

Public Health etc. (Scotland) Bill

1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 12	Schedule 1
Sections 13 to 105	Schedule 2
Section 106	Schedule 3
Sections 107 to 108	Long Title

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

Section 3

Michael Matheson

- 160** In section 3, page 2, line 33, after <may> insert <, after consulting such persons as they consider appropriate,>

Section 5

Michael Matheson

- 161** In section 5, page 3, line 24, after <may> insert <, after consulting such persons as they consider appropriate,>

Section 7

Dr Richard Simpson

- 192** In section 7, page 4, line 22, leave out <consult> and insert <agree that plan with>

Section 8

Michael Matheson

- 162** In section 8, page 5, line 28, leave out <from time to time>

Section 9

Michael Matheson

- 163** In section 9, page 6, line 20, leave out <from time to time>

Schedule 1

Shona Robison

- 18 In schedule 1, page 67, line 30, at end insert—
<West Nile fever>

Shona Robison

- 19 In schedule 1, page 68, line 11, at end insert—
<Clostridium perfringens>

Shona Robison

- 20 In schedule 1, page 68, line 13, at end insert—
<Corynebacterium ulcerans>

Shona Robison

- 21 In schedule 1, page 69, line 8, at end insert—
<Mycobacterium bovis>

Shona Robison

- 22 In schedule 1, page 69, line 30, leave out <Varicella> and insert <Varicella-zoster>

Shona Robison

- 23 In schedule 1, page 69, line 32, at end insert—
<West Nile fever virus>

Shona Robison

- 24 In schedule 1, page 70, leave out line 5

Section 13

Shona Robison

- 25 In section 13, page 8, line 24, at end insert—
<() the address and postcode of the patient's place of work or education (if the practitioner considers that it is relevant);>

Dr Richard Simpson

- 25A As an amendment to amendment 25, line 2, after first <the> insert <name,>

Shona Robison

- 26 In section 13, page 8, line 32, leave out from beginning to <any> in line 34 and insert—

- <(a) the patient's—
 - (i) community health index number; or
 - (ii) where that number is not known, NHS identification number; or
- (b) where neither of the numbers referred to in paragraph (a) is known, any>

Dr Richard Simpson

193 In section 13, page 8, line 35, at end insert—

<() Before issuing any guidance on the implementation of this section, the Scottish Ministers must, in respect of such guidance—

- (a) undertake; and
- (b) have regard to the outcome of,
a privacy impact assessment in line with guidance issued by the Information Commissioner's Office.>

Section 14

Shona Robison

27 In section 14, page 9, line 24, at end insert—

<() the address and postcode of the patient's place of work or education (if the practitioner considers that it is relevant);>

Dr Richard Simpson

27A As an amendment to amendment 27, line 2, after first <the> insert <name,>

Shona Robison

28 In section 14, page 9, line 29, leave out <includes> and insert <means>

Shona Robison

29 In section 14, page 9, line 30, leave out <and> and insert <or>

Dr Richard Simpson

194 In section 14, page 9, line 35, after <is> insert <unexpected, unforeseen or out of the ordinary and>

Dr Richard Simpson

195 In section 14, page 10, line 4, at end insert—

<() Before issuing any guidance on the implementation of this section, the Scottish Ministers must, in respect of such guidance—

- (a) undertake; and
- (b) have regard to the outcome of,

a privacy impact assessment in line with guidance issued by the Information Commissioner's Office.>

Section 15

Michael Matheson

164 In section 15, page 10, line 20, at end insert—

<() the patient's name>

Michael Matheson

165 In section 15, page 10, line 21, after <patient's> insert <address and>

Dr Richard Simpson

196 In section 15, page 11, line 8, at end insert—

<() Before issuing any guidance on the implementation of this section, the Scottish Ministers must, in respect of such guidance—

(a) undertake; and

(b) have regard to the outcome of,

a privacy impact assessment in line with guidance issued by the Information Commissioner's Office.>

Section 16

Michael Matheson

166 In section 16, page 11, line 32, at end insert <and postcode>

Michael Matheson

167 In section 16, page 11, line 32, at end insert—

<() the person's occupation>

Shona Robison

30 In section 16, page 12, line 4, at end insert—

<(7A) For the purposes of subsection (1), a diagnostic laboratory identifies a notifiable organism where—

(a) the diagnostic laboratory identifies the organism; or

(b) the organism is identified by another laboratory under an arrangement with that diagnostic laboratory.

