

# Public Health etc. (Scotland) Bill

---

---

## 3rd 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;
- a list of any amendments already debated;
- the text of amendments to be debated on the third 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

#### **Regulation of provision of sunbeds**

202, 202A, 202B, 1, 203, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

#### **Prohibition on provision or display of certain information relating to sunbeds**

266, 267

#### **Statutory nuisances: procedure and consultation on regulations**

247, 249, 250, 254, 255

#### **Statutory nuisances: land covered with water**

248

#### **Statutory nuisances: fixed penalties**

251, 252, 253

#### **Disclosure of information**

215, 216, 217, 218, 219, 220, 221

#### **Duty to consult on regulations**

223

#### **Regulations and orders: procedure**

191

#### **Consequential repeals**

256, 257, 258, 259, 260, 261, 262, 263, 264, 265

#### **Crown application: national security**

225

## **Amendments already debated**

### **Penalties for offences**

With 213 – 222

### **Offences under Part 4, Part 5 and Part 6**

With 152 – 158, 159

### **Procedure for applications etc.**

With 46 – 190

### **Conferring of further powers on investigators: extent and procedure**

With 198 – 204

### **International health regulations**

With 205 – 224

## Amendments in debating order

### Regulation of provision of sunbeds

**Helen Eadie**

202 Before section 90, insert—

#### <Licensing of sunbed premises

- (1) The Civic Government (Scotland) Act 1982 (c.45) is amended as follows.
- (2) In section 7(2), after paragraph (a) insert—
  - “(aa) in a case where the licence is a sunbed premises licence and the condition is attached under section 41B(4) of this Act, to a fine not exceeding level 4 on the standard scale;”.
- (3) In section 9(1), for the words “section 41A” substitute “sections 41A and 41B”.
- (4) After section 41A, insert—

#### “41B Sunbed premises licences

- (1) A licence, to be known as a “sunbed premises licence”, is required for the use of premises as sunbed premises.
- (2) In this section—
  - “operator” means the person having management or control of the sunbed premises;
  - “sunbed” means an electrically-powered device designed to produce tanning of the skin by the emission of artificial ultraviolet radiation; and
  - “sunbed premises” means premises in which persons are permitted to use a sunbed for payment.
- (3) For the purposes of this section, sub-paragraphs (1) and (2) of paragraph 5 of Schedule 1 to this Act do not apply; instead, where an application for the grant or renewal of a sunbed premises licence has been made to a licensing authority, they shall, in accordance with subsections (4) and (5) below and the remaining provisions of that paragraph—
  - (a) grant or renew the licence subject to conditions; or
  - (b) refuse to grant or renew the licence.
- (4) Every sunbed premises licence is subject to the following conditions—
  - (a) persons under 18 are prohibited from using a sunbed on the sunbed premises to which the licence relates;
  - (b) persons are prohibited from using a sunbed without supervision on the sunbed premises to which the licence relates;
  - (c) the operator of the sunbed premises to which the licence relates shall—
    - (i) provide to any person who proposes to use a sunbed on those premises, on each occasion on which that person proposes to use a sunbed on those premises, such information regarding the effects on health of sunbed use as may be prescribed in accordance with subsection (6); and

## THIS IS NOT THE MARSHALLED LIST

- (ii) display a notice containing such information as may be prescribed in accordance with subsection (6) in a position where it is readily visible to persons proposing to use a sunbed on those premises.
- (5) The Scottish Ministers may by regulations prescribe further conditions as conditions which a licensing authority may, at the authority's discretion, impose on the granting or renewal of a sunbed premises licence.
- (6) The Scottish Ministers may by regulations prescribe—
  - (a) the information which is to be—
    - (i) provided under subsection (4)(c)(i);
    - (ii) contained in the notice mentioned in subsection (4)(c)(ii);
  - (b) the form and manner in which—
    - (i) the information mentioned in subsection (4)(c)(i) is to be provided,
    - (ii) the notice mentioned in subsection (4)(c)(ii) is to be displayed.
- (7) Regulations under subsection (5) or (6) are to be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of the Scottish Parliament.”.>

