

Coronavirus (Recovery and Reform) (Scotland) Bill

Groupings of Amendments for Stage 2

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 2 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

Public health protection regulations: use of powers and safeguards

4, 5, 23, 1, 24, 10, 25, 26, 11, 6, 12, 27, 28, 7, 8, 9

Notes on amendments in this group

Amendment 10 pre-empts amendments 25 and 26

Education regulations: use of powers and safeguards

112, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 13, 14, 128, 15, 130, 131, 132, 133, 134, 16, 17, 18, 36, 37, 136, 38, 39, 137, 138, 139, 140, 141, 142, 143, 145

Education regulations: advice from Chief Medical Officer

113, 114, 116, 30, 31, 32, 33, 34, 35

Education regulations: exemptions for non-educational functions of Further Education and Higher Education institutions

29

Education regulations: issues consequential to making regulations

127, 129, 135, 144

Transitional and saving provision and commencement

40, 41, 42, 43, 64, 65, 67, 67A

Notes on amendments in this group

Amendment 67 pre-empts amendment 68 in group “Tenancies: emergency rent freeze plan”

Diligence: bank arrestments

69

Diligence: period of moratorium

44, 45

Registration of births and deaths

46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59

Alcohol and civic licensing: format of hearings and meetings

60, 61, 62, 63

Mental health: named person

3, 2

Tenancies: eviction grounds and pre-action protocol

70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 146, 147, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108

Tenancies: emergency rent freeze plan

66, 68

Notes on amendments in this group

Amendment 68 is pre-empted by amendment 67 in group “Transitional and saving provision and commencement”

Tenancies: reporting on and reform of law

109, 110, 111

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Amendments in debating order

Public health protection regulations: use of powers and safeguards

Brian Whittle

- 4 In section 1, page 1, line 23, after <health> insert <, as determined by the Chief Medical Officer>

Brian Whittle

- 5 In section 1, page 2, line 7, at end insert—

<() The Scottish Ministers must, when laying regulations under subsection (1), lay a statement setting out the consideration given to the balance between the impact that the regulations could have on long term health matters versus preventing, protecting against, controlling or providing a public health response to an immediate incident or spread of infection or contamination. >

John Swinney

- 23 In section 1, page 2, line 20, at end insert—

<86AA Public health protection regulations: public health declarations

- (1) Regulations under section 86A(1) which are responding to a particular infection or contamination may be made only when a public health declaration under this section has effect.
- (2) A public health declaration means a declaration by the Scottish Ministers that they consider that—
 - (a) an infectious disease or contaminant constitutes or may constitute a danger to human health, and
 - (b) the making of regulations under section 86A(1) may be a way of protecting against that danger.
- (3) Before making a public health declaration, the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or another person designated for the purposes of this section by the Scottish Ministers.
- (4) A public health declaration has effect if—
 - (a) it is made by the Scottish Ministers,
 - (b) either—
 - (i) it is approved in accordance with subsection (6), or
 - (ii) a statement under section 86AB(1) is made, and
 - (c) it has not ceased to have effect in accordance with subsection (10).
- (5) The Scottish Ministers must publish a public health declaration in such manner as they consider appropriate.
- (6) A public health declaration is approved if—
 - (a) the Scottish Ministers lay a copy of the declaration before the Scottish Parliament,
 - (b) a member of the Scottish Government lodges a motion that the declaration be approved, and

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- (c) the Parliament agrees to the motion.
- (7) A motion under subsection (6)(b) may not be amended.
- (8) The Scottish Ministers must publish notice of the approval of a public health declaration and the time at which the declaration has effect, in such manner as they consider appropriate.
- (9) If, during the period that a public health declaration has effect, the Scottish Ministers consider that paragraphs (a) and (b) of subsection (2) no longer apply, they must—
 - (a) revoke the declaration,
 - (b) lay notice of revocation before the Scottish Parliament, and
 - (c) publish notice of revocation in such manner as the Scottish Ministers consider appropriate.
- (10) A public health declaration ceases to have effect immediately after it is revoked.
- (11) A public health declaration's ceasing to have effect neither—
 - (a) affects anything done before the declaration ceased to have effect, nor
 - (b) prevents the making of regulations revoking regulations made during the period that the declaration had effect.

86AB Public health protection regulations: further provision about public health declarations

- (1) If the Scottish Ministers consider that it is not practicable for a public health declaration to be approved in accordance with section 86AA(6), they may make a statement explaining why.
- (2) An example of when it may not be practicable for a public health declaration to be approved in accordance with section 86AA(6) is if the Scottish Parliament is dissolved.
- (3) When a statement under subsection (1) is made, the Scottish Ministers must—
 - (a) lay a copy of the public health declaration and the statement before the Scottish Parliament, and
 - (b) publish the statement in such manner as they consider appropriate.
- (4) If a statement under subsection (1) is made—
 - (a) the public health declaration has effect immediately after the declaration is made, and
 - (b) the declaration ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless before the end of that period it is approved by the Scottish Parliament on a motion by a member of the Scottish Government (if it has not already ceased to have effect under subsection (5)).
- (5) If, on any day during that period of 28 days, the Parliament comes to a decision not to approve the public health declaration, the declaration ceases to have effect immediately after the decision is made.
- (6) In calculating the period of 28 days mentioned in subsections (4) and (5), no account is to be taken of any time during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (7) A motion under subsection (4)(b) may not be amended.>

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Alex Rowley

- 1 In section 1, page 4, leave out line 26

John Swinney

- 24 In section 1, page 5, line 16, at end insert—

<() Subsection (1) does not apply where the regulations make only provision of a general nature or contingent provision.>

Graham Simpson

- 10 In section 1, page 5, leave out line 40

John Swinney

- 25 In section 1, page 5, line 40, after <(6)> insert <—

<()>

John Swinney

- 26 In section 1, page 5, line 40, at end insert—

<() after “urgently” insert “(but see subsection (11))”,>

Graham Simpson

- 11 In section 1, page 5, line 40, at end insert—

<() in subsection (6), after “urgently” insert “and, in the case of regulations under section 86A—

- (a) the Scottish Ministers have made a statement to the Scottish Parliament providing an explanation, and evidence, as to why the Scottish Ministers consider that the regulations need to be made urgently, and
- (b) the Scottish Parliament has agreed by resolution that the regulations should be made urgently.”>

Murdo Fraser

- 6 In section 1, page 5, line 40, at end insert—

<() after subsection (7), insert—

“(7A) For regulations under section 86A(1), the Scottish Ministers must lay before the Scottish Parliament a statement setting out their reasons why the regulations must be made urgently.”>

