

Coronavirus (Scotland) (No.2) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 15
Long Title

Schedules 1 to 4

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

Section 6

Michael Russell

1 In section 6, page 2, line 7, at end insert—

- <(2) In subsection (1)(a), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.
- (3) Section 9 (advancement of equality and non-discrimination) of the Coronavirus (Scotland) Act 2020 is amended by subsections (4) to (6).
- (4) The existing text becomes subsection (1).
- (5) In that subsection, for “regard” substitute “regard—
 - (a) to the importance of communicating in an inclusive way,
 - (b)”.
- (6) After that subsection insert—
 - “(2) In subsection (1)(a), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.”.>

After section 6

Neil Findlay

2 After section 6, insert—

<Business support: conditions relating to trade union access

- (1) In exercising any function conferred by virtue of any enactment which includes provision for financial support to businesses operating in Scotland for the purpose of mitigating the effect on the business of coronavirus, the Scottish Ministers may not provide financial support to a business unless the condition in subsection (2) is met.

- (2) The condition is that the business allows access to its employees for representatives of trade unions.>

Neil Findlay

3 After section 6, insert—

<Regulated procurement: living wage condition

- (1) In relation to a regulated procurement for a regulated contract for any goods or services required for a reason relating to coronavirus, a contracting authority must impose a condition relating to the performance of the contract that the economic operator who is the successful tenderer must pay a living wage.
- (2) An economic operator pays a living wage if the remuneration of each of its employees who undertakes any activities related to the performance of the contract is at least the living wage.
- (3) In this section—
 - (a) “regulated procurement”, “regulated contract” and “contracting authority” have the meanings given in the Procurement Reform (Scotland) Act 2014,
 - (b) “living wage” means remuneration which is sufficient to ensure an acceptable standard of living.>

After section 12

Pauline McNeill

4 After section 12, insert—

<Reviews: information about domestic abuse

- (1) The Scottish Ministers must—
 - (a) in undertaking a review under section 12(1)(a), take account of any information about the nature and number of incidents of domestic abuse occurring during the reporting period to which the review relates given to them, or published, by—
 - (i) the Scottish Police Authority, or
 - (ii) the chief constable of the Police Service of Scotland, and
 - (b) explain in the report on that review prepared under section 12(1)(b) how the information was taken account of.
- (2) The Coronavirus (Scotland) Act 2020 is amended by subsection (3).
- (3) After section 15 (reports by the Scottish Ministers on status of provisions), insert—

“15A Reviews: information about domestic abuse

- (1) The Scottish Ministers must—
 - (a) in undertaking a review under section 15(1)(a), take account of any information about the nature and number of incidents of domestic abuse occurring during the reporting period to which the review relates given to them, or published, by—
 - (i) the Scottish Police Authority, or
 - (ii) the chief constable of the Police Service of Scotland, and

- (b) explain in the report on that review prepared under section 15(1)(b) how the information was taken account of.
- (2) In subsection (1)(a), “reporting period” means a period mentioned in section 15(4)(b).”.>

Adam Tomkins

Supported by: Michael Russell

5 After section 12, insert—

<Reports by the Scottish Ministers on coronavirus-related instruments

- (1) The Scottish Ministers must, in respect of each reporting period—
 - (a) undertake a review of all Scottish Statutory instruments (other than excepted instruments)—
 - (i) made by them, and
 - (ii) the main purpose of which is to make provision for a reason relating to coronavirus, and
 - (b) prepare a report on that review.
- (2) A report prepared under subsection (1) must, in relation to each instrument—
 - (a) set out—
 - (i) its title,
 - (ii) the powers under which it was made,
 - (iii) the parliamentary procedure to which it was subject, and
 - (iv) the period for which it has effect,
 - (b) include—
 - (i) its status, and
 - (ii) a statement that the Scottish Ministers are satisfied that its status is appropriate.
- (3) The references in subsection (2)(b) to the “status” of an instrument are to whether the provision made by the instrument is in force at the end of the reporting period.
- (4) Each of the following is a “reporting period”—
 - (a) the period beginning with the day after Royal Assent and ending on 31 July 2020,
 - (b) each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).
- (5) The Scottish Ministers must lay each report under subsection (1) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.
- (6) In subsection (1)(a), “excepted instruments” means Scottish statutory instruments containing provision made under a power conferred by virtue of—
 - (a) this Act,
 - (b) the Coronavirus (Scotland) Act 2020, or
 - (c) the Coronavirus Act 2020.>

Schedule 1

Graham Simpson

- 6 In schedule 1, page 6, line 20, after <persons> insert <(except in paragraph 3(3))>

Graham Simpson

- 7 In schedule 1, page 6, line 35, leave out from first <the> to <paragraph> in line 36 and insert <sub-paragraph (3) applies>

Graham Simpson

- 8 In schedule 1, page 7, line 1, at end insert—
- <(3) This sub-paragraph applies where—
 - (a) the tenancy was entered into before the coming into force of this paragraph, and
 - (b) the let property was occupied by the tenant under the tenancy at any time before the coming into force of this paragraph.
 - (4) In a case where two or more persons jointly are the tenant under the tenancy, the reference in sub-paragraph (3) to the tenant is to any of those persons.>

