

Social Security (Amendment) (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 14 to 26

Long Title

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

Section 14

Shirley-Anne Somerville

52 In section 14, page 24, line 33, after <is> insert <or may be eligible>

Shirley-Anne Somerville

53 In section 14, page 25, line 3, after <is> insert <or may be eligible>

Section 15

Shirley-Anne Somerville

54 In section 15, page 25, line 20, leave out <they are> and insert <the person is>

Shirley-Anne Somerville

55 In section 15, page 25, line 21, leave out <their> and insert <the person's>

Shirley-Anne Somerville

56 In section 15, page 25, line 23, leave out <their> and insert <the person's>

After section 15

Jeremy Balfour

126 After section 15, insert—

<Appointees for children

- (1) The 2018 Act is modified as follows.
- (2) Section 85A(3) is repealed.>

Jeremy Balfour

9 After section 15, insert—

<PART

THIRD PARTY REPRESENTATIVES

Third party representatives

- (1) The 2018 Act is modified as follows.
- (2) After section 11, insert—

“Third party representatives

11A Third party representatives

- (1) An individual may appoint a person to be a third party representative for matters relating to assistance under this Act, including, for example—
 - (a) applications for assistance,
 - (b) management of assistance,
 - (c) appeals to the First-tier Tribunal.
 - (2) Where an individual appoints a third party representative under subsection (1), they must provide notice to the Scottish Ministers of the appointment, which must include—
 - (a) permission to share relevant information with the third party representative,
 - (b) contact details for the third party representative,
 - (c) which form or forms of assistance the third party representative is appointed in relation to,
 - (d) the duration of the appointment, which may be for a specified period of time or for the duration of a specified process.
 - (3) The Scottish Ministers may by regulations make provision about third party representatives including—
 - (a) the form and content of a notice under subsection (2),
 - (b) information sharing.”.
- (3) In section 96(2), after “11” insert “, 11A”.>

Section 16

Shirley-Anne Somerville

57 In section 16, page 26, line 24, at end insert—

- <(5A) Before making regulations under subsection (5), the Scottish Ministers must consult publicly on the categories of individuals who are not to be requested to provide information under subsection (1).>

Jeremy Balfour

10 In section 16, page 26, leave out lines 25 to 34.

Maggie Chapman

58 Leave out section 16

Section 17

Shirley-Anne Somerville

59 In section 17, page 29, line 26, leave out <their> and insert <that other person>

Shirley-Anne Somerville

60 In section 17, page 29, line 27, leave out <injured person> and insert <individual who suffered the accident, injury or disease>

Shirley-Anne Somerville

61 In section 17, page 30, line 1, leave out <any> and insert <a>

Shirley-Anne Somerville

62 In section 17, page 30, line 19, leave out <any>

Shirley-Anne Somerville

63 In section 17, page 30, line 32, leave out <any> and insert <a>

Shirley-Anne Somerville

64 In section 17, page 34, line 24, after <94E> insert <to the same extent as referred to in paragraph (b)>

Shirley-Anne Somerville

65 In section 17, page 34, line 34, leave out <make provision about> and insert <limit>

Shirley-Anne Somerville

66 In section 17, page 34, line 38, leave out <reference to>

Shirley-Anne Somerville

67 In section 17, page 34, line 38, leave out <and its making> and insert <made at any time>

Shirley-Anne Somerville

68 In section 17, page 37, line 9, leave out <their> and insert <the>

Shirley-Anne Somerville

69 In section 17, page 37, line 26, leave out <condition set out in subsection (6) is> and insert <requirements prescribed in regulations made under subsection (5) are>

Shirley-Anne Somerville

- 70 In section 17, page 38, line 1, leave out <condition set out in subsection (6) is> and insert <requirements prescribed in regulations made under subsection (5) are>

Shirley-Anne Somerville

- 71 In section 17, page 38, leave out lines 8 to 11

Shirley-Anne Somerville

- 72 In section 17, page 38, line 13, leave out <condition set out in subsection (6) is> and insert <requirements prescribed in regulations made under subsection (5) are>