### Rhoda Grant

**202A** As an amendment to amendment 202, line 40, at end insert <;

and to such other mandatory conditions as the Scottish Ministers may by regulations prescribe.>

### Rhoda Grant

**202B** As an amendment to amendment 202, line 53, at end insert—

- <( ) The Scottish Ministers must, after consulting such persons as they consider appropriate, issue guidance to licensing authorities as to the exercise of their functions under this section.>

### Ken Macintosh

**1** Leave out section 90 and insert—

<REGULATION OF PROVISION OF SUNBEDS

#### *Offences*

#### **Prohibition on allowing use of sunbeds by persons under 18**

- (1) An operator of sunbed premises who, without reasonable excuse, allows a person who is under 18 to use a sunbed on those premises commits an offence.
- (2) In proceedings for an offence under subsection (1), it is a defence for the operator to show that—
  - (a) the operator believed the person to be 18 or over; and
  - (b) the operator had taken reasonable steps to establish the person's age.
- (3) For the purposes of subsection (2)(b), the operator is to be treated as having taken reasonable steps to establish the person's age if (and only if)—
  - (a) the operator was shown any of the documents mentioned in subsection (4); and

## **THIS IS NOT THE MARSHALLED LIST**

- (b) that document would have convinced a reasonable person.
- (4) The documents referred to in subsection (3)(a) are any document appearing to be—
  - (a) a passport;
  - (b) a European Union photocard driving licence; or
  - (c) such other document (or description of document) as may be prescribed.
- (5) In subsections (2)(a) and (b) and (3), references to the operator include an employee or agent of the operator.>

### **Helen Eadie**

**203** Leave out section 90

### **Ken Macintosh**

**2** After section 90, insert—

#### **<Prohibition on sale or hire of sunbeds to persons under 18**

- (1) A person (the “seller”) who, without reasonable excuse, sells a sunbed to a person who is under 18 commits an offence.
- (2) A person (the “hirer”) who, without reasonable excuse, hires a sunbed to a person who is under 18 commits an offence.
- (3) In proceedings for an offence under subsection (1) or (2), it is a defence for the seller or hirer to show that—
  - (a) the seller or hirer believed the person to be 18 or over; and
  - (b) the seller or hirer had taken reasonable steps to establish the person’s age.
- (4) For the purposes of subsection (3)(b), the seller or hirer is to be treated as having taken reasonable steps to establish the person’s age if (and only if)—
  - (a) the seller or hirer was shown any of the documents mentioned in subsection (5); and
  - (b) that document would have convinced a reasonable person.
- (5) The documents referred to in subsection (4)(a) are any document appearing to be—
  - (a) a passport;
  - (b) a European Union photocard driving licence; or
  - (c) such other document (or description of document) as may be prescribed.
- (6) In subsections (3)(a) and (b) and (4), references to the seller or hirer include an employee or agent of the seller or hirer.>

### **Ken Macintosh**

**3** After section 90, insert—

#### **<Remote sale or hire of sunbeds**

- (1) This section applies where, in connection with the sale or hire of a sunbed, the premises where the order for the sunbed is taken are not the same as the premises from which the sunbed is despatched for delivery in pursuance of the sale or hire.

## THIS IS NOT THE MARSHALLED LIST

- (2) Subject to subsection (3), the sale or hire is to be treated, for the purposes of section (*Prohibition on sale or hire of sunbeds to persons under 18*), as taking place on the premises where the order was taken.
- (3) Where—
  - (a) the premises where the order for the sunbed is taken are not in Scotland; and
  - (b) the premises from which the sunbed is despatched are in Scotland,the sale or hire is to be treated, for the purposes of section (*Prohibition on sale or hire of sunbeds to persons under 18*), as taking place on the premises from which the sunbed is despatched.>

### Ken Macintosh

4 After section 90, insert—

#### <Prohibition on allowing unsupervised use of sunbeds

- (1) An operator of sunbed premises who, without reasonable excuse, allows a person to use a sunbed on those premises without supervision commits an offence.
- (2) In subsection (1), the requirement for supervision is met if the operator (or an employee or agent of the operator) is present on the sunbed premises at any time a person is using a sunbed on those premises.
- (3) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee or agent of the operator) exercised all due diligence and took all reasonable steps to avoid committing the offence.>