Michael Russell

- 9 In schedule 1, page 7, line 1, at end insert—

<PART

TENANCIES: PRE-ACTION REQUIREMENTS FOR ORDER FOR POSSESSION OR EVICTION ORDER ON GROUND OF RENT ARREARS

Assured and short assured tenancy

- 3A(1) The Housing (Scotland) Act 1988 applies in accordance with the modifications in this paragraph.
- (2) Section 18 (orders for possession) has effect as if—
 - (a) after subsection (3A) there were inserted—
 - “(3B) Subsection (3C) applies where the First-tier Tribunal is satisfied—
 - (a) that Ground 8 in schedule 5 is established, and
 - (b) that all or part of the rent in respect of which the tenant is in arrears as mentioned in that Ground relates to the period during which paragraph 3A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.
 - (3C) Where this subsection applies, in considering for the purposes of subsection (4) (as applied in accordance with the modification made by paragraph 3(2)(b) of schedule 1 of the Coronavirus (Scotland) Act 2020) whether it is reasonable to make an order for possession against the tenant, the First-tier Tribunal is to consider the extent to which the landlord has complied with pre-action requirements before raising the proceedings for possession.”,
 - (b) after subsection (8) there were inserted—

- “(9) In subsection (3C), “pre-action requirements” means such requirements as the Scottish Ministers may specify in regulations.
- (10) Regulations under subsection (9) may in particular make provision about—
 - (a) information to be provided by a landlord to a tenant including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy,
 - (b) steps to be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,
 - (c) such other matters as the Scottish Ministers consider appropriate.
- (11) Regulations under subsection (9) are subject to the affirmative procedure.”.
- (3) Section 53(2) (orders and regulations) has effect as if after “above” there were inserted “or regulations under section 18(9)”.

Private residential tenancy

- 3B(1) The Private Housing (Tenancies) (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) Paragraph 12 of schedule 3 (rent arrears) has effect as if—
 - (a) after sub-paragraph (3) there were inserted—
 - “(3A) Sub-paragraph (3B) applies where the First-tier Tribunal is satisfied—
 - (a) that the eviction ground named by sub-paragraph (1) applies, and
 - (b) that all or part of the rent in respect of which the tenant is in arrears as mentioned in that eviction ground relates to the period during which paragraph 3B of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.
 - (3B) Where this sub-paragraph applies, in considering for the purposes of sub-paragraph (3)(b) whether it is reasonable to issue an eviction order against the tenant, the First-tier Tribunal is to consider the extent to which the landlord has complied with pre-action requirements before applying for the eviction order.”,
 - (b) after sub-paragraph (5) there were inserted—
 - “(6) In sub-paragraph (3B), “pre-action requirements” means such requirements as the Scottish Ministers may specify in regulations.
 - (7) Regulations under sub-paragraph (6) may in particular make provision about—
 - (a) information to be provided by a landlord to a tenant including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy,
 - (b) steps to be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,
 - (c) such other matters as the Scottish Ministers consider appropriate.”.
- (3) Section 77(3) (regulation-making powers) has effect as if after “41” there were inserted “and paragraph 12(6) of schedule 3”.>

Pauline McNeill

10 In schedule 1, page 7, line 1, at end insert—

<PART

TENANT RENT SUPPORT FUND

Tenant rent support fund

- (1) The Scottish Ministers must establish and maintain a fund to be known as the “tenant rent support fund” to provide support to tenants who—
 - (a) are unable to pay their rent due to a reduced income attributable to the coronavirus,
 - (b) are subject to such tenancies as mentioned in subsection (2),
 - (c) meet such other eligibility criteria as may be prescribed in regulations, to pay their rent.
- (2) The types of tenancies eligible for the tenant rent support fund are—
 - (a) assured tenancies,
 - (b) Scottish secured tenancies,
 - (c) short Scottish secured tenancies,
 - (d) private residential tenancies.
- (3) The Scottish Ministers are to make regulations—
 - (a) making further provision about the establishment, maintenance and administration of the tenant rent support fund,
 - (b) prescribing what financial assistance an individual who is entitled to assistance from the tenant rent support fund is to be given and for how long
- (4) Regulations under this paragraph are subject to the affirmative procedure.
- (5) The Scottish Ministers may consult such persons as they consider appropriate before laying regulations before the Scottish Parliament under this paragraph.>

Andy Wightman

11 In schedule 1, page 7, line 1, at end insert—

<PART

RENT FREEZE FOR ASSURED TENANCIES AND PRIVATE RESIDENTIAL TENANCIES

Rent freeze for assured tenancies

- (1) The Housing (Scotland) Act 1988 is amended by this paragraph.
- (2) In section 24 (increase of rent under assured tenancies)—
 - (a) in subsection (1) at beginning insert “Subject to subsection (1A)”,
 - (b) after subsection (1) insert—

“(1A) The landlord may not serve on the tenant a notice proposing a new rent to take effect for a period starting on 1 April 2020 and ending two years after the day the Coronavirus (Scotland) (No.2) Act 2020 comes into force.”.