Graham Simpson

- 12 In section 1, page 5, line 40, at end insert—

<() after subsection (7), insert—

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“(7A) Where subsection (6) applies to regulations under section 86A—

- (a) a statement with an explanation (with evidence) of why the Scottish Ministers consider that the regulations need to be made urgently must be laid before the Scottish Parliament before the regulations come into force,
- (b) an assessment of the impact that the regulations will have on those affected by them must be laid before the Scottish Parliament alongside the regulations, and
- (c) the regulations will cease to have effect at the expiry of the period of 1 year beginning with the date on which the regulations came into force, unless an earlier time is specified in the regulations.”>

John Swinney

27 In section 1, page 5, line 40, at end insert—

<() after subsection (10) insert—

“(11) Subsection (6) does not apply to regulations under section 86A(1) which make provision modifying an Act of the Scottish Parliament or an Act of Parliament.”>

John Swinney

28 In section 1, page 5, line 40, at end insert—

<() after subsection (10) insert—

“(12) Where subsection (6) applies to regulations made under section 86A(1)—

- (a) the Scottish Ministers must explain why they consider that the regulations need to be made urgently, and
- (b) the regulations must include provision for them to expire on a day specified in the regulations.

(13) Subsection (12)(b) does not apply where the regulations amend regulations in which the provision mentioned in subsection (12)(b) has already been included.”>.

Murdo Fraser

Supported by: Graham Simpson

7 Leave out section 1

Murdo Fraser

8 In section 46, page 39, line 24, at end insert—

<() Before the Scottish Ministers bring into force section 1 of this Act, they must—

- (a) conduct an assessment of the impact the exercise of the regulation under section 1 will have on affected persons or organisations, in particular—
 - (i) retail groups,
 - (ii) industry organisations,
 - (iii) trade bodies,

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- (iv) such persons or organisations as appear to them to be affected by the regulations,
- (b) consult, insofar as is practical, with such persons or organisations mentioned under paragraph (a),
- (c) prepare and publish a report of the assessment, and
- (d) lay a copy of the report before the Scottish Parliament. >

Murdo Fraser

9 In section 46, page 39, line 24, at end insert—

- <() The Scottish Ministers must not bring into force any sections in Parts 1, 2 and 4 until any public inquiry into the coronavirus pandemic has published its results and recommendations.
- () In this Act, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). >

Education regulations: use of powers and safeguards

Oliver Mundell

112 Leave out section 5

Oliver Mundell

115 Leave out section 6

Oliver Mundell

117 Leave out section 7

Oliver Mundell

118 In section 8, page 10, line 16, at end insert—

<() must—

- (i) seek,
- (ii) have regard to, and
- (iii) publish within 24 hours of receipt,

a report from the Office of the Children and Young People’s Commissioner on whether any proposed use of powers is proportionate and necessary.>

Stephen Kerr

Supported by: Oliver Mundell

119 In section 8, page 10, line 16, at end insert—

- <() Before making regulations under subsection (1) which close an educational establishment, the Scottish Ministers must ensure every child or young person is provided with a laptop and an internet connection. >

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Oliver Mundell

120 In section 8, page 10, line 16, at end insert—

- <() Before making regulations under subsection (1) which close an educational establishment, the Scottish Ministers must obtain the consent of the local authority in which the educational establishment is located.>

Oliver Mundell

121 In section 8, page 11, line 12, at end insert—

- <(6A) Within 28 days of regulations being made under this section, the Scottish Ministers must convene an educational advisory council.
- (6B) An educational advisory council under subsection (6A) must include—
- (a) children and young people,
 - (b) those working in affected establishments,
 - (c) trade union representatives,
 - (d) any other stakeholders that the Scottish Minister consider relevant.
- (6C) The Scottish Ministers must seek views from the educational advisory council every 28 days.>

Oliver Mundell

122 In section 8, page 11, line 12, at end insert—

- <() Where regulations under subsection (1) close all schools in—
- (a) Scotland,
 - (b) a specified region,
- the regulations may not come into force before a period of 48 hours beginning with the day on which they are made.
- () The Scottish Ministers must notify each school affected at the point at which the regulations are made.>

Oliver Mundell

123 In section 8, page 11, line 12, at end insert—

- <() Draft regulations or, as the case may be, regulations, laid before the Scottish Parliament under this section must be accompanied by a statement setting out the Scottish Ministers proposals for ensuring continuation of appropriate educational provision.>

Oliver Mundell

124 In section 8, page 11, line 12, at end insert—

- <() Where regulations under subsection (1) close an educational establishment, the Scottish Ministers must direct that weekly contact be facilitated between—
- (a) children and young people, and
 - (b) where the child is under 16, their parent or guardian,

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and the educational establishment which they would attend but for those regulations.>

Oliver Mundell

125 In section 8, page 11, line 12, at end insert—

<() This section is subject to the discretion of the relevant operator to open school for any young person who in their professional judgment would be best supported in school. >

Oliver Mundell

126 In section 8, page 11, line 12, at end insert—

<() Where regulations under subsection (1) restrict access to a public educational establishment but it remains open, any parent may request that their child, who would but for the regulations, attend the educational establishment continues to attend in person.>

Graham Simpson

13 Leave out section 8

Graham Simpson

14 Leave out section 9

Oliver Mundell

128 In section 10, page 13, line 11, at end insert—

<(3A) Before making regulations under subsection (1) which prohibit access to the whole or specified part of student accommodation premises, the relevant manager must be satisfied that a relevant student has suitable alternative accommodation that meets the student's needs.

