

Coronavirus (Extension and Expiry) (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 4
Sections 5 to 7

Schedule
Long Title

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

Before section 1

Jackie Baillie

1 Before section 1, insert—

<Purpose of Act

The purpose of this Act is to update a range of measures which support the ongoing response to the coronavirus pandemic.>

Section 1

Jackie Baillie

Supported by: Murdo Fraser

2 In section 1, page 1, line 8, leave out subsection (3)

Jackie Baillie

Supported by: Murdo Fraser

3 In section 1, page 1, line 14, leave out subsection (6)

After section 1

Pauline McNeill

4 After section 1, insert—

<Report on extension: early release of prisoners

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay a report before the Scottish Parliament on the impact of the provision in paragraph 19 of schedule 4 of the Coronavirus (Scotland) Act 2020 (“the provision”).
- (2) The report under subsection (1) must include information on the impact the provision is having on—
 - (a) the security and good order of any prison to which the provision relates,

- (b) the health, safety and welfare of prisoners, or those working, in any such prison, and
- (c) the average number of hours per week prisoners have been engaged in purposeful activity,

during the reporting period.

- (3) In this section, “reporting period” means—
 - (a) the period beginning with the day after Royal Assent and ending on 30 September 2021, and
 - (b) each successive period of 2 months that ends during the period before the provision expires by virtue of section 12(1) or by virtue of regulations under section 12(3).>

Mark Griffin

Supported by: Ariane Burgess

5 After section 1, insert—

<Report on extension: eviction from dwelling houses

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay a report before the Scottish Parliament setting out—
 - (a) whether, in their view, schedule 1 of the Coronavirus (Scotland) Act 2020 offers sufficient protection for tenants,
 - (b) what further protection has been made available to tenants,
 - (c) reasons for any limitations in protection for tenants.
- (2) The report must in particular include details of—
 - (a) the number of notices of proceedings issued to tenants in social housing as a result of rent arrears in the reporting period,
 - (b) the total value of rent arrears in the social housing sector accumulated during the reporting period,
 - (c) the number of orders to evict issued by the First-tier Tribunal for Scotland as a result of rent arrears in the reporting period.
- (3) In this section, “reporting period” means—
 - (a) the period beginning with the day after Royal Assent and ending on 30 September 2021, and
 - (b) each successive period of 2 months that ends during the period before the provision expires by virtue of section 12(1) or by virtue of regulations under section 12(3).>

Section 2

Pauline McNeill

6 In section 2, page 1, line 22, at end insert—

<() paragraph 7 (fiscal fines),>

Pauline McNeill

7 In section 2, page 1, line 22, at end insert—

<() paragraph 10 (criminal proceedings: extension of time limits),>

Pauline McNeill

8 In section 2, page 1, line 22, at end insert—

<() paragraph 11 (exceptions to the rule that hearsay evidence is inadmissible),>

Jamie Greene

9 In section 2, page 1, line 24, at end insert—

<() paragraph 13 (community payback orders: time limit for completion of unpaid work or other activity),>

Jamie Greene

10 In section 2, page 2, leave out lines 1 to 3 and insert—

<() paragraph 15 (community orders variation),
() paragraph 16 (community orders: interpretation).>

Jamie Greene

11 In section 2, page 2, line 3, at end insert—

<() paragraph 19 (early release of prisoners),
() paragraph 20 (regulations under paragraph 19: (procedure and expiry)).>

Graham Simpson

12 In section 2, page 2, line 3, at end insert—

<() In paragraph 4 of schedule 5 (alcohol licensing: licensing boards etc.), sub-paragraph (5)(d).>

Alex Cole-Hamilton

Supported by: Graham Simpson

13 In section 2, page 2, line 6, at end insert—

<() paragraph 13 (grounds for exclusion of the public from meetings of local authorities),>

John Swinney

14 In section 2, page 2, leave out lines 11 and 12

Jackie Baillie

15* In section 2, page 2, line 12, at end, insert—

<() paragraphs 23 to 30 (scrutiny of subordinate legislation in urgent cases).>

Mark Griffin

- 16 In section 2, page 2, line 19, at end insert—
- <(aa) paragraphs 4 and 5 (tenancies: pre-action requirements for order for possession or eviction order on grounds of rent arrears),>

Pam Duncan-Glancy

- 17 In section 2, page 2, leave out line 20

Jackie Baillie

- 18 In section 2, page 2, leave out lines 21 and 22

After section 2

Jackie Baillie

- 19 After section 2, insert—
- <**Statement on changes**
- (1) The Scottish Ministers must lay a statement before the Scottish Parliament on proposed changes to the measures in place in response to coronavirus no later than 14 days before any such changes come into force.
- (2) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.>

Section 3

Murdo Fraser

- 20 In section 3, page 2, line 33, leave out <“Before” substitute “At the same time as”> and insert <“Before laying a draft Scottish statutory instrument containing regulations under subsection (3) before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010” substitute “No later than 45 days before the date specified in subsection (1)”>