Rent freeze for private residential tenancies

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.
- (2) In section 22 (landlord’s power to increase rent)—
 - (a) in subsection (1) at beginning insert “Subject to subsection (1A)”,
 - (b) after subsection (1) insert—

“(1A) The landlord under a private residential tenancy may not increase the rent payable under the tenancy for a period starting on 1 April 2020 and ending two years after the day the Coronavirus (Scotland) (No.2) Act 2020 comes into force.”.>

Andy Wightman

- 12** In schedule 1, page 7, line 1, at end insert—

<PART

DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD

Rent arrears

- 3A(1) Liability for rent arrears accrued during the emergency period by tenants—
- (a) unable to pay rent during the emergency period for a reason relating to the coronavirus,
 - (b) facing unusual or extreme hardship,
 - (c) subject to such tenancies as mentioned in subsection (2), and
 - (d) meeting such other eligibility criteria as may be prescribed in regulations,
- is extinguished.
- (2) Regulations under subsection (1)(d) may make further provision in relation subsection (1)(a) and (b) for the purposes of defining whose rent arrears are extinguished.
 - (3) The tenancies are—
 - (a) assured tenancies under section 12 of the Housing (Scotland) Act 1988,
 - (b) private residential tenancies under section 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
 - (4) Regulations under sub-paragraph (1) are subject to the affirmative procedure.
 - (5) For the purposes of this paragraph—
 - (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (b) “emergency period” means the period for which paragraph 3A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.>

Andy Wightman

- 13** In schedule 1, page 7, line 1, at end insert—

<PART

GROUNDS FOR EVICTION: DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD

Assured tenancies

3A(1) The Housing (Scotland) Act 1988 is amended by this paragraph.

(2) In section 18 (orders for possession)—

(a) after subsection (3A) insert—

“(3B) In considering whether Ground 8 in Part I of Schedule 5 to this Act is established, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

(a) the tenant is in arrears for a reason relating to the coronavirus,

(b) at the beginning of the day on which the Tribunal commences proceedings for the recovery of possession of a house let on an assured tenancy the emergency period has expired.”.

(b) in subsection (8)—

(i) after (3A) insert “, (3B)”,

(ii) before paragraph (a) insert—

“(za) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,

(zb) “emergency period” means the period for which paragraph 3A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.

Private residential tenancies

3B(1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.

(2) In schedule 3 paragraph 12 (rent arrears)—

(a) in sub-paragraph (1) at beginning insert “Subject to sub-paragraph (1A)”,

(b) after sub-paragraph (1) insert—

“(1A) In considering whether the ground named by sub-paragraph (1) applies, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

(a) the tenant is in arrears for a reason relating to the coronavirus,

(b) at the beginning of the day on which the Tribunal first considers the application for an eviction order the emergency period has expired.”.

(c) after sub-paragraph (5)(b) insert—

“(c) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,

(d) references to the “emergency period” are to the period for which paragraph 3B of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.>

Andy Wightman

14 In schedule 1, page 7, line 1, at end insert—

<PART

GROUNDS FOR EVICTION: DISREGARD OF RENT ARREARS ARISING DURING THE EMERGENCY PERIOD
WHERE LANDLORD HAS BEEN IN RECEIPT OF LOANS FROM THE SCOTTISH MINISTERS

Assured tenancies

3A(1) The Housing (Scotland) Act 1988 is amended by this paragraph.

(2) In section 18 (orders for possession)—

(a) after subsection (3A) insert—

“(3B) In considering whether Ground 8 in Part I of Schedule 5 of this Act is established, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

- (a) the tenant is in arrears for a reason relating to the coronavirus,
- (b) the tenant’s landlord was in receipt of any loan from the Scottish Ministers, in relation to their role as landlord, to mitigate the effects of the emergency period,
- (c) at the beginning of the day on which the Tribunal commences proceedings for the recovery of possession of a house let on an assured tenancy the emergency period has expired.”.

(b) in subsection (8)—

- (i) after (3A) insert “, (3B)”,
- (ii) before paragraph (a) insert—

“(za) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,

(zb) “emergency period” means the period for which paragraph 3A of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.

Private residential tenancies

3B(1) The Private Housing (Tenancies) (Scotland) Act 2016 is amended by this paragraph.

(2) In schedule 3 paragraph 12 (rent arrears)—

(a) in sub-paragraph (1) at beginning insert “Subject to sub-paragraph (1A)”,

(b) after sub-paragraph (1) insert—

“(1A) In considering whether the ground named by sub-paragraph (1) applies, the First-tier Tribunal must disregard any arrears that arose in respect of any part of the emergency period if—

- (a) the tenant is in arrears for a reason relating to the coronavirus,
- (b) the tenant’s landlord was in receipt of any loan from the Scottish Ministers, in relation to their role as landlord, to mitigate the effects of the emergency period,
- (c) at the beginning of the day on which the Tribunal first considers the application for an eviction order the emergency period has expired.”.