(3B) For the purposes of subsection (3A), a relevant student is a student who may not remain in the student accommodation premises as a consequence of the prohibition and—

(a) has no parent, carer or guardian in the United Kingdom, or

(b) does not have additional support at the home of the student's parent, carer or guardian (as the case may be).>

Graham Simpson

15 Leave out section 10

Oliver Mundell

130 After section 10, insert—

<Office of the Children and Young People's Commissioner: Report

Before making regulations under section 8(1), 9(1) or 10(1), the Scottish Ministers must—

(a) seek,

(b) have regard to, and

(c) publish within 24 hours of receipt,

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a report from the Office of the Children and Young People's Commissioner on whether any proposed use of powers is proportionate and necessary.>

Oliver Mundell

131 After section 10, insert—

<Educational advisory council

- (1) Within 28 days of regulations being made under section 8(1), 9(1) or 10(1), the Scottish Ministers must convene an educational advisory council.
- (2) An educational advisory council under subsection (1) must include—
 - (a) children and young people,
 - (b) those working in affected establishments,
 - (c) trade union representatives,
 - (d) any other stakeholders that the Scottish Minister consider relevant.
- (3) The Scottish Ministers must seek views from the educational advisory council every 28 days.>

Oliver Mundell

132 After section 10, insert—

<Duty to seek agreement

- (1) Before making regulations under section 8(1), 9(1) or 10(1), the Scottish Ministers must consult the relevant authority to whom the regulations would apply and seek to agree voluntary arrangements to achieve the Scottish Ministers desired outcome.
- (2) Regulations can only be made under section 8(1), 9(1) or 10(1) if the Scottish Ministers are satisfied that agreement under subsection (1) cannot be reached.
- (3) In this section—

“relevant authority” has the meaning given by section 6(2),

“voluntary arrangements” means actions which are agreed without being specified in regulations.>

Oliver Mundell

133 In section 11, page 13, line 38, at end insert—

- <() No enforcement of any measures imposed by virtue of regulations under this Chapter may be carried out before a period of 7 days beginning with the day on which the relevant regulations come into force.>

Oliver Mundell

134 Leave out section 11

Graham Simpson

16 In section 12, page 14, line 5, leave out from <unless> to end of line 25

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Graham Simpson

17 In section 12, page 14, line 9, at end insert—

<() Subsection (2) only applies if—

- (a) the Scottish Ministers have made a statement to the Scottish Parliament providing an explanation, and evidence, as to why the Scottish Ministers consider that the regulations need to be made urgently, and
- (b) the Scottish Parliament has agreed by resolution that the regulations should be made urgently. >

Graham Simpson

18 In section 12, page 14, line 17, at end insert—

- <() a statement with an explanation (with evidence) of why the Scottish Ministers consider that the regulations need to be made urgently must be laid before the Scottish Parliament before the regulations come into force,
- () an assessment of the impact that the regulations will have on those affected by them must be laid before the Scottish Parliament alongside the regulations, and
- () the regulations will cease to have effect at the expiry of the period of 1 year beginning with the date on which the regulations came into force, unless an earlier time is specified in the regulations.>

John Swinney

36 In section 12, page 14, line 25, at end insert—

- <(6) Where subsection (2) applies to regulations made under this Chapter, the Scottish Ministers must explain why they are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.
- (7) Where subsection (2) applies to regulations made under this Chapter, the regulations must include provision for them to expire on a day specified in the regulations.
- (8) Subsection (7) does not apply where the regulations amend regulations in which the provision mentioned in subsection (7) has already been included.>

John Swinney

37 In section 12, page 14, line 25, at end insert—

<() Where subsection (2) applies but the regulations—

- (a) revoke (in whole or in part) previous regulations made under this Chapter, and
- (b) do—
 - (i) nothing else, or
 - (ii) nothing else except make transitional, transitory or saving provision related to the revocation,

the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made (and subsection (3)(b) and (c) do not apply to the regulations).>

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Oliver Mundell

136 Leave out section 12

John Swinney

38 After section 12, insert—

<Regulations: public health declarations

- (1) Regulations under this Chapter which are responding to a particular infection or contamination may be made only when a public health declaration under this section has effect.
- (2) A public health declaration means a declaration by the Scottish Ministers that they consider that—
 - (a) an infectious disease or contaminant constitutes or may constitute a danger to human health, and
 - (b) the making of regulations under this Chapter may be a way of protecting against that danger.
- (3) Before making a public health declaration, the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or another person designated for the purposes of this section by the Scottish Ministers.
- (4) A public health declaration has effect if—
 - (a) it is made by the Scottish Ministers,
 - (b) either—
 - (i) it is approved in accordance with subsection (6), or
 - (ii) a statement under section (*Regulations: further provision about public health declarations*)(1) is made, and
 - (c) it has not ceased to have effect in accordance with subsection (10).
- (5) The Scottish Ministers must publish a public health declaration in such manner as they consider appropriate.
- (6) A public health declaration is approved if—
 - (a) the Scottish Ministers lay a copy of the declaration before the Scottish Parliament,
 - (b) a member of the Scottish Government lodges a motion that the declaration be approved, and
 - (c) the Parliament agrees to the motion.
- (7) A motion under subsection (6)(b) may not be amended.
- (8) The Scottish Ministers must publish notice of the approval of a public health declaration and the time at which the declaration has effect, in such manner as they consider appropriate.
- (9) If, during the period that a public health declaration has effect, the Scottish Ministers consider that paragraphs (a) and (b) of subsection (2) no longer apply, they must—
 - (a) revoke the declaration,
 - (b) lay notice of revocation before the Scottish Parliament, and

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- (c) publish notice of revocation in such manner as the Scottish Ministers consider appropriate.
- (10) A public health declaration ceases to have effect immediately after it is revoked.
- (11) A public health declaration's ceasing to have effect neither—
 - (a) affects anything done before the declaration ceased to have effect, nor
 - (b) prevents the making of regulations revoking regulations made during the period that the declaration had effect.>

John Swinney

39 After section 12, insert—

<Regulations: further provision about public health declarations

- (1) If the Scottish Ministers consider that it is not practicable for a public health declaration to be approved in accordance with section (*Regulations: public health declarations*)(6), they may make a statement explaining why.
- (2) An example of when it may not be practicable for a public health declaration to be approved in accordance with section (*Regulations: public health declarations*)(6) is if the Scottish Parliament is dissolved.
- (3) When a statement under subsection (1) is made, the Scottish Ministers must—
 - (a) lay a copy of the public health declaration and the statement before the Scottish Parliament, and
 - (b) publish the statement in such manner as they consider appropriate.
- (4) If a statement under subsection (1) is made—
 - (a) the public health declaration has effect immediately after the declaration is made, and
 - (b) the declaration ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless before the end of that period it is approved by the Scottish Parliament on a motion by a member of the Scottish Government (if it has not already ceased to have effect under subsection (5)).
- (5) If, on any day during that period of 28 days, the Parliament comes to a decision not to approve the public health declaration, the declaration ceases to have effect immediately after the decision is made.
- (6) In calculating the period of 28 days mentioned in subsections (4) and (5), no account is to be taken of any time during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (7) A motion under subsection (4)(b) may not be amended.>