### Ken Macintosh

5 After section 90, insert—

#### <Medical use of sunbeds

- (1) The Scottish Ministers may, by regulations, make provision regarding the application of this Part to sunbeds used for medical purposes.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) as to what is (and is not) a sunbed;
  - (b) as to what are (and are not) sunbed premises;
  - (c) as to circumstances in which the provisions of this Part do (and do not) apply.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).>

### Ken Macintosh

6 After section 90, insert—

#### <Duty to provide information to sunbed users

- (1) An operator of sunbed premises who, without reasonable excuse, fails to comply with the requirement in subsections (2) and (3) commits an offence.
- (2) The operator must provide a person who proposes to use a sunbed on sunbed premises with such information regarding the effects on health of sunbed use as may be prescribed in accordance with subsection (5).

## THIS IS NOT THE MARSHALLED LIST

- (3) That information is to be provided each time the person proposes to use a sunbed on those premises.
- (4) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee or agent of the operator) exercised all due diligence and took all reasonable steps to avoid committing the offence.
- (5) The Scottish Ministers may prescribe—
  - (a) the information which is to be provided;
  - (b) the form and manner in which that information is to be provided.>

### Ken Macintosh

7 After section 90, insert—

#### <Duty to display information notice

- (1) An operator of sunbed premises who, without reasonable excuse, fails to comply with the requirement in subsection (2) commits an offence.
- (2) That requirement is to display a notice—
  - (a) containing such information as may be prescribed in accordance with subsection (4);
  - (b) in a position where it is readily visible to persons proposing to use a sunbed on the premises.
- (3) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee or agent of the operator) exercised all due diligence and took all reasonable steps to avoid committing the offence.
- (4) The Scottish Ministers may prescribe—
  - (a) the information which the notice is to contain;
  - (b) the form and manner of display of the notice.>

### Ken Macintosh

8 After section 90, insert—

#### <Enforcement

##### Power to enter premises

- (1) An authorised officer of a local authority may enter and inspect any premises in the area of that authority in order to ascertain whether an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on sale or hire of sunbeds to persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*) has been or is being committed there.
- (2) The power in subsection (1) may be exercised only at a reasonable time.
- (3) The authorised officer must, if requested to do so, produce a document showing that officer's authority.
- (4) When exercising the power in subsection (1), an authorised officer may take a constable if the authorised officer has reasonable cause to expect any serious obstruction in obtaining access.

## **THIS IS NOT THE MARSHALLED LIST**

- (5) An authorised officer may—
- (a) require the production of (or, where the information is recorded electronically, the furnishing of extracts from) any records which it is necessary for the authorised officer to see for the purposes of this Part; and
  - (b) inspect and take copies of, or of any entry in, the records.
- (6) Nothing in subsection (5) compels the production by any person of a document subject to legal privilege.
- (7) A document subject to legal privilege means a communication—
- (a) between a professional legal adviser and the adviser’s client; or
  - (b) made in connection with or in contemplation of legal proceedings and for the purpose of those proceedings,
- which would, in legal proceedings, be protected from disclosure by virtue of any rule of law relating to confidentiality of communications.
- (8) A person commits an offence if the person, without reasonable excuse—
- (a) intentionally obstructs an authorised officer in the exercise of powers under subsection (1);
  - (b) fails to comply with a requirement made under subsection (5).
- (9) In proceedings for an offence under subsection (8), it is a defence for the person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.>

### **Ken Macintosh**

**9** After section 90, insert—

#### **<Power to enter premises: entry to dwellinghouses**

- (1) Where an authorised officer proposes, in the exercise of the power conferred by section (*Power to enter premises*)(1), to enter a dwellinghouse, the conditions set out in subsections (2) and (3) must be satisfied.
- (2) The first condition is that the authorised officer has given 48 hours’ notice of the proposed entry to a person who appears to the authorised officer to be the occupier of the premises.
- (3) The second condition is that the person who appears to be the occupier has consented.
- (4) In this section, “dwellinghouse” means any premises or part of premises which are wholly or mainly occupied as a person’s dwelling.>

### **Ken Macintosh**

**10** After section 90, insert—

#### **<Power to require identification of operator**

- (1) Where an authorised officer of a local authority has reason to believe that an operator of sunbed premises in the area of that local authority is committing or has committed an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*), the authorised officer may require any person on those premises to give the name and address of the operator.