(c) after sub-paragraph (5)(b) insert—

- “(c) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
- (d) references to the “emergency period” are to the period for which paragraph 3B of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.>

Neil Findlay

15 In schedule 1, page 7, line 1, at end insert—

<PART

NATIONAL COLLECTIVE BARGAINING FOR PRIVATE SOCIAL CARE SECTOR

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, establish a national system of negotiations for the private social care sector.
- (2) The purpose of the national system is to ensure that all workers in the private social care sector benefit from consistent arrangements throughout Scotland in relation to matters of terms and conditions arising from issues relating to coronavirus.
- (3) Without prejudice to the generality of sub-paragraph (2), the matters include death in service payments and other payments relating to the effects of coronavirus.
- (4) For the purposes of this paragraph, the “private social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010, except one which is operated by a public or third sector body.>

Monica Lennon

16 In schedule 1, page 7, line 13, at end insert—

<PART

SOCIAL CARE STAFF SUPPORT FUND

- (1) The Scottish Ministers must, as soon as practicable after Royal Assent, establish and maintain a fund to be known as the “social care staff support fund”.
- (2) The Scottish Ministers must use the fund to provide financial assistance to workers in the social care sector—
 - (a) whose ability to undertake contracted health and care work is, or has been, restricted, for a reason relating to coronavirus (such as, but not limited to, inability to work in multiple or linked workplaces), and
 - (b) as a result of that restriction, whose income is reduced and consequently would experience, or are experiencing, financial hardship during the period when Part 1 is in force.
- (3) The Scottish Ministers must by regulations make further provision about the establishment, maintenance and administration of the fund.
- (4) Regulations under sub-paragraph (3)—
 - (a) must be laid before the Scottish Parliament as soon as practicable after they are made,
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.

- (5) In calculating the period of 28 days in sub-paragraph (4)(b), no account is to be taken of any period during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.
- (6) If regulations cease to have effect as a result of sub-paragraph (4)(b), that does not—
 - (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.
- (7) In sub-paragraph (2), the “social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010.>

Jackie Baillie

17 In schedule 1, page 8, line 32, at end insert—

<Effect of moratorium on diligence

- (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modification in this paragraph.
- (2) Section 197 (moratorium on diligence following notice under section 195(1) or 196(1)) has effect as if after subsection (2) there were inserted—
 - “(2A) While a moratorium on diligence applies in relation to the person, no interest (contractual or statutory), fees, charges or penalties shall accrue to the debt owed by that person during the moratorium period where the person who gives notification under section 195(1) or 196(1) sends within 10 working days a copy of that notification to the person owed the debt.
 - (2B) Notification sent under subsection (2A) may be sent electronically or by first class post and notification by first class post is deemed to have been received the day after it is sent.”>

Jackie Baillie

18 In schedule 1, page 8, line 38, leave out from <has no income other than from> and insert <is in receipt of>

Jackie Baillie

19 In schedule 1, page 9, line 36, leave out <paragraph (a) of>

Jackie Baillie

20 In schedule 1, page 9, line 37, leave out <paragraph> and insert <item>

Jackie Baillie

21 In schedule 1, page 9, line 37, after <application> insert <—
(a)>

Jackie Baillie

- 22 In schedule 1, page 10, line 4, leave out from <an> to <of> in line 5 and insert <jobseeker’s allowance under>

Jackie Baillie

- 23 In schedule 1, page 10, line 8, leave out <an income-related> and insert <employment and support>

Jackie Baillie

- 24 In schedule 1, page 10, line 9, after <2007> insert—
- (b) in relation to a debtor who, at the date of making the application, is in receipt of working tax credit, provided that—
 - (i) child tax credit is being paid to the debtor, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002) which includes the debtor, or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the debtor,and that the gross annual income taken into account for the calculation of the working tax credit is £18,000 or less, or
 - (c) in relation to a debtor who, within the period of 3 months prior to the date of making the application, received financial or other assistance under the Welfare Funds (Scotland) Act 2015.>

Michael Russell

- 25 In schedule 1, page 10, line 22, at end insert—

<PART

CARE HOMES: EMERGENCY DIRECTIONS

- (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 63 (special provision for certain care services provided by local authorities) there were inserted—

“Care homes: emergency directions

“63A Emergency power to direct care home service during coronavirus pandemic

- (1) A Health Board may, if the condition in subsection (2) is met, direct a person who provides a care home service registered under this Chapter at specified accommodation in the Board’s area to take such steps as may be specified within such period as may be specified.
- (2) The condition is that the Health Board considers that, for a reason relating to coronavirus, there is a material risk to the health of persons at the specified accommodation.
- (3) The specified steps must relate directly to reducing the risk to the health of persons at the specified accommodation (for example, by requiring specified cleaning to take place).

- (4) A Health Board must have regard to any guidance issued by the Scottish Ministers in relation to the exercise of its functions under this section.
- (5) The Scottish Ministers must publish any guidance that they issue under this section in such manner as they consider appropriate.
- (6) The power under subsection (1) to give a direction includes the power to vary or revoke an earlier direction under that subsection.
- (7) A direction given under this section must be in writing.
- (8) For the purposes of this section and section 63B—
 - “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - “Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978, and “area” in relation to a Health Board, means the area for which the Board is constituted,
 - “specified” means specified in a direction given under subsection (1).