Oliver Mundell

137 After section 12, insert—

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<Regulations: expiry

- (1) Where regulations under section 86A(1) of the Public Health etc. (Scotland) Act 2008 cease to have effect, all regulations under this Chapter cease to have effect on the relevant day unless extension of the regulations under this Chapter are approved by resolution of the Parliament.
- (2) For the purposes of subsection (1), the relevant day is at the end of the period of 28 days beginning with the day on which regulations under section 86A(1) cease to have effect.>

Oliver Mundell

- 138 In section 13, page 14, line 27, at beginning insert <Subject to subsection (2)>

Oliver Mundell

- 139 In section 13, page 14, line 31, at end insert—

- <(2) Where the member of the Scottish Government or junior minister in charge of the regulations at the point of making the regulations leaves that post, the regulations must be reviewed by the new member of the Scottish Government or junior minister with responsibility for the subject matter of the regulations within 7 days of that member or minister's appointment.
- (3) A review under subsection (2) must consider whether the regulations are still necessary.>

Oliver Mundell

- 140 Leave out section 13

Oliver Mundell

- 141 After section 13, insert—

<Exercise of professional judgement

- (1) No relevant authority will be found in breach of their duties under this Part where they do not act in accordance with guidance from the Scottish Ministers, or advice from the Chief Medical Officer of the Scottish Administration, so long as, in the exercise of their professional judgment, the relevant authority believes that taking any actions specified in that guidance or advice puts the welfare of others at risk.
- (2) This Part is subject to the right of a relevant authority to continue any activity they consider—
 - (a) reasonably necessary to facilitate those functions they consider business critical,
 - (b) to be in the best interests of those attending, residing, or working for their establishment.
- (3) In exercising their functions or powers under this Part, Scottish Ministers must act in accordance with the following principles—
 - (a) leaving day to day implementation and interpretation of any requests to the relevant authority, and
 - (b) respecting the professional judgment of the relevant authority, unless the Scottish Ministers believe the relevant authority to be acting in bad faith. >

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Oliver Mundell

142 After section 13, insert—

<Readiness for remote learning

- (1) The Scottish Ministers must, as soon as practicable after the end of every reporting period, prepare and lay before the Scottish Parliament a report setting out—
 - (a) how ready the Scottish Ministers are to implement remote learning if necessary,
 - (b) any specific steps that have been taken during the reporting period to improve readiness.
- (2) For the purposes of subsection (1), the reporting periods are—
 - (a) the period beginning with the day of Royal Assent and ending on 31 July 2023,
 - (b) each subsequent period of one year.>

Oliver Mundell

143 After section 13, insert—

<Duty to explore alternatives and mitigations

- (1) Before making regulations under section 8(1), 9(1) or 10(1), the Scottish Ministers must consider—
 - (a) alternative options to making the regulations,
 - (b) what mitigations could be implemented to reduce the impact of the regulations.
- (2) Draft regulations or, as the case may be, regulations laid before the Scottish Parliament under section 8(1), 9(1) or 10(1) should be accompanied by a statement setting out—
 - (a) any alternative options considered to making the regulations,
 - (b) the cost of any alternative options,
 - (c) the rationale for not adopting alternative options, and
 - (d) any mitigations the Scottish Ministers propose to implement to reduce the impact of the regulations.>

Oliver Mundell

145 Leave out section 14

Education regulations: advice from Chief Medical Officer

Oliver Mundell

113 In section 6, page 9, line 30, at end insert—

- <(1A) In having regard to advice under subsection (1), a relevant authority must balance that advice against the wider interests and rights of any child or young person.
- (1B) In assessing the balance under subsection (1A), the relevant authority must seek and take into account the views of—
 - (a) affected children or young people,

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- (b) the parents or carers of affected children or young people, and
- (c) any professional person the relevant authority considers appropriate.

(1C) Where a relevant authority is not satisfied any proposed action is in the best interest of any child or young person, they may delay the implementation of any proposed action for up to 28 days. >

Oliver Mundell

114 In section 6, page 9, line 31, leave out <subsection (1)> and insert <this section>

Oliver Mundell

116 In section 7, page 9, line 39, at end insert—

<(1A) In having regard to guidance under subsection (1), a relevant authority must balance that guidance against the wider interests and rights of any child or young person.

(1B) In assessing the balance under subsection (1A), the relevant authority must seek and take into account the views of—

- (a) affected children or young people,
- (b) the parents or carers of affected children or young people, and
- (c) any professional person the relevant authority consider appropriate.

(1C) Where a relevant authority is not satisfied any proposed action is in the best interest of any child or young person, they may delay the implementation of any proposed action for up to 28 days.>

John Swinney

30 In section 8, page 10, line 12, leave out <under section 6> and insert <about protecting public health>

John Swinney

31 In section 8, page 10, line 13, leave out <that> and insert <this>

John Swinney

32 In section 9, page 11, line 38, leave out <under section 6> and insert <about protecting public health>

John Swinney

33 In section 9, page 11, line 39, leave out <that> and insert <this>

John Swinney

34 In section 10, page 13, line 8, leave out <under section 6> and insert <about protecting public health>

John Swinney

35 In section 10, page 13, line 9, leave out <that> and insert <this>

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Education regulations: exemptions for non-educational functions of Further Education and Higher Education institutions

John Swinney

29 In section 8, page 10, line 9, at end insert—

<(2A) Where regulations under subsection (1) apply to the relevant operator of a further education institution or higher education institution, they may not make provision relating to any non-educational functions of the operator.

(2B) For the purposes of subsection (2A)(a), “non-educational functions”—

(a) are functions of the operator which do not relate solely to the teaching and delivery of further education or higher education, but

(b) exclude any additional functions conferred on the operator by virtue of subsection (5)(a)(iii) relating to the use of the operator’s premises for the purpose of protecting public health.>

Education regulations: issues consequential to making regulations

Oliver Mundell

127 After section 8, insert—

<Alterations to educational assessment

(1) This section applies where the Scottish Ministers or relevant operator are considering or introducing temporary alterations to the examination or assessment of young persons (“a temporary assessment model”) in an educational establishment as a consequence of this Act.

(2) When considering or introducing a temporary assessment model, the Scottish Ministers or relevant operator, as the case may be, must act fairly and not arbitrarily.

(3) For the avoidance of doubt, a temporary assessment model may not rely on historical educational data.

(4) A young person subject to a temporary assessment model is entitled to an appeal following the assessment which considers the young person’s wider educational and personal circumstances.

(5) When measures under, or introduced in consequence of, this Act cease to have effect, the Scottish Ministers must make arrangements for a full examination diet as soon as practicable.

(6) The Scottish Ministers must give 90 days notice before a full examination diet commences.