Murdo Fraser

- 21 In section 3, page 3, line 1, leave out <“Before” substitute “At the same time as”> and insert <“Before laying a draft Scottish statutory instrument containing regulations under subsection (3) before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010” substitute “No later than 45 days before the date specified in subsection (1)”>

Jamie Greene

- 22 In section 3, page 3, line 12, at end insert—
- <() The following instruments are revoked—
- (a) the Release of Prisoners (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/138),
- (b) the Criminal Justice (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/137).>

Jamie Greene

23 In section 3, page 3, line 12, at end insert—

<() The Community Orders (Coronavirus) (Scotland) Regulations 2021 (S.S.I. 2021/144) are revoked.>

Schedule

Mark Griffin

24 In the schedule, page 5, line 4, at end insert—

<Eviction

Despite section 2(7)(aa), paragraphs 4 and 5 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 continue in effect until such time as tenants who have received, or could have applied for, a loan from the fund established by the Scottish Ministers known as the Tenant Hardship Loan Fund have received a grant equal to the amount accrued in rent arrears.>

Pauline McNeill

25 In the schedule, page 5, line 4, at end insert—

<Marriages and civil partnerships

- (1) Before the expiry of paragraph 24 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020, the Scottish Ministers must lay a report before the Scottish Parliament detailing the progress being made towards weddings and civil partnerships being free of restrictions.
- (2) A report under sub-paragraph (1) must include details on—
 - (a) social distancing requirements that remain in place,
 - (b) the permissibility of live music,
 - (c) limitations on indoor household gatherings.>

After section 5

Paul Sweeney

26 After section 5, insert—

<Report on expiry: business support

- (1) The Scottish Ministers must lay before the Parliament, as soon as reasonably practicable, and within 2 months of Royal Assent, a report on the implications for business support of the expiry of provisions in this Act.
- (2) This report must include, in particular, consideration of—
 - (a) any further support businesses require, and
 - (b) any limitations that should be placed on providing further support, including whether—
 - (i) further support should be granted to large businesses with at least 250 employees which do not recognise trade unions, and

- (ii) the suitability of Scottish Ministers taking equity shares in private bus companies instead of providing grant based support.>

Pauline McNeill

27 After section 5, insert—

<Report in connection with expiry: use of fiscal fines

- (1) The Scottish Ministers must, as soon as reasonably practicable and within 2 months of Royal Assent, lay a report before the Scottish Parliament on the use made of fiscal fines in the reporting period.
- (2) The report under subsection (1) must include—
 - (a) the number of fixed penalties issued for each level on the scale during the reporting period,
 - (b) information on how this compares with the fixed penalties issued before the amendment to the scale prior to the reporting period, and
 - (c) a statement on whether the use of level 6 and 7 fiscal fines during the reporting period has been appropriate.
- (3) In this section, “reporting period” means the period for which paragraph 7 of schedule 4 of the Coronavirus (Scotland) Act 2020 is in force.>

Pam Duncan-Glancy

28 After section 5, insert—

<Duty to report on effect of Act on social security support for carers

- (1) The Scottish Ministers must prepare and publish a report on the effect that the expiry of provisions by this Act is likely to have on the social security support available for carers.
- (2) The report must set out in particular—
 - (a) whether the Scottish Ministers consider that, for a reason relating to the effect of coronavirus—
 - (i) further measures are required to support carers,
 - (ii) provision should be made for an amount equivalent to, or greater than, the carer’s allowance supplement paid under section 81(4A) of the Social Security (Scotland) Act 2018 for the period 1 April 2020 to 30 September 2020 to be paid for subsequent periods,
 - (iii) provision should be made for a supplement of £5 per week to be made to the Scottish child payment, paid under the Scottish Child Payment Regulations 2020, where the payment is made in respect of a dependant child who has a disability,
 - (b) where the Scottish Ministers do not propose to make the provision mentioned in sub-paragraph (ii) or (iii) of subsection (2)(a), their reasons.
- (3) The report under this section must be laid before the Scottish Parliament no later than one month after the date of Royal Assent.
- (4) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.>

Pam Duncan-Glancy

29 After section 5, insert—

<Duty to report on effect of Act on support for self-isolating persons

- (1) The Scottish Ministers must prepare and publish a report on the effect that the extension and expiry of provisions by this Act is likely to have on the support available to a person who is required, for a reason relating to coronavirus, to self-isolate.
- (2) The report under this section must be laid before the Scottish Parliament no later than one month after the date of Royal Assent.
- (3) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.>

Pam Duncan-Glancy

30 After section 5, insert—

<Duty to report on effect of Act on social care services

- (1) The Scottish Ministers must prepare and publish a report on the effect that the extension and expiry of provisions by this Act is likely to have on social care services.
- (2) The report must set out in particular whether the Scottish Ministers consider that further measures are required to ensure the early restoration of the availability of social care support packages and respite services to the level available prior to 1 March 2020.
- (3) The report under this section must be laid before the Scottish Parliament no later than one month after the date of Royal Assent.>

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