

UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) BILL

AMENDMENTS TO BE MOVED AT STAGE 2

Amendment 1

In section 1, page 2, line 36

Leave out subsection (4)

Amendment 2

In section 3, page 4, line 9

Leave out section 3 and insert —

<(1) No regulations may be made under section (1)(1) after the end of the period of 3 years beginning with the day on which section 1(1) comes into force.

(2) The Scottish Ministers may by regulations—

(a) extend the period mentioned in subsection (7) by a period of up to one year,

(b) extend any period of extension provided by regulations under this subsection by a further period of up to one year.

(3) The period during which regulations under section (1)(1) may be made may not be extended by regulations so as to last for more than 5 years in total.>

Amendment 3

In section 4, page 4, line 20

Leave out subsection (1) and insert —

<(1) Regulations which contain provision falling within subsection (2) are subject to super-affirmative procedure (see Schedule (Super-affirmative procedure)).>

Amendment 4

In section 4, page 4, line 34

At end insert —

<(f) requires a significant change to Scots law or Scottish Government policy.>

Amendment 5

In section 4, page 4, line 35

Leave out <the affirmative> and insert <the super-affirmative>

Amendment 6

In section 7, page 5, line 40

Add at end—

- <(2) The report in subsection (1) must include
- (a) detail concerning the EU regulations, EU tertiary legislation, EU decisions or EU directives which the Scottish Ministers have considered but have decided not to align with under section 1 (1) and
 - (b) their reasons for that decision.>

Amendment 7

In section 10, page 8, line 24

Leave out subsection (2)

Amendment 8

In section 10, page 8, line 34

Leave out <negative> and insert <affirmative>

Amendment 9

At section 47, page 26, line 7

At end insert –

<*Schedule (Super-affirmative procedure)*

In the case of regulations under section 1(1) —

(1) Scottish Ministers must consult about their proposals such persons as they consider appropriate.

(2) For the purposes of a consultation under subsection (1), the Scottish Ministers must—

- (a) lay before the Parliament a document setting out their proposals,
- (b) send a copy of the document to any person to be consulted under subsection (1); and
- (c) have regard to any representations about the proposals that are made to them.
- (d) the Scottish Ministers must not lay before the Parliament for approval a draft of a Scottish statutory instrument containing the regulations unless they have consulted in accordance with paragraph 1; and
- (e) where they do lay a draft of such an instrument before the Parliament for approval, they must do so at least 60 days before the date on which the regulations are expected to come into force.

(3) In calculating any period of 60 days for the purposes of subsection (5)(b), no account is to be taken of any time during which the Parliament is—

- (a) dissolved, or
- (b) in recess for more than 4 days.

Amendment 10

Schedule 1, page 29, line 7

At end insert –

<() Prior to giving notice under sub-paragraph (1)(c), the Scottish Ministers must consult with the Chair of the Environmental Standards Scotland.>

Amendment 11

Schedule 1, page 29, line 15

At end insert –

<() A person shall be considered unable to carry out the member's functions or unsuitable to continue as a member under subparagraph (2) if the Scottish Ministers are satisfied as regards any of the following matters –

(a) that the member becomes insolvent;

(b) that the member is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.>

Amendment 12

In schedule 2, page 32, line 37

Leave out lines 37 to 38 and insert –

<(ii) the exercise of functions by the Scottish Public Services Ombudsman, the Commissioner for Ethical Standards in Public Life in Scotland, Audit Scotland, the Scottish Information Commissioner or the UK Committee on Climate Change,>