(7) A young person subject to a temporary assessment model must be given the opportunity to retake or take (as the case may be) any examinations that the young person was unable to take as a consequence of measures under, or in consequence of, this Act.>

Oliver Mundell

129 After section 10, insert—

THIS IS NOT THE MARSHALLED LIST

<Financial impact

Where regulations under this Chapter make provision for measures that will, or are likely to, have a detrimental financial impact on students, the Scottish Ministers must lay a plan before the Scottish Parliament within 14 days of the regulations being made setting out the Scottish Ministers' plans to provide additional financial support to students.>

Oliver Mundell

135 After section 11, insert—

<Educational impact

- (1) A young person who considers that the young person's educational experience has been adversely affected by measures under, or introduced in consequence of, this Act is entitled to repeat a school year if the young person chooses to do so.
- (2) The Scottish Ministers must ensure that a young person who chooses to repeat a school year under subsection (1) is fully financially supported. >

Oliver Mundell

144 After section 13, insert—

<Education catch-up plan

Any person impacted by regulations under section 8(1), 9(1) or 10(1) has the right to request an education catch up plan within 90 days beginning with the day on which those regulations cease to have effect.>

Transitional and saving provision and commencement

John Swinney

40 In section 15, page 15, line 38, leave out <as follows> and insert <by subsections (2) and (3)>

John Swinney

41 In section 15, page 17, line 3, at end insert—

<() The modifications made by subsection (2) have no effect in relation to any document served before 1 October 2022.>

John Swinney

42 In section 16, page 17, line 5, leave out <as follows> and insert <by subsection (2)>

John Swinney

43 In section 16, page 17, line 8, at end insert—

<() The modifications made by subsection (2) have no effect in relation to any sequestration in respect of which the petition was presented before 1 October 2022.>

THIS IS NOT THE MARSHALLED LIST

John Swinney

64 After section 37, insert—

<Tenancies: saving provision

- (1) In relation to a notice to leave (within the meaning of section 62 of the 2016 Act) served on a tenant before 1 October 2022—
 - (a) the 2016 Act continues to apply in accordance with the modifications made by paragraph 1 of schedule 1 of the 2020 Act and paragraph 5 of schedule 1 of the 2020 (No.2) Act (despite those paragraphs' expiry),
 - (b) the 2020 Regulations continue to apply (despite regulation 1 of those Regulations and the expiry of paragraph 5 of schedule 1 of the 2020 (No.2) Act),
 - (c) the modifications made to the 2016 Act by sections 33 and 36 of this Act do not apply.
- (2) In relation to a notice served on a tenant under section 19 or 33(1)(d) of the 1988 Act before 1 October 2022—
 - (a) the 1988 Act continues to apply in accordance with the modifications made by paragraph 3 of schedule 1 of the 2020 Act and paragraph 4 of schedule 1 of the 2020 (No.2) Act (despite those paragraphs' expiry),
 - (b) the 2020 Regulations continue to apply (despite regulation 1 of those Regulations and the expiry of paragraph 4 of schedule 1 of the 2020 (No.2) Act),
 - (c) the modifications made to the 1988 Act by sections 34 and 37 of this Act do not apply.
- (3) In relation to a notice served on a tenant in accordance with section 112(1) of the 1984 Act before 1 October 2022—
 - (a) the 1984 Act continues to apply in accordance with the modifications made by paragraph 5 of schedule 1 of the 2020 Act (despite that paragraph's expiry),
 - (b) the modifications made to the 1984 Act by section 35 of this Act do not apply.
- (4) In this section—
 - “the 1984 Act” means the Rent (Scotland) Act 1984,
 - “the 1988 Act” means the Housing (Scotland) Act 1988,
 - “the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
 - “the 2020 Act” means the Coronavirus (Scotland) Act 2020,
 - “the 2020 (No.2) Act” means the Coronavirus (Scotland) (No.2) Act 2020,
 - “the 2020 Regulations” means the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/304).>

John Swinney

65 After section 37, insert—

<Tenancies: transitional provision

- (1) The 2020 Regulations continue in force (despite regulation 1 of those Regulations and the expiry of paragraphs 4 and 5 of schedule 1 of the 2020 (No.2) Act).

THIS IS NOT THE MARSHALLED LIST

- (2) They are deemed to have been made under the powers conferred by section 18(4A)(b) of the 1988 Act and paragraph 12(4)(b) of schedule 3 of the 2016 Act.
- (3) In the 2020 Regulations—
- (a) references to the pre-action requirements are to be read as references to the pre-action protocol,
 - (b) the reference in regulation 3 to section 18(3C) is to be read as a reference to section 18(4A)(b),
 - (c) the reference in regulation 4 to paragraph 12(3B) is to be read as a reference to paragraph 12(4)(b).
- (4) Nothing in this section affects the 2020 Regulations insofar as they continue to apply by virtue of section (*Tenancies: saving provision*).
- (5) In this section—
- “the 1988 Act” means the Housing (Scotland) Act 1988,
 - “the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
 - “the 2020 (No.2) Act” means the Coronavirus (Scotland) (No.2) Act 2020,
 - “the 2020 Regulations” means the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/304).>

John Swinney

67 In section 46, page 39, leave out lines 19 to 22 and insert—

- <(1) The following provisions of this Act come into force on the days set out in the table below, with the day specified in the first column for the provision specified in the corresponding entry in the second column.

5

10

15

Day	Provision
Day after Royal Assent	Sections 45, 46, and 47
1 September 2022	Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, (<i>regulations: public health declarations</i>), (<i>regulations: further provision about public health declarations</i>), 13, 39 and 42
24 September 2022	Sections 4 and 19
1 October 2022	Sections 14, 15, 16, 17, (<i>period of moratorium on diligence</i>), (<i>power to amend period of moratorium on diligence</i>), 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, (<i>tenancies: saving provision</i>), (<i>tenancies: transitional provision</i>), 38, 40, 41, 43, (<i>criminal procedure time limits: transitional and saving provision</i>) and 44, and the schedule
1 November 2022	Section (<i>members of children’s hearings</i>)

THIS IS NOT THE MARSHALLED LIST

(1A) In relation to section 18—

(a) subsections (5) and (6) come into force—

20 (i) on 1 September 2022 for the purposes of making regulations under sections 18 and 18B of the Registration of Births, Deaths and Marriages (Scotland) Act 1965,

(ii) on 24 September 2022 for all other purposes, and

(b) the remaining subsections come into force on 24 September 2022.

