—

- (i) significantly less able than a typical consumer to protect or represent their interests in the market,
- (ii) significantly more likely than a typical consumer to suffer detriment, or for that detriment to be more substantial.>

Jackie Baillie

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

<() A report under subsection (1) must set out how Consumer Scotland has ensured that—

- (a) its membership is representative of vulnerable consumers (within the meaning of section 6), and

THIS IS NOT THE MARSHALLED LIST

- (b) it has had regard to the views of vulnerable consumers (within the meaning of section 6) when exercising any of its functions under this Act.>

Consultation with consumers

Jamie Hepburn

- 12 In section 13, page 6, line 13, after <of> insert <consumers and other>

Jamie Hepburn

- 13 In section 16, page 7, line 8, after <of> insert <consumers and other>

The consumer duty

Andy Wightman

- 29 In section 20, page 8, line 35, leave out from <consumers> to end of line 36 and insert <consumer interests in Scotland, and

- (b) the desirability of promoting and advancing the wellbeing of consumers.>

Meaning of “consumer”

Jamie Hepburn

- 14 Before section 23, insert—

<Meaning of “consumer”

- (1) In this Act, “consumer” means—

- (a) an individual—

- (i) who purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business carried on by the person supplying them, and

- (ii) who is not purchasing, using or receiving the goods or services wholly or mainly in the course of a business carried on by the individual, or

- (b) a business (including a business carried on by an individual)—

- (i) which is no larger than a small business, and

- (ii) which purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business carried on by the person supplying them.

- (2) For the purposes of subsection (1)—

- (a) a consumer includes both an existing consumer and a potential consumer,

- (b) a person who uses services includes, in relation to postal services, an addressee.>

THIS IS NOT THE MARSHALLED LIST

Jamie Hepburn

- 15 In section 23, page 10, leave out lines 8 to 15 and insert <has the meaning given by section (Meaning of “consumer”),>

Jackie Baillie

- 3* In section 23, page 10, line 8, at end insert—
<() includes a business which has a headcount of staff of fewer than 10, and>

Andy Wightman

- 30 In section 23, page 10, line 9, after <individual> insert <who, or a group which>

Andy Wightman

- 31 In section 23, page 10, line 10, leave out <who>

Andy Wightman

- 32 In section 23, page 10, line 10, leave out <or receives> and insert <, reuses, receives, shares, recycles or disposes of>

Andy Wightman

- 33 In section 23, page 10, line 13, leave out <who>

Andy Wightman

- 34 In section 23, page 10, line 13, leave out <or receiving> and insert <, reusing, receiving, sharing, recycling or disposing of>

Andy Wightman

- 35 In section 23, page 10, line 15, after <individual> insert <or group>

Jamie Hepburn

- 16 In section 23, page 10, line 22, leave out subsection (2)

Minor and technical

Jamie Hepburn

- 18 In schedule 2, page 17, line 24, at end insert—

<Islands (Scotland) Act 2018

In the Islands (Scotland) Act 2018, in the schedule, under the heading “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to Children’s Hearings Scotland insert—

“9A Consumer Scotland”>

THIS IS NOT THE MARSHALLED LIST

Jamie Hepburn

- 19** In section 27, page 11, line 21, after <may> insert <—
() make different provision for different purposes,
()>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