Shirley-Anne Somerville

- 73 In section 17, page 40, leave out lines 28 to 33

Shirley-Anne Somerville

- 74 In section 17, page 41, leave out lines 8 to 13

Shirley-Anne Somerville

- 75 In section 17, page 41, line 14, leave out <any> and insert <an>

Shirley-Anne Somerville

- 76 In section 17, page 41, leave out lines 30 to 32

Shirley-Anne Somerville

- 77 In section 17, page 42, line 38, leave out from <with> to <94K> in line 40

Shirley-Anne Somerville

- 78 In section 17, page 44, line 37, leave out <, this Part is modified so that>

Shirley-Anne Somerville

- 79 In section 17, page 45, line 4, leave out <any> and insert <a>

Shirley-Anne Somerville

- 80 In section 17, page 45, line 5, leave out <this Part applies to that payment and>

Shirley-Anne Somerville

- 81 In section 17, page 45, line 6, leave out <therefore>

Shirley-Anne Somerville

- 82 In section 17, page 45, line 32, leave out <any person> and insert <an individual>

Shirley-Anne Somerville

83 In section 17, page 45, line 33, leave out <are to> and insert <may in particular>

Shirley-Anne Somerville

84 In section 17, page 45, line 41, leave out <any person providing services to> and insert <anyone acting on behalf of>

Shirley-Anne Somerville

85 In section 17, page 46, line 6, leave out <require> and insert <allow the Scottish Ministers to request>

Shirley-Anne Somerville

86 In section 17, page 46, line 16, leave out first <any> and insert <an>

Shirley-Anne Somerville

87 In section 17, page 47, line 1, leave out first <any> and insert <an>

Shirley-Anne Somerville

88 In section 17, page 47, line 16, leave out <Any> and insert <A>

Shirley-Anne Somerville

89 In section 17, page 47, line 27, leave out <any> and insert <an>

Shirley-Anne Somerville

90 In section 17, page 47, line 36, leave out <any reference in this section> and insert <a reference>

Shirley-Anne Somerville

91 In section 17, page 48, line 22, leave out second <any> and insert <a>

Section 18

Shirley-Anne Somerville

92 In section 18, page 49, line 26, at end insert—
<(ga) section 63(12),>

Shirley-Anne Somerville

93 In section 18, page 49, line 32, leave out <and> and insert—
<(ma) section 85B(5),
(mb) section 85F(1),
(mc) section 87B(4)(c),
(md) section 87B(4)(d),>

- (me) section 87B(5),
- (mf) section 87C(1),
- (mg) section 87C(4),
- (mh) section 93A(1), and>

Shirley-Anne Somerville

- 94 In section 18, page 50, line 3, leave out <(m)> and insert <(mh)>

Shirley-Anne Somerville

- 95 In section 18, page 50, line 8, at end insert—

<() in subsection (2)—

- (i) for “Where the Scottish Ministers propose to make” substitute “Before the Scottish Ministers finalise”,
- (ii) the words “(before laying a draft Scottish statutory instrument containing such regulations before the Scottish Parliament for approval by resolution)” are repealed,

() in subsection (9)—

- (i) in the opening words, for “laying a draft Scottish statutory instrument containing regulations to which this section applies before the Scottish Parliament for approval by resolution, the Scottish Ministers” substitute “the Scottish Ministers finalise regulations to which this section applies, they”,
- (ii) in paragraph (b), for “lay the draft instrument before the Parliament” substitute “finalise the regulations”,>

Shirley-Anne Somerville

- 96 In section 18, page 50, line 12, at end insert—

<(13) In this section, “finalise” means—

- (a) in the case of regulations subject to the affirmative procedure, laying the draft Scottish statutory instrument containing the regulations before the Scottish Parliament for approval by resolution,
- (b) in the case of regulations subject to the negative procedure, making the regulations.”.>