25 (1B) In relation to section 20—

(a) subsections (2), (3A) and (5) come into force—

(i) on 1 September 2022 for the purposes of making regulations under sections 23, 25 and 28A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965,

30 (ii) on 24 September 2022 for all other purposes, and

(b) the remaining subsections come into force on 24 September 2022.>

John Mason

67A As an amendment to amendment 67, line 17, leave out <Section> and insert <Sections (*bank arrestments: protected minimum balance*) and>

Diligence: bank arrestments

John Mason

69 After section 17, insert—

<Diligence

Bank arrestments: protected minimum balance

(1) The Debtors (Scotland) Act 1987 is modified by subsection (2).

(2) In section 73F (protection of minimum balance in certain bank accounts)—

(a) in subsection (3), for “mentioned in subsection (4) below” substitute “of £1,000”,

(b) subsection (4) is repealed,

(c) in subsection (6)—

(i) the “and” at the end of paragraph (a)(ii) is repealed,

(ii) after paragraph (a), insert—

“(aa) vary the protected minimum sum mentioned in subsection (3)(a), and”.

(3) The modifications made by subsection (2) have no effect in relation to an arrestment executed before 1 November 2022.>

THIS IS NOT THE MARSHALLED LIST

Diligence: period of moratorium

John Swinney

44 After section 17, insert—

<Period of moratorium on diligence

- (1) Section 198 of the Bankruptcy (Scotland) Act 2016 (period of moratorium) is modified as follows.
- (2) In each of the following, for “6 weeks” substitute “6 months”—
 - (a) subsection (1)(b)(i),
 - (b) subsection (3),
 - (c) subsection (5),
 - (d) subsection (7).
- (3) In subsection (6)(b), for “13 weeks after the day on which the moratorium began under subsection (1)(a)” substitute “7 weeks after the day on which the moratorium would have ended but for this subsection”.>

John Swinney

45 After section 17, insert—

<Power to amend period of moratorium on diligence

- (1) The Bankruptcy (Scotland) Act 2016 is modified as follows.
- (2) In section 198 (period of moratorium), after subsection (8), insert—
 - “(9) The Scottish Ministers may by regulations modify this section so as to vary any of the periods specified in subsections (1)(b)(i), (3), (5), (6)(b) or (7).”.
- (3) In section 225 (regulations: general), in subsection (4)(a), after “194(1)” insert “, 198(9)”.>

Registration of births and deaths

John Swinney

46 In section 18, page 18, leave out lines 11 to 26 and insert—

- <“(1B)A person has not discharged the duty under subsection (1) in relation to a birth until the birth registration form containing the information given by the person of the prescribed particulars concerning the birth is attested by, or on behalf of, the person.
- (1C) References in this section to a birth registration form being attested—
- (a) by a person are to the person attesting the form—
 - (i) in the prescribed manner in the presence of the district registrar, or
 - (ii) in a manner approved by the Registrar General,
 - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).

THIS IS NOT THE MARSHALLED LIST

(1D) Where there is a way for—

- (a) a person (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or
- (b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,

it is for the informant to choose whether to give the information, or attest the form, that way.”.>

John Swinney

47 In section 18, page 18, line 36, at end insert—

<() In section 16 (registrar’s power to require information concerning birth to be given)—

(a) in subsection (1)—

(i) after “requiring him” insert “before such date (being not less than 8 days and not more than 15 days after the date of service of the notice) as may be specified in the notice”,

(ii) paragraph (a) is repealed,

(iii) in paragraph (b), after “birth” insert “in one of the following ways—

(i) by attending personally at the registration office for that district and giving the information to the registrar there; or

(ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 14(1A)(b) or (c)”,

(iv) for paragraph (c) substitute—

“(c) to either—

(i) attest, in the prescribed manner, the birth registration form concerning the birth in the presence of the registrar; or

(ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person’s behalf.”,

(b) in subsection (2), for “him to attend personally as aforesaid” substitute “the person to do the things mentioned in subsection (1)(b) and (c)”,

(c) after subsection (3) insert—

“(3A) Where there is a way for—

(a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or

(b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,

it is for the informant to choose whether to give the information, or attest the form, that way.”.>

THIS IS NOT THE MARSHALLED LIST

John Swinney

- 48 In section 18, page 18, leave out line 38 and insert—
- <() for “he obtained the attested birth registration by virtue of” substitute “information was given in a manner permitted by a direction under”,>

John Swinney

- 49 In section 18, page 19, line 15, leave out <details about the person’s usual signature requested by the registrar> and insert <information the registrar requests>

John Swinney

- 50 In section 18, page 19, line 16, at end insert—
- <(5) Where—
- (a) a person is required by this section to attest a birth registration form, and
 - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,
- it is for the person to choose whether to attest the form that way.”.>

John Swinney

- 51 In section 18, page 19, line 32, leave out <details about the person’s usual signature requested by the registrar> and insert <information the registrar requests>

John Swinney

- 52 In section 18, page 19, line 33, at end insert—
- <(5) Where—
- (a) a person is required by this section to attest a birth registration form, and
 - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,
- it is for the person to choose whether to attest the form that way.”.>

John Swinney

- 53 In section 18, page 19, line 33, at end insert—
- <() After section 21 insert—
- “21A Meaning of birth registration form**
- In this Part, references to a birth registration form are to the prescribed form in which—
- (a) a person gives a district registrar information of the prescribed particulars concerning a birth, or
 - (b) a district registrar records information of the prescribed particulars concerning a birth.”.>

THIS IS NOT THE MARSHALLED LIST

John Swinney

54 In section 20, page 20, leave out lines 21 to 36 and insert—

<“(1B) A person has not discharged the duty under subsection (1) by giving information to a district registrar until the death registration form containing the information is attested by, or on behalf of, the person.

(1C) References in this section to a death registration form being attested—

(a) by a person are to the person attesting the form—

(i) in the prescribed manner in the presence of the district registrar, or

(ii) in a manner approved by the Registrar General,

(b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).

