

Public Health etc. (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

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

Group 1 – Fees for notification of diseases

1

Group 2 – Compensation: determination of disputes

2, 3, 4, 5, 6, 7, 32, 33

Group 3 – Minor amendments

45, 22, 23, 24, 38, 44

Group 4 – Compensation for carers

8

Debate to end no later than 25 minutes after proceedings begin

Group 5 – Effect of application for recall and appeals

9, 21

Group 6 – Appeals

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 34, 35, 36, 37

Group 7 – Use of powers by a local authority in an emergency: application

25, 26, 27, 28, 31

Group 8 – Recovery of expenses

29, 30

Debate to end no later than 45 minutes after proceedings begin

Group 9 – Enforcement of sunbed offences: power to enter dwellinghouses

46

Group 10 – Regulations: procedure

39, 40, 41

Group 11 – Consequential amendments and appeals

42, 43

Debate to end no later than 1 hour 5 minutes after proceedings begin

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Amendments in debating order

Group 1 – Fees for notification of diseases

Mary Scanlon

1 Before section 18, insert—

<Fees for notification

- (1) On each occasion a registered medical practitioner contracted to provide primary medical services provides information to a health board under section 13(2), the health board to which the information is provided must, within such time as the Scottish Ministers may by order specify, pay to the practitioner a fee of such amount as may be so specified.
- (2) The Scottish Ministers must, before making an order under subsection (1), consult, in so far as it is reasonably practicable to do so, any body accepted by them as a proper body for negotiating fees for medical practitioners.>

Group 2 – Compensation: determination of disputes

Shona Robison

2 In section 30, page 20, line 35, after <if> insert <such>

Shona Robison

3 In section 30, page 20, line 35, leave out <President of the Lands Tribunal for Scotland> and insert <sheriff>

Shona Robison

4 In section 56, page 41, line 35, after <if> insert <such>

Shona Robison

5 In section 56, page 41, line 35, leave out <President of the Lands Tribunal for Scotland> and insert <sheriff>

Shona Robison

6 In section 57, page 42, line 14, after <if> insert <such>

Shona Robison

7 In section 57, page 42, line 14, leave out <President of the Lands Tribunal for Scotland> and insert <sheriff>

Shona Robison

32 In section 77, page 57, line 13, after <if> insert <such>

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Shona Robison

- 33 In section 77, page 57, line 13, leave out <President of the Lands Tribunal for Scotland> and insert <sheriff>

Group 3 – Minor amendments

Shona Robison

- 45 In section 36, page 25, line 14, leave out <(5)> and insert <(4)>

Shona Robison

- 22 In section 65, page 48, line 13, leave out <in> and insert <by>

Shona Robison

- 23 In section 65A, page 48, line 32, after <has> insert <day-to-day care or control of the child>

Shona Robison

- 24 In section 65A, page 48, leave out line 35

Shona Robison

- 38 In section 99, page 76, line 14, after <Act> insert <(except section 98)>

Shona Robison

- 44 In the long title, page 1, line 4, leave out <regulation of provision> and insert <use, sale or hire>

Group 4 – Compensation for carers

Shona Robison

- 8 After section 57, insert—

<Compensation for carers

- (1) This section applies where a person (the “relevant person”)—
 - (a) is subject to—
 - (i) an exclusion order;
 - (ii) a restriction order; or
 - (iii) a quarantine order; or
 - (b) although not subject to such an order, complies with a request mentioned in section 56.
- (2) The health board must compensate a person (a “carer”) mentioned in subsection (3) who, as a result of the relevant person being subject to the order or, as the case may be, complying with the request—
 - (a) requires to care for the relevant person or, where the carer normally cares for the relevant person, requires to provide more care; and

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- (b) incurs loss as a result of so doing.
- (3) A carer is—
 - (a) where the relevant person is 16 or over, a person who is 16 or over and who cares for the relevant person 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;
 - (b) where the relevant person is under 16, such a person or a parent of the relevant person who has day-to-day care or control of the relevant person.
- (4) Any dispute as to—
 - (a) a carer's entitlement to compensation under this section; or
 - (b) the amount of such compensation,is to be determined by a single arbiter appointed by agreement between the board and the carer or, if such agreement cannot be reached, by the sheriff.
- (5) The Scottish Ministers may, by regulations, make further provision about compensation to which this section applies.>