(7B) Where subsection (7A)(b) applies, the day of identification, for the purposes of subsection (2), is the day on which the diagnostic laboratory becomes aware of the identification by the other laboratory.>

Shona Robison

- 31 In section 16, page 12, line 11, after <practitioner> insert <or other person>

Shona Robison

- 32 In section 16, page 12, line 11, leave out <, or providing medical supervision in,>

Dr Richard Simpson

- 197 In section 16, page 12, line 15, at end insert—

<() Before issuing any guidance on the implementation of this section, the Scottish Ministers must, in respect of such guidance—

(a) undertake; and

(b) have regard to the outcome of,

a privacy impact assessment in line with guidance issued by the Information Commissioner's Office.>

Section 17

Shona Robison

- 33 In section 17, page 12, line 19, at end insert—

<() In proceedings for an offence under subsection (1), it is a defence for the director to prove that the director exercised all due diligence and took all reasonable steps to avoid committing the offence.>

Shona Robison

- 34 In section 17, page 12, line 25, leave out subsection (3) and insert—

<() In proceedings for an offence under subsection (2), it is a defence for the body corporate to prove that the body corporate (or an employee or agent of the body corporate) exercised all due diligence and took all reasonable steps to avoid committing the offence.>

Section 18

Shona Robison

- 35 In section 18, page 12, line 34, leave out subsection (2)

Shona Robison

- 36 In section 18, page 13, line 1, leave out subsection (4)

Section 19

Michael Matheson

- 168 In section 19, page 13, line 4, after <may> insert <, after consulting such persons as they consider appropriate>

Michael Matheson

- 169 In section 19, page 13, line 16, after <any> insert <rule of law or>

Section 21

Shona Robison

- 37 In section 21, page 14, line 14, at end insert <competent person>

Shona Robison

- 38 In section 21, page 14, line 16, at end insert <competent person>

Shona Robison

- 39 In section 21, page 14, line 18, at end insert—
<() Despite subsection (2)(b) and (d), a health board competent person or a local authority competent person may be appointed as an investigator.>

Section 22

Shona Robison

- 43 In section 22, page 14, leave out lines 35 and 36

Shona Robison

- 44 In section 22, page 15, line 4, leave out from <for> to end of line 5

Section 23

Shona Robison

- 45 In section 23, page 15, line 35, at end insert—
<() to make such examination and investigation as may in the circumstances be necessary.>

Section 25

Jamie Stone

- 198 In section 25, page 17, line 1, after <such> insert <supplementary>

Section 27

Shona Robison

- 46 In section 27, page 17, line 31, leave out <summary>

Shona Robison

- 47 In section 27, page 17, line 32, leave out from <(and> to <investigator> in line 33

Shona Robison

- 48 In section 27, page 17, line 34, at end insert—

<(aa) on entering premises by virtue of paragraph (a), to take—

- (i) any other person authorised by the investigator and, if the investigator has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
- (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;>

Shona Robison

- 49 In section 27, page 18, line 3, leave out <section 23 or 24> and insert <sections 23 to 25>

Shona Robison

- 170 In section 27, page 18, line 4, leave out <authorise entry> and insert <grant a warrant in relation>

Shona Robison

- 50 In section 27, page 18, line 8, leave out <subsection (2)(a)> and insert <this section>

Shona Robison

- 51 In section 27, page 18, line 11, leave out <subsection (2)(a)> and insert <this section>

Section 28

Shona Robison

- 52 In section 28, page 18, line 24, leave out from <do> to end of line 25 and insert—

<(a) take—

- (i) any other person authorised by the investigator and, if the investigator has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
- (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;

(b) direct that—

- (i) those premises (or any part of them) are; or

- (ii) any thing in or on them is,
to be left undisturbed (whether generally or in particular respects) for so long as
the investigator considers appropriate;
- (c) exercise any power mentioned in sections 23 to 25.>

