

Thursday 18 February 2021

# Business Bulletin

*Iris Ghnothaichean*



The Scottish Parliament  
Pàrlamaid na h-Alba

## Scottish Parliamentary Corporate Body Questions – 4 March 2021

Following the Parliament's agreement to Business Motion S5M-24155, SPCB Questions will take place at 2.30 pm on Thursday 4 March.

The deadline for lodging oral questions to the SPCB is 4.30 pm on Wednesday 24 February. Up to 12 questions will be randomly selected and published in the Business Bulletin on Friday 26 February. Members are reminded that questions to the SPCB can be only on matters concerning the SPCB or the staff of the Parliament.

## Today's Business

### Meeting of the Parliament

**2:00 pm** Parliamentary Bureau motions (Virtual)

**2:00 pm** Portfolio Questions (Virtual): The Presiding Officer has grouped the following questions -

Constitution, Europe and External Affairs: Questions: 5 and 7

**followed by** Scottish Government Debate (Virtual): Doing Politics Differently – The Report of the Citizens' Assembly of Scotland

**followed by** Business Motion (Virtual)

**followed by** Parliamentary Bureau Motions (Virtual)

**5:05 pm** Decision Time (Virtual)

**followed by** Members' Business (Virtual)  
Maurice Corry: Scotland's Men's Sheds Movement

**followed by** Members' Business (Virtual):  
David Stewart: The Highlands and Islands Medical Service

### Committee Meetings

**9:00am** Culture, Tourism, Europe and External Affairs Committee

**9:00am** Public Audit and Post-legislative Scrutiny Committee

**9:00am** Social Security Committee

**9:30am** COVID-19 Committee

**9:30am** Equalities and Human Rights Committee

**9:30am** Standards, Procedures and Public Appointments Committee

**12:30pm** Local Government and Communities Committee

## Meeting of the Parliament

### 2:00 pm Parliamentary Bureau motions (Virtual)

### 2:00 pm Portfolio Questions (Virtual): The Presiding Officer has grouped the following questions -

#### Constitution, Europe and External Affairs: Questions: 5 and 7

#### Transport, Infrastructure and Connectivity

- 1. Tom Mason:** To ask the Scottish Government what consideration it has given to the future use of hydrogen-powered trains on the Edinburgh–Dundee–Aberdeen main line. ([S5O-05017](#))
- 2. Linda Fabiani:** [Not Lodged] ([S5O-05018](#))
- 3. Richard Lyle:** To ask the Scottish Government what steps it is taking to ensure that major road routes are kept open during bad weather. ([S5O-05019](#))
- 4. Emma Harper:** To ask the Scottish Government whether it will provide an update on the funding progress and priorities for the Borderlands Growth Deal. ([S5O-05020](#))
- 5. Tom Arthur:** To ask the Scottish Government how it is supporting rail services in the Renfrewshire South constituency. ([S5O-05021](#))
- 6. David Torrance:** To ask the Scottish Government what assistance it gives to the development of new railway infrastructure. ([S5O-05022](#))
- 7. Alasdair Allan:** To ask the Scottish Government whether it will provide an update on its latest ferries plan. ([S5O-05023](#))
- 8. Neil Findlay:** To ask the Scottish Government when it plans to take Scotland's railways back into public ownership. ([S5O-05024](#))

#### Justice and the Law Officers

- 1. Claire Baker:** To ask the Scottish Government what progress has been made in resuming jury trials in Mid Scotland and Fife. ([S5O-05025](#))
- 2. Mary Fee:** To ask the Scottish Government how many virtual prison visits have taken place since 29 June 2020. ([S5O-05026](#))
- 3. Finlay Carson:** To ask the Scottish Government how it is supporting court services during the COVID-19 pandemic. ([S5O-05027](#))
- 4. Maureen Watt:** To ask the Scottish Government how it is working with Police Scotland to engage with young people who are at risk of offending during the COVID-19 pandemic. ([S5O-05028](#))
- 5. James Dornan:** To ask the Scottish Government how additional funding announced in its draft Budget will be used to keep communities safe. ([S5O-05029](#))
- 6. Alexander Burnett:** To ask the Scottish Government what plans there are to increase the number of divisional police officers in the north east. ([S5O-05030](#))
- 7. Edward Mountain:** To ask the Scottish Government when the new HMP Inverness will be completed. ([S5O-05031](#))

**8. Beatrice Wishart:** To ask the Scottish Government how it supports victims of crime in remote and rural communities. ([S5O-05032](#))

### Constitution, Europe and External Affairs

**1. Gail Ross:** To ask the Scottish Government what impact Brexit has had on workers coming to Scotland from the EU. ([S5O-05033](#))

**2. Willie Coffey:** To ask the Scottish Government how it will develop its international relations in the post-Brexit era. ([S5O-05034](#))

**3. John Mason:** To ask the Scottish Government what recent representations it has made to the UK Government regarding trade deals with countries linked to genocide. ([S5O-05035](#))

**4. Colin Smyth:** To ask the Scottish Government what discussions it has had with the UK Government regarding long-term replacements for EU funding streams. ([S5O-05036](#))

**5. Jamie Greene:** To ask the Scottish Government when it plans to publish the draft bill for an independence referendum announced in its Programme for Government for 2020-21. ([S5O-05037](#))

**6. Patrick Harvie:** To ask the Scottish Government what action it can take to prevent legislation in devolved areas being passed that is contrary to a resolution on a legislative consent motion by the Scottish Parliament. ([S5O-05038](#))

**7. Brian Whittle:** To ask the Scottish Government what assessment it has made of the financial and personnel resources required to conduct a second independence referendum. ([S5O-05039](#))

**8. Claudia Beamish:** [Not Lodged] ([S5O-05040](#))

### followed by Scottish Government Debate (Virtual): Doing Politics Differently – The Report of the Citizens' Assembly of Scotland

**S5M-24165 Michael Russell: Doing Politics Differently – the Report of the Citizens' Assembly of Scotland**—That the Parliament notes *Doing Politics Differently – the Report of the Citizens' Assembly of Scotland*; extends its thanks to the members of the Assembly for their hard work, efforts, commitment and collaborative approach, especially given the inevitable difficulties caused for the Assembly by the COVID-19 pandemic, and commends the report for further consideration by Members in the next session of the Parliament, informed by a full response from the incoming Scottish administration.

The Presiding Officer has selected the following amendments

**S5M-24165.1 Dean Lockhart: Doing Politics Differently – the Report of the Citizens' Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens' Assembly of Scotland), insert at end ", while recognising that different political parties will take a different view on the recommendations of the report."

**S5M-24165.3 Anas Sarwar: Doing Politics Differently – the Report of the Citizens' Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens' Assembly of Scotland), insert at end "; welcomes the bold and ambitious recommendations put forward to tackle inequality in Scotland, including capping private sector rents, making energy efficiency measures more affordable and investing in

green infrastructure, and calls on the Scottish Government to give an annual statement to the Parliament on what action has been taken in response to the work of the Assembly."

**[S5M-24165.2](#) Patrick Harvie: Doing Politics Differently – the Report of the Citizens' Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens' Assembly of Scotland), after "pandemic" insert "; welcomes the desire shown by the Assembly for Scotland to be a leader in environmental policy and in particular its recognition that climate change is increasing the risk of further pandemics".

**followed by Business Motion (Virtual)**

**followed by Parliamentary Bureau Motions (Virtual)**

**5:05 pm Decision Time (Virtual)**

**followed by Members' Business (Virtual) Maurice Corry: Scotland's Men's Sheds Movement**

**[S5M-23991](#) Maurice Corry: Scotland's Men's Sheds Movement**—That the Parliament recognises the role of the Men's Sheds Movement in encouraging health and wellbeing; understands that since 2013, Men's Sheds have provided the opportunity to learn new skills through a variety of activities and offers a social, safe and welcoming space to meet people and find information on local projects within the community, including those in the West of Scotland; notes with regret the impact of COVID-19 on the Men's Sheds Movement, which has led to the temporary closure of all Men's Sheds in keeping with lockdown restrictions, amid a sharp increase in the number of people experiencing feelings of loneliness and social isolation; appreciates that despite the challenges this has presented, the Scottish Men's Sheds Association has continued its work to assist and support men's shedders to forge social connections virtually and in April 2020 welcomed Sir Harry Burns as its new patron to promote and represent the movement; welcomes the £30,000 funding from the Scottish Government to help those Sheds whose fundraising has been most severely affected by the pandemic, and notes calls for all MSPs to share in celebrating the work of Scottish Men's Sheds and to continue to protect its place in communities through this pandemic and for many years to come.

