

South of Scotland Enterprise Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 and 2	Schedule 1
Sections 3 and 4	Schedule 2
Sections 5 to 22	Long Title

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

Schedule 1

Colin Smyth

16 In schedule 1, page 7, line 9, at end insert—

- <(1A) The Scottish Ministers must ensure that at least one of the persons appointed is knowledgeable and representative of the interests of workers in the South of Scotland.
- (1B) Before inviting applications for appointment, the Scottish Ministers must consult bodies representing workers, or the interests of workers, in the South of Scotland about the particular interests, skills, experience and expertise required for a person to fulfil the requirements of sub-paragraph (1A).
- (1C) In this paragraph, references to “workers” are to be construed in accordance with section 230(3) of the Employment Rights Act 1996.>

Colin Smyth

17 In schedule 1, page 7, line 11, at end insert—

- <() In appointing members, the Scottish Ministers must have regard to the desirability of ensuring that the membership (taken as a whole)—
 - (a) has experience and knowledge of the whole of the South of Scotland, and
 - (b) otherwise has a broad range of interests, skills, experience and expertise.>

Colin Smyth

18 In schedule 1, page 9, line 7, at end insert—

- <() South of Scotland Enterprise may not determine, and the Scottish Ministers may not approve, staff terms and conditions that do not comply with such principles, being principles of fair work set out in the Fair Work Framework, published in 2016 by the Fair Work Convention, as the Scottish Ministers may prescribe.>

Section 4

Fergus Ewing

- 1 In section 4, page 1, line 20, leave out <Acts> and insert <enactments>

Fergus Ewing

- 2 In section 4, page 1, line 21, at end insert—
- <() The amendments made by schedule 2 do not affect any power to make an order or regulations amending or revoking any enactment mentioned in schedule 2.>

Schedule 2

Fergus Ewing

- 3 In schedule 2, page 10, line 4, at end insert—
- <Further and Higher Education (Scotland) Act 2005
- (1) The Further and Higher Education (Scotland) Act 2005 is amended as follows.
- (2) In section 22(5)—
- (a) the word “and” immediately preceding paragraph (fa) is repealed,
- (b) after paragraph (fa) insert—
- “(fb) South of Scotland Enterprise.”.
- (3) In section 23B—
- (a) in subsection (3)(k) after “Scottish Enterprise” insert “, South of Scotland Enterprise”,
- (b) in subsection (5)(i) after “Scottish Enterprise” insert “, South of Scotland Enterprise”.
- (4) In section 23M—
- (a) in subsection (1)(l) after “Scottish Enterprise” insert “, South of Scotland Enterprise”,
- (b) in subsection (3)(j) after “Scottish Enterprise” insert “, South of Scotland Enterprise”.>

Fergus Ewing

- 4 In schedule 2, page 10, line 16, at end insert—
- <Water Resources (Scotland) Act 2013
- In section 3 of the Water Resources (Scotland) Act 2013, at the end of paragraph (f) insert
- “,
- (g) South of Scotland Enterprise”.>

Fergus Ewing

- 5 In schedule 2, page 10, leave out lines 18 to 21 and insert—

- <7 (1) The Community Empowerment (Scotland) Act 2015 is amended as follows.
- (2) In section 13(2), after paragraph (f) insert “,
- (g) South of Scotland Enterprise where all or part of the area of the local authority is within the South of Scotland as defined by section 18 of the South of Scotland Enterprise Act 2019”.
- (3) In schedule 1, after the entry relating to the Scottish Sports Council insert—
- “South of Scotland Enterprise where all or part of the area of the local authority is within the South of Scotland as defined by section 18 of the South of Scotland Enterprise Act 2019”.
- (4) In schedule 3, after the entry relating to Scottish Water insert—
- “South of Scotland Enterprise”.>

Fergus Ewing

- 6 In schedule 2, page 10, line 21, at end insert—
- <Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015
- In schedule 1 of the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 (S.S.I. 2015/347), after the entry relating to Social Care and Social Work Improvement Scotland insert—
- “South of Scotland Enterprise”.>

Section 5

Fergus Ewing

- 7 In section 5, page 2, leave out line 6 and insert—
- <(2) Achieving those aims may involve taking action directed towards (amongst other things)—>

