

**Devolution (Further Powers) Committee**

**Progress note on the passage of the Scotland Bill in the UK Parliament**

**Background**

1. The Scotland Bill was introduced in the House of Commons by the UK Parliament on 28 May 2015. The Bill received its 2<sup>nd</sup> Reading on 8 May. Following 2<sup>nd</sup> Reading (a debate on the general principles of the Bill), the House of Commons agreed that four days be set aside for the Committee Stage, with the Bill being referred to a Committee of the whole House. Committee Stage is where Committee stage is where detailed examination of the Bill takes place.
2. The first day at Committee Stage took place on 15 June. Unlike Stage 2 of a Bill in the Scottish Parliament, not all admissible amendments are taken during Committee Stage in the House of Commons. The selection and grouping of amendments in a Committee of the whole House is decided by the Chairman of Ways and Means (Deputy Speaker).
3. The full Marshalled List of amendments selected for debate can be found here—

<http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0003/amend/psc031206m.1-7.html>

With regular updates on amendments being lodged being posted here—

<http://services.parliament.uk/bills/2015-16/scotland/documents.html>

4. This note has been prepared by the Clerks to the Committee with support from other Parliamentary officials to provide Members with a regular update on the progress of the Bill through the various stages in the UK Parliament.
5. Since the timing of various stages in the UK Parliament may not exactly coincide with meetings of the Committee, these notes only provide a snapshot at the time of writing.
6. The intention of the Clerks is to summarise the progress being made with the **main** amendments that had been selected and debated since the previous version of this note had been provided to the Committee, and to look forward by providing a short commentary on the **main** amendments that had been lodged and were possibly to be selected and debated in the UK Parliament in the days following the provision of this particular note for a meeting of the Committee. These notes therefore attempt to look back and look forward, on a rolling basis.

**Day 1, Committee Stage, House of Commons, 15 June, 2015**

Background papers

The Hansard of the debate can be found at—

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/chan16.pdf>

A record of the disposal of amendments can be found here—

<http://www.publications.parliament.uk/pa/cm201516/cmvote/150615v01.htm>

Progress note

The table below sets out a brief progress note on the main amendments selected for discussion at the above-mentioned meeting of the UK Parliament

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Clause No.	Amendment No. (1)	Brief description of the amendment (2)	Outcome	Other notes/comments
1. Permanency of the Scottish Parliament	16 (A. Carmichael, Lib Dem)	Change "A" to "The" before "Scottish Parliament"	Withdrawn	<p>This series of amendments (particularly amendment 58) were broadly in line with the conclusion and recommendation of the Devolution Committee in its Interim Report.</p> <p>In discussing clause 1 amendments, it was accepted that the "permanency" could not be achieved in that it would always be open to a Westminster Parliament to change the legislation even if safeguards were inserted in the Bill. There was a wide discussion around sovereignty.</p> <p>During the debate on day 1, the Secretary of State said he would not be accepting the SNP amendments on</p>
	37 (I. Murray, Labour)	Leave out "is recognised as" and insert "shall be"	Not moved	
	17 (A. Carmichael)	Leave out "recognised as"	Not move	
	58 (A. Robertson, SNP)	Require a referendum before Scottish Parliament can be abolished	<b>Aye 271, No 302</b>	

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				<p>permanency (58 and 59) as they referred to “the United Kingdom’s constitution”. He said the term “constitutional arrangements” is used in Clause 1 to “reflect the fact that the United Kingdom does not have a written constitution”.</p>
<p>2. Sewel Convention</p>	<p>90 (A. Robertson)</p> <p>39, 4, 19, 20, 41 (I. Murray, A. Carmichael)</p> <p>56 (G. Allen, Labour)</p>	<p>Leave out clause 2</p> <p>Various amendments to remove “normally”, require a UK Minister to signal consent had been given before 2<sup>nd</sup> Reading debate etc</p> <p>Leave out “not normally” and insert “never” – to require the leg consent of the Scottish Parliament be observed in all legislation of the UK Parliament</p>	<p>Withdrawn</p> <p>Withdrawn/Not Moved</p> <p>Not Moved</p>	<p>This series of amendments were broadly in line with the conclusion and recommendation of the Devolution Committee in its Interim Report.</p> <p>The discussion on clause 2 relating to the Sewel Convention centred on the working of Guidance Note DG10. The UK Government said that they understood it was not the Smith Commission’s intention to change the constitutional position but to reflect the political understanding of the convention and that was what this</p>