Shona Robison

- 53 In section 28, page 18, line 26, leave out <subsection (2)> and insert <this section>

Section 29

Shona Robison

- 40 In section 29, page 18, line 36, at end insert <, without reasonable excuse>

Shona Robison

- 41 In section 29, page 18, line 37, leave out <, without reasonable excuse,>

Shona Robison

- 42 In section 29, page 19, line 21, at end insert <to avoid committing the offence>

Section 30

Shona Robison

- 54 In section 30, page 19, line 27, leave out <a person who appoints an investigator is to pay compensation> and insert <compensation is payable>

Shona Robison

- 55 In section 30, page 19, line 30, at end insert <, 27(2)(aa)(i) or 28(4)(a)(i)>

Shona Robison

- 56 In section 30, page 19, line 37, at end insert—
<(3A) The person responsible for paying compensation under this section is—
 (a) in the case of an investigator, the person by whom the investigator is employed;
 (b) in the case of a person authorised by the investigator under section 22(1)(b)(i),
 27(2)(aa)(i) or 28(4)(a)(i), the person by whom the authorised person is employed.
(3B) For the purposes of subsection (3A), “employed” includes engaged under a contract for
services.>

Shona Robison

- 57 In section 30, page 20, line 2, leave out from <person> to <damage,> in line 3 and insert <parties
to the dispute>

Section 31

Michael Matheson

- 171 In section 31, page 20, line 15, at end insert <in a language understood by the person>

Shona Robison

- 58 In section 31, page 20, line 19, at end insert—
- <(3A) Where, before the proposed relevant action is taken, no explanation is given under subsection (3), the health board must, as soon as reasonably practicable after taking the proposed action and in so far as it is reasonably practicable to do so, explain—
- (a) the matters mentioned in subsection (3)(a) and (b); and
 - (b) why the board considered it necessary to take the action,
- to the person in relation to whom the action was taken.>

Shona Robison

- 59 In section 31, page 20, line 21, after <must,> insert <before taking the proposed action or as soon as reasonably practicable after doing so and, in either case,>

Shona Robison

- 60 In section 31, page 20, line 22, at end insert <required by subsection (3) or, as the case may be, (3A)>

Shona Robison

- 61 In section 31, page 20, line 30, leave out subsection (5)

Section 33

Shona Robison

- 62 In section 33, page 21, line 34, leave out from second <the> to <office> in line 35 and insert <any sheriff for the board's area>

Rhoda Grant

- 172 In section 33, page 21, line 34, leave out from second <board> to <office> in line 35 and insert <person is present>

Shona Robison

- 63 In section 33, page 22, line 11, leave out from second <the> to <urgency> in line 12

Section 34

Shona Robison

- 64 In section 34, page 22, line 37, leave out from <before> to end of line 2 on page 23 and insert—

- <() before the application under section 33(2) was made, the health board gave an explanation under section 31(3) or (4); or
- () where no such explanation was given, it was not reasonably practicable to do so.>

Shona Robison

65 In section 34, page 23, line 5, leave out subsection (4) and insert—

- <(4) Subject to subsection (4A), an order under subsection (1) has effect from the time at which it is made until—
 - (a) the expiry of the period of 7 days beginning with that time; or
 - (b) the carrying out of a medical examination authorised by the order,whichever occurs first.
- (4A) Where, before the medical examination is carried out, an appeal under section (*Appeal against orders for medical examination*)(1) is made—
 - (a) the order appealed against is suspended; and
 - (b) in calculating the period of 7 days mentioned in subsection (4)(a), no account is to be taken of the period during which the order is suspended.>

Shona Robison

66 In section 34, page 23, line 13, leave out from beginning to <applies;>

Shona Robison

67 In section 34, page 23, line 14, leave out <copied> and insert <notified>

Shona Robison

68 In section 34, page 23, line 14, at end insert—

- <() the person to whom it applies;>

Section 37

Helen Eadie

199 In section 37, page 24, line 37, leave out <in any place> and insert <, subject to subsection (5), in any type of place, or place, specified in the order>