Fergus Ewing

- 8 In section 5, page 2, line 7, after <inclusive> insert <and sustainable>

Colin Smyth

- 19 In section 5, page 2, line 7, at end insert—
- <() encouraging the development of a sustainable economy,>

Colin Smyth

- 20 In section 5, page 2, line 8, at end insert—
- <() increasing the number of residents in the South of Scotland who are of working age,>

Colin Smyth

- 21 In section 5, page 2, line 8, at end insert—

<() furthering fair work (within the meaning of the Fair Work Framework, published in 2016 by the Fair Work Convention, or such other principles as the Scottish Ministers may prescribe) and promoting collective bargaining,>

Colin Smyth

22 In section 5, page 2, line 10, at end insert—

<() supporting social enterprises and businesses that are co-operative societies,>

Stewart Stevenson

23 In section 5, page 2, line 14, at end insert—

<() promoting digital connectivity,>

Richard Lyle

24 In section 5, page 2, line 14, at end insert—

<() promoting improved transport services and infrastructure,>

Colin Smyth

25 In section 5, page 2, line 14, at end insert—

<() supporting the enhancement of transport networks and digital connectivity,>

Gail Ross

14 In section 5, page 2, line 15, leave out from <community> to <communities’> and insert <communities to help them meet their>

Fergus Ewing

Supported by: Colin Smyth

9 In section 5, page 2, line 15, at end insert—

<() maintaining, protecting and enhancing the natural heritage and environmental quality of the South of Scotland.>

Fergus Ewing

Supported by: Colin Smyth

10 In section 5, page 2, line 15, at end insert—

<() promoting the sustainable and efficient use and re-use of resources.>

Fergus Ewing

11 In section 5, page 2, line 15, at end insert—

<() supporting the transition to a low-carbon economy.>

Colin Smyth

11A As an amendment to amendment 11, line 2, leave out <low-carbon> and insert <net zero carbon>

John Finnie
Supported by: Colin Smyth

- 15 In section 5, page 2, line 15, at end insert—
<() supporting community ownership of land and other assets.>

Claudia Beamish

- 26 In section 5, page 2, line 15, at end insert—
<() encouraging persons and bodies with an interest in the environment to co-operate in achieving environmental objectives.>

Colin Smyth

- 27 In section 5, page 2, line 15, at end insert—
<() working to tackle poverty and inequality.>

Colin Smyth

- 28 In section 5, page 2, line 15, at end insert—
<() In seeking to achieve its aims, South of Scotland Enterprise must pursue policies that appear to it likely to advance non-discrimination and social and economic equality.>

Section 6

Colin Smyth

- 29 In section 6, page 2, line 22, after <review> insert <and must conduct a review of the plan at least annually>

Maureen Watt

- 30 In section 6, page 2, line 23, after <(2)> insert <and section (*Consultation on action plan*)>

Colin Smyth

- 31 In section 6, page 2, line 23, at end insert—
<() In preparing its action plan, South of Scotland Enterprise must consult—
(a) each local authority all or part of whose area falls within the South of Scotland, and
(b) such other persons as it considers appropriate.>

Colin Smyth

- 32 In section 6, page 2, line 23, at end insert—
<() Before making or modifying its action plan, South of Scotland Enterprise must—
(a) submit it in draft to each local authority all or part of whose area falls within the South of Scotland, and
(b) have regard to any comments made by those authorities on the draft.>

Colin Smyth

- 33 In section 6, page 2, line 25, after <by> insert <—
(a) each local authority all or part of whose area falls within the South of Scotland, and
(b)>

Colin Smyth

- 34* In section 6, page 2, line 25, at end insert—
<(2A) In keeping its action plan under review and considering whether to modify the plan, South of Scotland Enterprise must regularly seek representations from the persons listed in subsection (2B) on—
(a) its performance and effectiveness in achieving its aims, and
(b) how it should seek to achieve its aims in future.
(2B) The persons are—
(a) those living and working in the South of Scotland,
(b) such other persons as South of Scotland Enterprise considers appropriate.>

Colin Smyth

- 35 In section 6, page 2, line 25, at end insert—
<(2C) For the purposes of subsection (2B)(b), the persons from whom representations must be sought must include—
(a) the persons listed in subsection (2D), or
(b) bodies representing such persons.
(2D) The persons are—
(a) local authorities,
(b) businesses,
(c) third sector bodies (being organisations, other than bodies established under an enactment, that exist wholly or mainly to provide benefits for society or the environment),
(d) trade unions,
operating or otherwise having an interest in the South of Scotland.
(2E) The Scottish Ministers may by regulations amend, add or remove an entry in subsection (2D).>

