

Damages (Asbestos-related Conditions) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 5

Long Title

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

Section 1

Fergus Ewing

- 1 In section 1, page 1, line 5, leave out from first <a> to end of line 6 and insert <they constitute actionable harm for the purposes of an action of damages for personal injuries>

Fergus Ewing

- 2 In section 1, page 1, line 7, leave out from <are> to <negligible> in line 8 and insert <do not constitute actionable harm>

Fergus Ewing

- 3 In section 1, page 1, line 10, leave out from <for> to end of line 11 and insert <in damages in respect of personal injuries>

Section 2

Fergus Ewing

- 4 In section 2, page 1, line 14, after <caused> insert <and>

Fergus Ewing

- 5 In section 2, page 1, line 14, leave out <or is not likely to cause>

Fergus Ewing

- 6 In section 2, page 1, line 19, leave out from <it> to end of line 21 and insert <such a condition constitutes actionable harm for the purposes of an action of damages for personal injuries>

Fergus Ewing

- 7 In section 2, page 1, line 22, leave out subsection (4) and insert—
<() Any rule of law the effect of which is that such a condition does not constitute actionable harm ceases to apply to the extent it has that effect.

- () But nothing in this section otherwise affects any enactment or rule of law which determines whether and in what circumstances a person may be liable in damages in respect of personal injuries.>

Section 3

Fergus Ewing

- 8 In section 3, page 2, line 5, leave out from <mentioned> to <condition> in line 6 and insert <to which section 2 applies>

After section 3

Derek Brownlee

- 9 After section 3, insert—

<Annual financial impact report

- (1) As soon as is practicable, and no later than six months, after the end of a relevant period the Scottish Ministers must prepare and lay before the Scottish Parliament a report containing the information specified in subsection (2).
- (2) That information is—
 - (a) the costs—
 - (i) incurred by the Scottish Administration and each of the groups of bodies mentioned in subsection (9); and
 - (ii) estimated by the financial memorandum to be incurred by the Scottish Administration and each such group of bodies,
in implementing this Act in the relevant period to which the report relates;
 - (b) the total costs—
 - (i) incurred by the Scottish Administration and each of the groups of bodies mentioned in subsection (9); and
 - (ii) estimated by the financial memorandum to be incurred by the Scottish Administration and each such group of bodies,
in implementing this Act in the period from Royal Assent to the end of the relevant period to which the report relates;
 - (c) the difference between the figure listed for each of the Scottish Administration and the groups of bodies mentioned in subsection (9) by virtue of—
 - (i) subsection (2)(a)(i); and
 - (ii) subsection (2)(a)(ii); and
 - (d) the difference between the figure listed for each of the Scottish Administration and the groups of bodies mentioned in subsection (9) by virtue of—
 - (i) subsection (2)(b)(i); and
 - (ii) subsection (2)(b)(ii).
- (3) The difference identified by virtue of—

- (a) subsection (2)(c) must be stated as an amount; and
 - (b) subsection (2)(c) or (d) must be stated as a percentage of the relevant figure in the financial memorandum (unless the relevant figure in the financial memorandum was zero).
- (4) Subsection (5) applies where—
- (a) any difference stated as mentioned in subsection (3)(a)—
 - (i) is between £1 million and £5 million (but only where the relevant figure in the financial memorandum was zero); or
 - (ii) exceeds £5 million;
 - (b) any difference stated as mentioned in subsection (3)(b) is—
 - (i) less than 95%; or
 - (ii) greater than 105%.
- (5) The report must—
- (a) explain the reason for the difference; and
 - (b) set out any action the Scottish Ministers propose to take as a result of the difference arising (or the reason for no action being proposed).
- (6) In preparing the report the Scottish Ministers must—
- (a) invite the groups of bodies mentioned in subsection (9) to provide them with such information as the groups of bodies consider relevant; and
 - (b) take account of any relevant information provided to them by those groups of bodies (whether in response to an invitation under paragraph (a) or otherwise).
- (7) Where the financial memorandum provided information in relation to other bodies, individuals or businesses further broken down by body or person, the report may do likewise.
- (8) Where the financial memorandum did not provide a cost in relation to any relevant period, the costs to be provided by virtue of subsection (2)(a)(ii) or (b)(ii) must be (or, as the case may be, include) the relevant figure for the most recent relevant period for which the financial memorandum did provide a cost.
- (9) The groups of bodies are—
- (a) local authorities;
 - (b) other bodies, individuals and businesses.
- (10) The Scottish Parliament may (no earlier than whichever is the later of the end of five years after Royal Assent or any period covered in the financial memorandum) by resolution agree that no further reports require to be prepared or laid under subsection (1).
- (11) For the purposes of subsection (10) a period is not covered in the financial memorandum if the only cost arising in that period is identified in the memorandum as an ongoing cost.
- (12) In this section—
- “relevant period” means—

- (a) the period between Royal Assent and the end of the first full financial year after that date;
- (b) each subsequent financial year;

“financial memorandum” means the last financial memorandum published to accompany the Bill for this Act (and where that memorandum was a supplementary financial memorandum, means that memorandum as read with any previous financial memorandum).>

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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
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Published in Edinburgh by RR Donnelley and available from:

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Printed in Scotland by RR Donnelley

ISBN 978-1-4061-5115-2

£0.60

ISBN 978-1-4061-5115-2



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