

# Children and Young People (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 80  
Long Title

Schedules 1 to 4

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

### Before section 1

#### Jean Urquhart

116\* Before section 1, insert—

**<Duty on Scottish Ministers to establish a body to consider whether the UNCRC should be given legislative effect**

- (1) Within one year of this Act receiving Royal Assent, the Scottish Ministers must by order establish a body to consider whether the UNCRC should be given legislative effect.
- (2) Where a body established under subsection (1) has completed its consideration it must—
  - (a) make a written report of its conclusions,
  - (b) lay the report before the Scottish Parliament,
  - (c) publish the report.
- (3) As soon as practicable after the report has been laid before the Parliament, the Scottish Ministers must make a statement—
  - (a) responding to the report,
  - (b) indicating, on the basis of that report, whether they intend to give legislative effect to the UNCRC.
- (4) The Scottish Ministers must—
  - (a) lay a copy of the statement under subsection (3) before the Parliament,
  - (b) publish the statement in such a manner as they consider appropriate.
- (5) An order under subsection (1) may make provision about—
  - (a) the status, constitution and proceedings of the body,
  - (b) the period within which the body must report to the Parliament,
  - (c) the matters which must be covered in the report,
  - (d) the publication of the report.>

## Section 1

### Liam McArthur

117 In section 1, page 1, line 9, at end insert—

<(A1) The Scottish Ministers must, when exercising any of their functions, treat the best interests of any children likely to be affected by the exercise of the function as a key consideration.

(A2) Subsection (A1) does not apply to the extent that the Scottish Ministers are required by any enactment to consider the best interests of a child as the paramount or a primary consideration.>

### Liam McArthur

118 In section 1, page 1, line 9, at end insert—

<( ) The Scottish Ministers must, when exercising any of their functions, give any children affected by the exercise of the function an opportunity to express any views freely and give any such views due weight in accordance with the age and maturity of the child.>

### Siobhan McMahon

92 In section 1, page 1, line 13, after <requirements> insert <and the UNCRPD requirements>

### Aileen Campbell

93 In section 1, page 1, line 15, at end insert—

<( ) In complying with their duty under subsection (1)(a), the Scottish Ministers must take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware.>

### Alison Johnstone

119 In section 1, page 1, line 15, at end insert—

<(1A) The Scottish Ministers must take all appropriate legislative, administrative, social and educational measures to protect children from all forms of—

- (a) physical or mental violence,
- (b) injury or abuse,
- (c) neglect or negligent treatment,
- (d) maltreatment or exploitation, including sexual abuse.

(1B) Protective measures under subsection (1A), may include—

- (a) effective procedures for the establishment of social programmes to provide necessary support for children and for those who have care of children,
- (b) identification, reporting, referral, investigation and treatment,
- (c) follow-up of instances of maltreatment as described in subsection (1A),
- (d) as appropriate, judicial involvement.>

**Siobhan McMahon**

- 94 In section 1, page 1, line 21, at end insert <and the UNCRPD requirements>

**Alison Johnstone**

- 120 In section 1, page 1, line 22, leave out <subsection> and insert <subsections (1A) and>

**Neil Bibby**

- 121 In section 1, page 1, line 22, after <(2),> insert—
- <( ) what they have done in response to any statements made (however made or communicated) in that period by the United Nations Committee on the Rights of the Child (as established by Article 43 of the UNCRC) that—
    - (a) relate specifically to Scotland (whether or not they also relate to other parts of the United Kingdom), or
    - (b) are generally applicable to all state parties to the UNCRC,>

**Siobhan McMahon**

- 95 In section 1, page 1, line 25, after <requirements> insert <and the UNCRPD requirements>

**Alison Johnstone**

- 122 In section 1, page 1, line 26, leave out <subsection> and insert <subsections (1A) and>

**Neil Bibby**

- 123 In section 1, page 2, line 2, after <children> insert <,  
( ) the Commissioner for Children and Young People in Scotland, and  
( ) such other persons as they consider appropriate,>

**Neil Bibby**

- 124 In section 1, page 2, line 2, leave out <what their> and insert <the matters mentioned in subsection (3B).  
(3B) Those matters are—
  - (a) the extent to which—
    - (i) steps taken by the Scottish Ministers in the 3 year period referred to in subsection (3)(a) have secured better or further effect in Scotland of the UNCRC requirements, and
    - (ii) things done by the Scottish Ministers in that period in pursuance of subsection (2) have succeeded in promoting the public awareness and understanding mentioned in that subsection, and
  - (b) what the Scottish Ministers’>

## After section 1

### Liam McArthur

125 After section 1, insert—

#### <Duties of Scottish Ministers: statements of compatibility with the UNCRC in relation to bills

- (1) As soon as reasonably practicable after the introduction of a Bill, the Scottish Minister in charge of that Bill must—
  - (a) make a statement to the effect that in the Minister’s view the provisions of the Bill are compatible with the UNCRC requirements (“a statement of compatibility”), or
  - (b) make a statement to the effect that although the Minister is unable to make a statement of compatibility, the Minister nevertheless wishes to proceed with the Bill.
- (2) A statement of compatibility must set out how the Bill will secure better or further effect in Scotland of the UNCRC requirements.
- (3) The statement must be in writing and be published in such a manner as the Minister making it considers appropriate.>

### Liam McArthur

126\* After section 1, insert—

#### <Children’s rights impact assessment

- (1) The Scottish Ministers must prepare and publish an assessment of the impact on the rights of children (“a children’s rights impact assessment”) in relation to every relevant Bill introduced in the Scottish Parliament by a member of the Scottish Government.
- (2) A children’s rights impact assessment under subsection (1) must be laid before the Parliament before the introduction of the Bill to which it relates.
- (3) The Scottish Ministers may prepare and publish a children’s rights impact assessment in relation to—
  - (a) any relevant subordinate legislation laid by virtue of an enactment introduced prior to the commencement of this section,
  - (b) any other relevant subordinate legislation where the Scottish Ministers or the Parliament consider that the children’s rights impact assessment under subsection (1) of the Bill by virtue of which the subordinate legislation is laid was unsatisfactory.
- (4) A children’s rights impact assessment under subsection (3) must be laid in the Parliament before the laying of the subordinate legislation to which it relates.
- (5) In preparing a children’s rights impact assessment under subsection (1) or (3) the Scottish Ministers must consult—
  - (a) children,
  - (b) such other persons as they consider appropriate.
- (6) A children’s rights impact assessment under subsection (1) or (3) must contain—
  - (a) information on the impact of the Bill or subordinate legislation on children,