Helen Eadie

200 In section 37, page 25, line 9, leave out from beginning to <excluded;> in line 10

Shona Robison

69 In section 37, page 25, line 13, leave out <copied> and insert <notified>

Section 38

Shona Robison

- 70 In section 38, page 26, line 10, leave out <copied> and insert <notified>

Section 39

Shona Robison

- 71 In section 39, page 26, line 28, leave out from second <the> to <office> in line 29 and insert <any sheriff for the board's area>

Rhoda Grant

- 173 In section 39, page 26, line 28, leave out from second <board> to <office> in line 29 and insert <person is present>

Shona Robison

- 72 In section 39, page 27, line 7, leave out from second <the> to <urgency> in line 8

Section 40

Shona Robison

- 73 In section 40, page 27, line 18, leave out <in respect of a person>

Shona Robison

- 74 In section 40, page 27, line 37, leave out from <before> to end of line 2 on page 28 and insert—
- <() before the application under section 39(2) was made, the health board gave an explanation under section 31(3) or (4); or
 - () where no such explanation was given, it was not reasonably practicable to do so.>

Shona Robison

- 75 In section 40, page 28, line 3, after <effect> insert—
- <() from the time at which it is made;
 - ()>

Shona Robison

- 76 In section 40, page 28, line 27, leave out from beginning to <applies;>

Shona Robison

- 77 In section 40, page 28, line 28, leave out <copied> and insert <notified>

Shona Robison

- 78 In section 40, page 28, line 28, at end insert—
<() the person to whom it applies;>

Section 41

Shona Robison

- 79 In section 41, page 29, line 5, leave out from second <the> to <office> in line 6 and insert <any sheriff for the board's area>

Rhoda Grant

- 174 In section 41, page 29, line 5, leave out from second <board> to <office> in line 6 and insert <person is present>

Shona Robison

- 80 In section 41, page 29, line 23, leave out from second <the> to <urgency> in line 24

Section 42

Shona Robison

- 81 In section 42, page 30, line 11, leave out from <before> to end of line 14 and insert—
<() before the application under section 41(2)(a) was made, the health board gave an explanation under section 31(3) or (4); or
() where no such explanation was given, it was not reasonably practicable to do so.>

Shona Robison

- 82 In section 42, page 30, line 15, after <effect> insert—
<() from the time at which it is made;
()>

Shona Robison

- 83 In section 42, page 30, line 25, leave out from beginning to <applies;>

Shona Robison

- 84 In section 42, page 30, line 26, leave out <copied> and insert <notified>

Shona Robison

- 85 In section 42, page 30, line 26, at end insert—
<() the person to whom it applies;>

Section 43

Shona Robison

- 86 In section 43, page 31, line 11, leave out from <before> to end of line 14 and insert—
- <() before the application under section 41(2)(b) was made, the health board gave an explanation under section 31(3) or (4); or
 - () where no such explanation was given, it was not reasonably practicable to do so.>

Shona Robison

- 87 In section 43, page 31, line 15, after <effect> insert—
- <() from the time at which it is made;
 - ()>

Shona Robison

- 88 In section 43, page 31, line 24, leave out from beginning to <applies;>

Shona Robison

- 89 In section 43, page 31, line 25, leave out <copied> and insert <notified>

Shona Robison

- 90 In section 43, page 31, line 25, at end insert—
- <() the person to whom it applies;>

Section 44

Shona Robison

- 91 In section 44, page 32, line 11, leave out from second <the> to <office> in line 12 and insert <any sheriff for the board's area>

Rhoda Grant

- 175 In section 44, page 32, line 11, leave out from second <board> to <office> in line 12 and insert <person is detained>

Shona Robison

- 92 In section 44, page 32, line 28, leave out from second <the> to <urgency> in line 29

Section 45

Shona Robison

- 93 In section 45, page 33, line 6, leave out from <before> to end of line 9 and insert—

- <() before the application under section 44(3) was made, the health board gave an explanation under section 31(3) or (4); or
- () where no such explanation was given, it was not reasonably practicable to do so.>

Shona Robison

- 94** In section 45, page 33, line 10, after <effect> insert—
- <() from the time at which it is made;
 - ()>

Shona Robison

- 95** In section 45, page 33, line 19, leave out from beginning to <applies;>

Shona Robison

- 96** In section 45, page 33, line 20, leave out <copied> and insert <notified>

Shona Robison

- 97** In section 45, page 33, line 20, at end insert—
- <() the person to whom it applies;>

