UEFA European Championship (Scotland) Bill
[As amended at Stage 2]

Supplementary Delegated Powers Memorandum

Purpose

1. This Supplementary Delegated Powers Memorandum has been prepared by the Scottish Government in accordance with Rule 9.7.9 of the Parliament's Standing Orders to assist the Delegated Powers and Law Reform Committee in its consideration of the UEFA European Championship (Scotland) Bill ("the Bill"). This memorandum describes provisions in the Bill conferring powers to make subordinate legislation which were amended at Stage 2. It should be read in conjunction with the Delegated Powers Memorandum published to accompany the Bill on introduction.

2. The contents of this Delegated Powers Memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament.

Outline of Bill provisions

3. The amended delegated power in the Bill is set out below, with a short explanation of what the power allows, why the power has been taken in the Bill and why the selected form of Parliamentary procedure has been considered appropriate.

Delegated power

Section 12: Ban on advertising within event zones

Power conferred on: Scottish Ministers
Power exercisable by: Regulations made by Scottish statutory instrument
Parliamentary procedure: Affirmative
Revised or new power: Revised

Provision

4. Section 12(3) of the Bill was amended at Stage 2 to limit the regulation-making power to modify schedule 3 of the Bill so that paragraph 1 of that schedule, which sets out the exemption for demonstrations and other protest activities from the advertising offence, cannot be repealed in secondary legislation.

Reason for taking power

5. Regulations made under section 12(3) of the Bill may change provision in schedule 3 of the Bill relating to permitted activity that is exempt from the advertising offence. While schedule 3 makes detailed provision in relation to aspects of the offence and permitted advertising, the regulations will enable restrictions to be responsive to local settings and feedback when event zone boundaries and operating times are being set, if required. The Constitution, Europe, External Affairs and Culture Committee's Stage 1 report indicated that a clear distinction must be drawn between activity with a commercial purpose and activity with a social or political purpose, even if commercial brands are affected or targeted. The amended section 12 therefore provides additional protection for the demonstrations exemption.

Choice of procedure

6. Regulations under this section will be subject to the affirmative procedure. In deciding the appropriate procedure to be adopted in relation to the advertising regulations made under section 12, careful consideration has been given to the degree of parliamentary scrutiny that is felt to be required for the regulations, balancing the need for the appropriate level of scrutiny with the need to avoid using up parliamentary time unnecessarily. Considering that the regulations may provide further detail of activities that constitute advertising in the event zones and any exemptions that may apply and therefore impact potential criminal liability, the affirmative procedure is considered to be the appropriate level of parliamentary scrutiny.

This document relates to the UEFA European Championship (Scotland) Bill (SP Bill 60A) as amended at Stage 2

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