- (b) information on how the Bill or subordinate legislation might secure better or further effect in Scotland of the UNCRC requirements,
  - (c) the views of children on the Bill or subordinate legislation,
  - (d) such other information as the Scottish Ministers consider appropriate.
- (7) The Scottish Ministers may by order specify further documents in relation to which a children’s rights impact assessment must or may be required.
- (8) In this section a “relevant Bill” or “relevant subordinate legislation” means a Bill or subordinate legislation which impacts on the rights of children.>

**Section 2**

**Siobhan McMahon**

- 96 In section 2, page 2, line 15, at end insert <and the UNCRPD requirements>

**Section 4**

**Siobhan McMahon**

- 97 In section 4, page 3, line 19, at end insert <and  
( ) Article 7 of the UNCRPD,>

**Siobhan McMahon**

- 98 In section 4, page 3, line 31, at end insert <,  
“the UNCRPD” means the United Nations Convention on the Rights of Persons with Disabilities adopted by General Assembly resolution A/RES/61/106 on 13 December 2006,  
“the UNCRPD requirements” means the rights and obligations set out in Article 7 of the UNCRPD.>

**Siobhan McMahon**

- 99 In section 4, page 3, line 32, after <document> insert <or to Article 7 of the UNCRPD>

**Siobhan McMahon**

- 100 In section 4, page 3, line 33, after <document> insert <or Article>

**Section 7**

**Siobhan McMahon**

- 127 In section 7, page 6, line 25, at end insert <, or  
( ) families of children mentioned in paragraph (b).>

**Siobhan McMahon**

- 128 In section 7, page 6, line 33, after <service> insert <or a young persons' service>

**Siobhan McMahon**

- 129 In section 7, page 6, line 34, at end insert <or young persons>

**Aileen Campbell**

- 55 In section 7, page 6, line 35, leave out from <a> to the end of line 36 and insert—
- <( ) if the area of the local authority is the same as that of a health board, that health board,
  - ( ) if the area of the local authority is not the same as that of a health board, the health board within whose area the area of the local authority falls.>

**Siobhan McMahon**

- 130\* In section 7, page 6, line 36, at end insert <,  
“young person” means a person who has attained the age of 18 years but who has not attained the age of 25 years and who—
- (a) has needs of a particular type (such as needs arising from having been a looked after child, needs arising from a disability or a need for additional support in learning), or
  - (b) is of a description specified by order by the Scottish Ministers,
- “young persons’ service” means any service provided in the area of a local authority by a person mentioned in subsection (2) to young persons; but, where such a service is also provided to persons other than young persons, “young persons’ service” includes the service only to the extent that it is provided to young persons.>

**Siobhan McMahon**

- 131 In section 7, page 6, line 37, after first <service> insert < , “young persons’ service”>

**Aileen Campbell**

- 56 In section 7, page 6, line 40, leave out <any> and insert <the>

**Siobhan McMahon**

- 132 In section 7, page 7, line 6, after first <service> insert < , “young persons’ service”>

**Siobhan McMahon**

- 133 In section 7, page 7, line 7, leave out <either> and insert <any>

**Aileen Campbell**

- 57 In section 7, page 7, line 19, leave out <each> and insert <the>

## Section 8

### Aileen Campbell

- 58 In section 8, page 7, line 22, leave out first <each> and insert <the>

### Siobhan McMahan

- 134 In section 8, page 7, line 23, after <children's> and insert <and young persons'>

### Siobhan McMahan

- 135 In section 8, page 7, line 29, after <children's> insert <and young persons'>

### Siobhan McMahan

- 136\* In section 8, page 7, line 31, after <services,> insert—  
<( ) young persons' services,>

## Section 9

### Siobhan McMahan

- 137 In section 9, page 7, line 34, after <children's> insert <and young persons'>

### Siobhan McMahan

- 138 In section 9, page 7, line 37, after <services> insert <and young persons' services>

### Siobhan McMahan

- 139 In section 9, page 8, line 1, after <children> insert <and young persons>

### John Wilson

- 140 In section 9, page 8, line 6, leave out <most efficient> and insert <best>

### Siobhan McMahan

- 141 In section 9, page 8, line 6, at end insert—  
<( ) that young persons' transitions, on attaining the age of 18, from children's services to young persons' services are planned sufficiently well in advance,>

### Siobhan McMahan

- 142 In section 9, page 8, line 9, after <children> insert <and young persons>

## Section 10

### Siobhan McMahan

- 143 In section 10, page 8, line 12, after <children's> insert <and young persons'>