Section 48

Shona Robison

- 98** In section 48, page 34, line 14, leave out <The> and insert <A>

Shona Robison

- 99** In section 48, page 34, line 14, leave out <who made the order> and insert <of the appropriate health board>

Shona Robison

- 100** In section 48, page 34, line 31, after <any> insert <other>

Shona Robison

- 101** In section 48, page 34, line 31, leave out <copied> and insert <notified>

Shona Robison

- 102** In section 48, page 34, line 32, at end insert—
- <(5) In subsection (2), “appropriate health board” means the board which designated the health board competent person who made the order.>

Section 49

Shona Robison

103 In section 49, page 35, line 2, leave out <who made the order>

Shona Robison

104 In section 49, page 35, line 2, at end insert—

<(2A) An application under subsection (2) must—

(a) specify—

(i) the order which it is proposed to extend; and

(ii) the person to whom that order applies; and

(b) include a certificate such as is mentioned in subsection (2B).

(2B) That certificate is one—

(a) stating that a health board competent person is satisfied—

(i) as to the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and

(ii) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital; and

(b) signed by that person.>

Shona Robison

105 In section 49, page 35, line 4, leave out <extend> and insert <make an order extending>

Shona Robison

106 In section 49, page 35, line 7, leave out <extend> and insert <make an order extending>

Shona Robison

176 In section 49, page 35, line 21, at end insert—

<() An order under subsection (3)(a) or (b) must—

(a) specify—

(i) the person to whom the order extended by virtue of that subsection applies; and

(ii) the period for which that order is extended; and

(b) be notified to—

(i) the person to whom the order applies;

(ii) any person to whom an explanation was given under section 31(4); and

(iii) any other person the sheriff considers appropriate.>

Section 50

Shona Robison

- 107 In section 50, page 35, line 27, leave out <The> and insert <A>

Shona Robison

- 108 In section 50, page 35, line 27, leave out <who made the order>

Shona Robison

- 109 In section 50, page 35, leave out lines 34 to 37 and insert—
- <() include a certificate such as is mentioned in subsection (4).
- (4) That certificate is one—
- (a) stating that a health board competent person is satisfied—
 - (i) as to the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
 - (ii) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital; and
 - (b) signed by that person.>

Section 51

Shona Robison

- 110 In section 51, page 36, line 2, leave out from <that> to <apply> and insert <as to the matters mentioned in subsection (1A)>

Shona Robison

- 111 In section 51, page 36, line 11, at end insert—
- <(1A) The matters referred to in subsection (1) are—
- (a) the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
 - (b) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital.>

Shona Robison

- 112 In section 51, page 36, line 12, leave out from <from> to end of line 13 and insert <as so modified from the time at which the order under that subsection is made>

Shona Robison

- 113 In section 51, page 36, line 29, leave out from beginning to <applies;>

Shona Robison

- 114 In section 51, page 36, line 30, leave out <copied> and insert <notified>

Shona Robison

- 115 In section 51, page 36, line 30, at end insert—
<() the person to whom the order applies;>

Section 52

Shona Robison

- 116 In section 52, page 37, line 1, after <53(2),> insert <a health board competent person of>

Shona Robison

- 117 In section 52, page 37, line 13, leave out <health board> insert <competent person>

Shona Robison

- 118 In section 52, page 37, line 17, leave out from first <health> to <to> and insert <competent person must>

Shona Robison

- 119 In section 52, page 37, line 20, leave out from <means> to end of line 21 and insert <has the same meaning as in section 48(5);>

Section 53

Shona Robison

- 120 In section 53, page 37, line 31, after <52(2),> insert <a health board competent person of>

Shona Robison

- 121 In section 53, page 37, line 36, leave out <board> and insert <competent person>

Shona Robison

- 122 In section 53, page 38, line 2, leave out from first <board> to <to> and insert <competent person must>

Shona Robison

- 123 In section 53, page 38, line 5, leave out <52(5)> and insert <48(5)>

Section 54

Shona Robison

- 124 In section 54, page 38, line 8, leave out <The health board> and insert <A health board competent person of the health board which applied for the order>