Group 5 – Effect of application for recall and appeals

Shona Robison

- 9 In section 57A, page 42, line 32, at end insert—
<() Despite the making of an application under this section, the order to which it relates has effect as if the application were not made.>

Shona Robison

- 21 In section 61, page 46, line 12, leave out from <order> to end of line and insert <exclusion order, restriction order, quarantine order, short term detention order or, as the case may be, exceptional detention order to which the appeal relates has effect as if the appeal were not made.>

Group 6 – Appeals

Shona Robison

- 10 In section 58, page 44, line 6, at end insert <appealed against>

Shona Robison

- 11 In section 58, page 44, line 8, at end insert—
<() confirm the decision appealed against;
() quash that decision;>

Shona Robison

- 12 In section 59, page 44, line 32, at end insert <appealed against>

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Shona Robison

- 13 In section 59, page 44, line 34, at end insert—
<() confirm the decision appealed against;
() quash that decision;>

Shona Robison

- 14 In section 59A, page 45, line 7, at end insert <; or
() to confirm the decision appealed against.>

Shona Robison

- 15 In section 59A, page 45, line 13, at end insert <; or
() to quash the decision appealed against.>

Shona Robison

- 16 In section 59A, page 45, leave out lines 19 to 21 and insert—
<() confirm the decision appealed against;
() modify that decision;
() quash that decision;>

Shona Robison

- 17 In section 59A, page 45, line 23, leave out subsection (7)

Shona Robison

- 18 In section 60, page 45, line 30, at end insert <; or
() to confirm the decision appealed against.>

Shona Robison

- 19 In section 60, page 45, line 36, at end insert <; or
() to quash the decision appealed against.>

Shona Robison

- 20 In section 60, page 46, leave out lines 5 to 7 and insert—
<() confirm the decision appealed against;
() modify that decision;
() quash that decision;>

Shona Robison

- 34 In section 78, page 57, line 26, at end insert—
<() confirm the notice;>

Shona Robison

- 35 In section 79, page 57, line 34, leave out <not to revoke> and insert <to confirm>

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Shona Robison

- 36 In section 79, page 58, leave out lines 5 to 7 and insert—
- <() confirm the decision appealed against;
 - () modify that decision;
 - () quash that decision;>

Shona Robison

- 37 In section 80, page 58, leave out lines 14 to 16 and insert—
- <() confirm the decision appealed against;
 - () modify that decision;
 - () quash that decision;>

Group 7 – Use of powers by a local authority in an emergency: application

Shona Robison

- 25 In section 74, page 55, line 9, leave out subsection (1) and insert—
- <(1) This section applies where—
 - (a) a local authority knows or suspects that—
 - (i) any premises in its area are; or
 - (ii) any thing in or on such premises is, infected, infested or contaminated;
 - (b) it appears to the authority that as a result it is necessary, to prevent, or prevent the spread of, infectious disease or contamination, for one or more of the steps mentioned in section 68(2) to be taken; and
 - (c) the authority considers, on reasonable grounds, that there is an emergency.
 - (1A) An authorised officer may enter the premises—
 - (a) whether or not a notice under section 68(3) or 71(2) has been served;
 - (b) where a notice under section 68(3) has been served, whether or not the period specified in the notice has expired.
 - (1B) The authorised officer may enter premises by virtue of this section only where a local authority competent person certifies that the person is satisfied as to the matters in subsection (1).>

Shona Robison

- 26 In section 75, page 56, line 9, at end insert <; or
() section 74(1A) or (4).>

Shona Robison

- 27 In section 76, page 56, line 18, leave out <74(4)> and insert <74(1A) or (4)>

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Shona Robison

28 In section 76, page 56, line 20, at end insert—

<() Where the authority incurs expenses in doing anything it is entitled to do under section 74(1A) or (4) without a notice under section 68(3) or 71(2) having been served, the authority may recover the expenses from—

- (a) the occupier of the premises; or
- (b) where the premises are unoccupied, the owner of them.>

Shona Robison

31 In section 77, page 56, line 36, leave out <74(4)> and insert <74(1A) or (4)>

Group 8 – Recovery of expenses

Mary Scanlon

29 In section 76, page 56, line 25, leave out <civil>

Mary Scanlon

30* In section 76, page 56, line 26, at end insert—

<(5) Any person from whom a local authority is seeking to recover expenses under subsection (1) may object in writing to the authority about the sums sought or the instalments proposed (or both).