**followed by Members' Business (Virtual): David Stewart: The Highlands and Islands Medical Service**

**[S5M-23483](#) David Stewart: The Highlands and Islands Medical Service**—That the Parliament celebrates the Highlands and Islands Medical Service, which was set up in August 1913; notes that it was established following the National Health Insurance Act 1911, which provided workers with health insurance but did not cover crofters and great swathes of the Highlands and Islands; recognises the exemplary research that was carried out by the Dewar Committee, which was chaired by Sir John Dewar and comprised of men, women, doctors, teachers and others who travelled the length and breadth of the region and whose recommendations included standardising the cost of doctors' visits regardless of distance, creating a minimum wage for doctors, funding more district nursing associations and increasing communication channels for doctors, and

recognises that it was the first state-provided health service in the world and is generally considered to be the model for the NHS, which was established 35 years later.

## Committee Meetings

All meetings take place in the Scottish Parliament, unless otherwise specified.

### Culture, Tourism, Europe and External Affairs Committee 6th Meeting, 2021

The Committee will meet at 9:00 am in a virtual meeting that will be broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv)

1. **EU-UK trade and co-operation agreement:** The Committee will take evidence from-

Paul Sheerin, Chief Executive Officer, Scottish Engineering;  
Martin Reid, Director of Scotland and Northern Ireland, Road Haulage Association;  
and then from—  
Mark Thomson, Resilience and Community Safety Manager, Dumfries and Galloway Council;  
Mags Simpson, Head of Policy, Scotland and North, Logistics UK.

2. **Consideration of evidence (in private):** The Committee will consider the evidence heard earlier in the meeting.
3. **Correspondence (in private):** The Committee will consider correspondence in relation to the Scottish Government's Budget 2021-22.

### Public Audit and Post-legislative Scrutiny Committee 6th Meeting, 2021

The Committee will meet at 9:00 am in a virtual meeting and broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv)

1. **Decision on taking business in private:** The Committee will decide whether to take items 4, 5 and 6 in private.
2. **Section 22 report - The 2019/20 audit of NHS Tayside:** The Committee will take evidence from-

Grant Archibald, Chief Executive, Lorna Birse-Stewart, Chair, and Stuart Lyall, Director of Finance, NHS Tayside.

3. **Post-legislative scrutiny - The Control of Dogs (Scotland) Act 2010:** The Committee will take evidence from-

Ash Denham MSP, Minister for Community Safety, and Jim Wilson, Senior Policy Lead, Criminal Justice Division, Scottish Government.

4. **Section 22 report - The 2019/20 audit of NHS Tayside:** The Committee will consider the evidence heard at agenda item 2 and take further evidence from—  
Stephen Boyle, Auditor General for Scotland;  
Fiona Mitchell-Knight, Audit Director, Audit Services, and Leigh Johnston, Senior Manager, Performance Audit and Best Value, Audit Scotland.
5. **Post-legislative scrutiny - The Control of Dogs (Scotland) Act 2010:** The Committee will consider the evidence heard at agenda item 3.

6. **Key audit themes - Managing public sector ICT projects:** The Committee will consider revisions to a draft report.

### Social Security Committee 4th Meeting, 2021

The Committee will meet at 9:00 am in a virtual meeting and be broadcast on [scottishparliament.tv](http://scottishparliament.tv)

1. **Decision on taking business in private:** The Committee will decide whether to take item 6 in private.
2. **Budget Scrutiny 2021-22** The Committee will take evidence on the Scottish Government's Budget 2021-22 from—  
Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People, and Kevin Stevens, Head of Strategic & Programme Finance, Programme Management & Delivery Division, Scottish Government;  
James Wallace, Deputy Director Finance & Corporate Services, Social Security Scotland.
3. **Subordinate legislation:** The Committee will take evidence on The First-tier Tribunal for Scotland Social Security Chamber (Allocation of Functions) Amendment Regulations 2021 from —  
Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People, Ruth Steele, Head of Funerals, Resolutions and Early Years benefits, and Stephanie Virlogeux, Solicitor, Scottish Government.
4. **Subordinate legislation:** Shirley-Anne Somerville (Cabinet Secretary for Social Security and Older People) to move – S5M-23951- That the Social Security Committee recommends that the First-tier Tribunal for Scotland Social Security Chamber (Allocation of Functions) Amendment Regulations 2021 [draft] be approved.
5. **Subordinate legislation:** The Committee will consider the following negative instrument- The Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2021.
6. **Budget Scrutiny 2020-21:** The Committee will consider the evidence heard earlier in the meeting.

### COVID-19 Committee 6th Meeting, 2021

The Committee will meet at 9:30 am in a virtual meeting and broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv)

1. **Citizens' Panel:** The Committee will take evidence from—  
Jo Eismont, Neil Hunter, Allan Perris, Roland Reid, and Christine Watkins, Citizens' Panel.
2. **Ministerial statement: Covid-19; and Subordinate legislation:** The Committee will take evidence on the latest Ministerial statement on Covid-19; the Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50) and the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 [draft] from—  
Michael Russell, Cabinet Secretary for the Constitution, Europe and External Affairs, and Professor Jason Leitch, National Clinical Director, Scottish Government.
3. **Subordinate legislation:** Michael Russell, Cabinet Secretary for the Constitution, Europe and External Affairs to move—

S5M-24115— That the COVID-19 Committee recommends that the Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50) be approved.

### **Equalities and Human Rights Committee 5th Meeting, 2021**

The Committee will meet at 9:30 am in a virtual meeting on SPTV

1. **Subordinate legislation:** The Committee will consider the following negative instrument— The Civil Partnership Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2021 (SSI 2021/24).
2. **Impact of COVID-19 pandemic on Equalities and Human Rights (in private):** The Committee will consider a draft report.

### **Standards, Procedures and Public Appointments Committee 4th Meeting, 2021**

The Committee will meet at 9:30 am in a virtual meeting

1. **Standing Order Rule Changes (in private):** The Committee will consider the rules relating to Private and Hybrid Bill Procedures.
2. **Resilience of the Scottish Parliament's practices and procedures (in private):** The Committee will consider a draft report and draft Standing Order Rule changes.

### **Local Government and Communities Committee 8th Meeting, 2021**

The Committee will meet at 12.30 pm in a virtual meeting which will be held in private.

1. **Post-Legislative Scrutiny of the Community Empowerment (Scotland) Act 2015, parts 3 and 5 (in private):** The Committee will consider a draft report.



## Future Meetings of the Parliament

Business Programme agreed by the Parliament on 17 February 2021

### Tuesday 23 February 2021

**2:00 pm** Time for Reflection

**followed by** Parliamentary Bureau Motions

**followed by** Topical Questions (if selected)

**followed by** Ministerial Statement: COVID-19

**followed by** Stage 3 Proceedings: Heat Networks (Scotland) Bill

**followed by** Committee Announcements

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**6:00 pm** Decision Time

**followed by** Members' Business — S5M-24139 John Finnie: Investing in Scotland's Railways

### Wednesday 24 February 2021

**2:00 pm** Parliamentary Bureau Motions

**2:00 pm** Portfolio Questions: Economy, Fair Work and Culture; Education and Skills

**followed by** Scottish Conservative and Unionist Party Business

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**4:50 pm** Decision Time

**followed by** Members' Business

### Thursday 25 February 2021

**12:30 pm** Parliamentary Bureau Motions

**12:30 pm** First Minister's Questions

**2:30 pm** Parliamentary Bureau Motions

**2:30 pm** Portfolio Questions: Health and Sport

**followed by** Stage 1 Debate: Budget (Scotland) (No.5) Bill

**followed by** Scottish Government Debate: Scottish Rate Resolution

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**6:00 pm** Decision Time

### Tuesday 2 March 2021

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Chamber   Seòmar				

**2:00 pm** Time for Reflection

**followed by** Parliamentary Bureau Motions

**followed by** Topical Questions (if selected)

**followed by** Ministerial Statement: COVID-19

**followed by** Stage 3 Proceedings: Defamation and Malicious Publication (Scotland) Bill

**followed by** Committee Announcements

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**5:30 pm** Decision Time

**followed by** Members' Business

### **Wednesday 3 March 2021**

**2:00 pm** Parliamentary Bureau Motions

**2:00 pm** Portfolio Questions: Communities and Local Government; Social Security and Older People

**followed by** Scottish Labour Party Business

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**4:50 pm** Decision Time

**followed by** Members' Business

### **Thursday 4 March 2021**

**12:30 pm** Parliamentary Bureau Motions

**12:30 pm** First Minister's Questions

**2:30 pm** Parliamentary Bureau Motions

**2:30 pm** Scottish Parliamentary Corporate Body Question Time

**followed by** Portfolio Questions: Finance

**followed by** Stage 3 Proceedings: Pre-release Access to Official Statistics (Scotland) Bill

**followed by** Stage 3 Proceedings: Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill

**followed by** Scottish Government Debate: International Women's Day - Inspiring Women

**followed by** Business Motions

**followed by** Parliamentary Bureau Motions

**followed by** Approval of SSIs (if required)

**5:40 pm** Decision Time

## Future Committee Meetings

This section includes the agendas of the forthcoming committee meetings and outlines proposed future business, which may be subject to change. Committees have the right to take items in private and this will be notified as far in advance as possible.