63B Power to act where section 63A direction not complied with

- (1) This section applies where a Health Board that gave a direction under section 63A is not satisfied that the person to whom the direction was given has complied with the direction.
- (2) The Health Board may—
 - (a) take the specified steps (or such of those steps as have not been taken),
 - (b) take entry to the specified accommodation (if necessary to take the steps), and
 - (c) recover from the provider of the care home service the costs incurred by the authority in relation to taking the specified steps.
- (3) A sheriff may grant a warrant under this section to authorise the Health Board—
 - (a) to enter the premises, and
 - (b) to take the specified steps.
- (4) A sheriff may grant a warrant under this section only if satisfied that—
 - (a) there are reasonable grounds for entering the specified accommodation, and
 - (b) entry to the specified accommodation has been refused.
- (5) A warrant expires—
 - (a) 28 days after the day on which it was granted, or
 - (b) if earlier, when the specified steps have been taken.
- (6) For the purposes of section 64 (cancellation of registration), failure to comply with a warrant granted under this section is a relevant offence.>

Michael Russell

26 In schedule 1, page 10, line 29, leave out <sheriff> and insert <court>

Michael Russell

27 In schedule 1, page 11, line 4, leave out <services are> and insert <care home service is>

Michael Russell

28 In schedule 1, page 11, line 10, at end insert—

<(2A) On an application under subsection (1), the court may make such interim order as it thinks fit.>

Michael Russell

29 In schedule 1, page 11, line 11, leave out <emergency intervention order> and insert <order under this section>

Michael Russell

30 In schedule 1, page 11, line 13, after <so> insert <for a reason relating to coronavirus, to prevent an imminent and serious risk to the life or health of persons at the accommodation>

Michael Russell

31 In schedule 1, page 11, line 15, leave out <sheriff> and insert <court>

Michael Russell

32 In schedule 1, page 11, line 17, leave out <as soon as practicable> and insert <under subsection (1) within 24 hours of their exercise of the powers (and may exercise the powers until the application is considered by the court)>

Michael Russell

33 In schedule 1, page 11, line 18, leave out <sheriff> and insert <court>

Michael Russell

34 In schedule 1, page 11, line 19, leave out <sheriff> and insert <court>

Michael Russell

35 In schedule 1, page 11, line 22, leave out <sheriff> and insert <court>

Michael Russell

36 In schedule 1, page 11, line 22, leave out <emergency intervention order> and insert <order under this section>

Michael Russell

37 In schedule 1, page 11, line 23, leave out <sheriff> and insert <court>

Michael Russell

38 In schedule 1, page 11, line 26, leave out <has> and insert <have>

Michael Russell

39 In schedule 1, page 11, line 27, leave out <it> and insert <they>

Michael Russell

40 In schedule 1, page 11, line 28, leave out <a sheriff> and insert <the court>

Michael Russell

41 In schedule 1, page 11, line 28, leave out <emergency intervention order> and insert <order under this section>

Michael Russell

42 In schedule 1, page 11, line 32, leave out <sheriff> and insert <court>

Michael Russell

43 In schedule 1, page 11, line 32, leave out <determine an application under subsection (1)> and insert <grant an order under this section>

Michael Russell

44 In schedule 1, page 11, line 34, leave out <emergency intervention>

Michael Russell

45 In schedule 1, page 11, line 36, leave out <sheriff> and insert <court>

Michael Russell

46 In schedule 1, page 11, line 37, leave out <sheriff> and insert <court>

Michael Russell

47 In schedule 1, page 11, line 41, leave out <sheriff> and insert <court>

Michael Russell

48 In schedule 1, page 11, line 41, at end insert—

<() The court may, on the application of the Scottish Ministers or the affected provider, vary or recall an interim order granted under subsection (2A).>

Michael Russell

49 In schedule 1, page 11, line 41, at end insert—

<() An order made under this section has effect notwithstanding the making of an appeal in relation to the order.>

Michael Russell

50 In schedule 1, page 12, line 2, at end insert—

<() SCSWIS,>

Michael Russell

51 In schedule 1, page 12, line 7, at end insert—

<() “court” means the Court of Session or the sheriff,>

Michael Russell

52 In schedule 1, page 12, line 7, at end insert—

<() “Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,>

Michael Russell

53 In schedule 1, page 12, line 8, leave out <an individual> and insert <a person>

Michael Russell

54 In schedule 1, page 12, leave out lines 11 to 23

Michael Russell

55 In schedule 1, page 12, line 27, leave out <paragraph> and insert <section>

Michael Russell

56 In schedule 1, page 15, line 16, leave out <Care Inspectorate:>

Michael Russell

57 In schedule 1, page 15, line 17, leave out from <The> to <force,> in line 19 and insert <SCSWIS must lay a report before the Parliament every two weeks,>

Michael Russell

58 In schedule 1, page 15, line 20, leave out <the care homes> and insert <which care home services it>

Michael Russell

59 In schedule 1, page 15, line 22, leave out <“emergency period” means the period for which> and insert <The first report is to be laid before the Parliament two weeks after>