Shona Robison

- 125 In section 54, page 38, line 20, leave out <health board> and insert <competent person>

Shona Robison

- 126 In section 54, page 38, line 24, leave out <health board> and insert <competent person>

Section 55

Shona Robison

- 127 In section 55, page 38, line 29, leave out <The health board> and insert <A health board competent person of the health board which applied for the order>

Shona Robison

- 128 In section 55, page 39, line 2, leave out <health board> and insert <competent person>

Shona Robison

- 129 In section 55, page 39, line 6, leave out <health board> and insert <competent person>

After section 57

Shona Robison

- 130 After section 57, insert—

<Recall of orders granted in absence

Recall of orders granted in absence of person to whom application relates

- (1) This section applies where—
 - (a) a quarantine order;
 - (b) a short term detention order; or
 - (c) an exceptional detention order,is made in the absence of the person to whom the order applies.
- (2) A person mentioned in subsection (3) may apply to the sheriff for an order recalling the order.
- (3) The person referred to in subsection (2) is—
 - (a) the person to whom the order applies; or
 - (b) any person having an interest in the welfare of such a person.

- (4) An application under this section must be made before the expiry of the period of 72 hours beginning with the time at which the order to which the application relates is notified to the person to whom it applies.
- (5) The sheriff must, before determining an application under this section, give the persons mentioned in subsection (6) the opportunity—
 - (a) of making representations (whether orally or in writing); and
 - (b) of leading, or producing, evidence.
- (6) Those persons are—
 - (a) the applicant;
 - (b) where the applicant is not the person to whom the order applies, that person;
 - (c) the health board which applied for the order; and
 - (d) any other person the sheriff considers appropriate.
- (7) On an application under this section, the sheriff may—
 - (a) confirm the order;
 - (b) revoke the order.>

Shona Robison

131 After section 57, insert—

<Appeals

Appeal against orders for medical examination

- (1) A person mentioned in subsection (2) may appeal to the sheriff principal against the making of an order under section 34(1) authorising the medical examination of a person.
- (2) The person referred to in subsection (1) is—
 - (a) the person in relation to whom the order applies; or
 - (b) any person having an interest in the welfare of such a person.
- (3) An appeal under this section must be made before the expiry of the period of 7 days beginning with the day on which the order appealed against is made.
- (4) On an appeal under this section, the sheriff principal may—
 - (a) confirm the order;
 - (b) revoke the order;
 - (c) modify the order;
 - (d) where, before the appeal was made, the medical examination authorised by the order had been carried out, make an order declaring that the order was invalid;
 - (e) make such other order as the sheriff principal considers appropriate.
- (5) The decision of the sheriff principal on an appeal under this section is final.>

Dr Richard Simpson

201 After section 57, insert—

<Reviews

Retrospective review of orders for medical examination

- (1) This section applies where a person has been the subject of a medical examination authorised by an order under section 34.
- (2) A person mentioned in subsection (3) may apply to the Court of Session for a review of the medical order.
- (3) The person referred to in subsection (2) is—
 - (a) the person in relation to whom the order applied; or
 - (b) any person having an interest in the welfare of such a person.
- (4) An application for a review under this section must be made within 90 days of the medical examination taking place.
- (5) The Court of Session is to report on the circumstances surrounding the making of the order and its implementation.>

Section 58

Shona Robison

- 132** In section 58, page 40, line 22, leave out <the health board> insert <a health board competent person>

Shona Robison

- 133** In section 58, page 40, line 22, leave out <direct the revocation of> and insert <revoke>

Section 59

Shona Robison

- 134** In section 59, page 41, line 7, at end insert—
<() a decision of the sheriff under section (*Recall of orders granted in absence of person to whom application relates*)(7) confirming the order;>

Shona Robison

- 135** In section 59, page 41, line 10, leave out <the health board> and insert <a health board competent person>