Many committees include details of their future business on their webpages, which can be accessed on the committee hub page.

<https://www.parliament.scot/business/committees/index.htm>

### Justice Committee

22 February 2021

7th Meeting, 2021

The Committee will meet at 2.30 pm in a virtual meeting and be broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv)

1. **Hate Crime and Public Order (Scotland) Bill - freedom of expression:** The Committee will take evidence on the proposed amendments on freedom of expression in the Bill, in round-table format, in advance of Stage 3 from—  
Humza Yousaf, Cabinet Secretary for Justice, Scottish Government;  
Other witnesses to be confirmed.

### Proposed future business

At its next meeting, on 23 February, the Committee expects to consider the Domestic Abuse (Protection) (Scotland) Bill at Stage 2; and consider two Legislative Consent Memorandums. For further information, contact the Clerk to the Committee, Stephen Imrie at [stephen.imrie@parliament.scot](mailto:stephen.imrie@parliament.scot)

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Motions   Gluasadan				

## Motions

Motions and amendments are usually printed the day after lodging. When an amendment is lodged, then the original motion will be republished alongside it.

**Motions and amendments can be published with symbols:**

- \* before the number indicates publication for the first time
- \*...\* around a section of text indicates changes to previously published material
- R indicates a member has declared a registered interest

The Parliamentary Bureau periodically deletes motions or amendments that are over six weeks old and not scheduled for debate.

Questions regarding this section should be directed to the Chamber Desk.

## Motions for Debate

**[S5M-24165](#) Michael Russell: Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland**—That the Parliament notes *Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland*; extends its thanks to the members of the Assembly for their hard work, efforts, commitment and collaborative approach, especially given the inevitable difficulties caused for the Assembly by the COVID-19 pandemic, and commends the report for further consideration by Members in the next session of the Parliament, informed by a full response from the incoming Scottish administration.

Supported by: Jenny Gilruth, Graeme Dey

**\*[S5M-24165.3](#) Anas Sarwar: Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland), insert at end "; welcomes the bold and ambitious recommendations put forward to tackle inequality in Scotland, including capping private sector rents, making energy efficiency measures more affordable and investing in green infrastructure, and calls on the Scottish Government to give an annual statement to the Parliament on what action has been taken in response to the work of the Assembly."

**\*[S5M-24165.2](#) Patrick Harvie: Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland), after "pandemic" insert "; welcomes the desire shown by the Assembly for Scotland to be a leader in environmental policy and in particular its recognition that climate change is increasing the risk of further pandemics".

**\*[S5M-24165.1](#) Dean Lockhart: Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland**—As an amendment to motion S5M-24165 in the name of Michael Russell (Doing Politics Differently – the Report of the Citizens’ Assembly of Scotland), insert at end ", while recognising that different political parties will take a different view on the recommendations of the report."

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Motions   Gluasadan				

## Other new and altered motions and amendments

**\*S5M-24174 Claudia Beamish: NHS Lanarkshire Bike Appeal**—That the Parliament congratulates NHS Lanarkshire’s Health Improvement Team on its work with local retailers and community organisations to support access to second-hand bikes and bike maintenance, as well as free bike loans for NHS Lanarkshire staff; applauds its response to a 44% increase in cycling across Lanarkshire through its promotion of the Cycling UK’s Bicycle Repair Scheme and the Bike Amnesty Appeal, which rehomes pre-loved bicycles in collaboration with North Lanarkshire’s Restorative Justice; acknowledges that more than 70 bike donations have helped low income families and individuals to own their own bike; welcomes the further investment from the Lanarkshire Green Health Partnership in providing helmets, lights and locks with some of the rehomed bicycles, and recognises this vital work in supporting the physical and mental health benefits associated with outdoor activity.

**\*S5M-24173 Alex Rowley: Reported Problems of the Mobile and Home-Based Close Contact Service Providers Fund**—That the Parliament notes the reported problems with the newly launched mobile and home-based Close Contact Service Providers Fund; recognises that concerns have reportedly been raised regarding the way in which the fund is being administered; understands that the Scottish Government will administer both the mobile and home-based Close Contact Service Providers Fund and the Newly Self-Employed Hardship Fund using the same application form; understands that this has caused problems due to the significant number of applicants trying to access the funds when they were launched; expresses concern regarding reports that applicants have been receiving automated emails informing them that their application has been rejected because the system could not authenticate their online presence; notes concerns raised that there is no recourse to appeal if an application is unsuccessful; acknowledges reports that the application form is difficult to review prior to submission as a result of having to re-input information due to the system not saving data; notes the reported lack of clarity regarding whether the funds are being run by a partnership service, and if so, by which partnership service, and understands that, should these issues be raised with the Scottish Government, it may take some time for a response to be issued, by which time applicants may have missed mortgage payments, rent, utilities bills or vital products such as clothing and food at a time when the funds are meant to be helping those in need.

Supported by: Iain Gray\*, Mark McDonald\*, Jackie Baillie\*, Rhoda Grant\*, David Stewart\*

**\*S5M-24172 Bob Doris: Advice Direct, Scotland’s new Scotland-specific Benefits Calculator**—That the Parliament welcomes the launch of Advice Direct, Scotland’s free online benefits calculator; recognises that the new online tool is the first to fully integrate devolved benefits, including the new devolved benefit, the Scottish Child Payment, which opened on 15 February 2021, to parents or carers on low incomes who have a child under six; welcomes the work of Advice Direct Scotland and its partner InBest in developing this new tool, which will provide people with a free and impartial assessment of their entitlement to a range of benefits including Universal Credit, crisis grants and support payments; recognises that the launch follows an 87% increase in Scotland’s claimant count between December 2019 and December 2020, largely caused by the COVID-19 pandemic, and recommends that all families facing financial hardship use the tool to calculate the benefits that are available to them.

**\*S5M-24170 Neil Bibby: Renfrewshire Leisure Workers Deserve Support**—That the Parliament believes that the Coronavirus Job Retention Scheme is an important tool for employers to protect jobs and support workers; considers that, often, the most underpaid workers rely on multiple jobs or casual contracts; understands that Renfrewshire Leisure has refused to make full

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Motions   Gluasadan				

use of the furlough scheme to support all of its workers, particularly those on casual or multiple contracts; believes that the same workers were initially told that they were to be made redundant with two days' notice before this threat was withdrawn, and calls on Renfrewshire Leisure and all organisations to make full use of the furlough scheme to support workers, including those on casual or multiple contracts, and to provide them with job security and certainty.

Supported by: Jenny Marra\*, Bill Kidd\*

**\*S5M-24169 Sandra White: Increase in Support for Pro-independence Parties at the Catalan Election** —That the Parliament welcomes the results of the Catalan elections which took place on 14 February 2021 with support for pro-independence parties surpassing 50% for the first time; understands that these parties retained a majority in the 135-seat chamber with a total of 74 members in favour of a Catalan republic, four more following the elections that took place in 2017; believes that the recent election arose as a result of the former Catalan President, Quim Torra, being convicted of disobedience in the High Court of Justice in Barcelona and banned from public office by the Supreme Court in Madrid; notes that this charge was brought forward by Spain's Electoral Board when they ordered him to remove a banner that stated "Freedom for political prisoners and exiles" and yellow ribbons that expressed solidarity with the imprisoned Catalan political leaders who were charged following the Catalan referendum in 2017, and believes that support for Catalan independence is growing and that its people should have the right to determine and exercise their own future.