Michael Russell

60 In schedule 1, page 15, line 23, leave out <is in> and insert <comes into>

Michael Russell

61 In schedule 1, page 15, line 32, leave out <, for the duration of the emergency period,>

Michael Russell

- 62 In schedule 1, page 15, line 33, leave out <, beginning with the day on which this section comes into force,>

Michael Russell

- 63 In schedule 1, page 15, line 35, after <coronavirus> insert <since the relevant date>

Michael Russell

- 64 In schedule 1, page 15, line 36, after <home> insert <, since the relevant date, that are>

Michael Russell

- 65 In schedule 1, page 15, line 37, after <home> insert <, since the relevant date,>

Michael Russell

- 66 In schedule 1, page 16, line 3, leave out from <As> to <services,> in line 4 and insert <As soon as practicable after the end of each 7 day period during which SCSWIS has been receiving reports under subsection (1), using the information in those reports>

Michael Russell

- 67 In schedule 1, page 16, line 6, after <coronavirus> insert <since the relevant date>

Michael Russell

- 68 In schedule 1, page 16, line 7, after <Scotland> insert <, since the relevant date, that are>

Michael Russell

- 69 In schedule 1, page 16, line 9, after <Scotland> insert <, since the relevant date,>

Michael Russell

- 70 In schedule 1, page 16, line 11, leave out <lay the> and insert <lay each>

Michael Russell

- 71 In schedule 1, page 16, line 12, leave out <Scottish>

Michael Russell

- 72 In schedule 1, page 16, leave out lines 17 and 18 and insert—
<() “relevant date” means the day before the date on which paragraph 12C of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force.>

Michael Russell

Supported by: Adam Tomkins

- 73 In schedule 1, page 16, line 24, leave out <civil partnerships continues> and insert <registration of civil partnerships continue>

Michael Russell
Supported by: Adam Tomkins

74 In schedule 1, page 16, line 27, leave out <article> and insert <Article>

Michael Russell
Supported by: Adam Tomkins

75 In schedule 1, page 16, line 30, leave out <by them>

Michael Russell
Supported by: Adam Tomkins

76 In schedule 1, page 16, line 31, leave out <and civil partnerships solemnised> and insert <solemnised and civil partnerships registered>

Michael Russell
Supported by: Adam Tomkins

77 In schedule 1, page 16, line 34, leave out <late> and insert <later>

Michael Russell
Supported by: Adam Tomkins

78 In schedule 1, page 16, line 36, leave out <Part 1> and insert <this paragraph>

Jackie Baillie

79 In schedule 1, page 16, line 37, at end insert—

<PART

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: CONDITIONS ON CARE HOME SERVICE PROVIDERS DURING THE EMERGENCY PERIOD

Conditions on care home service providers during the emergency period

12D(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

(2) The Act has effect as if after section 67 there were inserted—

“67A Conditions notices on care home service providers during the emergency period

(1) Subsection (2) applies—

(a) to a person providing care home services registered under this Chapter as a condition of registration,

(b) during the emergency period.

(2) SCSWIS must give notice to the person providing the care home service specifying that the conditions mentioned in subsection (3) are conditions of registration.

(3) The conditions are that the person providing the care home service must report to SCSWIS—

- (a) all deaths of care home residents where the resident has been diagnosed as having coronavirus or suspected of having coronavirus,
- (b) on the quality, availability and use of personal protective equipment,
- (c) each week on how many staff working in the care home—
 - (i) have been tested for coronavirus,
 - (ii) have tested positive for coronavirus,
- (c) each week on how many residents of the care home—
 - (i) have been tested for coronavirus,
 - (ii) have tested positive for coronavirus.
- (4) The conditions under this section take effect immediately on receipt of the notice under subsection (2).
- (5) Sections 69 and 70 do not apply to a condition notice under this section.
- (6) In this section—
 - (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (b) “emergency period” means the period for which paragraph 12D of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.>

Colin Smyth

81 In schedule 1, page 16, line 37, at end insert—

<PART

CONCESSIONARY TRAVEL FOR SOCIAL CARE WORKERS

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, establish a scheme to make provision for social care workers to be entitled to travel on bus services within Scotland free of charge during the period until Part 1 expires by virtue of section 9(1).
- (2) For the purposes of this paragraph—
 - “social care workers” means persons who work in a care service within the meaning of section 47 and social work services within the meaning of section 48 of the Public Services (Reform) (Scotland) Act 2010.
 - “working in a care service”, in relation to an individual, includes—
 - (a) working for payment or as a volunteer, and
 - (b) working under a contract of service or apprenticeship, a contract for services or otherwise than under a contract.>

Colin Smyth

82 In schedule 1, page 16, line 37, at end insert—

<PART

CONCESSIONARY TRAVEL FOR HEALTH CARE EMPLOYEES

- (1) The Scottish Ministers must, as soon as practicable after the date of Royal Assent, establish a scheme to make provision for a health care employee to be entitled to travel on bus services within Scotland free of charge during the period until Part 1 expires by virtue of section 9(1).