(1D) Where there is a way for—

(a) a person (“the informant”) to give information of the prescribed particulars concerning a death that does not entail the informant attending personally at a registration office, or

(b) a death registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,

it is for the informant to choose whether to give the information, or attest the form, that way.”.>

John Swinney

55 In section 20, page 21, line 6, at end insert—

<() In section 25 (registrar’s power to require information concerning death to be given)—

(a) in subsection (1)—

(i) after “requiring him” insert “before such date (being not less than 8 days nor more than 15 days after the date of service of the notice) as may be specified in the notice”,

(ii) paragraph (a) is repealed,

(iii) in paragraph (b), after “death” insert “in one of the following ways—

(i) by attending personally at the registration office for that district and giving the information to the registrar there; or

(ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 23(1A)(b) or (c)”,

(iv) for paragraph (c) substitute—

“(c) to either—

(i) attest, in the prescribed manner, the death registration form concerning the death in the presence of the registrar; or

(ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person’s behalf.”,

THIS IS NOT THE MARSHALLED LIST

(b) in subsection (2), for “him to attend personally as aforesaid” substitute “the person to do the things mentioned in subsection (1)(b) and (c)”,

(c) after subsection (3) insert—

“(3A) Where there is a way for—

(a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the particulars required to be registered concerning a death that does not entail the informant attending personally at a registration office, or

(b) a death registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,

it is for the informant to choose whether to give the information, or attest the form, that way.”.>

John Swinney

56 In section 20, page 21, leave out lines 8 and 9 and insert—

<() for “he obtained the attested death registration form by virtue of” substitute “information was given in a manner permitted by a direction under”.>

John Swinney

57 In section 20, page 21, line 10, at end insert—

<() After section 28 insert—

“28A Meaning of death registration form

In this Part, references to a death registration form are to the prescribed form in which—

(a) a person gives a district registrar information of the prescribed particulars concerning a death, or

(b) a district registrar records information of the prescribed particulars concerning a death.”.>

John Swinney

58 After section 20, insert—

<*Further modification of the Registration of Births, Deaths and Marriages (Scotland) Act 1965*

Regulations under the 1965 Act

(1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.

(2) In section 54(1A) (regulations), for “prescribing the form of a register of marriages under section 32” substitute “under subsection (1)”.>

John Swinney

59 After section 20, insert—

THIS IS NOT THE MARSHALLED LIST

<Civil Partnership Register

Power to make a register electronic

- (1) The Civil Partnership Act 2004 is modified as follows.
- (2) In section 95 (further provision as to registration), after subsection (3) insert—

“(3ZA) A civil partnership register may, if the Registrar General so determines, be electronic rather than paper-based.”>

Alcohol and civic licensing: format of hearings and meetings

John Swinney

60 In section 21, page 21, line 20, at end insert—

<(1A) When determining how a hearing is to be held, a licensing authority must take account of any views given on that issue by any person who notifies the authority of an intention to participate in the hearing.>

John Swinney

61 In section 21, page 21, line 33, at end insert—

<(1A) When determining how a hearing is to be held, a local authority must take account of any views given on that issue by any person who notifies the authority of an intention to participate in the hearing.>

John Swinney

62 In section 23, page 22, line 22, at end insert—

<(1A) When determining how a hearing is to be held, a Licensing Board must take account of any views given on that issue by any person who notifies the Board of an intention to participate in the hearing.>

John Swinney

63 In section 23, page 22, line 33, at end insert—

<(A2) When determining how a meeting is to be held, a Licensing Board must take account of any views given on that issue by any person who notifies the Board of an intention to participate in the meeting.>

Mental health: named person

Murdo Fraser

3 In section 28, page 27, line 4, at end insert—

<() in paragraph (a), after the second “nomination” insert “and declared they understand the role, duties, rights and responsibilities in being a named person”>

THIS IS NOT THE MARSHALLED LIST

Murdo Fraser

2 In section 28, page 27, line 6, at end insert—

<() After section 250 (nomination of named person), insert—

“250A Guidance: named person

- (1) The Scottish Ministers must issue guidance in relation to the role, duties, rights and responsibilities of being a named person under section 250.
- (2) Before issuing guidance under subsection (1), the Scottish Ministers must consult the Commission.
- (3) The Scottish Ministers must publish the guidance in such manner as they consider appropriate.
- (4) The Scottish Ministers must ensure that the guidance is brought to the attention of—
 - (a) those with an interest in nominating a named person, and
 - (b) those who have been nominated as a named person.
- (5) The Scottish Ministers may vary or revoke guidance issued under subsection (1). ”.>

Tenancies: eviction grounds and pre-action protocol

Edward Mountain

70 In section 33, page 31, leave out lines 4 to 9

Edward Mountain

71 In section 33, page 31, leave out lines 10 to 15

Edward Mountain

72 In section 33, page 31, leave out lines 16 to 21

Edward Mountain

73 In section 33, page 31, leave out lines 22 to 27

Edward Mountain

74 In section 33, page 31, leave out lines 28 to 33

Edward Mountain

75 In section 33, page 31, leave out line 34 to line 2 on page 32

Edward Mountain

76 In section 33, page 32, line 2, at end insert—

<() after paragraph 7 (property required for religious purpose), insert—

THIS IS NOT THE MARSHALLED LIST

- “7A(1) It is an eviction ground if the landlord intends to let the property to an employee of which the landlord is the employer.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
- (a) the employee intends to occupy the let property as that person’s only or principal home for at least 3 months, and
- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (1) includes a contract of employment between the landlord and the employee.”>

Edward Mountain

77 In section 33, page 32, leave out lines 3 to 10

Edward Mountain

78 In section 33, page 32, leave out lines 11 to 16

Edward Mountain

79 In section 33, page 32, leave out line 17

Edward Mountain

80 In section 33, page 32, leave out lines 18 to 23

Edward Mountain

81 In section 33, page 32, leave out lines 24 to 27

Edward Mountain

82 Leave out section 33

Edward Mountain

146 After section 33, insert—

<Private residential tenancies: mandatory eviction grounds

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.
- (2) In schedule 3 (eviction grounds), after paragraph 7 (property required for religious purpose) insert—
- “7A(1) It is an eviction ground if the landlord intends to let the property to an employee of which the landlord is the employer.
- (2) The First-Tier Tribunal must find that the ground named in sub-paragraph (1) applies if the employee intends to occupy the let property as that person’s only or principal home for at least 3 months.

