

Health Boards (Membership and Elections) (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 during 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

Composition of Health Boards

25, 26, 27, 17, 28, 29, 31, 32

Disqualification from being an elected member

22, 23, 1, 24, 19, 9

Power of Ministers to remove elected members

30

Election regulations

2, 3, 4, 5, 6, 7, 8

Personal identifiers in all-postal ballots

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Age of voting

34

Evaluation of pilot

35, 11, 36, 40, 41

Pilot order: parliamentary procedure

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Content of evaluation of pilot

37, 38, 20, 39

Roll-out order: parliamentary procedure

12, 13, 14, 21

Constitution of Health Boards following termination of pilots
42, 43, 44

Long title
15, 16

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Amendments in debating order

Composition of Health Boards

Ross Finnie

- 25 In section 1, page 1, line 8, after first <of> insert <a chairman, appointed by the Scottish Ministers, and>

Ross Finnie

- 26 In section 1, page 1, line 9, leave out <a chairman, and other>

Ross Finnie

- 27 In section 1, page 1, line 20, after <the> insert <chairman taken together with the>

Bill Butler

- 17 In section 1, page 1, line 20, leave out from <total> to <members,> in line 21 and insert <number of elected members of a Board must amount to more than the total number of councillor members and appointed members, but by no more than two,>

Ross Finnie

- 28 In section 1, page 1, line 25, after <when> insert <the chairman,>

Ross Finnie

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

<() After paragraph 3 insert—

“3A A person appointed as chairman of a Health Board may not be an employee of that Health Board.”.>

Ross Finnie

- 31 In section 1, page 2, line 16, leave out <chairman and>

Ross Finnie

- 32 In section 1, page 2, line 18, after <that> insert <the chairman or>

Disqualification from being an elected member

Bill Butler

- 22 In section 1, page 2, line 11, at end insert—

<() An elected member vacates office on becoming—

- (a) a member of the European Parliament,
- (b) a member of the House of Commons,
- (c) a member of the House of Lords,
- (d) a member of the Scottish Parliament, or
- (e) a local authority councillor.>

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Bill Butler

- 23 In section 1, page 2, line 12, leave out <the> and insert <further>

Nicola Sturgeon

- 1 In section 1, page 2, line 15, at end insert <,
and, in particular, may specify that an elected member is to vacate office on becoming the holder of a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.”.>

Bill Butler

- 24 In section 2, page 4, line 22, at end insert—
<() An individual is disqualified from being a candidate in a Health Board election if the individual is—
(a) a member of the European Parliament,
(b) a member of the House of Commons,
(c) a member of the House of Lords,
(d) a member of the Scottish Parliament, or
(e) a local authority councillor.>

Bill Butler

- 19 In section 2, page 4, line 23, after <make> insert <further>

Nicola Sturgeon

- 9 In section 2, page 4, line 26, at end insert <,
and, in particular, may disqualify from being a candidate an individual holding a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.>

Power of Ministers to remove elected members

Jackie Baillie

- 30 In section 1, page 2, line 13, leave out from <, and> to end of line 15

Election regulations

Nicola Sturgeon

- 2 In section 2, page 2, line 24, at end insert—
<() In section 105 of the 1978 Act (regulations etc.)—
(a) in subsection (2), for “(3) and” substitute “(2A) to”, and
(b) after subsection (2) insert—
“(2A) No regulations shall be made under paragraph 13(1) of Schedule 1A (Health Board elections) unless a draft has been laid before, and approved by resolution of, the Scottish Parliament.”.>

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Nicola Sturgeon

- 3 In section 2, page 3, line 10, at end insert <, and
() the number of elected members to be elected in each ward.>

Nicola Sturgeon

- 4 In section 2, page 3, line 18, leave out <The Health Board> and insert <Election regulations>

Nicola Sturgeon

- 5 In section 2, page 3, leave out lines 32 and 33

Nicola Sturgeon

- 6 In section 2, page 3, line 35, leave out <specified number> and insert <number of elected members to be elected for that ward>

Nicola Sturgeon

- 7 In section 2, page 4, line 5, leave out <specified number> and insert <number of elected members to be elected for the ward>

Nicola Sturgeon

- 8 In section 2, page 4, line 7, leave out <specified number of>

Personal identifiers in all-postal ballots

Jackie Baillie

- 33 In section 2, page 4, line 21, at end insert—
<() If election regulations provide for votes in a Health Board election to be cast only by post, the regulations must also provide for a system of personal identifiers to be used in relation to the casting of such votes.>

Age of voting

Ross Finnie

- 34 In section 2, page 4, line 29, leave out <16> and insert <18>

Evaluation of pilot

Dr Richard Simpson

- 35 In section 4, page 6, line 5, at end insert <; but such an order may not be made until the person mentioned in section 5(1)(c) has been appointed.>

Nicola Sturgeon

- 11 In section 5, page 6, line 11, at beginning insert <At least 2 but>

Dr Richard Simpson

- 36 In section 5, page 6, line 18, after <evaluation> insert <(carried out by an independent person)>

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Dr Richard Simpson

40 In section 5, page 6, line 26, at end insert—

- <() A specification setting out how the evaluation mentioned in subsection (1)(c) is to be carried out must be published during the two months following the day appointed by virtue of section 4(1).>

Dr Richard Simpson

41 In section 5, page 6, line 27, at end insert—

- <() For the purposes of paragraph (c) of subsection (1), and without prejudice to the generality of that paragraph, a person is not independent if he or she is—
- (a) an employee of any Health Board mentioned in the pilot order,
 - (b) a member of any Health Board mentioned in the pilot order, or
 - (c) a member of staff of the Scottish Administration.>

Pilot order: parliamentary procedure

Nicola Sturgeon

10 In section 4, page 6, line 9, at end insert—

- <() An order to which this subsection applies may be made only if a draft of it has been laid before, and approved by a resolution of, the Scottish Parliament.

