

Disclosure (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 94
Long Title

Schedules 1 to 5

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

Section 29

Maree Todd

- 1 In section 29, page 15, line 25, after <of> insert <the inclusion of>

Maree Todd

- 2 In section 29, page 15, line 27, after <of> insert <the inclusion of>

Section 31

Maree Todd

- 3 In section 31, page 17, line 6, leave out <details> and insert <inclusion>

Section 34A

Maree Todd

- 4 In section 34A, page 21, line 4, after <where> insert <—
(a)>

Maree Todd

- 5 In section 34A, page 21, line 7, at end insert <, or
(b) a review is to be carried out—
(i) by the Scottish Ministers under section 28, or
(ii) by the independent reviewer under section 29,
of the inclusion of a removable conviction in a Level 2 disclosure.>

Maree Todd

- 6 In section 34A, page 21, line 11, after <and> insert <, in the case of a review by the independent reviewer,>

Maree Todd

- 7 In section 34A, page 21, line 13, leave out from <information> to <hearing> in line 14 and insert <conviction or>

Maree Todd

- 8 In section 34A, page 21, line 16, after <review> insert <as mentioned in subsection (1)>

Maree Todd

- 9 In section 34A, page 21, line 16, leave out from <under> to <applicant,> in line 19 and insert <or, as the case may be, the Scottish Ministers,>

Maree Todd

- 10 In section 34A, page 21, leave out lines 20 to 32 and insert—
- <() the effect of the final outcome of the proceedings (within the meaning of section 34(7)) on the Level 2 review application giving rise to the review is that—
 - (i) the spent childhood conviction, children’s hearing outcome or removable conviction is relevant for the purpose of the Level 2 disclosure, and
 - (ii) information about or, as the case may be, details of the conviction or outcome ought to be included in the disclosure, and>

Maree Todd

- 11 In section 34A, page 21, line 33, leave out <the information is> and insert <information about or, as the case may be, details of the conviction or outcome is or are>

Maree Todd

- 12 In section 34A, page 21, line 38, leave out <or> and insert <,>

Maree Todd

- 13 In section 34A, page 21, line 38, after <outcome> insert < or removable conviction>

Maree Todd

- 14 In section 34A, page 21, line 39, leave out <which is> and insert <or, as the case may be, details of which is or are>

Maree Todd

- 15 In section 34A, page 21, line 40, after <where> insert <—
(a)>

Maree Todd

- 16 In section 34A, page 22, line 1, at end insert <or
(b) details of a removable conviction of an applicant,>

Maree Todd

- 17 In section 34A, page 22, line 2, after <is> insert <or are>

Maree Todd

- 18 In section 34A, page 22, line 5, leave out first <or> and insert <,>

Maree Todd

- 19 In section 34A, page 22, line 5, after <outcome> insert <or removable conviction>

Section 73

Maree Todd

- 20 In section 73, page 48, line 33, leave out <subsection> and insert <subsections>

Maree Todd

- 21 In section 73, page 48, line 33, after <(3)(b)(i)> insert <and (3A)(a)>

Section 74

Maree Todd

- 22 In section 74, page 49, line 43, at beginning insert—

<(1) The PVG Act is amended as follows.

(2)>

Maree Todd

- 23 In section 74, page 49, line 43, leave out <of the PVG Act>

Maree Todd

- 24 In section 74, page 51, line 35, at end insert—

<() In section 100 (orders and regulations), in subsection (4), after the entry in the list for section 35(2) insert—

“Section 45DA(1)”.>

After section 75

Alex Cole-Hamilton

- 39 After section 75, insert—

<Review and report on application of scheme to elected representatives and political activity

(1) The PVG Act is amended as follows.

(2) After section 92 insert—

“92A Examination and report on application of scheme to elected representatives and political activity

- (1) The Scottish Ministers must, before the end of the period of one year beginning with the day of Royal Assent, establish an expert working group to examine and report on the matters in subsection (2).
- (2) The matters are—
 - (a) how, and in which circumstances—
 - (i) being an elected representative,
 - (ii) being in charge of, supervising or directing the activities of children or protected adults in the course of holding a position of responsibility in a political party (including, but not limited to, being a candidate for election, an election agent or an office-bearer),
could be regarded as a regulated role, due to involving the opportunity to have unsupervised contact with children or contact with protected adults,
 - (b) how the Scottish Ministers may be required to make provision to disapply or modify the application of—
 - (i) sections 34 to 37,
 - (ii) sections 45C to 45F,
 - (iii) schedule 2 or 3,
for the purpose of ensuring the effective application of those provisions to the activities of elected representatives,
 - (c) any provision or practical arrangements that would need to be made to enable an elected representative to fulfil the duties of that office where the elected representative is not a scheme member in relation to a regulated role with children or adults,
 - (d) any further measures that should be put in place to enable such a person to continue to hold office as an elected representative or carry out political activity in a manner that best secures the safety and wellbeing of any child or protected adult with whom such a person has contact.
- (3) For the avoidance of doubt, the expert working group is not to recommend anything that would mean that—
 - (a) a person seeking office as an elected representative is subject to any barrier, condition or qualification that is not already provided for in any enactment,
 - (b) the Scottish Ministers would have any role that is not already provided for in any enactment to determine—
 - (i) the conditions or qualifications required to be an elected representative,
 - (ii) the circumstances in which an elected representative can be disqualified from holding office.