## THIS IS NOT THE MARSHALLED LIST

- (2) When making a requirement under subsection (1), the authorised officer must inform the person—
  - (a) that the officer has reason to believe that the operator is committing or has committed an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*); and
  - (b) that failure to comply with the requirement may be an offence.
- (3) A person commits an offence if the person, without reasonable excuse, fails to comply with a requirement made under subsection (1).
- (4) In proceedings for an offence under subsection (3), it is a defence for the person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.>

### Ken Macintosh

11 After section 90, insert—

<**Fixed penalties for offences under section** (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*)

- (1) Where an authorised officer of a local authority has reason to believe that an operator of sunbed premises in the area of that authority has committed an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*), the authorised officer may give the operator a notice (a “fixed penalty notice”) offering the operator the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) A fixed penalty notice must—
  - (a) identify the offence to which it relates; and
  - (b) give reasonable particulars of the circumstances alleged to constitute the offence.
- (3) A fixed penalty notice must also state—
  - (a) the amount of the fixed penalty;
  - (b) the period within which it may be paid;
  - (c) the—
    - (i) person to whom; and
    - (ii) address at which, payment may be made;
  - (d) the method or methods by which payment may be made;
  - (e) the consequences of not making payment before the end of the period for payment of the fixed penalty.
- (4) The amount of the fixed penalty is—
  - (a) in the case of an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), £100;

## THIS IS NOT THE MARSHALLED LIST

- (b) in the case of an offence under section (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*), £50.
- (5) The period for payment of the fixed penalty is 28 days beginning with the day on which the notice was given.
- (6) The local authority may extend the period for payment of the fixed penalty in any particular case if they consider it appropriate to do so, by giving notice to the operator.
- (7) No proceedings for an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*) may be commenced before the end of the period for payment of the fixed penalty.
- (8) No such proceedings may be commenced or continued if payment of the penalty is made before the end of the period for payment or is accepted by the local authority after the end of that period.
- (9) In proceedings for an offence under section (*Prohibition on allowing use of sunbeds by persons under 18*), (*Prohibition on allowing unsupervised use of sunbeds*), (*Duty to provide information to sunbed users*) or (*Duty to display information notice*), a certificate which—
  - (a) purports to be signed by or on behalf of a person having responsibility for the financial affairs of the local authority; and
  - (b) states that payment of the amount specified in the fixed penalty notice was or was not received by the expiry of the period within which that fixed penalty may be paid,is sufficient evidence of the facts stated.
- (10) Any sum received by a local authority under this section accrues to that authority.
- (11) The Scottish Ministers may by regulations—
  - (a) provide that fixed penalty notices may not be given in such circumstances as may be prescribed;
  - (b) provide for the form of a fixed penalty notice;
  - (c) provide for the method or methods by which fixed penalties may be paid;
  - (d) modify subsection (4) so as to substitute a different amount (not exceeding level 2 on the standard scale) for an amount for the time being specified there;
  - (e) modify subsection (5) so as to substitute a different period for the period for the time being specified there;
  - (f) provide for the keeping of accounts, and the preparation and publication of statements of account relating to fixed penalties under this section.>

### Ken Macintosh

12 After section 90, insert—

#### <Withdrawal of notices

- (1) The local authority must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

## THIS IS NOT THE MARSHALLED LIST

- (2) Where a fixed penalty notice is withdrawn in accordance with subsection (1)—
- (a) the local authority must give notice of the withdrawal to the person to whom the fixed penalty notice was given;
  - (b) the local authority must repay any amount which has been paid under the fixed penalty notice; and
  - (c) no proceedings are to be commenced or continued against that person for the offence in question.>