This subsection applies to—

- (a) a pilot order (or order amending a pilot order) which adds to, replaces or omits any part of the text of sections 1 to 3, and
- (b) an order revoking the pilot order.>

Content of evaluation of pilot

Dr Richard Simpson

37 In section 5, page 6, line 21, after <public> insert <or improved local accountability of the Health Board>

Dr Richard Simpson

38 In section 5, page 6, line 22, at end insert <, in particular in comparison with the effects on those matters of any projects of the type mentioned in subsection (2A) carried out in the period covered in the evaluation.>

Michael Matheson

20 In section 5, page 6, line 22, at end insert <, and

- () the cost of holding the Health Board elections and the estimated cost of holding future Health Board elections in all Health Board areas.>

Dr Richard Simpson

39 In section 5, page 6, line 26, at end insert—

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<(2A) The type of projects referred to in subsection (1)(c)(ii) are projects in particular Health Board areas not specified in the pilot order whereby—

- (a) the total number of local authority councillors appointed as members of the Health Board exceeded the number of other members,
- (b) a sum of money (equal to the amount which would have been required to hold a Health Board election had the Health Board area been specified in the pilot order) was spent on other ways of increasing engagement with patients and other members of the public in the Health Board area and improving the local accountability of the Health Board.>

Roll-out order: parliamentary procedure

Nicola Sturgeon

12 In section 6, page 6, line 32, after <If> insert—

<()>

Nicola Sturgeon

13 In section 6, page 6, line 32, leave out <(see section 7),> and insert <, or

- () a question of whether to resolve to approve a draft roll-out order is put to a meeting of the Scottish Parliament but is not agreed by the Parliament,>

Nicola Sturgeon

14 In section 6, page 6, line 33, after <revoked> insert <or on the day after the question is put (as the case may be)>

Michael Matheson

21 In section 7, page 7, line 1, leave out subsection (3) and insert—

<(3) A roll-out order may not be made unless—

- (a) a report has been published under section 5(1), and
- (b) a draft of the roll-out order has been laid before, and approved by a resolution of, the Scottish Parliament.

(3A) Before laying a draft of a roll-out order before the Scottish Parliament, Ministers must—

- (a) lay before the Scottish Parliament—
 - (i) a copy of the proposed draft roll-out order, and
 - (ii) a statement of their reasons for proposing to make the draft roll-out order,
- (b) publicise the proposed draft roll-out order in such manner as they consider appropriate, and
- (c) have regard to—
 - (i) any representations about the proposed draft roll-out order,
 - (ii) any resolution of the Scottish Parliament about the proposed draft roll-out order, and
 - (iii) any report by a committee of the Scottish Parliament about the proposed draft roll-out order,

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made during the 60 days following the day on which the proposed draft roll-out order was laid before the Scottish Parliament.

- (3B) When laying a draft of a roll-out order before the Scottish Parliament, Ministers must—
- (a) where any representation, resolution or report is made in pursuance of subsection (3A)(c), lay a statement giving details of any representations, resolution or report and of their response, and
 - (b) where the draft roll-out order includes material changes to the proposed draft roll-out order, lay a statement giving details of the proposed revisions and of their reasons for them.>

Constitution of Health Boards following termination of pilots

Ross Finnie

- 42 In section 6, page 6, line 33, leave out <1> and insert <2>

Ross Finnie

- 43 After section 6, insert—

<Constitution of Health Boards following termination of pilot scheme

- (1) This section applies if the pilot order is revoked.
- (2) Section 1 is modified as provided in subsections (3) and (4).
- (3) For subsection (2) substitute—
 - “(2) For paragraph 2 substitute—
 - “2 (1) A Health Board is to consist of a chairman, appointed by the Scottish Ministers, and the following types of members—
 - (a) members appointed by the Scottish Ministers (“appointed members”), and
 - (b) councillors appointed by the Scottish Ministers following nomination by local authorities in the area of the Health Board (“councillor members”).
 - (2) Regulations must, in relation to each Health Board, specify—
 - (a) the total number of members of the Board, and
 - (b) the number of each type of member.
 - (3) But a Board must contain a least one councillor member for each local authority whose area is wholly or partly within the area of the Board.
 - (4) The condition imposed by sub-paragraph (2) does not apply during any period when a councillor member vacates office and the vacancy has not been filled.”.”.
- (4) Subsections (5) and (7) are omitted.
- (5) Ministers may by order appoint a day on which subsections (2) to (4) come into force across Scotland.

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- (6) Section 1 is of no effect in any Health Board area in any period between the day on which sections 2 to 7 and paragraph 2 of the schedule are repealed under section 6(2) and the day appointed by virtue of subsection (5).>

Ross Finnie

- 44** In section 11, page 7, line 28, leave out <sections 4 and> and insert <section 4 and section (*Constitution of Health Boards following termination of pilot scheme*) or, as the case may be,>

Long title

Nicola Sturgeon

- 15** In the long title, page 1, line 2, after first <for> insert <piloting of>

Nicola Sturgeon

- 16** In the long title, page 1, line 2, after <Boards;> insert <to require the Scottish Ministers to report on those pilots; to confer a power to extend those elections to all Health Board areas following publication of that report;>