Maureen Watt

- 36 In section 6, page 2, line 27, after <section> insert <and section (*Consultation on action plan*)>

Colin Smyth

37 In section 6, page 2, line 27, at end insert—

- <(4) The Scottish Ministers must by regulations make provision for how South of Scotland Enterprise is to proceed where a draft of, or a draft modification of, its action plan is rejected by—
- (a) a local authority all or part of whose area falls within the South of Scotland, or
 - (b) the Scottish Ministers.>

Colin Smyth

38 In section 6, page 2, line 27, at end insert—

- <(5) If it has not previously modified its action plan in the 5-year period, South of Scotland Enterprise must do so (subject to subsection (2)) before the expiry of that period.
- (6) In subsection (5), the “5-year period” means—
- (a) the period of 5 years beginning with the day the action plan was first made, or
 - (b) each subsequent period of 5 years beginning with the day the plan was last modified.>

After section 6

Maureen Watt

39 After section 6, insert—

<Consultation on action plan

Before making or modifying its action plan, South of Scotland Enterprise must—

- (a) prepare, and make publicly available, a document describing its strategy for consulting with people who live and work in the South of Scotland, and
- (b) consult about its action plan in accordance with the strategy described in that document.>

Colin Smyth

40 After section 6, insert—

<Action plan: further provision

- (1) The action plan made or modified under section 6 must include a strategy setting out how South of Scotland Enterprise will—
 - (a) comply with its duties under the Equality Act 2010,
 - (b) promote equalities in pursuing its aims.
- (2) As soon as practicable after the end of each financial year, South of Scotland Enterprise must prepare and publish a report on the action it has taken during the year in furthering the strategy.
- (3) The report required under subsection (2) may be incorporated in the annual report prepared and published under section 14.>

Section 7

John Finnie

41 In section 7, page 3, line 16, at end insert—

<(3A) Despite the generality of subsection (1), South of Scotland Enterprise may not do anything which contributes financially to the arms trade, whether—

- (a) directly through the exercise of its own powers, or
- (b) knowingly by its support for another company or body which so contributes.

(3B) In subsection (3B)—

“arms trade” means sales of military goods and military services to military customers, including both sales for domestic procurement and sales for export,

“military goods” means—

- (a) goods that are designed specifically for military purposes, and
- (b) the technologies related to such goods,

“military services” means services specifically provided to support military purposes, including—

- (a) technical services, such as information technology, maintenance, repair and overhaul and operational support,
- (b) services related to the operation of the armed forces, including intelligence, training, logistics, facilities management, armed security in conflict zones and supply services to operationally deployed forces.>

Section 14

John Mason

42 In section 14, page 4, line 33, at end insert—

<() The Scottish Ministers are to lay before the Scottish Parliament a copy of each report received by them under subsection (1).>

Before section 15

Colin Smyth

43 Before section 15, insert—

<Duty to ensure co-operation and co-ordination with other relevant bodies

The Scottish Ministers must by regulations make provision setting out duties to ensure that South of Scotland Enterprise co-operates and co-ordinates activities with other Scottish public authorities which operate in the South of Scotland and which have functions relevant to the aims of South of Scotland Enterprise.>

Section 15

Fergus Ewing

Supported by: Colin Smyth

12 In section 15, page 5, line 7, at end insert—

<() Before issuing a direction under this section the Scottish Ministers must consult South of Scotland Enterprise about it.>

Fergus Ewing

Supported by: Colin Smyth

13 In section 15, page 5, line 8, leave out subsection (3) and insert—

<(3) Having issued a direction under this section, the Scottish Ministers must publish—
(a) the direction, and
(b) their reasons for issuing it.>

Section 20

Colin Smyth

44 In section 20, page 6, line 1, after <5(3)> insert <or (*Duty to ensure co-operation and co-ordination with other relevant bodies*)>

Colin Smyth

45 In section 20, page 6, line 5, at end insert—

<() Regulations under section 6(2E) are subject to the negative procedure.>

Colin Smyth

46 In section 20, page 6, line 5, at end insert—

<() Regulations under section 6(4) are subject to the negative procedure.>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