THIS IS NOT THE MARSHALLED LIST

- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (1) includes a contract of employment between the landlord and the employee. ”>

Murdo Fraser

147 After section 33, insert—.

<Private residential tenancies: mandatory eviction grounds

- (1) The private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.
- (2) In schedule 3 (eviction grounds), after paragraph 7 (property required for religious purpose), insert—
 - “7A(1) It is an eviction ground if the landlord intends to let the property to an employee of which the landlord is the employer of an agriculture, forestry or other rural land-based business.
 - (2) The First-tier Tribunal must find that the ground named in sub-paragraph (1) applies if the employee intends to occupy the let property as that person’s only or principal home for at least 3 months.
 - (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (1) includes a contract of employment between the landlord and the employee.
 - (4) For the purposes of this paragraph—

“agriculture” means any growing of plants or keeping of animals for the production of food or drink,
“forestry” means the growing of a utilisable crop of timber,
“rural land-based business” includes any land kept or preserved mainly or exclusively for sporting purposes. ”>

Edward Mountain

84 In section 34, page 32, leave out subsections (2) to (6)

Edward Mountain

85 In section 34, page 33, line 14, at end insert—

- <() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 1 in Part I to after Ground 17 in Part II.>

Edward Mountain

86 In section 34, page 33, line 14, at end insert—

- <() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 2 in Part I to after Ground 17 in Part II.>

Edward Mountain

87 In section 34, page 33, line 14, at end insert—

THIS IS NOT THE MARSHALLED LIST

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 3 in Part I to after Ground 17 in Part II.>

Edward Mountain

88 In section 34, page 33, line 14, at end insert—

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 4 in Part I to after Ground 17 in Part II.>

Edward Mountain

89 In section 34, page 33, line 14, at end insert—

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 5 in Part I to after Ground 17 in Part II. >

Edward Mountain

90 In section 34, page 33, line 14, at end insert—

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 6 in Part I to after Ground 17 in Part II. >

Edward Mountain

91 In section 34, page 33, line 14, at end insert—

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 7 in Part I to after Ground 17 in Part II. >

Edward Mountain

92 In section 34, page 33, line 14, at end insert—

<() In schedule 5 (grounds for possession of houses let on assured tenancies), move Ground 8 in Part I to after Ground 17 in Part II. >

Edward Mountain

93 Leave out section 34

Edward Mountain

94 In section 35, page 33, leave out subsections (2) to (5)

Edward Mountain

95 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 11 in Part II to after Case 10 in Part I.>

Edward Mountain

96 In section 35, page 34, line 2, at end insert—

THIS IS NOT THE MARSHALLED LIST

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 12 in Part II to after Case 10 in Part I.>

Edward Mountain

97 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 13 in Part II to after Case 10 in Part I.>

Edward Mountain

98 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 14 in Part II to after Case 10 in Part I. >

Edward Mountain

99 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 15 in Part II to after Case 10 in Part I. >

Edward Mountain

100 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 16 in Part II to after Case 10 in Part I.>

Edward Mountain

101 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 17 in Part II to after Case 10 in Part I. >

Edward Mountain

102 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies),move Case 18 in Part II to after Case 10 in Part I. >

Edward Mountain

103 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 19 in Part II to after Case 10 in Part I. >

Edward Mountain

104 In section 35, page 34, line 2, at end insert—

THIS IS NOT THE MARSHALLED LIST

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 20 in Part II to after Case 10 in Part I. >

Edward Mountain

105 In section 35, page 34, line 2, at end insert—

<() In schedule 2 (grounds for possession for protected or statutory tenancies), move Case 21 in Part II to after Case 10 in Part I. >

Edward Mountain

106 Leave out section 35

Edward Mountain

107 Leave out section 36

Edward Mountain

108 Leave out section 37

Tenancies: emergency rent freeze plan

Mercedes Villalba

66 After section 37, insert—

<Emergency rent freeze plan

- (1) The Scottish Ministers must produce a plan to introduce an emergency rent freeze for all tenancies in Scotland.
- (2) The emergency rent freeze must remain in place until the Scottish Ministers bring forward legislation in relation to rent control measures.
- (3) On completion of the plan, the Scottish Ministers must—
 - (a) publish the plan,
 - (b) lay a copy of the plan before the Scottish Parliament,
 - (c) make proposals in relation to implementing the plan.
- (4) The plan must be completed within 3 months of this section coming into force. >

Mercedes Villalba

68 In section 46, page 39, line 19, at end insert—

<() section (*Emergency rent freeze plan*)>

THIS IS NOT THE MARSHALLED LIST

Tenancies: reporting on and reform of law

Mark Griffin

109 After section 37, insert—

<Report on operation and effect of Part 4 etc.

- (1) The Scottish Ministers must, as soon as practicable after the end of the 1 year period, lay before the Scottish Parliament a report on the operation and effect of the provisions mentioned in subsection (2).
- (2) The provisions are—
 - (a) Part 4 of this Act,
 - (b) paragraphs 1, 3 and 5 of schedule 1 to the Coronavirus (Scotland) Act 2020,
 - (c) Part 2 of schedule 1 to the Coronavirus (Scotland) (No.2) Act 2020.
- (3) For the purposes of subsection (2)(b) and (c), the reference to the provisions is to the content prior to the expiry or repeal of those provisions.
- (4) The report must contain information about—
 - (a) the effect that the operation of provisions in Part 4 of this Act has had on—
 - (i) tenants,
 - (ii) landlords,
 - (iii) the Scottish Courts and Tribunal service,
 - (b) the Scottish Ministers' policies and proposals in improving the operation of Part 4, including—
 - (i) whether any legislation requires to be repealed,
 - (ii) any need to bring forward legislation.
- (5) In preparing the report, the Scottish Ministers must consult—
 - (a) such person as appear to them to be representative of the interests of—
 - (i) tenants,
 - (ii) landlords,
 - (iii) the Scottish Courts and Tribunals.
 - (b) such other persons as they consider appropriate.
- (6) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament—
 - (a) publish the report in such a manner they consider appropriate,
 - (b) make a statement to the Scottish Parliament of the report's findings.
- (7) In this section “the 1 year period” means the period of 1 year beginning with the day after this Bill receives Royal Assent. >

Mark Griffin

110 After section 37, insert—

THIS IS NOT THE MARSHALLED LIST

<Requirement to prepare information

- (1) The First-tier Tribunal must collect, prepare and publish statistical information regarding its roles and responsibilities in relation to the provisions of this Part to contribute to any review conducted by the Scottish Ministers in relation to the operation and effectiveness of this Part.
- (2) The information mentioned in subsection (1) must be collected and prepared in a quarterly reporting period.
- (3) In this section, “quarterly reporting period” means—
 - (a) the period from the day that this section comes into force to whichever of 31 March, 30 June, 30 September and 31 December first occurs thereafter,
 - (b) each subsequent three-month period. >

Edward Mountain

111 After section 37, insert—

<Requirement to reform private tenancies law

- (1) The Scottish Ministers must, no later than 31 July 2024, introduce a Bill for an Act of the Scottish Parliament to reform the law in relation to private tenancies.
- (2) The provisions in Part 4 expire on 31 July 2024.>

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