- (2) For the purposes of this paragraph—

“health care employee” means an individual in paid employment by, as the case may be, a Health Board, a relevant special health board, the Common Services Agency for the Scottish Health Service or (where an integration scheme under Part 1 of the Public Bodies (Joint Working) (Scotland) Act 2014 applies) a local authority, whether under a contract of service or apprenticeship or under a contract for services,

“relevant Special Health Board” means a Special Health Board which is required, by virtue of an order made under section 2 of the National Health Service (Scotland) Act 1978, to comply with any of the duties imposed by sections 12IA to 12IN of that Act.”>

Schedule 4

Michael Russell

- 83** In schedule 4, page 28, line 9, at end insert—

<PART

CARE SERVICES: GIVING OF NOTICES BY THE CARE INSPECTORATE

- (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if for section 101 (giving of notice) there were substituted—

“101 Giving of notice

- (1) In Chapters 3 and 4, any reference to a notice being given to a person providing, or seeking to provide, a care service is to be construed as a reference to its being—
 - (a) delivered, where the person is—
 - (i) an individual, to that individual,
 - (ii) a body corporate, to a director, secretary or other similar officer of that body or to a manager (or other similar officer) of the care service provided by that body, or
 - (iii) a firm, to a partner of that firm,
 - (b) sent by post, properly addressed to the person, in a registered letter or by the recorded delivery service, or
 - (c) transmitted to the person electronically.

- (2) In subsection (1)(a)(ii), “manager”, in relation to a care service provided by a body corporate, means the manager whose name is entered in the register maintained under regulation 5 of the Social Care and Social Work Improvement Scotland (Registration) Regulations 2011 (S.S.I. 2011/28) in relation to the care service.
- (3) For the purpose of subsection (1)(b)—
 - (a) a letter is properly addressed to—
 - (i) a body corporate, if addressed to the body at its registered or principal office,
 - (ii) a firm, if addressed to the firm at its principal office,
 - (iii) any other person, if addressed to the person at the address last known,
 - (b) a notice sent by post is to be taken to have been received on the third day after the day of posting unless the contrary is shown.
- (4) For the purpose of subsection (1)(c)—
 - (a) electronic transmission of a notice must be effected in a way that the person has indicated to SCSWIS that the person is willing to receive the notice,
 - (b) the person’s willingness to receive a notice in a particular way may be—
 - (i) specific to the notice in question or generally applicable to notices or other documents of that kind,
 - (ii) expressed specifically to SCSWIS or generally (for example on a website),
 - (iii) inferred from the person having previously been willing to receive notices or other documents from SCSWIS in that way and not having indicated an unwillingness to do so again,
 - (c) SCSWIS’ uploading of a notice to an electronic storage system from which the person is able to download the notice may constitute electronic transmission of the notice from SCSWIS to the person,
 - (d) a notice transmitted electronically is to be taken to have been received on the day of transmission unless the contrary is shown.”.>

Murdo Fraser

84 In schedule 4, page 29, line 13, at end insert—

<Relief to be provided to the newspaper publishing industry

- (1) The Non-Domestic Rates (Coronavirus Reliefs) (Scotland) Regulations 2020 (S.S.I. 2020/101) are amended by this paragraph.
- (2) In schedule 1, after heading “**Class 16 Travel agency**”, insert—

“**Class 17 News publishing**

Use as premises for the production of newspapers, and related news platforms.”.>

Alex Cole-Hamilton

85 In schedule 4, page 29, line 13, at end insert—

<Relief to be provided to small business tenants

- (1) The Scottish Ministers must establish a scheme to provide financial assistance during the financial year 2020-21 to a person, business or organisation in sub-paragraph (2).
- (2) The person, business or organisation is one—
 - (a) that, were it liable to an amount payable as non-domestic rate, would be eligible to receive support provided by the Scottish Ministers as a result of coronavirus to businesses liable to pay a non-domestic rate in respect of lands and heritages—
 - (i) where the combined rateable value of all business premises being £35,000 or less and the rateable value of individual premises is £18,000 or less, or
 - (ii) where the rateable value is greater than £18,000 and no more than £51,000, and
 - (b) which is not liable for a non-domestic rate by virtue of paying a service charge or other payment for business accommodation to the owner of a premise liable for a non-domestic rate.
- (3) The scheme established under this paragraph must provide financial assistance equivalent to the support that the person, organisation or business would have been eligible to receive were it as described in sub-paragraph (2)(a).>

Alex Cole-Hamilton

86 In schedule 4, page 29, line 13, at end insert—

<Relief to be provided to small business tenants

- (1) The Scottish Ministers must establish a scheme to provide financial assistance during the financial year 2020-21 to a person, business or organisation in sub-paragraph (2).
- (2) The person, business or organisation is one—
 - (a) that, were it liable to an amount payable as non-domestic rate, would be eligible to receive support provided by the Scottish Ministers as a result of coronavirus to businesses liable to pay a non-domestic rate in respect of lands and heritages—
 - (i) where the combined rateable value of all business premises being £35,000 or less and the rateable value of individual premises is £18,000 or less, or
 - (ii) where the rateable value is greater than £18,000 and no more than £51,000, and
 - (b) which is a tenant or occupier of lands and heritages on the valuation roll but by virtue pay an equivalent of an amount of non-domestic rate to the landlord.
- (3) The scheme established under this paragraph must provide financial assistance equivalent to the support that the person, organisation or business would have been eligible to receive were it as described in sub-paragraph (2)(a).>

