

Consumer Scotland Bill

Groupings of Amendments for Stage 3

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 on the day of Stage 3 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

Group 1: Consumer Scotland general function

1, 2, 19

Group 2: Product recall

3

Group 3: Vulnerable consumers

8, 10, 4, 17, 5, 6, 7

Group 4: Inclusive communication

20, 21

Group 5: Consultation with designated regulators

22, 18

Group 6: Information gathering: exemptions

9

Group 7: Minor and technical

11, 12, 13, 14, 15, 16

Group 8: Meaning of “consumer”

23

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Consumer Scotland general function

Andy Wightman

1 In section 2, page 1, line 21, at end insert—

<() promoting—

(i) sustainable consumption of natural resources, and

(ii) other environmentally sustainable practices,

in relation to the acquisition, use and disposal of goods by consumers in Scotland,>

Andy Wightman

2 In section 2, page 1, line 22, leave out <and prosperity> and insert <, prosperity and other aspects of wellbeing>

Jamie Hepburn

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

<() In exercising its general function, Consumer Scotland has the particular functions set out in sections 3 to *(The recall of goods function)*.>

Group 2: Product recall

Jackie Baillie

3 After section 5, insert—

<The recall of goods function

(1) Consumer Scotland must establish and operate, or secure the establishment and operation of, a publicly available database of recalls of goods in Scotland which Consumer Scotland considers to be major (either in terms of the significance of the potential risk to individuals from the goods or the scale of the recall).

(2) Consumer Scotland may take such further steps as it considers appropriate to provide or secure the provision of advice and information to consumers about such recalls.

(3) In exercising its functions under this section, Consumer Scotland may (among other things)—

(a) publish or otherwise make available information in any manner Consumer Scotland considers appropriate for the purpose of bringing it to the attention of those likely to have an interest in it,

(b) support (financially or otherwise), facilitate or co-ordinate the activities of other persons.

(4) For the purpose of subsection (1), a recall of goods includes a case where, instead of goods being taken back from consumers, corrective measures are being taken in relation to them.>

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Group 3: Vulnerable consumers

Jamie Hepburn

- 8 In section 6, page 3, line 13, leave out subsection (6)

Jamie Hepburn

- 10 In section 13, page 6, leave out line 22

Jackie Baillie

- 4 In section 16, page 7, line 9, at end insert—

<() A report under subsection (1) must set out how Consumer Scotland has had regard to the interests of vulnerable consumers.>

Jamie Hepburn

- 17 In section 23, page 11, line 1, at end insert—

<“vulnerable consumers” means consumers who, by reason of their circumstances or characteristics—

- (a) may have significantly fewer or less favourable options as consumers than a typical consumer, or
- (b) are otherwise at a significantly greater risk of—
 - (i) harm being caused to their interests as consumers, or
 - (ii) harm caused to those interests being more substantial, than would be the case for a typical consumer.>

Jackie Baillie

- 5 In schedule 1, page 13, line 17, after <Scotland,> insert <—
(a)>

Jackie Baillie

- 6 In schedule 1, page 13, line 19, at end insert—

<(b) have regard to the desirability of having at least one member who has personal experience of being a vulnerable consumer or who otherwise has experience in dealing with or knowledge of the difficulties faced by vulnerable consumers.>

Jackie Baillie

- 7 In schedule 1, page 13, line 25, after <(4)> insert <(a)>

Group 4: Inclusive communication

Ruth Maguire

- 20 In section 6, page 3, line 22, at end insert—

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<(7B) Consumer Scotland must have regard to the importance of communicating in an inclusive way.>

Ruth Maguire

21 In section 6, page 3, line 24, at end insert—

<() In subsection (7B), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.>

Group 5: Consultation with designated regulators

Jamie Hepburn

22 In section 8, page 4, line 21, at end insert—

<(7) Before making regulations under subsection (6), the Scottish Ministers must consult such persons as they consider appropriate.

(8) Where the Scottish Ministers propose to specify a regulator under subsection (6)—

(a) who is not currently a designated regulator, or

(b) in relation to a person—

(i) who is, or is to be, a regulated provider, and

(ii) in relation to whom the regulator is not currently the designated regulator,

the persons consulted under subsection (7) must include the regulator whom they propose to specify.>

Jackie Baillie

18 In section 24, page 11, line 22, at end insert—

<() Before making regulations under section 8(6)(a) or (b), the Scottish Ministers must consult—

(a) designated regulators,

(b) such other persons as they consider appropriate.>

Group 6: Information gathering: exemptions

Jackie Baillie

9 In section 12, page 5, line 29, leave out <may> and insert <must>

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Group 7: Minor and technical

Jamie Hepburn

- 11 In section 14, page 6, line 29, leave out <other bodies> and insert <specified persons and any other persons>

Jamie Hepburn

- 12 In section 14, page 6, line 32, at end insert—
<() In subsection (1)(c), “specified” means specified in regulations made by the Scottish Ministers under section 6(8).>

Jamie Hepburn

- 13 In section 15, page 7, line 2, leave out <other bodies> and insert <specified persons and any other persons>

Jamie Hepburn

- 14 In section 15, page 7, line 3, at end insert—
<() In subsection (3), “specified” means specified in regulations made by the Scottish Ministers under section 6(8).>

Jamie Hepburn

- 15 In section 23, page 10, leave out lines 31 to 34

Jamie Hepburn

- 16 In section 23, page 10, line 38, at end insert—
 <“consumer” has the meaning given by section 22A,
 “consumer matters” means—
 (a) the interests of consumers, and
 (b) any matter connected with those interests,>

Group 8: Meaning of “consumer”

Richard Leonard

- 23 In section 22A, page 10, line 25, at end insert <, or
 () a community body (within the meaning of section 34 of the Land Reform (Scotland) Act 2003) which purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business by the person supplying them.>

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