### Ken Macintosh

- 13 After section 90, insert—

#### <Penalties for offences under Part 8

Any person who commits an offence under this Part is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.>

### Ken Macintosh

- 14 After section 90, insert—

#### <Interpretation

#### Interpretation of Part 8

In this Part—

“authorised officer” means an officer of a local authority authorised for the purposes of this Part;

“operator” means the person having management or control of sunbed premises;

“sunbed” means an electrically-powered device designed to produce tanning of the skin by the emission of artificial ultraviolet radiation; and

“sunbed premises” means premises in which persons are permitted to use a sunbed for payment.>

### Ken Macintosh

- 15 In section 101, page 63, line 38, after <Act> insert <(except Part 8)>

### Ken Macintosh

- 16 In section 102, page 64, line 15, after <89(1)> insert <or section (*Fixed penalties for offences under section (Prohibition on allowing use of sunbeds by persons under 18), (Prohibition on allowing unsupervised use of sunbeds), (Duty to provide information to sunbed users) or (Duty to display information notice)*)(11)>

### Ken Macintosh

- 17 In the long title, page 1, line 3, leave out from <enable> to <sunbeds> in line 4 and insert <make provision relating to the regulation of provision of sunbeds>

## THIS IS NOT THE MARSHALLED LIST

### **Prohibition on provision or display of certain information relating to sunbeds**

**Ken Macintosh**

**266** After section 90, insert—

**<Prohibition on provision or display of certain information in sunbed premises**

- (1) An operator of a sunbed premises who, without reasonable excuse, fails to comply with a requirement in subsection (2) or (3) commits an offence.
- (2) The operator must not, on any occasion on which a person enters the sunbed premises, provide a person with information referring to any beneficial effect on health of sunbed use.
- (3) The operator must not display any notice or other material in or on those premises referring to any beneficial effect on health of sunbed use.
- (4) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee of the operator) exercised all due diligence and took all reasonable steps to avoid committing an offence.>

**Ken Macintosh**

**267** After section 90, insert—

**<Prohibition on provision or display of certain information**

- (1) An operator of a sunbed premises who, without reasonable excuse, fails to comply with the requirement in subsection (2) commits an offence.
- (2) The operator must not—
  - (a) provide any information to any person;
  - (b) display any notice or other material in or on those premises,referring to any beneficial effect on health of sunbed use.
- (3) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee of the operator) exercised all due diligence and took all reasonable steps to avoid committing an offence.>

### **Statutory nuisances: procedure and consultation on regulations**

**Shona Robison**

**247** In section 91, page 58, line 20, at end insert—

<(5AC) Before making regulations under subsection (5AB)(b) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (5AD) below.

(5AD) Those persons are—

- (a) such associations of local authorities; and
- (b) such other persons,

as the Scottish Ministers consider appropriate.”>

**THIS IS NOT THE MARSHALLED LIST**

**Shona Robison**

**249** In section 94, page 59, line 19, at end insert—

<(1ZB) Before making regulations under subsection (1ZA) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (1ZC) below.

(1ZC) Those persons are—

(a) such associations of local authorities; and

(b) such other persons,

as the Scottish Ministers consider appropriate.”.>

**Shona Robison**

**250** In section 94, page 59, line 20, leave out subsection (3)

**Shona Robison**

**254** In section 95, page 61, line 7, at end insert—

<(12) Before making regulations under subsection (11) above, the Scottish Ministers must consult, in so far as it is reasonably practicable to do so, the persons mentioned in subsection (13) below.

(13) Those persons are—

(a) such associations of local authorities; and

(b) such other persons,

as the Scottish Ministers consider appropriate.”.>

**Shona Robison**

**255** After section 95, insert—

**<Procedure for regulations**

(1) Section 161 (regulations, orders and directions) of the 1990 Act is amended as follows.

(2) In subsection (2), at the beginning insert “Subject to subsection (2B) below,”.

(3) After subsection (2A), insert—

“(2B) No statutory instrument containing regulations made under section 79(1ZA) or 80ZA(11) above may be made unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.”.>

**Statutory nuisances: land covered with water**

**Shona Robison**

**248** Leave out section 93 and insert—

**<Statutory nuisance: land covered with water**

(1) Section 79 of the 1990 Act is further amended as follows.

