

Tribunals (Scotland) Bill

Groupings of Amendments for Stage 3

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 during Stage 3 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

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Alternative dispute resolution

24

Group 2: Listed tribunals

1, 2, 3, 8

Debate to end no later than 20 minutes after proceedings begin

Group 3: Maximum penalties under section 61A

4

Group 4: Provision for tribunal rules

5, 6, 19, 20, 25

Group 5: Minor drafting points

7, 9, 22, 23

Group 6: Eligibility and process for appointment

10, 11, 12, 13, 14, 15, 16, 17, 21

Debate to end no later than 40 minutes after proceedings begin

Group 7: Disqualification from position

18

Group 8: Role of the Scottish Civil Justice Council

26, 27, 28, 29

Debate to end no later than 55 minutes after proceedings begin

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Alternative dispute resolution

Elaine Murray

24 After section 11A, insert—

<Alternative dispute resolution

- (1) In acting as the Head of the Scottish Tribunals, the Lord President must promote alternative methods of resolving disputes in cases of a type that may be brought before the Scottish Tribunals.
- (2) The Lord President is do so to such extent, and by reference to such types of case, as he or she considers appropriate (including by having regard to the suitability of a process of negotiation, mediation, arbitration or adjudication in relation to particular types of case).>

Group 2: Listed tribunals

Roseanna Cunningham

1 In section 26, page 11, line 30, leave out <Regulations under subsection (2) may add a tribunal to the list> and insert <A tribunal may be added to the list in Part 1 of schedule 1>

Roseanna Cunningham

2 In section 26, page 11, line 32, leave out subsection (4) and insert—

- <(4) For the purposes of this section, a reference to a tribunal includes any body, office-holder or individual having decision-making functions that are exercisable as follows (but only as far as having such or other functions that are so exercisable)—
- (a) as, or in the manner of, a tribunal, and
 - (b) with respect to the determination or resolution of legal, administrative or other disputes between parties of any kind.>

Roseanna Cunningham

3 In section 26, page 11, line 35, leave out <But the references in this section to a tribunal do not> and insert <Despite that generality, a reference to a tribunal does not for the purposes of this section>

Roseanna Cunningham

8 In schedule 1, page 35, leave out lines 34 and 35 and insert <exercisable—

- () in the manner of a tribunal, and
- () with respect to the determination or resolution of disputes.>

THIS IS NOT THE MARSHALLED LIST

Group 3: Maximum penalties under section 61A

Roseanna Cunningham

- 4 In section 61A, page 27, line 35, at end insert—
- <() The maximum penalties that may be provided for in regulations under subsection (1) are—
- (a) for an offence triable summarily only, imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both),
 - (b) for an offence triable either summarily or on indictment—
 - (i) on summary conviction, imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
 - (ii) on conviction on indictment, imprisonment for a term not exceeding 2 years or a fine (or both).>

Group 4: Provision for tribunal rules

Roseanna Cunningham

- 5 In section 62, page 28, line 8, at end insert <, and
- () containing provision of other sorts appropriate with respect to the Scottish Tribunals (including in relation to the exercise by them of their functions).>

Roseanna Cunningham

- 6 In section 68, page 31, line 4, leave out second <in> and insert <at>

Roseanna Cunningham

- 19 In schedule 9, page 55, line 30, at end insert <, or
- () containing provision of other sorts appropriate with respect to the Scottish Tribunals (including in relation to the exercise by them of their functions).>

Roseanna Cunningham

- 20 In schedule 9, page 55, line 38, leave out <for the purposes mentioned in paragraph 2(2) (that is,> and insert <as mentioned in paragraph 2(2) (>

Margaret Mitchell

- 25 In schedule 9, page 56, line 3, leave out <negative> and insert <affirmative>

Group 5: Minor drafting points

Roseanna Cunningham

- 7 In section 76, page 33, line 33, leave out <a list> and insert <an index>

THIS IS NOT THE MARSHALLED LIST

Roseanna Cunningham

- 9 In schedule 2, page 36, line 31, leave out <named or other membership> and insert <or other>

Roseanna Cunningham

- 22 In schedule 9, page 57, line 35, leave out <above>

Roseanna Cunningham

- 23 In schedule 9, page 58, line 35, leave out <that paragraph> and insert <paragraph (c) of sub-paragraph (1)>

Group 6: Eligibility and process for appointment

Roseanna Cunningham

- 10 In schedule 3, page 38, line 32, after <sub-paragraph> insert <(1A),>

Roseanna Cunningham

- 11 In schedule 3, page 38, line 32, at end insert—

<(1A) That is—

- (a) current practice as a solicitor or barrister in England and Wales or Northern Ireland, and
- (b) engagement in practice as such for a period of not less than 5 years.>

Roseanna Cunningham

- 12 In schedule 3, page 39, line 3, after <through> insert <current or previous>

Roseanna Cunningham

- 13 In schedule 3, page 39, line 20, leave out <6(2)(a)> and insert <6(1A)(b) or (2)(a)>

Roseanna Cunningham

- 14 In schedule 5, page 42, line 33, after <sub-paragraph> insert <(1A),>

Roseanna Cunningham

- 15* In schedule 5, page 42, line 33, at end insert—

<(1A) That is—

- (a) current practice as a solicitor or barrister in England and Wales or Northern Ireland, and
- (b) engagement in practice as such for a period of not less than 7 years.>

Roseanna Cunningham

- 16 In schedule 5, page 43, line 3, after <through> insert <current or previous>

Roseanna Cunningham

- 17 In schedule 5, page 43, line 20, leave out <6(2)(a)> and insert <6(1A)(b) or (2)(a)>

THIS IS NOT THE MARSHALLED LIST

Roseanna Cunningham

- 21 In schedule 9, page 57, line 16, after <of> insert <, or a person who exercises functions as,>

Group 7: Disqualification from position

Roseanna Cunningham

- 18 In schedule 7, page 48, line 5, leave out paragraph 11

Group 8: Role of the Scottish Civil Justice Council

Elaine Murray

- 26 In schedule 9, page 59, line 32, at end insert—
<() after paragraph (a) there is inserted—
“(aa) to keep matters relating to the administrative justice system within the jurisdiction of the Scottish Tribunals under review,”>

Elaine Murray

- 27 In schedule 9, page 59, line 39, at end insert—
<() after paragraph (d) there is inserted—
“(da) to provide advice and make recommendations to the Lord President on the development of, and changes to, matters relating to the administrative justice system within the jurisdiction of the Scottish Tribunals,”>

Elaine Murray

- 28 In schedule 9, page 59, line 39, at end insert—
<() after paragraph (e) there is inserted—
“(ea) to provide such advice on any matter relating to the administrative justice system within the jurisdiction of the Scottish Tribunals as may be requested by the Lord President.”>

Elaine Murray

- 29* In schedule 9, page 60, line 35, leave out <2(1)(ba) and (c)(ii)> and insert <2(1)(aa), (ba), (c)(ii), (da) and (ea)>