**Aileen Campbell**

59 In section 10, page 8, line 12, leave out <each> and insert <the>

**Siobhan McMahan**

144 In section 10, page 8, line 16, after <children's> insert <and young persons'>

**Siobhan McMahan**

145 In section 10, page 8, line 26, after first <service> insert <, young persons' service>

**Aileen Campbell**

60 In section 10, page 8, line 27, leave out <any> and insert <the>

**Siobhan McMahan**

146 In section 10, page 8, line 29, after first <service> insert <, a young persons' service>

**Siobhan McMahan**

147 In section 10, page 8, line 34, after <children's> insert <and young persons'>

**Aileen Campbell**

61 In section 10, page 8, line 37, leave out <each> and insert <the>

**Siobhan McMahan**

148 In section 10, page 8, line 38, after <children's> insert <and young persons'>

**Siobhan McMahan**

149 In section 10, page 8, line 40, after <children's> insert <and young persons'>

**Aileen Campbell**

62 In section 10, page 8, line 41, leave out <each> and insert <the>

**Aileen Campbell**

63 In section 10, page 9, line 4, leave out <each> and insert <the>

**Section 11**

**Aileen Campbell**

64 In section 11, page 9, line 12, leave out <each> and insert <the>

**Siobhan McMahan**

150 In section 11, page 9, line 13, after <children's> insert <and young persons'>

**Siobhan McMahon**

151 In section 11, page 9, line 15, after <children's> insert <and young persons'>

**Siobhan McMahon**

152 In section 11, page 9, line 16, after <children's> in <and young persons'>

**Siobhan McMahon**

153 In section 11, page 9, line 17, after <children's> insert <and young persons'>

**Section 12**

**Siobhan McMahon**

154 In section 12, page 9, line 22, after <children's> insert <and young persons'>

**Siobhan McMahon**

155 In section 12, page 9, line 23, after <services> insert <, young persons' services>

**Aileen Campbell**

65 In section 12, page 9, line 27, leave out <each> and insert <the>

**Siobhan McMahon**

156 In section 12, page 9, line 32, at end insert <or young person>

**Section 13**

**Aileen Campbell**

66 In section 13, page 10, line 2, leave out second <each> and insert <the>

**Siobhan McMahon**

157 In section 13, page 10, line 5, after first <services> insert <, young persons' services>

**Siobhan McMahon**

158 In section 13, page 10, line 6, after <children's> insert <and young persons'>

**Siobhan McMahon**

159 In section 13, page 10, line 9, after <children> insert <and young persons>

**Section 14**

**Aileen Campbell**

67 In section 14, page 10, line 16, leave out <each> and insert <the>

**Siobhan McMahon**

- 160 In section 14, page 10, line 20, after <service> insert <, a young persons' service>

**Section 15**

**Aileen Campbell**

- 68 In section 15, page 10, line 32, leave out <each> and insert <the>

**Aileen Campbell**

- 69 In section 15, page 10, line 34, leave out from second <the> to end of line 35 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

**Section 16**

**Aileen Campbell**

- 70 In section 16, page 11, line 6, leave out <each> and insert <the>

**Aileen Campbell**

- 71 In section 16, page 11, line 8, leave out from second <the> to end of line 9 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

**Section 17**

**Aileen Campbell**

- 72 In section 17, page 11, line 11, leave out <each> and insert <the>

**Aileen Campbell**

- 73 In section 17, page 11, line 22, leave out <any> and insert <the>

**Aileen Campbell**

- 74 In section 17, page 11, line 30, leave out <boards> and insert <board>

**Section 18**

**Siobhan McMahon**

- 161 In section 18, page 11, line 37, after <children's> insert <and young persons'>

## Section 19

### Liz Smith

- 1 In section 19, page 12, line 7, leave out <or young person>

### Liz Smith

- 2 In section 19, page 12, line 19, leave out <or young person>

### Liz Smith

- 3 In section 19, page 12, line 21, leave out <subject to subsection (5A),>

### Liz Smith

- 4 In section 19, page 12, line 23, leave out <or young person>

### Liz Smith

- 5 In section 19, page 12, line 24, leave out <or young person>

### Liz Smith

- 6 In section 19, page 12, line 25, leave out <or young person>

### Liz Smith

- 7 In section 19, page 12, line 26, leave out first <or young person>

### Liz Smith

- 8 In section 19, page 12, line 26, leave out second <or young person>

### Liz Smith

- 9 In section 19, page 12, line 28, leave out <or young person>

### Liz Smith

- 10 In section 19, page 12, line 31, leave out <or young person>

### Liz Smith

- 11 In section 19, page 12, line 32, leave out subsection (5A)

### Liz Smith

- 162 In section 19, page 12, line 34, at end insert—

<(5B) A named person may exercise the functions mentioned in subsection (5) only if the exercise of the functions is necessary—

- (a) in the interests of public safety,

- 5 (b) for the prevention of crime or disorder,  
(c) for the protection of the wellbeing of the child or young person in respect of whom the functions are proposed to be exercised, or  
(d) for the protection of the rights or freedoms of others.>

**Liz Smith**

**162A** As an amendment to amendment 162, line 6, leave out <or young person>

## **Section 21**

**Liz Smith**

**12** In section 21, page 13, line 20, leave out <or (3)>

**Liz Smith**

**13** In section 21, page 13, leave out lines 27 to 36

**Liz Smith**

**14** In section 21, page 13, line 37, leave out subsection (3)

**Liz Smith**

**15** In section 21, page 14, line 7, leave out subsection (6)

## **Section 22**

**Liz Smith**

**16** Leave out section 22

## **Section 23**

**Liz Smith**

**17** In section 23, page 14, line 23, leave out <or young person>

**Liz Smith**

**18** In section 23, page 14, line 27, leave out <or young person>

**Liz Smith**

**19** In section 23, page 14, line 29, leave out <or young person>

**Liz Smith**

**20** In section 23, page 14, line 31, leave out <or young person>

**Liz Smith**

21 In section 23, page 14, line 32, leave out <or young person>

**Liz Smith**

22 In section 23, page 15, line 1, leave out <or young person>

**Liz Smith**

23 In section 23, page 15, line 8, leave out <or young person>

**Liz Smith**

24 In section 23, page 15, line 13, leave out <or young person>

**After section 23**

**Liz Smith**

163 After section 23, insert—

**<Notification that named person functions are to be exercised**

- 5 (1) A service provider must, as soon as reasonably practicable after it decides that one or more of the conditions mentioned in section 19(5B) for the exercise of the named person functions is met in relation to a child or young person, give the child or young person, and the parents of the child or young person, notice in writing of that fact.
- (2) A notice under subsection (1) must—
- (a) state—
- 10 (i) in relation to each condition mentioned in section 19(5B) which the service provider considers is met, the service provider’s reasons for so considering,
- (ii) when it intends to start exercising the named person functions in relation to the child or young person, and
- (iii) how it intends to exercise those functions, and
- 15 (b) identify the person who is to be the named person for the child or young person and provide details of how that person may be contacted.
- (3) A person who receives a notice under subsection (1) may appeal against the service provider’s decision that one or more of the conditions mentioned in section 19(5B) is met in relation to the child or young person to the sheriff.>

**Liz Smith**

163A As an amendment to amendment 163, line 5, leave out first <or young person>

**Liz Smith**

163B As an amendment to amendment 163, line 5, leave out second <or young person>