(2) In subsection (1), after paragraph (e), insert—

## **THIS IS NOT THE MARSHALLED LIST**

“(ea) any water covering land or land covered with water which is in such a state as to be prejudicial to health or a nuisance;”.

(3) After subsection (5), insert—

“(5ZA) For the purposes of subsection (1)(ea) above, “land”—

(a) includes structures (other than buildings) in, on or over land;

(b) does not include—

(i) mains or other pipes used for carrying a water supply;

(ii) any part of the public sewerage system;

(iii) any other sewers, drains or other pipes used for carrying sewage;

(iv) the foreshore, that is to say, the land between the high and low water marks of ordinary spring tides;

(v) the seabed.

(5ZB) In subsection (5ZA) above—

“drain”, “sewage” and “sewer” have the meanings given by section 59 of the Sewerage (Scotland) Act 1968 (c.47);

“main” has the meaning given by section 109(1) of the Water (Scotland) Act 1980 (c.45);

“pipe” includes a service pipe within the meaning of that section of that Act;

“public sewerage system” has the meaning given by section 29 of the Water Services etc. (Scotland) Act 2005 (asp 3).”.>

### **Statutory nuisances: fixed penalties**

#### **Shona Robison**

**251** In section 95, page 60, line 33, leave out from <is> to end of line 35 and insert <accrues to that authority.>

#### **Shona Robison**

**252** In section 95, page 61, line 3, at end insert—

<( ) provide for the amount of the fixed penalty to be different in different cases or descriptions of case;>

#### **Shona Robison**

**253** In section 95, page 61, line 7, leave out <this section> and insert <section 80(4A)>

### **Disclosure of information**

#### **Shona Robison**

**215** In section 98, page 62, line 16, leave out subsection (1)

## THIS IS NOT THE MARSHALLED LIST

### Shona Robison

216 In section 98, page 62, line 19, leave out <under subsection (1)> and insert <held by it>

### Shona Robison

217 In section 98, page 62, line 23, leave out <under subsection (1)> and insert <held by it>

### Shona Robison

218 In section 98, page 62, line 25, at end insert—

<(3A) An employee of the relevant authority authorised by it to make the disclosure or any other person so authorised may disclose information under subsection (2) or (3).

(3B) Information may be disclosed—

(a) in the case of disclosure under subsection (2), to any employee of the other relevant authority authorised by it to receive the information or to any other person so authorised;

(b) in the case of disclosure under subsection (3), to any employee of the other person authorised by that other person to receive the information or to any other person so authorised.

(3C) Information may be disclosed under subsection (2) or (3) despite any prohibition or restriction on such disclosure imposed by or under any enactment or rule of law.

(3D) But subsection (3C) does not affect the application of the Data Protection Act 1998 (c.29) to disclosure of information under subsection (2) or (3).>

### Shona Robison

219 In section 98, page 62, line 27, leave out <subsection (1)> and insert <this section>

### Shona Robison

220 In section 98, page 62, line 28, leave out subsections (5) and (6)

### Shona Robison

221 In section 98, page 63, line 2, at end insert—

<( ) Regulations under subsection (8) may modify any enactment (including this Act).>

### Duty to consult on regulations

### Shona Robison

223 In section 102, page 64, line 12, at end insert—

<( ) The Scottish Ministers must, before making regulations under this Act, consult, in so far as it is reasonably practicable to do so, such persons as they consider appropriate.>

## THIS IS NOT THE MARSHALLED LIST

### Regulations and orders: procedure

#### **Helen Eadie**

- 191** In section 102, page 64, line 15, after <section> insert <3(4) or>

### Consequential repeals

#### **Shona Robison**

- 256** In schedule 3, page 70, line 31, at end insert—  
<Cleansing of Persons Act 1897 (c.31)      The whole Act.>

#### **Shona Robison**

- 257** In schedule 3, page 71, line 3, at end insert—  
<Small Landholders (Scotland) Act      Section 11.  
1911 (c.49)  
Land Settlement (Scotland) Act      In section 18(2), the words from “and all expenses” to  
1919 (c.97)      the end.>

