

Health Boards (Membership and Elections) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 12
Long Title

Schedule

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

Section 1

Bill Butler

- 1* In section 1, page 1, line 22, leave out from <total> to <members,> in line 23 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,>

Helen Eadie

- 12* In section 1, page 2, line 32, at end insert—

<() Section 105 of the 1978 Act (regulations etc.) is amended as follows.

() After subsection (2) insert—

“(2A) No regulations shall be made under paragraph 11(a) of Schedule 1 (Health Boards) that include provision specifying circumstances in which the Scottish Ministers may determine that a councillor member is to vacate office unless a draft has been laid before, and approved by resolution of, the Scottish Parliament.”.>

Section 2

Helen Eadie

- 13 In section 2, page 2, line 40, leave out <(2)> and insert <(2A)>

Helen Eadie

- 14 In section 2, page 3, line 1, leave out <(2A)> and insert <(2B)>

Nicola Sturgeon

- 2 In section 2, page 5, leave out lines 1 to 3

Ross Finnie

- 3 In section 2, page 5, line 21, leave out <16> and insert <18>

Nicola Sturgeon

4 In section 2, page 5, line 22, at end insert—

- <() Such further criteria may, in particular, provide that an individual is entitled to vote at a Health Board election only if the individual—
- (a) is registered in the register of local government electors in respect of an address in the Health Board area, and
 - (b) would be entitled to vote at a local government election in an electoral area falling wholly or partly in the Health Board area (or would be so entitled if aged 18 or over).>

Section 5

Dr Richard Simpson

5 In section 5, page 7, line 27, at end insert—

- <() Ministers must appoint a person to carry out the evaluation referred to in subsection (1)(c) at least 3 months before the first Health Board election is held.>

Section 6

Ross Finnie

6 In section 6, page 8, line 4, leave out from <sections> to <repealed> and insert <subsections (3) and (4) come into force.

- (3) The following provisions of this Act are repealed—
- (a) section 1(5) and (7),
 - (b) sections 2 to 5,
 - (c) subsections (1) and (2) of this section (except in so far as bringing this subsection and subsection (4) into force), and
 - (d) section 7,
- and the amendments of the 1978 Act made by provisions so repealed are accordingly to cease to have effect.
- (4) Paragraph 2 of Schedule 1 to the 1978 Act is amended as follows—
- (a) in sub-paragraph (1)—
 - (i) after sub-paragraph (a) insert “and”,
 - (ii) sub-paragraph (c) and the word “and” immediately preceding it are repealed,
 - (b) for sub-paragraphs (3) and (4) substitute—

“(3) At least one councillor member must be appointed for each local authority whose area is wholly or partly within the area of the Board.”.>

Section 7

Nicola Sturgeon

7 In section 7, page 8, line 25, leave out from first <the> to end of line 26 and insert <such period as Ministers may specify when laying the copy proposed draft roll-out order.

- () The period so specified must—
- (a) be no shorter than 60 days, and
 - (b) include at least 30 days during which the Scottish Parliament is not dissolved or in recess.>

After section 7

Derek Brownlee

8 After section 7, insert—

<Annual financial impact report

- (1) As soon as is practicable, and no later than 6 months, after the end of a relevant period the Scottish Ministers must prepare and lay before the Scottish Parliament a report containing the information specified in subsection (2).
- (2) That information is—
 - (a) the costs—
 - (i) incurred by the Scottish Administration and each of the groups of bodies mentioned in subsection (9); and
 - (ii) estimated by the financial memorandum to be incurred by the Scottish Administration and each such group of bodies,in implementing this Act in the relevant period to which the report relates;
 - (b) the total costs—
 - (i) incurred by the Scottish Administration and each of the groups of bodies mentioned in subsection (9); and
 - (ii) estimated by the financial memorandum to be incurred by the Scottish Administration and each such group of bodies,in implementing this Act in the period from Royal Assent to the end of the relevant period to which the report relates;
 - (c) the difference between the figure listed for each of the Scottish Administration and the groups of bodies mentioned in subsection (9) by virtue of—
 - (i) subsection (2)(a)(i); and
 - (ii) subsection (2)(a)(ii); and
 - (d) the difference between the figure listed for each of the Scottish Administration and the groups of bodies mentioned in subsection (9) by virtue of—
 - (i) subsection (2)(b)(i); and
 - (ii) subsection (2)(b)(ii).
- (3) The difference identified by virtue of—

- (a) subsection (2)(c) must be stated as an amount; and
 - (b) subsection (2)(c) or (d) must be stated as a percentage of the relevant figure in the financial memorandum (unless the relevant figure in the financial memorandum was zero).
- (4) Subsection (5) applies where—
- (a) any difference stated as mentioned in subsection (3)(a)—
 - (i) is between £1 million and £5 million (but only where the relevant figure in the financial memorandum was zero); or
 - (ii) exceeds £5 million;
 - (b) any difference stated as mentioned in subsection (3)(b) is—
 - (i) less than 95%; or
 - (ii) greater than 105%.
- (5) The report must—
- (a) explain the reason for the difference; and
 - (b) set out any action the Scottish Ministers propose to take as a result of the difference arising (or the reason for no action being proposed).
- (6) In preparing the report the Scottish Ministers must—
- (a) invite the groups of bodies mentioned in subsection (9) to provide them with such information as the groups of bodies consider relevant; and
 - (b) take account of any relevant information provided to them by those groups of bodies (whether in response to an invitation under paragraph (a) or otherwise).
- (7) Where the financial memorandum provided information in relation to other bodies, individuals or businesses further broken down by body or person, the report may do likewise.
- (8) Where the financial memorandum did not provide a cost in relation to any relevant period, the costs to be provided by virtue of subsection (2)(a)(ii) or (b)(ii) must be (or, as the case may be, include) the relevant figure for the most recent relevant period for which the financial memorandum did provide a cost.
- (9) The groups of bodies are—
- (a) local authorities;
 - (b) health boards;
 - (c) other bodies, individuals and businesses.
- (10) The Scottish Parliament may (no earlier than whichever is the later of the end of 10 years after Royal Assent or any period covered in the financial memorandum) by resolution agree that no further reports require to be prepared or laid under subsection (1).
- (11) For the purposes of subsection (10) a period is not covered in the financial memorandum if the only cost arising in that period is identified in the memorandum as an ongoing cost.
- (12) In this section—
- “relevant period” means—

- (a) the period between Royal Assent and the end of the first full financial year after that date;
- (b) each subsequent financial year;

“financial memorandum” means the last financial memorandum published to accompany the Bill for this Act (and where that memorandum was a supplementary financial memorandum, means that memorandum as read with any previous financial memorandum) and, where a roll-out order has been made under section 7(1), the financial memorandum as read with any estimate of the cost of holding future Health Board elections in all Health Board areas made under section 5(1)(c)(iii).>

Section 11

Ross Finnie

- 9** In section 11, page 9, line 20, leave out <to> and insert <, 5, 6(1) and (2),>

Derek Brownlee

- 10** In section 11, page 9, line 20, after <7,> insert <(Annual financial impact report),>

Ross Finnie

- 11** In section 11, page 9, line 20, at end insert—
<() Section 6(2) provides for the commencement of section 6(3) and (4) in particular circumstances.>

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