Supported by: James Dornan\*, Colin Beattie\*, Bob Doris\*, Bill Kidd\*, Kenneth Gibson\*, Fulton MacGregor\*, Richard Lyle\*, Joan McAlpine\*, Alex Neil\*, Mark McDonald\*, David Torrance\*, John Mason\*

**\*S5M-24154 Gail Ross: Scotland's Potential to be a Rewilding Nation**—That the Parliament notes the recent polling which indicates that the public, by a factor of more than 10 to one, supports the concept of rewilding, an approach to large-scale conservation which aims to reintroduce locally extinct species and restore ecosystems; believes that with community support, projects of this sort can bring benefits for climate adaptation and mitigation, biodiversity, wellbeing, and local employment, and recognises that Scotland has the potential to be a rewilding nation, where social, economic and environmental opportunities are available much more widely across the country, including in towns and cities as well as in rural and coastal communities.

### Motions and amendments which have attracted additional support

**S5M-24153 Mark Ruskell: Arrest of Disha Ravi** (lodged on 16 February 2021)

New Support: Mark McDonald\*, Gil Paterson\*, Pauline McNeill\*

**S5M-24152 Alex Rowley: National Centres of Excellence in Low Carbon Skills** (lodged on 16 February 2021)

New Support: Colin Smyth\*, Jackie Baillie\*, David Torrance\*, Pauline McNeill\*, Gil Paterson\*, Bill Kidd\*, Neil Bibby\*

**S5M-24150 Alexander Burnett: Huntly Community Spirit** (lodged on 16 February 2021)

New Support: Jeremy Balfour\*, Gordon Lindhurst\*

**S5M-24147 Rona Mackay: Springfield Cambridge Festival Chorus and Orchestra Raises £390,000 for CHAS** (lodged on 16 February 2021)

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Motions   Gluasadan				

New Support: Fulton MacGregor\*, Gil Paterson\*, Joan McAlpine\*

**[S5M-24144](#) Jenny Marra: Threats of Violence Against Elected Representatives** (lodged on 16 February 2021)

New Support: Alexander Burnett\*, Jackie Baillie\*, James Dornan\*, Gillian Martin\*, Gil Paterson\*, Elaine Smith\*, Neil Bibby\*, Donald Cameron\*, Alex Cole-Hamilton\*

**[S5M-24143](#) Murdo Fraser: Sir William Macpherson** (lodged on 16 February 2021)

New Support: Bill Kidd\*, Jeremy Balfour\*, James Dornan\*, Gil Paterson\*

**[S5M-24142](#) Kenneth Gibson: Scotland's Industrial Biotechnology Sector Exceeds Growth Expectations** (lodged on 16 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*, Joan McAlpine\*

**[S5M-24141](#) Clare Adamson: In Memory of Sydney Devine** (lodged on 16 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*

**[S5M-24140](#) Rona Mackay: Fairtrade Fortnight in Strathkelvin and Bearsden** (lodged on 16 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*, Neil Bibby\*, Joan McAlpine\*

**[S5M-24139](#) John Finnie: Investing in Scotland's Railways** (lodged on 16 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*

**[S5M-24136](#) Neil Findlay: Tesco Staff at Livingston Supported by USDAW** (lodged on 15 February 2021)

New Support: Pauline McNeill\*, Sarah Boyack\*

**[S5M-24135](#) Alex Cole-Hamilton: NatWest Bank's Campaign, Supporting Female Entrepreneurship** (lodged on 15 February 2021)

New Support: Jeremy Balfour\*, Kenneth Gibson\*, Rachael Hamilton\*, Jackie Baillie\*, David Stewart\*, Rhoda Grant\*, Bill Kidd\*

**[S5M-24133](#) Gillian Martin: Keenan Recycling Wins Sustainability Award** (lodged on 15 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*

**[S5M-24132](#) Bill Kidd: Chinese Year of the Ox** (lodged on 15 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*

**[S5M-24129](#) Lewis Macdonald: World's First Hydrogen Double-decker Bus Launched into service in Aberdeen** (lodged on 12 February 2021)

New Support: Gil Paterson\*

**[S5M-24128](#) Christine Grahame: Broughton Village Store, Supporting Communities** (lodged on 12 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*, Joan McAlpine\*

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Motions   Gluasadan				

**[S5M-24127](#) Gordon MacDonald: Heriot-Watt University Celebrates Bicentenary** (lodged on 12 February 2021)

New Support: Fulton MacGregor\*, Gil Paterson\*

**[S5M-24126](#) Gil Paterson: 1st Bearsden Rainbow Unit, Staying Connected During Lockdown** (lodged on 11 February 2021)

New Support: Joan McAlpine\*

**[S5M-24122](#) Colin Beattie: Musselburgh Rugby Club receives £50,000** (lodged on 11 February 2021)

New Support: Fulton MacGregor\*

**[S5M-24120](#) Angus MacDonald: Funding for Bo'ness and Kinneil Railway** (lodged on 11 February 2021)

New Support: Fulton MacGregor\*

**[S5M-24119](#) Annabelle Ewing: Alexander Gillan, Veteran of the Arctic Convoys** (lodged on 11 February 2021)

New Support: Fulton MacGregor\*

**[S5M-24115](#) Mairi Gougeon: Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50)** (lodged on 10 February 2021)

New Support: Michael Russell\*

**[S5M-24114](#) Annabelle Ewing: Congratulations to Joanne Saurin, Empty Homes Officer, Fife Council** (lodged on 11 February 2021)

New Support: Fulton MacGregor\*

**[S5M-24097](#) Stuart McMillan: Dentistry on the Clyde Praised at Award Ceremonies** (lodged on 09 February 2021)

New Support: Neil Bibby\*

**[S5M-24090](#) Kenneth Gibson: McTaggart Group to Deliver up to 55 Positions for Young People** (lodged on 09 February 2021)

New Support: Fulton MacGregor\*

**[S5M-24087](#) Mary Fee: International Epilepsy Awareness Day** (lodged on 08 February 2021)

New Support: Neil Bibby\*

**[S5M-24083](#) Alasdair Allan: SS Politician Wreckage 80th Anniversary** (lodged on 08 February 2021)

New Support: Neil Bibby\*

**[S5M-24032](#) Mary Fee: Children's Mental Health Week** (lodged on 02 February 2021)

New Support: Neil Bibby\*



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Motions   Gluasadan				

**[S5M-24020](#) Kenneth Gibson: Millport Town Hall Awarded £1.5 Million by the Scottish Government** (lodged on 01 February 2021)

New Support: Neil Bibby\*

**[S5M-24016](#) Gil Paterson: Milngavie in Bloom Receive Recognition of Hard Work** (lodged on 29 January 2021)

New Support: Neil Bibby\*

**[S5M-23998](#) Gil Paterson: WDCVS Campaign to #WalkBackBetter** (lodged on 28 January 2021)

New Support: Neil Bibby\*

**[S5M-23991](#) Maurice Corry: Scotland's Men's Sheds Movement** (lodged on 27 January 2021)

New Support: Elaine Smith\*, Neil Bibby\*

**[S5M-23984](#) James Kelly: SCIAF's Wee Box, Big Change Lent Appeal 2021** (lodged on 27 January 2021)

New Support: Neil Bibby\*

**[S5M-23956](#) Alexander Stewart: Holocaust Memorial Day 2021** (lodged on 25 January 2021)

New Support: Neil Bibby\*

**[S5M-23929](#) Gil Paterson: Carers of West Dunbartonshire's New Campaign** (lodged on 21 January 2021)

New Support: Neil Bibby\*

**[S5M-23927](#) David Stewart: Scottish Cot Death Trust's New Resource, Back to Basics, Back to Baby** (lodged on 21 January 2021)

New Support: Neil Bibby\*

**[S5M-23918](#) Alison Harris: Rangers Supporters Erskine Appeal** (lodged on 20 January 2021)

New Support: Neil Bibby\*

**[S5M-23860](#) Gil Paterson: Kilpatrick School Pupils Win Top STEM Award** (lodged on 14 January 2021)

New Support: Neil Bibby\*

**[S5M-23859](#) Gil Paterson: Charlie Smith and Andrew Phin from Milngavie Fundraise in Memory of a Family Friend** (lodged on 20 January 2021)