- (4) The membership of the expert working group is to comprise such people as the Scottish Ministers consider appropriate, having knowledge or experience relevant to considering the matters in subsection (2).
- (5) The Scottish Ministers are to provide the expert working group with such staffing and resources as it reasonably requires to fulfil its duties under this section.
- (6) In conducting its examination, the expert working group is to consult—
 - (a) the Scottish Parliamentary Corporate Body,
 - (b) the Commissioner for Ethical Standards in Public Life in Scotland,
 - (c) the Standards Commission for Scotland,
 - (d) bodies representing the interests of local authorities in Scotland,
 - (e) bodies representing the interests of elected representatives in Scotland, and
 - (f) such other persons as it considers appropriate.
- (7) The expert working group is to submit its report to the Scottish Ministers as soon as reasonably practicable.
- (8) On receiving the report, the Scottish Ministers are to—
 - (a) lay the report before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.
- (9) No later than one year after the date on which they receive the report, the Scottish Ministers must publish and lay before the Scottish Parliament a statement setting out—
 - (a) the steps they intend to take in response to the report,
 - (b) whether they intend to bring forward proposals for legislation in response to the report,
 - (c) where they intend to bring forward proposals for legislation, the expected timescale within which this will be done,
 - (d) where they do not intend to take any steps or bring forward proposals for legislation in response to the report, their reasons for this.
- (10) In this section—
 - “bring forward proposals for legislation” means—
 - (a) introduce a Bill for an Act of the Scottish Parliament,
 - (b) lay before the Parliament regulations or draft regulations under an Act of the Scottish Parliament,
 - “elected representative” means—
 - (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a councillor of a council.”.>

Section 76

Maree Todd

25 In section 76, page 53, line 2, at end insert—

<() After subsection (2) insert—

“(2A) In subsection (1)(aa)(ii), “domestic abuse” means behaviour (whether or not amounting to a criminal offence) that—

(a) is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and

(b) involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other.

(2B) For the purposes of subsection (2A), a person is a partner of another person if they are—

(a) married to each other,

(b) civil partners of each other,

(c) living with each other as if they were married to each other, or

(d) otherwise in an intimate relationship with each other,

and the references to ex-partners are to be construed accordingly.”.>

Maree Todd

26 In section 76, page 53, line 3, leave out subsection (3) and insert—

<(3) In subsection (3)—

(a) in paragraph (a), for “paragraph (a) of subsection (1)” substitute “sub-paragraphs (i) to (iv) of subsection (1)(c)”,

(b) paragraphs (b) and (c) are repealed.

(4) In subsection (4)—

(a) after “In” insert “sub-paragraph (v) of”,

(b) the definition of “direct payment” is repealed.

(5) In subsection (5), for “subsection (1)(d)” substitute “sub-paragraph (vi) of subsection (1)(c)”.>

Section 82

Maree Todd

27 In section 82, page 58, line 14, at end insert—

<() The PVG Act is amended as follows.>

Maree Todd

28 In section 82, page 58, line 15, leave out <of the PVG Act>

Section 85A

Maree Todd

- 29 In section 85A, page 62, line 17 after <45D> insert <, 45DA>

Schedule 2

Maree Todd

- 30 In schedule 2, page 84, line 26, leave out <1> and insert <2>

Maree Todd

- 31 In schedule 2, page 84, line 28, leave out <1> and insert <2>

Maree Todd

- 32 In schedule 2, page 84, line 31, leave out <1> and insert <2>

Maree Todd

- 33 In schedule 2, page 84, line 35, leave out <1> and insert <2>

Maree Todd

- 34 In schedule 2, page 84, line 39, leave out <1> and insert <2>

Schedule 3

Maree Todd

- 35 In schedule 3, page 91, leave out lines 14 and 15

Maree Todd

- 36 In schedule 3, page 91, leave out line 16

Schedule 4

Maree Todd

- 37 In schedule 4, page 96, leave out lines 32 and 33

Maree Todd

- 38 In schedule 4, page 96, leave out line 34

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