- (6) Where such an objection is received by the local authority, it may only recover sums under this section by means of a summary application in the sheriff court for the area in which the premises in question are situated or the person on whom notice was served under 68(3) or, as the case may be, 71(2) resides.
- (7) The sheriff in any such application has power to determine the reasonable amount of expenses and administrative expenses to be payable by the person from whom the local authority is seeking to recover expenses and to order payment by instalments.
- (8) The Scottish Ministers may, by regulations, prescribe relevant information to be served in writing by the local authority on the person from whom it seeks to recover sums referred to in this section.
- (9) In addition to any relevant information prescribed under subsection (8), the local authority must, when making any attempt to recover expenses under subsection (1), notify the person in writing of the person's right to object under subsection (5), stating how and within what time period the objection is to be made to the local authority.
- (10) In a summary application to the sheriff under this section, an appeal lies at the instance of either party to the sheriff principal and thereafter on a point of law to the Court of Session.
- (11) The decision of the Court of Session on an appeal under subsection (10) is final.>

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Group 9 – Enforcement of sunbed offences: power to enter dwellinghouses

Ross Finnie

- 46*** In section 90H, page 67, line 19, leave out from <conditions> to end of line 24 and insert <condition set out in subsection (2) must be satisfied.
- (2) The condition is that the authorised officer has obtained a warrant from the sheriff in the month preceding the date of entry.
 - (3) The sheriff may issue a warrant only if satisfied by evidence on oath that there are reasonable grounds for suspecting that—
 - (a) an offence mentioned in section 90G(1) has been, or is being, committed; and
 - (b) evidence of the commission of that offence may be found in the dwellinghouse.>

Group 10 – Regulations: procedure

Shona Robison

- 39** In section 102, page 77, line 31, after first <section> insert <25(3),>

Shona Robison

- 40** In section 102, page 77, line 31, leave out <or section> and insert <, 90D(1) or>

Shona Robison

- 41** In section 102, page 77, line 34, after <section> insert <25(3) or>

Group 11 – Consequential amendments and appeals

Shona Robison

- 42** In schedule 2, page 84, leave out lines 12 to 21 and insert—
<*The Public Works Loans Act 1887 (c.37)*

In the Public Works Loans Act 1887, in section 4(2) (meaning of “rating authority”), for paragraph (a) substitute—

- “(a) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);”.

The Children and Young Persons (Scotland) Act 1937 (c.37)

In the Children and Young Persons (Scotland) Act 1937, in section 35(3) (evidence of byelaws)—

- (a) for the words “Public Health (Scotland) Act 1897” substitute “Local Government (Scotland) Act 1973 (c.65)”; and
- (b) for the words “section one hundred and eighty-seven” substitute “section 204”.

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The Prevention of Damage by Pests Act 1949 (c.55)

In the Prevention of Damage by Pests Act 1949, in section 1(2) (meaning of “local authorities”), for the words from “local authorities” where they second occur to the end substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).”.

The Pests Act 1954 (c.68)

In the Pests Act 1954, in section 6 (charges for inspection of ships)—

- (a) for the words from “local authority”, where they first occur, to “1897” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39)”; and
- (b) for the words “the authority” in each place where they occur substitute “the council”.

The Offices, Shops and Railway Premises Act 1963 (c.41)

In the Offices, Shops and Railway Premises Act 1963, in section 9(6) (application of enactments to sanitary conveniences)—

- (a) for “relate” substitute “relates”; and
- (b) for “shall” substitute “shall not”.>

Shona Robison

43 In schedule 3, page 85, line 25, at end insert—

<Offices, Shops and Railway
Premises Act 1963 (c.41)

In section 9(6), the word “Neither” and the words “nor
section 29 of the Public Health (Scotland) Act 1897”.>