New Support: Neil Bibby\*

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

## Oral Questions

### Portfolio Questions selected for answer on 24 February 2021

#### Economy, Fair Work and Culture

- 1. James Kelly:** To ask the Scottish Government what action it is taking to promote fair pay practices. ([S5O-05041](#))
- 2. Bob Doris:** To ask the Scottish Government what progress it has made on delivering the Young Person's Guarantee for 16- to 24-year-olds in the Glasgow Maryhill and Springburn constituency. ([S5O-05042](#))
- 3. James Dornan:** To ask the Scottish Government what progress has been made towards implementing the Young Person's Guarantee. ([S5O-05043](#))
- 4. Graham Simpson:** To ask the Scottish Government how it ensures value for money when investing in private companies. ([S5O-05044](#))
- 5. Edward Mountain:** To ask the Scottish Government what the projected impact of the COVID-19 pandemic is on the economy of the Highlands for the current financial year. ([S5O-05045](#))
- 6. Colin Beattie:** To ask the Scottish Government how the Scottish National Investment Bank will support the economic regeneration of communities when the COVID-19 restrictions are lifted. ([S5O-05046](#))
- 7. Gillian Martin:** To ask the Scottish Government how it will ensure better economic resilience in the north east post-COVID-19. ([S5O-05047](#))
- 8. Mark Griffin:** [Not Lodged]

#### Education and Skills

- 1. Johann Lamont:** To ask the Scottish Government what additional support it will make available to out-of-school care providers experiencing financial difficulties due to the COVID-19 pandemic. ([S5O-05049](#))
- 2. Bill Kidd:** To ask the Scottish Government what discussions it plans to have with colleges and universities regarding the grading process for students who have been adversely impacted by recurrent lockdowns in their final year of study. ([S5O-05050](#))
- 3. Gordon Lindhurst:** To ask the Scottish Government what plans it has to decrease class sizes and reduce the prevalence of multi-level teaching. ([S5O-05051](#))
- 4. Gail Ross:** To ask the Scottish Government what impact the COVID-19 pandemic has had on the Developing the Young Workforce programme. ([S5O-05052](#))
- 5. Liam McArthur:** To ask the Scottish Government what discussions it has had with Orkney Islands Council regarding the reopening of schools. ([S5O-05053](#))
- 6. Annie Wells:** To ask the Scottish Government whether it will provide an update on its plans to help pupils catch up on lost teaching time. ([S5O-05054](#))
- 7. Alex Cole-Hamilton:** [Not Lodged]
- 8. Daniel Johnson:** To ask the Scottish Government when it last met representatives of teaching and education unions. ([S5O-05056](#))

### Portfolio Questions selected for answer on 25 February 2021

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

## Health and Sport

- 1. Tom Arthur:** To ask the Scottish Government what action it is taking to reduce health inequalities. ([S5O-05057](#))
- 2. Shona Robison:** To ask the Scottish Government what steps it is taking to measure and mitigate the effects of the COVID-19 pandemic on child and adolescent mental health. ([S5O-05058](#))
- 3. Stuart McMillan:** To ask the Scottish Government what discussions it has had with NHS Greater Glasgow and Clyde and Inverclyde HSCP regarding either a replacement for, or investment in, Port Glasgow Health Centre. ([S5O-05059](#))
- 4. Alexander Burnett:** To ask the Scottish Government what it is doing to ensure that older patients in hospital are receiving the COVID-19 vaccine. ([S5O-05060](#))
- 5. Alex Rowley:** To ask the Scottish Government what steps it is taking to address the reported increased demand for mental health services. ([S5O-05061](#))
- 6. Finlay Carson:** To ask the Scottish Government how many new staff will be required to meet the mental health needs of people following the COVID-19 pandemic. ([S5O-05062](#))
- 7. Tom Mason:** To ask the Scottish Government what plans it has to reduce the backlog of elective surgical procedures that have arisen in the NHS Grampian area due to the COVID-19 pandemic. ([S5O-05063](#))
- 8. Colin Smyth:** To ask the Scottish Government what assessment it has made of mental health services in rural areas. ([S5O-05064](#))

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

## Written Questions

Questions in which a member has indicated a declarable interest are marked with an "R".

### Written questions lodged on 17 February 2021

**S5W-35236 Alexander Burnett:** To ask the Scottish Government whether it will provide an update on the (a) laying of regulations for minimum energy efficiency standards and (b) compliance dates which will be set out in the regulations. **R**

**S5W-35238 Elaine Smith:** To ask the Scottish Government with which organisations it regularly consults with to seek the views of disabled people.

**S5W-35239 Elaine Smith:** To ask the Scottish Government how many applications for the Job Start Payment there were between 17 August 2020 and 31 December 2020, broken down by the sex of the applicant; how many (a) were refused and (b) are yet to be processed, and what proportion of applicants that were approved were awarded the (i) standard and (ii) higher rate.

**S5W-35246 Mark Ruskell:** To ask the Scottish Government whether it is considering (a) capping Basic Payments to farmers and (b) increasing the rate of budget transfer from Pillar I of CAP to Pillar II from the current 9.5% to the maximum 15% allowed under EU rules, in order to (i) raise the funding required to fully open the Agri-Environment Climate Scheme in (A) 2021 and (B) future years and (ii) increase funding for this scheme overall.

**S5W-35247 Mark Ruskell:** To ask the Scottish Government, in light of the commitment by the Cabinet Secretary for Rural Economy and Tourism at the recent Oxford Farming Conference to continuing "direct income support for our farmers", totalling £485 million per annum in 2021, and to increasing funding for the Less Favoured Area Support Scheme back to previous levels, on what basis it is able to make these commitments; whether it is able to make the same commitment to maintaining the Agri-Environment Climate Scheme, and what the reasons are for its position on this matter.

**S5W-35248 Mark Ruskell:** To ask the Scottish Government what area of (a) land designated for its nature conservation importance and (b) priority habitats forming part of Scotland's Biodiversity Strategy it estimates will no longer be managed under Agri-Environment Climate Scheme agreements when existing agreements finish at the end of 2021, and what the impact of that will be on efforts to halt the loss of biodiversity.

**S5W-35249 Mark Ruskell:** To ask the Scottish Government what proportion of the £34.2 million proposed funding in the 2021-22 Budget for the Agri-Environment Climate Scheme it anticipates will be available to fund new agreements, and how this compares with the proportion of funding required to pay for existing agreements.

**S5W-35262 Neil Findlay:** To ask the Scottish Government what steps it is taking to address self-harm among children and young people.

**S5W-35264 Rachael Hamilton:** To ask the Scottish Government what action it is taking to progress the necessary research to roll out self-sampling in the cervical screening programme and whether there is a timescale for such a roll-out.

**S5W-35266 Rachael Hamilton:** To ask the Scottish Government what public awareness campaign it has promoted to increase the uptake of cervical screening tests and address disruption as a result of the COVID-19 pandemic.

**S5W-35267 Rachael Hamilton:** To ask the Scottish Government what action it has taken on the recommendations made at the most recent meeting of the UK National Screening Committee.

**S5W-35269 Rachael Hamilton:** To ask the Scottish Government what specific training is offered to nurses for assisting disabled people to have their cervical screening test.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

**[S5W-35270 Rachael Hamilton:](#)** To ask the Scottish Government what percentage of eligible children received their HPV vaccination in the last year, and how many received their second dose within the 18-month target.

**[S5W-35272 Alex Cole-Hamilton:](#)** To ask the Scottish Government what criteria must be met before it will end the policy of managed quarantine in hotels.

**[S5W-35273 Alex Cole-Hamilton:](#)** To ask the Scottish Government what its position is on spouses who are returning from travelling overseas to work being exempted from managed quarantine in hotels.

**[S5W-35274 Alex Cole-Hamilton:](#)** To ask the Scottish Government what its position is on people who can verify that they have being fully vaccinated against COVID-19 being exempted from managed quarantine in hotels.

**[S5W-35275 Alex Cole-Hamilton:](#)** To ask the Scottish Government whether lateral flow testing kits will be made available to playgroup staff in time for the return of full education in early learning settings.

**[S5W-35276 Alex Cole-Hamilton:](#)** To ask the Scottish Government what plans it has to introduce "lifetime" services for (a) survivors of childhood sexual abuse and (b) people with post-traumatic stress disorder (PTSD), similar to those developed in England.

**[S5W-35277 Rhoda Grant:](#)** To ask the Scottish Government whether it considers that ensuring that communities benefit from public expenditure on land management practises and land uses that (a) contributes to climate heating mitigation and adaptation and (b) secures the local retention of income, is a core part of ensuring a just transition to net zero carbon emissions.