Shona Robison

- 136** In section 59, page 41, line 15, leave out <21> and insert <14>

After section 59

Shona Robison

- 137** After section 59, insert—

<Exclusion orders and restriction orders: further appeal to sheriff principal

- (1) A person who appealed under section 58(2) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (2) to the sheriff principal.
- (2) A decision referred to in subsection (1) is a decision of the sheriff—
 - (a) to confirm the exclusion order appealed against;
 - (b) to confirm the restriction order appealed against; or
 - (c) to modify the order.
- (3) A health board aggrieved by an appeal under section 58(2) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (4) to the sheriff principal.
- (4) A decision referred to in subsection (3) is a decision of the sheriff—
 - (a) to revoke the exclusion order appealed against;
 - (b) to revoke the restriction order appealed against; or
 - (c) to modify the order.
- (5) An appeal under this section may be made only on the ground that—
 - (a) the sheriff erred in law;
 - (b) the decision of the sheriff was not supported by the facts established by the sheriff in the appeal.
- (6) On an appeal under this section, the sheriff principal may—
 - (a) confirm the order;
 - (b) modify the order;
 - (c) revoke the order;
 - (d) make such other order as the sheriff principal considers appropriate.
- (7) In subsection (6)(b), “modify” is to be construed in accordance with section 48.
- (8) The decision of the sheriff principal on an appeal under this section is final.>

Section 60

Shona Robison

138 In section 60, page 41, line 25, leave out <58(2) or, as the case may be,>

Shona Robison

139 In section 60, page 41, line 26, leave out <sheriff or, as the case may be, the>

Shona Robison

140 In section 60, page 41, leave out lines 29 to 32

Shona Robison

141 In section 60, page 41, line 33, leave out <, on an appeal under section 59(2)>

Shona Robison

- 142 In section 60, page 41, line 36, after <board> insert <aggrieved by an appeal under section 59(2)>

Shona Robison

- 143 In section 60, page 41, line 36, leave out <sheriff or, as the case may be, the>

Shona Robison

- 144 In section 60, page 42, leave out lines 2 to 5

Shona Robison

- 145 In section 60, page 42, line 6, leave out <, on an appeal under section 59(2)>

Shona Robison

- 146 In section 60, page 42, line 10, leave out <sheriff or>

Shona Robison

- 147 In section 60, page 42, line 11, leave out <sheriff or>

Shona Robison

- 148 In section 60, page 42, line 12, leave out <sheriff or>

Shona Robison

- 149 In section 60, page 42, line 17, at end insert—
<() The decision of the Court on an appeal under this section is final.>

Section 61

Shona Robison

- 150 In section 61, page 42, line 19, after <59(2)> insert <, (*Exclusion orders and restriction orders: further appeal to sheriff principal*)(1) or (3)>

Shona Robison

- 151 In section 61, page 42, line 20, leave out <pending determination of the appeal>

Section 64

Shona Robison

- 152 In section 64, page 44, line 7, after second <person> insert <, without reasonable excuse,>

Shona Robison

- 153 In section 64, page 44, line 9, after <person;> insert—

<() a person authorised by virtue of section 40(1) to remove a person to the place in which the person is to be quarantined;>

Section 65

Shona Robison

154 In section 65, page 44, line 12, after <who> insert <, without reasonable excuse,>

Shona Robison

155 In section 65, page 44, line 18, at end insert <(including any condition imposed in the order)>

After section 65

Shona Robison

156 After section 65, insert—

<Failure to ensure child’s compliance with order

- (1) This section applies where an order mentioned in subsection (2) is made in relation to a person who is under 16 (a “child”).
- (2) The order referred to in subsection (1) is—
 - (a) an exclusion order;
 - (b) a restriction order; or
 - (c) a quarantine order.
- (3) A parent of the child who—
 - (a) has day-to-day care or control of the child; and
 - (b) fails, without reasonable excuse, to ensure that the child does not breach the order, commits an offence.
- (4) Where there is no such parent, a person mentioned in subsection (5) who fails, without reasonable excuse, to ensure that the child does not breach the order commits an offence.
- (5) The person referred to in subsection (4) is a person who—
 - (a) is 16 or over; and
 - (b) has (otherwise than—
 - (i) by virtue of a contract of employment or other contract with any person; or
 - (ii) as a volunteer for a voluntary organisation),day-to-day care or control of the child.
- (6) In proceedings for an offence under subsection (3) or (4), 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.>