Michael Russell

87 In schedule 4, page 30, line 6, leave out from <after> to <to> in line 7 and insert <in sub-sub-paragraph (a)—

- (a) the words from “the effect” to “coronavirus),” become sub-sub-sub-paragraph (i),
- (b) after that sub-sub-sub-paragraph insert “or
(ii)>

Michael Russell

- 88** In schedule 4, page 30, line 12, leave out <test> and insert <in section 1(1) being complied with promptly>

Michael Russell

- 89** In schedule 4, page 30, line 15, leave out from <paragraph> to end of line 19 and insert <the following paragraphs are repealed—
- (a) paragraph 3,
 - (b) paragraph 4,
 - (c) paragraph 5.>

Michael Russell

- 90** In schedule 4, page 31, line 16, leave out paragraph 14

Graham Simpson

- 91** In schedule 4, page 31, line 33 at end insert –

<PART 6

COUNCIL TAX: EXEMPT DWELLING

- 6 (1) The Council Tax (Exempt Dwellings) (Scotland) Order 1997 (S.I. 1997/728) applies in accordance with the modification in this paragraph.
- (2) Schedule 1 has effect as if after paragraph 12 there were inserted—
- “12A A dwelling which—
- (a) became unoccupied for a reason relating to coronavirus on or after 17 March 2020,
 - (b) was, immediately prior to becoming unoccupied, an exempt dwelling under paragraph 10 or 12 above, and
 - (c) remains unoccupied.”>

Mark Ruskell

- 92** In schedule 4, page 31, line 33, at end insert—

<PART

TRAFFIC REGULATION

- (1) The Road Traffic Regulation Act 1984 applies in accordance with the modifications in this paragraph.
- (2) Section 15 has effect as if—
 - (a) in subsection (1)(a) for “six months” substitute “eighteen months”

- (b) in subsection (5) for “six months” substitute “eighteen months”

Patrick Harvie

93 In schedule 4, page 31, line 33, at end insert—

<PART

RESTRICTION ON GIVING SUPPORT TO BUSINESSES CONNECTED TO TAX HAVENS

- (1) Before providing a coronavirus-related grant to a person, the Scottish Ministers must take steps to satisfy themselves about whether or not sub-paragraph (4) applies to the person.
- (2) If, having taken those steps, the Scottish Ministers are satisfied that sub-paragraph (4) applies to the person, they are not to provide the grant.
- (3) The Scottish Ministers must frame the terms of coronavirus-related grants so that they are entitled to repayment of a grant if they ascertain, after providing it (wholly or partly), that the person to whom the grant was provided—
 - (a) was a person that sub-paragraph (4) applied to at the time the Ministers decided to provide the grant, or
 - (b) knowingly provided false or misleading information in applying for the grant.
- (4) This sub-paragraph applies to a person that—
 - (a) is based in a tax haven,
 - (b) is the subsidiary of a person based in a tax haven,
 - (c) has a subsidiary based in a tax haven,
 - (d) is party to an arrangement under which any of its profits are subject to the tax regime of a tax haven.
- (5) For the purposes of this paragraph, a person is based in a tax haven if the person is incorporated or otherwise established under the law of a tax haven.
- (6) Sub-paragraphs (1) to (3) do not apply in relation to a grant if the application for it was received by the Scottish Ministers before the date on which this paragraph comes into force.
- (7) In this paragraph—

“coronavirus-related grant” means a grant to mitigate the effects on the person’s business of disruption attributable to coronavirus,

“subsidiary” is to be read in accordance with section 1159 of the Companies Act 2006,

“tax haven” means a jurisdiction for the time being included in—

 - (a) the revised EU list of non-cooperative jurisdictions for tax purposes set out in Annex I to the Council of the European Union’s conclusions of February 2020 on the revised EU list of non-cooperative jurisdictions for tax purposes (2020/C 63/03), or
 - (b) any successor list of jurisdictions endorsed for the same purposes by the Council.>

Patrick Harvie

94 In schedule 4, page 31, line 33, at end insert—

<PART

RESTRICTION ON GIVING BUSINESS SUPPORT: TAX DISCLOSURE

- (1) Where a person’s business is—
 - (a) a company operating in multiple jurisdictions,
 - (b) a subsidiary of a company operating in multiple jurisdictions,the Scottish Ministers may not provide a grant to that person to mitigate the effects on the person’s business of disruption attributable to coronavirus unless that person’s company has adopted country-by-country reporting of financial, economic, and tax-related information for each jurisdiction in which it operates.
- (2) Sub-paragraph (1) does not apply in relation to the provision of a grant if the application for the grant was received by the Scottish Ministers before the date on which this paragraph comes into force.
- (3) In this paragraph, “subsidiary” is to be read in accordance with section 1159 of the Companies Act 2006.>

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