**[S5W-35278 Rhoda Grant:](#)** To ask the Scottish Government how it will ensure that communities in the Highlands and Islands will be guaranteed a stake in owning and managing land for the purpose of rewilding and carbon-offsetting.

**[S5W-35279 Rhoda Grant:](#)** To ask the Scottish Government what action it can take to build and protect community resilience and wealth from corporate purchases of land in the Highlands and Islands for the purpose of carbon-offsetting.

**[S5W-35280 Kenneth Gibson:](#)** To ask the Scottish Government what the savings will be for each industry sector following the decision to extend the 100% business rates relief to the retail, hospitality and leisure sectors for the entirety of 2021-22.

**[S5W-35281 Jackie Baillie:](#)** To ask the Scottish Government whether state aid limits will apply to the decision to extend the 100% business rates relief to the retail, hospitality and leisure sectors for 2021-22.

**[S5W-35282 Rhoda Grant:](#)** To ask the Scottish Government what guidance it has provided in relation to public sector investment net present value calculations, to account for carbon dioxide equivalent emissions from investment.

**[S5W-35285 Alexander Burnett:](#)** To ask the Scottish Government, further to the answer to question S5W-33489 by Jeane Freeman on 16 December 2020, whether it will provide an update on what plans it has to provide certification for people who have been vaccinated against COVID-19.

**[S5W-35286 Alexander Burnett:](#)** To ask the Scottish Government, further to the answer to question S5W-33980 by Jeanne Freeman on 14 January 2021, whether it will confirm by what date all people entitled to the £500 bonus for health and social care staff will have received their payment.

**[S5W-35287 Colin Smyth:](#)** To ask the Scottish Government whether additional funding for the (a) diagnosis, (b) treatment and (c) recording of the prevalence of idiopathic pulmonary fibrosis will be provided as part of the Respiratory Care Action Plan for Scotland.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Questions   Ceistean				

**[S5W-35288](#) Alex Cole-Hamilton:** To ask the Scottish Government, for how long it plans to extend the non-domestic rate reduction and eviction ban on commercial tenants, which has been introduced in light of the COVID-19 pandemic.

**[S5W-35289](#) Alex Cole-Hamilton:** To ask the Scottish Government whether it will match proportionally the financial commitments made by the UK Government to make high-rise residential buildings safe from cladding fires.

**[S5W-35290](#) Colin Smyth:** To ask the Scottish Government how much of the 2021-22 draft Budget it has allocated to (a) the Bus Partnership Fund and (b) other bus priority infrastructure schemes.

**[S5W-35291](#) Alex Cole-Hamilton:** To ask the Scottish Government what plans it has to reimburse the travel costs of people who are unable to access public transport to attend their COVID-19 vaccination appointments.

**[S5W-35294](#) Sarah Boyack:** To ask the Scottish Government what percentage of clinically extremely vulnerable people have received a COVID-19 vaccination.

**[S5W-35295](#) Rachael Hamilton:** To ask the Scottish Government how many applications for the Scottish Child Payment have (a) been approved, (b) been rejected and (c) yet to be processed.

**[S5W-35296](#) Fulton MacGregor:** To ask the Scottish Government what plans it has to introduce routine COVID-19 testing using lateral flow devices for staff and volunteers at COVID-19 testing centres and stations.

**[S5W-35297](#) Fulton MacGregor:** To ask the Scottish Government what plans it has to review its advice on vitamin D intake for (a) the general population and (b) specific groups, in light of reports of recent international studies that indicate that it might have a potential role as a mitigation measure against COVID-19.

**[S5W-35308](#) Finlay Carson:** To ask the Scottish Government what role it believes gardening can play during the COVID-19 pandemic in helping people maintain good mental health and wellbeing.

**[S5W-35309](#) Finlay Carson:** To ask the Scottish Government what plans it has to reopen garden centres that meet the social distancing guidelines and other requirements to deal with the COVID-19 pandemic.

**[S5W-35310](#) Finlay Carson:** To ask the Scottish Government for what reason garden centres have been closed under the current COVID-19 restrictions when other larger retailers that sell garden products and equipment are permitted to remain open.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
New Bills   Bilean Ùra				

## New Bills and Accompanying Documents

### New Bills introduced or reprinted on 17 February 2021

**Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill**—The Bill was reprinted as amended at Stage 2 (SP Bill 79A) (Government Bill).



## Amendments

### New amendments to Bills lodged on 17 February 2021

#### Domestic Abuse (Protection) (Scotland) Bill – Stage 2

##### Section 3

##### Rachael Hamilton

44 In section 3, page 2, line 19 at end insert—

<(ab) disclosing, or threatening to disclose, a photograph or film which shows, or appears to show, person B in an intimate situation, where the photograph or film has not previously been disclosed to the public at large, or any section of the public, by person B or with person B's consent,>

##### Rachael Hamilton

45 In section 3, page 2, line 33, at end insert—

<( ) For the purposes of subsection (2)(ab)—

(a) a person is in an “intimate situation” if—

(i) the person is engaging or participating in, or present during, an act which—

(A) a reasonable person would consider to be a sexual act, and

(B) is not of a kind ordinarily done in public, or

(ii) the person’s genitals, buttocks or breasts are exposed or covered only with underwear,

(b) “film” means a moving image in any form, whether or not the image has been altered in any way, that was originally captured by making a recording, on any medium, from which a moving image may be produced, and includes a copy of the image,

(c) “photograph” means a still image in any form, whether or not the image has been altered in any way, that was originally captured by photography, and includes a copy of the image.>

##### Section 4

##### Rhoda Grant

46 In section 4, page 3, line 10, at end insert—

<( ) Any child usually residing with person B may apply to a senior constable for a domestic abuse protection notice.>

##### Section 8

##### Rhoda Grant

47 In section 8, page 5, line 10, at end insert—

<( ) Any child usually residing with person B may apply to the sheriff for a domestic abuse protection order.>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

## After section 16

**Liam Kerr**

**48** After section 16, insert—

### <Duty to report

- (1) The Scottish Ministers must prepare and publish a report on the number of—
  - (a) domestic abuse protection notices which are made under section 4,
  - (b) domestic abuse protection orders which are made under section 8,
  - (c) interim domestic abuse protection orders which are made under section 10,
  - (d) offences of breaches of domestic abuse protection notices which are reported under section 7, and
  - (e) offences of breaches of domestic abuse protection orders which are reported under section 16,
 during the reporting period.
- (2) The report must set out, in relation to the number of offences under sections 7 and 16—
  - (a) the number of cases in relation to which relevant criminal proceedings were undertaken during the reporting period, and
  - (b) the number of convictions during the reporting period.
- (3) The report must, in relation to the making of the notices and orders specified in subsection (1)—
  - (a) include distinct statistics for each of them, and
  - (b) provide details of how many were made in each sheriffdom.
- (4) The report may include such additional information as the Scottish Ministers consider appropriate.
- (5) The report must be laid before the Scottish Parliament as soon as practicable after the end of the reporting period.
- (6) In this section, “the reporting period” is the period of 3 years beginning with the day on which the last of sections 4, 7, 8, 10 and 16 comes into force.>

## Section 18

**Rhoda Grant**

**49** In section 18, page 11, line 36, at end insert—

- <(5D) Where a landlord raises proceedings under subsection (1) which include the ground set out in paragraph 15A of schedule 2, the landlord is precluded from raising subsequent proceedings under subsection (1) in respect of person P for a period of no less than 6 months from the date on which person T’s interest in the tenancy is brought to an end
- (5E) In subsection (5D), “person P” and “person T” are to be construed in accordance with paragraph 15A of schedule 2.”>

**Rhoda Grant**

**50** In section 18, page 13, line 9, at end insert—

- <( ) Where the court makes an order under subsection (3ZA), the tenancy with person P (within the meaning of paragraph 15A of schedule 2) is to be regarded as a new tenancy from the date on which the court order is made.”>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### Rhoda Grant

51 In section 18, page 13, line 14, at end insert—

- <( ) An order under subsection (2)(d) or (2)(e) must specify that the landlord offers person P a tenancy agreement in respect of the house to which the action relates.”.>

### Rhoda Grant

52 In section 18, page 13, line 37, leave out from <for> to the end of line 39

#### After section 18

### Rhoda Grant

53 After section 18, insert—

#### <Scottish secure tenancies: right to be rehoused

- (1) The Housing (Scotland) Act 2001 is amended as follows.
- (2) After section 21 (joint tenancies: abandoning tenant’s recourse to court) insert—