After section 18

Jeremy Balfour

- 11 After section 18, insert—

<Scrutiny of legislation by the Commission

- (1) The 2018 Act is modified as follows.
- (2) After section 97, insert—

“97A Scrutiny of legislation

- (1) This section applies to—
 - (a) regulations under this Act, which are not regulations to which section 97 applies,
 - (b) Acts of the Scottish Parliament which relate to social security.
- (2) Where Scottish Ministers propose to make legislation to which this section applies, they must (before laying a draft Scottish statutory instrument before or introducing a Bill to the Scottish Parliament)—
 - (a) inform the Scottish Commission on Social Security of their proposals,
 - (b) provide the Scottish Commission on Social Security with an opportunity to provide comments on the proposals in such manner as the Commission considers appropriate.
- (3) When laying a draft Scottish statutory instrument before or introducing a Bill to the Scottish Parliament to which this section applies, the Scottish Ministers must also lay a statement confirming—
 - (a) that the Scottish Commission on Social Security had been provided with the opportunity to provide comments on the draft legislation,
 - (b) whether or not the Commission had provided comments,
 - (c) what changes, if any, were made to the draft legislation in response to any comments provided by the Commission.
- (4) This section does not apply to legislation to the extent that it relates to social security for employment injury.”>

Section 21

Shirley-Anne Somerville

97 In section 21, page 50, leave out line 29

After section 21

Jeremy Balfour

12 After section 21, insert—

<PART

KEY PERFORMANCE INDICATORS

Key performance indicators for Social Security Scotland

- (1) The 2018 Act is modified as follows.
- (2) Before section 20, insert—

“20ZA Key performance indicators

The Scottish Ministers may, by regulations, specify key performance indicators for the Scottish social security system.”.

- (3) After section 20(2)(a), insert—

“(aa) performance against key performance indicators,”.

(4) After section 20(3), insert—

“(4) For the purposes of this section, “key performance indicators” are indicators specified by Scottish Ministers by regulations under section 20ZA.”.

(5) In section 96(2), after “13” insert “, 20ZA”.>

Jeremy Balfour

13 After section 21, insert—

<PART

KEY PERFORMANCE INDICATORS

Key performance indicators for First-tier Tribunal for Scotland Social Security Chamber

(1) The 2018 Act is modified as follows.

(2) After section 87(1), insert—

“(1A) A report under subsection (1) must include such information on the First-tier Tribunal’s performance against key performance indicators as the Scottish Ministers consider appropriate.”.

(3) After section 87(3), insert—

“(4) For the purposes of this section, “key performance indicators” are indicators specified by Scottish Ministers by regulations under section 87ZA.”.

(4) After section 87, insert—

“87ZA Key performance indicators

The Scottish Ministers may, by regulations, specify key performance indicators for the First-tier Tribunal in relation to the right to appeal under section 46.”.

(5) In section 96(2), after “86” insert “, 87ZA”.>

Jeremy Balfour

14 After section 21, insert—

<PART

FIRST-TIER TRIBUNAL FOR SCOTLAND SOCIAL SECURITY CHAMBER

Presumption of in person hearings

(1) The First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018 are modified as follows.

(2) In rule 4 of schedule 1, after paragraph (3), insert—

“(4) The powers in this rule are subject to the restriction that a hearing must take place in person unless the appellant has indicated that they do not require it to be in person.”.>

Section 24

Shirley-Anne Somerville

98 In section 24, page 51, line 16, leave out <64(6)> and insert <63(12)>

Maggie Chapman

99 In section 24, page 51, line 17, leave out <87B(5),>

Shirley-Anne Somerville

100 In section 24, page 51, line 18, leave out <94O(6),>

Shirley-Anne Somerville

101 In section 24, page 51, line 18, leave out <94O(11),>

Shirley-Anne Somerville

102 In section 24, page 51, line 21, after <69C(6),> insert <85B(5),>

Maggie Chapman

103 In section 24, page 51, line 22, leave out <87B(4)(c), 87B(4)(d), 87C(1), 87C(4),>

Section 25

Shirley-Anne Somerville

104 In section 25, page 51, line 24, after <23> insert <, 24>

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