

Contract (Third Party Rights) (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 15

Long Title

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

Section 9

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>

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- 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>

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- 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.>

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

Section 10

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- 5 Leave out section 10

Section 12

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- 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—
- (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).>

Section 13

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

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