#### *“Right to be rehoused*

#### **Right to be rehoused**

- (1) A person (“person P”) must be offered a different house by the landlord to the one in which person P usually lives if—
  - (a) person P’s only or principal home is a house in relation to which the landlord is party to a tenancy agreement,
  - (b) person T, who is the tenant or one of the joint tenants of the house referred to in paragraph (a), has engaged in behaviour which is abusive of person P who is a partner or ex-partner of person T, and
  - (c) person P requests a different house.
- (2) In subsection (1), “person T” and “person P” are to be construed in accordance with paragraph 15A of schedule 2.”.>

#### **Dogs (Protection of Livestock) (Amendment) (Scotland) Bill – Stage 2**

#### **Section 4**

### Peter Chapman

28 In section 4, page 4, line 44, at end insert—

- <( ) Any costs incurred as a result of an examination under this section must be met by the police or the inspecting body.”.>

#### After section 4

### Peter Chapman

29 After section 5, insert—

### <Duty to provide support for examinations

After section 2D of the 1953 Act (inserted by section 5(2) of this Act), insert—

#### “2E Duty to provide support for examinations

- (1) The Scottish Ministers must make arrangements for the provision of appropriate veterinary services for examinations under section 2B.
- (2) Arrangements under subsection (1) must include consideration of—
  - (a) specialist facilities that may be required for examinations,
  - (b) specialist veterinary support that may be required.”.>

### Section 6

#### Jamie Halcro Johnston

30 In section 6, page 5, line 28, at end insert—

<( ) in the definition of “agricultural land”, after “grazing land” insert “(including woodland that is used for grazing)”.>

### Tied Pubs (Scotland) Bill – Stage 2

#### Section 1

#### Maurice Golden

15 In section 1, page 1, line 7, leave out <must> and insert <may>

#### Richard Lyle

16 In section 1, page 1, line 7, leave out from <requirements> to end of line 8 and insert <a requirement on pub-owning businesses to operate tied pubs in accordance with an existing code of practice.

(1A) The Scottish Ministers may, by regulations, prescribe a code to impose additional requirements and restrictions on pub-owning businesses in connection with tied pubs.>

#### Jeremy Balfour

17 In section 1, page 1, line 8, at end insert—

<( ) Before laying a Scottish statutory instrument containing the first draft regulations under subsection (1) before the Scottish Parliament for approval, the Scottish Ministers must—

- (a) consult such persons as they consider to have an interest in tied pubs on the need for such a code, with the period for consultation lasting for a minimum of 2 years,
- (b) prepare and publish—
  - (i) a full economic impact assessment of the effects on the Scottish pub sector and the wider property industry in Scotland of the requirements and restrictions proposed to be imposed by the regulations,
  - (ii) a full human rights assessment of those requirements and restrictions, taking into account the rights under the European Convention on Human Rights of pub-owning businesses and other persons likely to be affected by those requirements and restrictions,
- (c) have regard to the law of landlord and tenant in Scotland more generally.>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

## Schedule 1

### Michelle Ballantyne

18 In schedule 1, page 11, line 5, after <it> insert <, either electronically or in hard copy format,>

### Graham Simpson

19 In schedule 1, page 11, line 8, at end insert—

<( ) prospective assignees of tied pubs,>

### Rachael Hamilton

20 In schedule 1, page 11, leave out line 9

### Rachael Hamilton

21 In schedule 1, page 11, line 10, leave out <For example,>

### Rachael Hamilton

22 In schedule 1, page 11, line 11, after <assessments> insert <only in the circumstance where there is an increase of 2% above RPI in the price of a product or service which is subject to a product tie or service tie that the tenant has a contractual obligation with>

### Graham Simpson

23 In schedule 1, page 11, line 12, after <impose> insert <fair and reasonable>

### Michelle Ballantyne

24 In schedule 1, page 11, line 14, after <produced> insert <having regard to any guidance issued by the Royal Institute of Chartered Surveyors and industry practice and following consultation with stakeholders>

### Rachael Hamilton

25 In schedule 1, page 11, line 18, at end insert—

<( ) The code may allow a tenant whose been subject to a rent assessment to appeal to the Sherriff Appeal Court if they can demonstrate that—

- (a) an event had occurred which is beyond their control,
- (b) the rent assessment was not reasonably foreseeable when the tenancy was granted or when the rent was last assessed,
- (c) there has been a significant impact on the level of trade that could be reasonably expected to be achieved by the tied-pub,
- (d) is any other matter as specified in the code.>

### Alexander Stewart

26 In schedule 1, page 11, leave out lines 26 and 27

### Jeremy Balfour

27 In schedule 1, page 11, line 27, after <code> insert <unless such a term is reasonable in all the circumstances>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### Graham Simpson

**28** In schedule 1, page 11, line 27, at end insert—

<( ) may specify circumstances in which a pub-owning business is not prohibited from enforcing a term of an agreement of a kind described in sub-paragraph (2).>

### Michelle Ballantyne

**29** In schedule 1, page 11, line 34, at end insert—

<( ) In deciding whether a term is reasonable, regard must be given to—

- (a) whether the term is common in business tenancies including tenancies of tied-pubs,
- (b) the relative bargaining position and financial means of the parties involved,
- (c) all of the terms of the tenancy,
- (d) any financial incentives offered to or by the parties involved,
- (e) whether the tied-pub tenant took independent professional advice or had the opportunity to do so,
- (f) all other relevant circumstances.>

### Maurice Golden

**30** In schedule 1, page 12, line 2, leave out paragraph 4

### Alexander Stewart

**31** In schedule 1, page 12, line 2, leave out paragraph 4 and insert—

*<Requirement to offer guest beer*

- (1) The code may include requirements enabling a tied-pub tenant to supply beer which is not subject to a product tie with the tenant's pub-owning business.
- (2) The Scottish Ministers must consult bodies which are in their view representative of the tied pubs sector before including any requirements under subsection (1) in the code.
- (3) In this paragraph "product tie" means a contractual obligation which—
  - (a) requires that a product be sold in a pub must be supplied by—
    - (i) the landlord of the pub, or
    - (ii) a person nominated by the landlord, and
  - (b) is not a stocking requirement (as defined in section 20(2)).>

### Maurice Golden

**32** In schedule 1, page 12, line 2, leave out paragraph 4 and insert—

*<Requirement to offer guest beer agreement*

- (1) Subject to the requirements of this paragraph, the code must enable a tied-pub tenant to apply to a pub-owning company for a guest beer agreement.
- (2) The code must provide that a tied-pub tenant may make an application under sub-paragraph (1) only where the pub-owning company is unable to provide the tenant with one beer it wishes to supply to its customers.
- (3) The code must provide that an application to the pub-owning company must not be unreasonably refused.
- (4) The code may specify additional criteria relating to the application.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

- (5) The code must provide that a tenant may not apply for more than one guest beer agreement.
- (6) A guest beer agreement is an agreement that—
  - (a) allows a tied-pub tenant to sell to the pub's customers the beer which the pub-owning company is unable to supply to the tenant,
  - (b) allows the tenant to do that without penalty, and
  - (c) satisfies any other criteria in the code.>

### **Maurice Golden**

**32A** As an amendment to amendment 32, line 9, at end insert—

<( ) The code must provide that it is not unreasonable for a pub-owning company to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 30,000 hectolitres of beer in the previous 3 years.>

### **Graham Simpson**

**32B** As an amendment to amendment 32, line 9, at end insert—

<( ) The code must provide that it is not unreasonable for a pub-owning company to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 10,000 hectolitres of beer in the previous 3 years.>

### **Alexander Stewart**

**33** In schedule 1, page 12, line 2, leave out paragraph 4 and insert—

*<Requirement to offer guest beer agreement*

- (1) Subject to the requirements of this paragraph, the code must enable a tied-pub tenant to apply to a pub-owning company for a guest beer agreement.
- (2) The code must provide that a tied-pub tenant may only make an application under subsection (1) if the pub-owning company is unable to provide the tenant with one beer it wishes to supply to its customers.
- (3) The code must provide that an application to the pub-owning company must not be unreasonably refused.
- (4) The code must provide that it is not unreasonable for a pub-owning company to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 50,000 hectolitres of beer in the previous 3 years.
- (5) The code may specify additional criteria relating to the application.
- (6) The code must provide that a tenant may not apply for more than one guest beer agreement.
- (7) A guest beer agreement is an agreement that—
  - (a) allows a tied-pub tenant to sell to the pub's customers, the beer which the pub-owning company is unable to supply to the tenant,
  - (b) allows the tenant to do that without penalty, and
  - (c) satisfies any other criteria in the code.>

### **Richard Lyle**

**33A** As an amendment to amendment 33, line 9, at end insert—

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

<( ) The code must provide that it is not unreasonable for a pub-owning company to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 200,000 hectolitres of beer in the previous 2 years.>

### Richard Lyle

**33B** As an amendment to amendment 33, line 9, at end insert—

<( ) The code must provide that it is not unreasonable for a pub-owning company to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 200,000 hectolitres of beer in the previous 3 years, and which is brewed within a radius of 7.5 miles from the pub, subject to the approval of the pub-owning business.>

### Alexander Stewart

**34** In schedule 1, page 12, line 2, leave out paragraph 4 and insert—

*<Requirement to offer guest beer*

(1) The code must make provision for a pub-owning business to be required to enter into a guest beer agreement with a tied-pub tenant on application by the tenant.

