UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

Revised supplement to the Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 38 Schedules 1 to 3
Long Title

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

Amendments 65, 66 and 44A below were lodged as manuscript amendments under Rule 9.10.6. The Presiding Officer has agreed under that Rule that the amendments may be moved at the meeting of the Parliament on 21 March 2018. The amendments will be debated in group 9. Amendments 65 and 66 will be called immediately before amendment 44 (on page 6 of the Marshalled List of Amendments) and amendment 44A will be called immediately after amendment 44.

A line numbered version of amendment 44 is included below for ease of reference.

Section 14A

Graham Simpson on behalf of the Delegated Powers and Law Reform Committee

65* In section 14A, page 14, line 39, after <13> insert <or 19>

Graham Simpson on behalf of the Delegated Powers and Law Reform Committee

66* In section 14A, page 15, line 24, at end insert—

<( ) This section does not apply to regulations or draft regulations if they contain a declaration that the Scottish Ministers consider that, by reason of urgency, it is necessary to make the regulations or draft regulations without this section applying to them.>

Ross Greer

44 Leave out section 14A and insert—

<14A Additional scrutiny of regulations

(1) This section applies where the Scottish Ministers—

(a) lay a Scottish statutory instrument containing regulations which have been made under section 11, 12 or 13 before the Scottish Parliament,

(b) lay a draft Scottish statutory instrument containing regulations under section 11, 12 or 13 before the Scottish Parliament for approval.

(2) The Scottish Ministers must lay before the Scottish Parliament—

(a) a copy of the regulations or draft regulations,
(b) a statement setting out the Scottish Ministers’ opinion on the scrutiny procedure to which the regulations or draft regulations will be subject, and

(c) their reasons for that opinion.

(3) If the committee of the Scottish Parliament mentioned in Rule 6.11 of the Standing Orders of the Parliament, within the relevant period, by resolution, makes a recommendation mentioned in subsection (5), the Scottish Ministers must proceed in accordance with that recommendation.

(4) For the purposes of subsection (3), the “relevant period” means the period of 20 sitting days (within the meaning given by the Standing Orders of the Scottish Parliament) beginning with the day on which the regulations or draft regulations are laid before the Parliament.

(5) The recommendation may be that, regardless of the Scottish Ministers’ opinion on the appropriate scrutiny procedure, the regulations or draft regulations—

(a) should be subject to the negative procedure,

(b) should be subject to the affirmative procedure,

(c) should be subject to the affirmative procedure and to the requirements set out in paragraphs (a) and (b) of section 14(5).

(6) If the recommendation is that regulations which have been made subject to the negative procedure should be subject to the affirmative procedure—

(a) the regulations are to be treated as having been revoked by the Scottish Ministers on the date the recommendation is made,

(b) the Scottish statutory instrument containing the regulations is to be treated instead as a draft Scottish statutory instrument laid before the Scottish Parliament for approval on the date the original instrument was laid, and

(c) the regulations may be adjusted by the Scottish Ministers to take account of the effect of paragraphs (a) and (b) (including, in particular, by adjusting the date on which the regulations are to come into force).

(7) If the recommendation is that regulations which have been made subject to the negative procedure should be subject to the affirmative procedure and to the requirements set out in paragraphs (a) and (b) of section 14(5), the regulations are to be treated as having been revoked by the Scottish Ministers on the date the recommendation is made.

(8) Where subsection (6)(a) or (7) applies, so far as the regulations are in force on that date, nothing further is to be done or continued under, or in reliance on, the regulations after that date.

(9) Subsection (8) does not affect the validity of anything previously done under the regulations.

(10) This section does not apply to regulations or draft regulations if they contain a declaration that the Scottish Ministers consider that, by reason of urgency, it is necessary to make the regulations or draft regulations without this section applying to them.

Graham Simpson on behalf of the Delegated Powers and Law Reform Committee

44A* As an amendment to amendment 44, line 5, after <13> insert <or 19>