**Liz Smith**

**163C** As an amendment to amendment 163, line 6, leave out <or young person>

**Liz Smith**

**163D\***As an amendment to amendment 163, line 12, leave out <or young person>

**Liz Smith**

**163E\***As an amendment to amendment 163, line 14, leave out <or young person>

**Liz Smith**

**163F\***As an amendment to amendment 163, line 18, leave out <or young person>

## **Section 24**

**Liz Smith**

**164** In section 24, page 15, line 23, after <exercised> insert <(in cases where they may be exercised)>

**Liz Smith**

**25** In section 24, page 15, line 27, leave out first <or young person>

**Liz Smith**

**26** In section 24, page 15, line 27, leave out second <or young person>

**Liz Smith**

**27** In section 24, page 15, line 28, leave out <or young person>

**Liz Smith**

**28** In section 24, page 15, line 29, leave out <or young person>

**Liz Smith**

**29** In section 24, page 15, line 31, leave out <or young person>

## **Section 25**

**Liz Smith**

**30** In section 25, page 15, line 34, leave out <or young person>

**Liz Smith**

**31** In section 25, page 15, line 36, leave out <or young person>

## Section 26

**Liz Smith**

- 32 In section 26, page 16, line 7, leave out <or young person>

**Liz Smith**

- 33 In section 26, page 16, line 11, leave out <or young person>

**Liz Smith**

- 34 In section 26, page 16, line 13, leave out <or young person>

**Liz Smith**

- 35 In section 26, page 16, line 16, leave out <or young person>

**Liz Smith**

- 36 In section 26, page 16, line 21, leave out <or young person>

**Liam McArthur**

- 165 In section 26, page 16, line 27, after <practicable> insert—  
<(a)>

**Liz Smith**

- 37 In section 26, page 16, line 28, leave out <or young person>

**Liam McArthur**

- 166 In section 26, page 16, line 28, at end insert—
- <(b) where the information to be provided is confidential, seek to obtain informed and explicit consent—
    - (i) if the information holder considers that the child has capacity to give informed consent, from the child or young person, or
    - (ii) if the information holder does not consider that the child has such capacity, from any person with parental responsibilities in respect of the child,
- unless the information holder considers that to seek such consent would be likely to adversely affect the wellbeing of the child or young person.>

**Liam McArthur**

- 167 In section 26, page 16, line 28, at end insert—
- <( ) In the event that consent under subsection (4A)(b) cannot be obtained, the information holder should proceed in accordance with the terms of any guidance issued under section 28.>

**Liam McArthur**

- 168\* In section 26, page 16, line 29, leave out <(4A)> and insert <(4A)(a) or seeking to obtain the informed and explicit consent of a child under subsection (4A)(b)>

**Liz Smith**

- 38 In section 26, page 16, line 33, leave out <or young person>

**Liz Smith**

- 39 In section 26, page 16, line 35, leave out <or young person>

**Liam McArthur**

- 169 In section 26, page 17, line 1, leave out subsection (8)

**Section 28**

**Liam McArthur**

- 170 In section 28, page 17, line 20, at end insert—  
<( ) Guidance issued under subsection (1) must include guidance on how an information holder should proceed with the sharing of confidential information under section 26 in the event that consent under section 26(4A)(b) cannot be obtained.>

**Aileen Campbell**

- 75 In section 28, page 17, line 21, leave out from <any> to end of line 22 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

**Section 29**

**Aileen Campbell**

- 76 In section 29, page 17, line 31, leave out from second <the> to end of line 32 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

**After section 29**

**Aileen Campbell**

- 101 After section 29, insert—  
<**Complaints in relation to Part 4**  
(1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.

- (2) The provision which may be made under subsection (1) includes provision about—
  - (a) matters which may, or may not, be the subject of a complaint,
  - (b) who may make a complaint,
  - (c) how a complaint may be made,
  - (d) time limits for making complaints,
  - (e) steps which require to be taken before a complaint may be made,
  - (f) who is to consider a complaint,
  - (g) the procedure for the consideration of a complaint,
  - (h) the obtaining of information for the purpose of considering a complaint,
  - (i) the keeping of records in relation to complaints or their consideration,
  - (j) the making of findings, and reporting, following the consideration of a complaint.
- (3) An order under subsection (1) may modify any enactment.>

**Aileen Campbell**

77 After section 29, insert—

**<Relevant authorities**

- (1) The persons listed, or within a description listed, in schedule 2, are “relevant authorities” for the purposes of this Part (subject to subsection (3)).
- 5 (2) The Scottish Ministers may by order modify schedule 2 by—
  - (a) adding a person or description of persons,
  - (b) removing an entry listed in it, or
  - (c) varying an entry listed in it.
- (3) The following persons are not relevant authorities for the purposes of section 29—
  - 10 (a) the Commissioner for Children and Young People in Scotland,
  - (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.
- (4) An order under subsection (2) which adds a person, or a description of persons, to schedule 2, may modify this section so as to provide that the person is not a relevant authority, or the persons within the description are not relevant authorities, for the purposes of section 29.>
- 15

**Liam McArthur**

77A\* As an amendment to amendment 77, leave out line 10

**Section 30**

**Liz Smith**

40 In section 30, page 17, line 34, at end insert—

<“child” means a person who has not attained the age of 16 years,>

**Liz Smith**

41 In section 30, page 17, leave out lines 35 and 36

**Liz Smith**

42 In section 30, page 18, leave out lines 16 to 21

**Liz Smith**

43 In section 30, page 18, leave out lines 23 and 24

**Aileen Campbell**

78 In section 30, page 18, leave out lines 25 and 26

**Liz Smith**

44 In section 30, page 18, leave out lines 27 and 28

**Liz Smith**

45 In section 30, page 18, leave out line 38

**Liz Smith**

46 In section 30, page 19, leave out lines 4 and 5

**Liz Smith**

47 In section 30, page 19, leave out lines 6 and 7

**Liz Smith**

48 In section 30, page 19, leave out line 8

**Aileen Campbell**

79 In section 30, page 19, line 9, leave out subsection (2)

**Section 38**

**Aileen Campbell**

80 In section 38, page 24, line 23, leave out <person listed, or within a description listed, in schedule 2A> and insert <listed authority>

**Liam McArthur**

171 In section 38, page 24, line 28, leave out subsection (3)

**Aileen Campbell**

81 In section 38, page 24, line 39, leave out subsection (6)

## Section 39

### Aileen Campbell

- 82 In section 39, page 25, line 9, leave out <person (other than the Scottish Ministers) listed, or within a description listed, in schedule 2A> and insert <listed authority>

### Aileen Campbell

- 83 In section 39, page 25, line 11, leave out from <any> to end of line 12 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