Section 66

Shona Robison

157 In section 66, page 44, line 23, leave out subsection (1) and insert—

- <() Nothing in this Part affects the Court of Session's power under section 32 of the Sheriff Courts (Scotland) Act 1971 (c.58) to regulate and prescribe the procedure and practice to be followed in any application or appeal under this Part.
- () Without prejudice to the generality of section 32 of that Act, provision may, in particular, be made under that section about—
 - (a) the manner in which, and time within which, notice of applications for orders is given;
 - (b) the manner in which, and time within which, notice of orders is given;
 - (c) where applications and orders are made in relation to persons who are under 16, the persons to whom notice of such applications and orders must be given;
 - (d) the circumstances in which the sheriff or, as the case may be, the sheriff principal, may determine whether and, if so, where, a hearing is to be held; and
 - (e) the place or types of place at which hearings may be held.>

Section 69

Shona Robison

177 In section 69, page 47, line 7, at end insert—

- <() An authorised officer who enters any unoccupied premises by virtue of subsection (2) must leave the premises as effectively secured against unauthorised entry as the officer found them.>

Section 73

Shona Robison

178 In section 73, page 49, line 23, leave out <summary>

Shona Robison

179 In section 73, page 49, line 24, leave out from <(and) to <officer)> in line 25

Shona Robison

180 In section 73, page 49, line 26, at end insert—

- <() on entering premises by virtue of paragraph (a), to take any other person authorised by the officer and, if the officer has reasonable cause to expect any serious obstruction in obtaining access, a constable;>

Shona Robison

181 In section 73, page 49, line 32, at end insert <;

- () to remove any thing from the premises for the purpose of taking any such step at any other place.>

Shona Robison

- 182** In section 73, page 49, line 33, leave out <authorise> to <(c)> in line 34 and insert <grant a warrant in relation to a dwellinghouse>

Shona Robison

- 183** In section 73, page 49, line 38, leave out <subsection (2)(a)> and insert <this section>

Shona Robison

- 184** In section 73, page 50, line 2, at end insert—

- <() An authorised officer who enters any unoccupied premises by virtue of this section must leave the premises as effectively secured against unauthorised entry as the officer found them.>

Section 74

Shona Robison

- 185** In section 74, page 50, line 13, leave out from <do> to end of line 14 and insert—

- <() take any other person authorised by the officer and, if the officer has reasonable cause to expect any serious obstruction in obtaining access, a constable;
- () direct that—
- (i) those premises (or any part of them) are; or
 - (ii) any thing in or on them is,
- to be left undisturbed (whether generally or in particular respects) for so long as the officer considers appropriate;
- () take any step mentioned in section 68(2);
- () remove any thing from the premises for the purpose of taking any such step at any other place.>

Shona Robison

- 186** In section 74, page 50, line 15, leave out <subsection (2)> and insert <this section>

Section 77

Shona Robison

- 187** In section 77, page 51, line 19, at end insert <; or
- () section 74(4).>

Section 78

Shona Robison

- 188 In section 78, page 52, line 8, leave out subsection (4)

Section 79

Shona Robison

- 189 In section 79, page 52, line 24, leave out subsection (5)

Before section 90

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
 - (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.”.>

Section 90

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
 - (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

After 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.
- (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).
- (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.
- (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.
- (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;
 - (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.
- (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.>

Section 101

Shona Robison

158 In section 101, page 63, line 38, at beginning insert—

<() Subject to subsection (2),>

Ken Macintosh

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

Shona Robison

159 In section 101, page 64, line 4, at end insert—

- <(2) Any person who commits an offence under section 65(1) or (*Failure to ensure child's compliance with order*)(3) or (4) in relation to an exclusion or restriction order is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or a fine not exceeding level 5 on the standard scale or both.>

After section 101

Shona Robison

190 After section 101, insert—

<Form of applications etc.

The Scottish Ministers may, by regulations, prescribe the form of any application or order under this Act.>

Section 102

Jamie Stone

204 In section 102, page 64, line 15, after <under> insert—

<() section 25(3) which modify an Act of Parliament or Act of the Scottish Parliament; or

()>

Helen Eadie

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

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)>

Long Title

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>

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