

Contract (Third Party Rights) (Scotland) Bill

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;
- the text of amendments to be debated on the 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

Arbitration

1, 2

Renunciation of third party right

3, 4, 5, 7

Abolition of common-law rule: *jus quaesitum tertio*

6

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Arbitration

Annabelle Ewing

- 1 In section 9, page 4, leave out lines 36 and 37 and insert—
<() a person has a third-party right to enforce or otherwise invoke an undertaking to resolve a dispute on the matter by arbitration under the agreement, and>

Annabelle Ewing

- 2 In section 9, page 5, line 5, leave out from beginning to end of line 8 and insert <For the purpose of subsection (3)(d)(i), the person who has the third-party right is to be regarded as having submitted the dispute to arbitration if the person>

Renunciation of third party right

Annabelle Ewing

- 3 In section 9, page 5, line 10, at end insert—
<() A person is not to be regarded as having renounced a third-party right to enforce or otherwise invoke an undertaking to resolve a dispute by arbitration by bringing legal proceedings in relation to the dispute.>

Annabelle Ewing

- 4 In section 9, page 5, line 11, leave out <and section 10(2)>

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- 5 Leave out section 10

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- 7 In section 13, page 5, line 34, leave out <10> and insert <9>

Abolition of common-law rule: *jus quaesitum tertio*

Annabelle Ewing

- 6 In section 12, page 5, line 30, leave out from <ceases> to end of line 32 and insert <does not apply in relation to contracts constituted on or after the day this section comes into force.
- (1A) If a contract constituted before this section comes into force is modified so that an undertaking it contains gives rise to a third-party right under section 1, a person who may enforce or otherwise invoke the undertaking by virtue of that right may not do so by virtue of any right acquired by operation of the rule of law mentioned in subsection (1).
- (1B) A right rendered unenforceable by subsection (1A) remains incapable of being enforced or invoked notwithstanding—

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- (a) its transfer to another person, or
- (b) the third-party right under section 1 referred to in that subsection being relinquished (whether by transfer, waiver or otherwise).>

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