## Section 40

### Aileen Campbell

- 84 In section 40, page 25, line 19, leave out <person (other than the Scottish Ministers) listed, or within a description listed, in schedule 2A> and insert <listed authority>

### Aileen Campbell

- 85 In section 40, page 25, line 21, leave out from second <the> to end of line 22 and insert—  
<( ) any person to which it relates, and  
( ) such other persons as they consider appropriate.>

## After section 40

### Aileen Campbell

- 102 After section 40, insert—

#### <Complaints in relation to Part 5

- (1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.
- (2) The provision which may be made under subsection (1) includes provision about—
  - (a) matters which may, or may not, be the subject of a complaint,
  - (b) who may make a complaint,
  - (c) how a complaint may be made,
  - (d) time limits for making complaints,
  - (e) steps which require to be taken before a complaint may be made,
  - (f) who is to consider a complaint,
  - (g) the procedure for the consideration of a complaint,
  - (h) the obtaining of information for the purpose of considering a complaint,
  - (i) the keeping of records in relation to complaints or their consideration,

- (j) the making of findings, and reporting, following the consideration of a complaint.
- (3) An order under subsection (1) may modify any enactment.>

**Aileen Campbell**

**86** After section 40, insert—

**<Listed authorities**

- (1) The persons listed, or within a description listed, in schedule 2A, are “listed authorities” for the purposes of this Part (subject to subsections (3) and (4)).
- 5 (2) The Scottish Ministers may by order modify schedule 2A by—
  - (a) adding a person or description of persons,
  - (b) removing an entry listed in it, or
  - (c) varying an entry listed in it.
- (3) The Scottish Ministers are not a listed authority for the purposes of sections 39 and 40.
- 10 (4) The following persons are not listed authorities for the purposes of section 40—
  - (a) the Commissioner for Children and Young People in Scotland,
  - (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.
- 15 (5) An order under subsection (2) which adds a person, or a description of persons, to schedule 2A, may modify this section so as to provide that the person is not a listed authority, or the persons within the description are not listed authorities, for the purposes of section 40.>

**Liam McArthur**

**86A\*** As an amendment to amendment 86, leave out line 11

**Section 43**

**Liz Smith**

- 51** In section 43, page 26, line 16, leave out from <under> to end of line 22 and insert <of pre-school age and has not commenced attendance at a primary school (other than at a nursery class in such a school), or
- (b) is under pre-school age but falls within subsection (3).
  - (2A) A child is of pre-school age from the school commencement date in the year in which, on the last day of February, the child was aged (or turned) 2 until the school commencement date two years later.
  - (2B) The Scottish Ministers may by order specify that a child—
    - (a) who—
      - (i) is under school age on the second school commencement date mentioned in subsection (2A),

(ii) is not commencing attendance at a primary school on that date (other than commencing or continuing attendance at a nursery class in such a school), and

(iii) meets such other criteria as may be specified in the order,

is, until the next school commencement date, to be regarded as an eligible pre-school child, or

(b) who is within such age range below pre-school age, or is of such other description, as may be specified in the order is to be regarded as an eligible pre-school child.>

**Aileen Campbell**

103 In section 43, page 26, line 23, at beginning insert <Subject to subsection (3A),>

**Neil Bibby**

172 In section 43, page 26, line 23, after <and> insert—

<(aa) the child>

**Aileen Campbell**

104 In section 43, page 26, line 26, at end insert <or a child falling within section 64(3)(f)>

**Neil Bibby**

173 In section 43, page 26, line 26, at end insert <,

(ab) the child—

(i) would, if the child was a pupil at a school, be entitled by virtue of subsection (3)(a) of section 53 of the 1980 Act to be provided with a school lunch free of charge by virtue of subsection (3AA) of that section, or

(ii) has at any time since the child's second birthday fallen within subparagraph (i).>

**Aileen Campbell**

105 In section 43, page 26, line 26, at end insert—

<(3A) The Scottish Ministers may by order provide that a child aged 4 or over does not (or is no longer to) fall within subsection (3) in such circumstances as may be specified in the order.>

**Neil Bibby**

174 In section 43, page 26, line 26, at end insert—

<(3B) The Scottish Ministers must, no later than 30 April 2015, lay before the Scottish Parliament an order under subsection (2)(c)(ii) which secures the outcome specified in subsection (3C).

(3C) That outcome is that, with effect from a date in August 2015 specified in the order, every child within the description in subsection (3D) is an eligible pre-school child.

(3D) That description is a child—

- (a) who is under school age but aged 2 or over,
- (b) who has not commenced attendance at a primary school (other than at a nursery class in such a school), and
- (c) who—
  - (i) would, if the child was a pupil at a school, be entitled by virtue of subsection (3)(a) of section 53 of the 1980 Act to be provided with a school lunch free of charge by virtue of subsection (3AA) of that section, or
  - (ii) has at any time since the child’s second birthday fallen within subparagraph (i).>

**Liz Smith**

52 In section 43, page 26, line 27, leave out <(2)(c)(ii) may provide that a child is to be> and insert <(2B) may provide that a child is to be regarded as>

**Liz Smith**

53 In section 43, page 26, line 29, at end insert—

<( ) In subsection (2A), “school commencement date” means the date fixed under section 32(1) of the 1980 Act by the local authority for the area in which the child resides.>

**Before section 49**

**Neil Bibby**

175 Before section 49B, insert—

**<Duty to provide out of school care**

- (1) Section 27 of the 1995 Act is amended as follows.
- (2) For subsection (3) substitute—

“(3) Each local authority must secure that the mandatory amount of—

- (a) care outside school hours, and
- (b) care during school holidays,

is made available to children within their area who are in attendance at a school.

(3ZA) The “mandatory amount” for the purposes of subsection (3) is such number of hours, to be provided over such period of time and by such methods, as the Scottish Ministers may by order specify in relation to each of paragraph (a) and (b) of that subsection.

(3ZB) A local authority may secure that—

- (a) care outside school hours,
- (b) care during school holidays,

other than that which they are required to secure under subsection (3) is made available to children within their area who are in attendance at a school.