#### **Shona Robison**

- 258** In schedule 3, page 71, line 5, at end insert—  
<Local Government (Scotland)      Section 377(5).  
Act 1947 (c.43)  
Atomic Energy Authority Act      In section 5(6), the words “by or under the provisions  
1954 (c.32)      of section one hundred and eighty-one of the Public  
Health (Scotland) Act 1897, or”.  
Criminal Justice Act 1967 (c.80)      Section 92(7).  
In schedule 3, Part 3.>

#### **Shona Robison**

- 259** In schedule 3, page 71, line 6, column 2, at beginning insert—  
<Section 62(2).>

#### **Shona Robison**

- 260** In schedule 3, page 71, line 9, at end insert—  
<Sewerage (Scotland) Act 1968 (c.47)      Schedule 1, paragraph 2.  
In schedule 2, the entries relating to the Public Health  
(Scotland) Act 1897.  
Transport Act 1968 (c.73)      Section 108(2)(a) and the word “and”  
immediately following it.  
In section 112(3)(d), the words “section 16 of the  
Public Health (Scotland) Act 1897 and”.  
Post Office Act 1969 (c.48)      In schedule 9, paragraph 17(5), the words “or  
under the Public Health (Scotland) Act 1897”.

## THIS IS NOT THE MARSHALLED LIST

Finance Act 1970 (c.24)	In schedule 8, in Part 5, the entry relating to the Public Health (Scotland) Act 1897.
National Health Service (Scotland) Act 1972 (c.58)	Section 53.
Local Government (Scotland) Act 1973 (c.65)	Section 202(1)(c)(iii). Schedule 27, paragraphs 26 to 29, 33 to 36 and 39 to 48.
Control of Pollution Act 1974 (c.40)	Section 47(3). Section 106(7). In schedule 4, the entry relating to the Public Health (Scotland) Act 1897.>

### Shona Robison

**261** In schedule 3, page 71, line 12, at end insert—

<Slaughter of Animals (Scotland) Act 1980 (c.13)	In schedule 3, the entry relating to the Public Health (Scotland) Act 1897.
Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23)	Schedule 2, paragraph 2. In schedule 4, the entry relating to the Public Health (Scotland) Act 1897.>

### Shona Robison

**262** In schedule 3, page 71, line 14, at end insert—

<Roads (Scotland) Act 1984 (c.54)	Schedule 9, paragraph 17. In schedule 11, the entries relating to the Public Health (Scotland) Act 1897.>
-----------------------------------	--

### Shona Robison

**263** In schedule 3, page 71, line 15, at end insert—

<Local Government and Housing Act 1989 (c.42)>	Section 152(3)(d).
--	--------------------

### Shona Robison

**264** In schedule 3, page 71, line 18, at end insert—

<National Health Service and Community Care Act 1990 (c.19)>	Schedule 9, paragraphs 1 and 4.
--	---------------------------------

### Shona Robison

**265** In schedule 3, page 71, line 24, at end insert—

<Local Government Finance Act 1992 (c.14)	Schedule 13, paragraph 2.
Clean Air Act 1993 (c.11)	In section 61, subsection (2); and in subsection (4) the words “port health authority or”, in each place where they occur, and “authority or”. In section 64(1), the definition of “port health authority”.

## THIS IS NOT THE MARSHALLED LIST

Value Added Tax Act 1994 (c.23)	In section 33(3)(e), the words from “and a port local authority” to the end.
Local Government etc. (Scotland) Act 1994 (c.39)	Schedule 13, paragraphs 9 and 26. In schedule 14, the entry relating to the Health Services and Public Health Act 1968.
Environment Act 1995 (c.25)	Schedule 17, paragraph 2(c). In schedule 24, the entries relating to the Public Health (Scotland) Act 1897.
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)	In schedule 2, Part 3, the entry relating to the Public Health (Scotland) Act 1945.
Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)>	Schedule 3, paragraph 9.

### **Crown application: national security**

#### **Shona Robison**

**225** In section 107, page 66, line 8, leave out subsections (5) and (6)