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				clause as currently drafted was doing. The main amendments were withdrawn.
3-11. Elections, local electoral boundaries, super-majorities, scope to modify the Scotland Act	60 & 61 (A Robertson)	Deletes section B3 from Scotland Act 1998 and provides substitute text. Part A reserves elections to HoC and European Parliament to the UK Parliament and Part B refers to Scottish Parliament and local government elections in Scotland	Withdrawn	Amendments were discussed around the elections provisions in clauses 3, 4, and 5. Further technical and consequential amendments were agreed in relation to clauses 6 and 9 on digital electoral registration and that the regulation making power would lie with Scottish Ministers concurrently with the Secretary of State. Amendments by J. Cherry's amendment to clause 10 was withdrawn after a discussion as to amending provisions of the Scotland Act 1998 with particular reference to the position of the Human Rights Act 1998.
	92-110 (D Mundell, Conservative)		Agreed to without division	
	43 (W. David, Labour)	To add "a referendum called under reserved powers" to the list of events that can't coincide with a Scottish Parliamentary election	<b>Aye 269 No 305</b>	
	62 (J Cherry, SNP)	Clarify matters around references to the Supreme Court, in particular where the Scottish Parliament resolved to reconsider the Bill	<b>Withdrawn</b>	
	89 (A. Robertson)	Remove the reservation in the Scotland Act 1998 on taxation, borrowing and public expenditure to enable the Scottish Parliament to legislate for 'full fiscal autonomy'	<b>Aye 60 No 309</b>	
NC2 (I. Murray)	Outline a constitutional convention to analyse and design future	<b>Aye 218 No 306</b>		

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		governance arrangements for the UK		
	NC3 (E. Leigh, Conservative)	Retain reserved powers over the constitution, foreign affairs, public service, defence and treason, but otherwise remove reservations over financial and economic matters, home affairs, trade and industry, energy, transport, social security, regulation of the professions, employment, health and medicines, media and culture and other miscellaneous matters	<b>Aye 68, No 298</b>	
	NC5 (G. Allen)	Express consent of the Scottish Parliament required before any repeal of the Human Rights Act 1998 applying to Scotland	<b>Aye 274, No 309</b>	
	NC10 (A. Robertson)	Placing the Sewel Convention on a statutory footing by requiring the consent of the Scottish Parliament before the UK Parliament legislates in devolved areas	<b>Aye 63, No 309</b>	

- (1) NB. The above list of amendments is not exhaustive as this table summarises progress of the main amendments only  
(2) The text provided under “brief description” is mostly drawn from the Member’s own explanatory text provided when lodging the relevant amendment(s).

**Amendments that may be considered at future stages in the UK Parliament**

Progress note

The table below sets out note on the main amendments that have been lodged at the time of writing and which may be selected for discussion at future meetings of the UK Parliament.

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Clause No.	Amendment No. (1)	Brief description of the amendment (2)	Outcome	Other notes/comments
12-18. Income tax, VAT, Devolved Taxes	NC1 (I. Murray)	Requires the Secretary of State to establish an independent commission of experts, appointed in consultation with the Treasury Select Committee, to publish an analysis by 31 March 2016 on full fiscal autonomy and the impact on the Scottish economy, labour market and public finances		
19. Disability, industrial injuries and carer's benefits	11 and 48 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
20 Benefits for maternity, funeral and heating expenses	49 and 50 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
21. Discretionary Benefits: top up of reserved benefits	12 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
22. Discretionary Housing Payments	13 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
23. Discretionary Payments and Assistance	14, 8, 15 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
24. Universal Credit – costs of claimants who rent	5 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		



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accommodation				
25. Universal Credit – persons to whom, and time when, paid	7 and 6 (I.Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
26. Employment Support	9 and 10 (I. Murray)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
31. The Crown Estate	23, 57, 24, 25, 26,	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
32. Equal opportunities	91 (I. Murray)	Ensure continued progression towards achieving gender balance on boards of Scottish public authorities		
33. Tribunals	53 and 54 (I. Murray) 27 – 29 (A. Carmichael)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
43. Consumer advocacy	30 (A. Carmichael)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
45. Gaming machines on licensed betting premises	31 - 35 (A. Carmichael)	[analysis, if required, will be provided to the Committee for its meeting on 25 June]		
	NC4 (I. Murray)	Encourage the promotion of gender equality in the Scottish Parliament by requiring the Scottish Ministers to publish and lay a report on the measures which the Scottish Government took to promote gender equality within the membership of the Parliament		

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