- (3ZC) An order under subsection (3ZA)—
- (a) may make different provision for different purposes (and may in particular specify different mandatory amounts in relation to different descriptions of children specified in the order),
  - (b) is subject to the affirmative procedure.
- (3ZD) Before laying a draft order under subsection (3ZA) before the Scottish Parliament, the Scottish Ministers must consult—
- (a) each local authority,
  - (b) such other persons as they consider appropriate.
- (3ZE) For the purposes of such consultation, the Scottish Ministers must—
- (a) lay a copy of the proposed draft order before the Parliament,
  - (b) publish the proposed draft order in such manner as they consider appropriate, and
  - (c) have regard to any representations about the proposed draft order that are made to them within 60 days of the date on which the copy of the proposed draft order is laid before the Parliament under paragraph (a).
- (3ZF) In calculating any period of 60 days for the purposes of subsection (3ZE)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (3ZG) When laying a draft order under subsection (3ZA) before the Parliament, the Scottish Ministers must also lay before the Scottish Parliament an explanatory document giving details of—
- (a) the consultation carried out under subsection (3ZD),
  - (b) any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the proposed draft order as a result of those representations.”.>

## Section 50

### Aileen Campbell

- 87 In section 50, page 30, line 5, leave out <subsection (3)> and insert <subsections (3) and (3A)>

### Liam McArthur

- 176 In section 50, page 30, leave out line 12

## Section 57

### Aileen Campbell

- 88 In section 57, page 32, line 35, leave out <they relate> and insert <it relates>

## After section 59

### Jayne Baxter

177\* After section 59, insert—

#### <PART

#### SIBLING CONTACT

#### **Sibling contact: duty of local authority to child looked after by that authority**

- (1) The 1995 Act is amended as follows.
- (2) In section 17—
  - (a) in subsection (1)(c)—
    - (i) after first “to” insert “—  
(i)”,
    - (ii) after first “him” insert—  
“(ii) promote and facilitate, on a regular basis, personal relations and direct contact between the child and any siblings of the child.”,
    - (iii) the text after sub-paragraph (ii) becomes full-out text to paragraph (c) as a whole,
  - (b) after subsection (7), insert—  
“(8) Any reference in this section to a sibling includes a sibling by virtue of adoption, marriage or civil partnership, a sibling of the half blood and any other person the child regards as the child’s sibling and with whom the child has an established family life.”.>

## Section 60

### Aileen Campbell

89 In section 60, page 34, line 27, at end insert—

<( ) in the opening words, for “Subject to subsection (3) below, a” substitute “A”,>

## Section 60A

### Aileen Campbell

178 In section 60A, page 36, line 14, at end insert—

- <( ) Before making an order under this section, the Scottish Ministers must consult—
- (a) each local authority, and
  - (b) such other persons as they consider appropriate.>

## Section 64

### Jayne Baxter

180 In section 64, page 38, line 11, after <is> insert—

<(a) in the case of a person who is applying for a kinship care order in relation to an eligible child who has not attained the age of 16 years or who falls within paragraph (c) or (e) of subsection (3)—

5 (i) the provision of the minimum rate of financial support, and  
(ii) the provision of additional assistance of such description as the Scottish Ministers may by order specify,

(b) in any other case, the provision of assistance of such description as the Scottish Ministers may by order specify.

10 (2A) The Scottish Ministers must by order specify the minimum rate of financial support for the purposes of subsection (2)(a)(i).

(2B) An order under subsection (2A)—

(a) must provide for the rate to be the same for all local authorities, but

(b) may provide for the rate to increase with the age of the child.>

### Jayne Baxter

180A As an amendment to amendment 180, line 2, leave out <an eligible> and insert <a>

### Jayne Baxter

180B\* As an amendment to amendment 180, line 4, leave out <(c) or (e)> insert <(aa), (c), (ca), (e) or (ea)>

### Jayne Baxter

181 In section 64, page 38, line 15, leave out <an eligible> and insert <a>

### Jayne Baxter

202\* In section 64, page 38, line 15, at end insert—

<(aa) a person who is applying for a kinship care order in relation to an eligible child who—

5 (i) has attained the age of 16 but not the age of 18, and

(ii) is cared for by the person applying for the order,>

### Jayne Baxter

202A\* As an amendment to amendment 202, line 2, leave out <an eligible> and insert <a>

### Jayne Baxter

182 In section 64, page 38, line 16, leave out <an eligible> and insert <a>

**Jayne Baxter**

183 In section 64, page 38, line 18, leave out <an eligible> and insert <a>

**Jayne Baxter**

203\* In section 64, page 38, line 19, at end insert—

<(ca) a person—

- (i) who is caring for an eligible child who has attained the age of 16 but not the age of 18, and
- 5 (ii) in whose favour a kinship care order in relation to that child subsists or subsisted immediately prior to the child attaining the age of 16,>

**Jayne Baxter**

203A\*As an amendment to amendment 203, line 3, leave out <an eligible> and insert <a>

**Jayne Baxter**

184 In section 64, page 38, line 22, leave out from <and> to end of line 23

**Jayne Baxter**

185 In section 64, page 38, line 25, leave out <an eligible> and insert <a>

**Jayne Baxter**

204\* In section 64, page 38, line 26, at end insert—

<(ea) a person—

- (i) who is caring for an eligible child who has attained the age of 16 but not the age of 18, and
- 5 (ii) who is or was, immediately prior to the child attaining the age of 16, a guardian of that child by virtue of an appointment under section 7 of the 1995 Act,  
(but this is subject to subject to subsection (3A)),>

**Jayne Baxter**

204A\*As an amendment to amendment 204, line 3, leave out <an eligible> and insert <a>

**Jayne Baxter**

186 In section 64, page 38, line 27, leave out <an eligible> and insert <a>

**Jayne Baxter**

205\* In section 64, page 38, line 29, leave out <Subsection (3)(e) does> and insert <Paragraphs (e) and (ea) of subsection (3) do>

**Jayne Baxter**

- 187 In section 64, page 38, line 30, leave out subsection (4)

**Section 66**

**Jayne Baxter**

- 188 In section 66, page 39, line 17, after <specified> insert <by virtue of section 64(2)(a)(ii) or (b)>

**Jayne Baxter**

- 189 In section 66, page 39, line 25, after <assistance> insert <specified by virtue of section 64(2)(a)(ii) or (b)>

**Jayne Baxter**

- 190 In section 66, page 39, leave out lines 26 to 29

**After section 66**

**Jayne Baxter**

- 206\* After section 66, insert—

**<Kinship care assistance: allowances for care**

In section 110 of the Adoption and Children (Scotland) Act 2007—

(a) in subsection (1) at the beginning insert “Subject to subsection (1A),”

(b) after subsection (1) insert—

“(1A) The Scottish Ministers must make regulations under subsection (1) in respect of a child who falls within subsection (2) and is in the care of a qualifying person.”

(c) in subsection (3) at the beginning insert “Subject to subsection (3A),”

(d) after subsection (3) insert—

“(3A) Regulations under subsection (1) where subsection (1A) applies—

(a) must specify the minimum rate of financial support to be provided to a qualifying person,

(b) must provide for that rate to be the same for all local authorities, but

(c) may provide for the rate to increase with the age of the child.”

(e) after subsection (6) insert—

“(6A) For the purposes of this section “qualifying person” has the same meaning as in Part 10 of the Children and Young People (Scotland) Act 2014.”>

## After section 68C

### Liam McArthur

191 After section 68C, insert—

#### <Correction of proposal paper

- (1) Section 5 of the 2010 Act (correction of the proposal paper) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)—
  - (a) the word “and” immediately following paragraph (a) is repealed,
  - (b) after that paragraph insert—
    - “(aa) inform the notifier of its determination under paragraph (a), and the reasons for that determination,”
    - (c) in paragraph (b), for “subsection (3)” substitute “subsection (4) and of the reasons why it is, or is not, taking such action”,
    - (d) after paragraph (b) insert “, and
      - (c) invite the notifier to make representations to the authority if the notifier disagrees with the authority’s determination under paragraph (a) or its decision as to whether to take action under subsection (4).”.
- (3) After that subsection insert—
  - “(2A) Where the notifier makes representations to the authority in pursuance of subsection (2)(c), the authority may—
    - (a) make a fresh determination under subsection (2)(a),
    - (b) make a fresh decision as to whether to take action under subsection (4).
  - (2B) The authority must inform the notifier if it takes a step mentioned in subsection (2A)(a) or (b).”.
- (4) For subsection (3) substitute—
  - “(3) Subsection (4) applies—
    - (a) where, in a situation mentioned in subsection (1)(a), the education authority determines that—
      - (i) relevant information has (in its opinion) been omitted from the proposal paper, or
      - (ii) there is (in fact) an inaccuracy in the proposal paper,
    - (b) in a situation mentioned in subsection (1)(b).
  - (4) Where—
    - (a) the information that has been omitted or, as the case may be, the inaccuracy relates to a material consideration relevant to the education authority’s decision as to implementation of the proposal, it must take action as mentioned in subsection (5)(a) or (b),
    - (b) that information or inaccuracy does not relate to such a material consideration, the authority may—
      - (i) take action as mentioned in subsection (5)(a) or (b), or

- (ii) take no further action (except by virtue of section 10(3)).
- (5) The action referred to in subsection (4)(a) and (b)(i) is—
- (a) to take the following steps—
    - (i) publish a corrected proposal paper,
    - (ii) give revised notice in accordance with section 6, and
    - (iii) send a copy of the corrected paper to HMIE,
  - (b) to issue a notice to the relevant consultees and HMIE—
    - (i) providing the omitted information or, as the case may be, correcting the inaccuracy, and
    - (ii) if the authority considers it appropriate, extending the consultation period by such period as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction.
- (6) Where the education authority issues a notice mentioned in subsection (5)(b) after the end of the consultation period—
- (a) the notice may, instead of extending the consultation period, specify such further period during which representations may be made on the proposal as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction, and
  - (b) any such further period is to be treated as part of the consultation period for the purposes of sections 8, 9 and 10.”.
- (5) In section 10 of the 2010 Act (content of the consultation report), in subsection (3)—
- (a) in the opening text, after “applies,” insert “including any alleged omission or inaccuracy notified to the education authority,”,
  - (b) in paragraph (a), after “inaccuracy” insert “, or (as the case may be) the alleged omission or inaccuracy,”,
  - (c) in paragraph (b), after “inaccuracy” insert “, or (as the case may be) the alleged omission or inaccuracy,”,
  - (d) after that paragraph insert—
    - “(c) any representations made to the authority in pursuance of section 5(2)(c).”.>

## **Section 68D**

### **Michael Russell**

**106** In section 68D, page 43, line 31, after <closure> insert <proposals>

### **Michael Russell**

**107** In section 68D, page 44, line 1, after <that> insert <such>

### **Liz Smith**

**108** In section 68D, page 44, line 3, at end insert—

- <(3) The authority must publish on its website notice of—
- (a) its decision as to implementation of the proposal, and
  - (b) where it decides to implement the proposal (wholly or partly), the reasons why it is satisfied that such implementation is the most appropriate response to the reasons for formulating the proposal identified by the authority under section 12A(2)(a).”.>

**Michael Russell**

- 109 In section 68D, page 45, line 8, after <explain> insert <the reasons>

**Michael Russell**

- 110 In section 68D, page 45, line 39, at end insert—
- <( ) whether and, if so, the reasons why the authority considers that implementation of the proposal (wholly or partly) would be the most appropriate response to the reasons for the proposal.”.>

**Section 68E**

**Michael Russell**

- 111 In section 68E, page 46, line 7, at end insert—
- <( ) in subsection (2), after paragraph (b)(ii) insert—
- “(iii) where the decision relates to a rural school, the notice published under section 11A(3).”,
- ( ) after that subsection insert—
- “(2A) At the same time as it notifies the Scottish Ministers of the decision under subsection (2)(a), the education authority must publish on its website notice of—
- (a) the fact that the Scottish Ministers have been so notified, and
  - (b) the opportunity for making representations to the Scottish Ministers in connection with subsection (4), including the date on which the 3 week period referred to in that subsection ends.”.>

**Section 71A**

**Adam Ingram**

- 192 After section 71A, insert—

*<Provision of school meals*

**Provision of free school lunches**

- (1) Section 53 of the 1980 Act is amended as follows.
- (2) Subsection (2) is repealed.
- (3) In subsection (2A), after “lunches” insert “which the authority are required to provide by virtue of subsection (3)”.

- (4) In subsection (2C)(b), the words “(other than in the middle of the day)” are omitted.
- (5) In subsection (2D), the words “(2) or” are omitted.
- (6) In subsection (3), after paragraph (b) insert—
  - “(c) who is in such yearly stage of primary or secondary education, or is of such other description, as the Scottish Ministers may by regulations prescribe.”>

**After section 71B**

**Liam McArthur**

**193\*** After section 71B, insert—

*<Pre-school children with additional support needs*

**General functions of education authority in relation to children with additional support needs**

In section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004—

- (a) in subsection (2)—
  - (i) after first “have” insert “additional support”,
  - (ii) omit “of the type mentioned in subsection (3)(c)”,
- (b) in subsection (3)—
  - (i) insert the word “and” immediately after paragraph (a),
  - (ii) omit the word “and” immediately following paragraph (b),
  - (iii) omit paragraph (c).>

**Siobhan McMahon**

**179\*** After section 71B, insert—

*<Mentoring scheme*

**Mentoring scheme for children and young people with a disability**

- (1) The Scottish Ministers may by order make provision for a mentoring scheme for eligible children and young people with a disability to support such children and young people in their transition to adulthood.
- (2) An order under subsection (1) must include provision about—
  - (a) the criteria which will be applied in determining eligibility for the scheme,
  - (b) the advice, assistance and support to be provided under the scheme,
  - (c) the qualifications and experience required of persons to provide such advice, assistance and support under the scheme,
  - (d) such other matters about the establishment and provision of the scheme as the Scottish Ministers consider appropriate.
- (3) For the purposes of this section, a child or young person is disabled if they have a disability within the meaning of section 1 of the Disability Discrimination Act 1995.>

**Siobhan McMahon**

194\* After section 71B, insert—

*<National speech, language and communication strategy*

**National speech, language and communication strategy for children and young people**

- (1) The Scottish Ministers must, no later than one year after this section comes into force, lay a national speech, language and communication strategy for children and young people before the Scottish Parliament.
- (2) The strategy must, in particular, set out—
  - (a) the Scottish Ministers' objectives for speech, language and communication for children and young people,
  - (b) their proposals for meeting those objectives,
  - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) Before laying the strategy before the Parliament, the Scottish Ministers must publish a draft strategy and consult with—
  - (a) children and young people, including children and young people with speech, language and communication needs,
  - (b) the parents of children and young people with speech, language and communication needs,
  - (c) persons working for, and on behalf of, children and young people, including children and young people with speech, language and communication needs,
  - (d) the providers of services to children with speech, language and communication needs in relation to those needs,
  - (e) such other persons as they consider appropriate.
- (4) The strategy must be accompanied by a report setting out—
  - (a) the consultation process undertaken in order to comply with subsection (3), and
  - (b) the ways in which the views expressed during that process have been taken account of in finalising the strategy (or stating that no account has been taken of such views).
- (5) The Scottish Ministers must, no later than—
  - (a) 3 years after laying a strategy before the Parliament under subsection (1), and
  - (b) the end of every subsequent period of 3 years,lay a revised strategy before the Parliament; and subsections (2) to (4) apply to a revised strategy as they apply to a strategy laid under subsection (1).
- (6) The Scottish Ministers must, when laying a revised strategy before the Parliament, also lay before the Parliament a report evaluating the effectiveness of the strategy immediately preceding that revised strategy.>

## Section 75

### Liz Smith

- 49 In section 75, page 59, line 12, after <means> insert <(except in Part 4)>

## Section 77

### Jayne Baxter

- 195 In section 77, page 59, line 35, at beginning insert <except in the case of an order under section 64(2A),>

### Aileen Campbell

- 112 In section 77, page 60, line 6, at end insert—  
<section (*Complaints in relation to Part 4*)(1),>

### Aileen Campbell

- 90 In section 77, page 60, line 7, leave out <30(2)> and insert <(Relevant authorities)(2)>

### Aileen Campbell

- 113\* In section 77, page 60, line 8, at end insert—  
<section (*Complaints in relation to Part 5*)(1),>

### Aileen Campbell

- 91 In section 77, page 60, line 9, leave out <38(6)> and insert <(Listed authorities)(2)>

### Liz Smith

- 54 In section 77, page 60, line 10, leave out <43(2)(c)(ii)> and insert <43(2B)>

### Aileen Campbell

- 114 In section 77, page 60, line 10, at end insert—  
<section 43(3A),>

### Siobhan McMahon

- 196\* In section 77, page 60, line 17, at end insert—  
<section (*Mentoring scheme for children and young people with a disability*)(1)>

## Section 79

### Aileen Campbell

- 115 In section 79, page 61, line 9, at end insert—

<( ) Subsections (2) to (4) of section 43 also come into force on the day after Royal Assent.>

**Neil Bibby**

**115A** As an amendment to amendment 115, line 2, after <(4)> insert <(other than subsection (3)(ab))>

**Neil Bibby**

**197** In section 79, page 61, line 11, at end insert—

<( ) The day (or days) appointed for section 43(3)(ab) to come into force must be in or before August 2015.>

**Schedule 2**

**Liz Smith**

**50** In schedule 2, page 62, line 26, at end insert—

<The Scottish Ministers>

**Liam McArthur**

**198** In schedule 2, page 63, line 3, leave out paragraph 13

**Schedule 2A**

**Liam McArthur**

**199** In schedule 2A, page 63, line 21, leave out paragraph 13

**Schedule 3**

**Liam McArthur**

**200\*** In schedule 3, page 64, line 11, leave out paragraph 20

**Schedule 4**

**Adam Ingram**

**201** In schedule 4, page 65, line 7, at end insert—

<( ) In section 53A(2), for “53(3)” substitute “53”.

( ) In section 53B—

(a) in subsection (1)—

(i) after “applies” insert “, subject to subsection (1A),”,

(ii) for “53(3)” substitute “53”,

(b) after subsection (1), insert—

“(1A) This section does not apply in such circumstances as the Scottish Ministers may by regulations prescribe.”,

- (c) in subsection (5)(b), for “53(3)” substitute “53”.
- ( ) In section 133—
  - (a) in subsection (2), for “(2ZA)” substitute “(2YA)”,
  - (b) after subsection (2), insert—
    - “(2YA)Subsection (2) above shall not apply to any regulations under section 53(3)(c) of this Act; and such regulations shall be subject to the affirmative procedure.”.>



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