(2) The code must specify that a pub-owning business is not required to enter into a guest beer agreement if—

- (a) the tied-pub tenant is permitted to sell a guest beer, or
- (b) the number of beers the tied-pub-tenant sells exceeds 10.

(3) The code must require the tied-pub tenant's application to be supported by evidence that the tenant's revenue from sales of beer would increase if it was permitted to sell a guest beer.>

### Rachael Hamilton

**35** In schedule 1, page 12, line 2, leave out paragraph 4 and insert—

*<Requirement to offer guest beer*

(1) Subject to the requirements of this paragraph, the code must enable a tied-pub tenant to apply to a pub-owning business for a guest beer agreement.

(2) A guest beer agreement is an agreement that—

- (a) allows a tied-pub tenant to sell to the pub's customers the beer which the pub-owning business is unable to supply to the tenant, and without penalty of doing so, and
- (b) satisfies any other criteria in the code.

(3) The code must provide that a tied-pub tenant may only make an application under sub-paragraph (1) if the pub-owning business is unable to provide the tenant with one beer it wishes to supply to its customers.

(4) The code must provide that an application to the pub-owning business must not be unreasonably refused.

(5) The code must provide that it is not unreasonable for a pub-owning business to refuse an application in respect of a beer brewed by a producer which has brewed in excess of 20,000 hectolitres of beer in the previous 3 years.

(6) The code may specify additional criteria relating to the application.

(7) The code must provide that a tenant may not apply for more than one guest beer agreement.>



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### **Michelle Ballantyne**

**36** In schedule 1, page 12, line 7, leave out <sell to the pub's customers> and insert <offer for retail sale on the premises>

### **Michelle Ballantyne**

**37** In schedule 1, page 12, line 7, leave out <at a price of the tenant's choosing,>

### **Alexander Stewart**

**38** In schedule 1, page 12, line 7, leave out <at least>

### **Maurice Golden**

**39** In schedule 1, page 12, line 7, after <one> insert <small brewery>

### **Graham Simpson**

**40** In schedule 1, page 12, line 8, leave out <chosen by the tenant (regardless of who produces it)> and insert <which is brewed within a radius of 5 miles from the pub, subject to the approval of the pub-owning business>

### **Alexander Stewart**

**40A** As an amendment to amendment 40, line 2, leave out <5> and insert <7.5>

### **Maurice Golden**

**40B** As an amendment to amendment 40, line 2, leave out <5> and insert <10>

### **Rachael Hamilton**

**40C** As an amendment to amendment 40, line 2, leave out <5> and insert <20>

### **Jeremy Balfour**

**40D** As an amendment to amendment 40, line 2, leave out <5> and insert <50>

### **Jeremy Balfour**

**41** In schedule 1, page 12, line 8, leave out <chosen by the tenant (regardless of who produces it)> and insert <which is brewed by a producer which brewed less than 100,000 hectolitres a year in each of the 3 previous complete calendar years, subject to the approval of the pub-owning business>

### **Graham Simpson**

**41A** As an amendment to amendment 41, line 2, leave out <100,000 hectolitres a year in each of the last 3 complete> and insert <5,000 hectolitres in 3 of the last>

### **Maurice Golden**

**41B** As an amendment to amendment 41, line 2, leave out <100,000 hectolitres a year in each of the 3 previous complete> and insert <25,000 hectolitres in total in the last 3>

### **Rachael Hamilton**

**41C** As an amendment to amendment 41, line 2, leave out <100,000 hectolitres a year in each of the 3 previous complete> and insert <50,000 hectolitres in three of the last>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

**Maurice Golden**

42 In schedule 1, page 12, line 8, leave out <(regardless of who produces it)>

**Maurice Golden**

43 In schedule 1, page 12, line 9, after <chosen> insert <small brewery>

**Alexander Stewart**

44 In schedule 1, page 12, line 9, after <wishes> insert <, subject to the approval of the pub-owning business>

**Alexander Stewart**

45 In schedule 1, page 12, line 11, at end insert—

<( ) Where the tied pub tenant has taken professional independent advice, the tied pub tenant and the pub-owning business can enter into a guest beer agreement that is varied from that prescribed under sub-paragraph (3).>

**Maurice Golden**

46 In schedule 1, page 12, line 11, at end insert—

<( ) For the purposes of this paragraph, “small brewery beer” has the same meaning as in sections 36C and section 36E of the Alcoholic Liquor Duties Act 1979.>

**Michelle Ballantyne**

47 In schedule 1, page 12, line 11, at end insert—

<( ) In this paragraph, “guest beer” means a beer produced by a member of the Society of Independent Brewers whether in cask or in bottles and which is not available for purchase from the landlord.>

**Graham Simpson**

48 In schedule 1, page 12, line 13, leave out paragraphs 5 and 6

**Maurice Golden**

49 In schedule 1, page 12, line 13, leave out paragraphs 5 and 6 and insert—

<Market rent only lease

(1) The code may include provision enabling a tied-pub tenant to request a pub-owning business to enter into negotiations for a market rent only lease.

(2) Before including any provision for a market rent only lease in the code, the Scottish Ministers must consult such bodies as they consider to be representative of the tied pubs sector.

(3) In this paragraph, “market rent” means the estimated rent which it would be reasonable to pay in respect of the occupation of the pub under a tenancy, assuming that—?

(a) the hypothetical tenancy is entered into—?

(i) on the date the estimate of the rent is being carried out,?

(ii) in an arm’s length transaction,

(iii) after proper marketing,?

(iv) between parties who are all acting knowledgeably, prudently and willingly, and?

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

(b) the pub will continue to be a pub.>

**Graham Simpson**

50 In schedule 1, page 12, line 13, at beginning insert <Subject to subsection (2A)>

**Graham Simpson**

51 In schedule 1, page 12, line 14, at beginning insert <where an event specified in sub-paragraph (1A) or sub-paragraph (1B) has occurred>

**Richard Lyle**

52 In schedule 1, page 12, line 14, after <requests> insert <in terms of paragraph 6A>

**Rachael Hamilton**

53 In schedule 1, page 12, leave out lines 16 to 18

**Rachael Hamilton**

54 In schedule 1, page 12, leave out lines 16 to 18 and insert—

<(b) to make that offer by offering to enter into a new lease for a term of at least 5 years or, if the unexpired term of any existing lease is less than 5 years, for at least the length of the unexpired term,>

**Richard Lyle**

55 In schedule 1, page 12, line 16, after second <to> insert <enter into a new lease or>

**Richard Lyle**

56 In schedule 1, page 12, line 16, leave out <agreement> insert <lease>

**Alexander Stewart**

57 In schedule 1, page 12, leave out lines 19 to 21

**Michelle Ballantyne**

58 In schedule 1, page 12, leave out lines 19 to 21 and insert—

<( ) The code may specify the period within which the parties are to enter into a market rent only lease following its agreement or determination.>

**Richard Lyle**

59 In schedule 1, page 12, line 21, at end insert—

<according to the provisions of this schedule.>

**Graham Simpson**

60 In schedule 1, page 12, line 21, at end insert—

<(1A) A requirement to offer a market rent only lease is triggered where the tied pub tenant—

(a) receives a notification of a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant,

(b) receives a rent assessment proposal from the pub-owning business,

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

(c) sends the pub-owning business a relevant analysis which demonstrates that a trigger event had occurred.

(1B) In sub-paragraph (1A)—

“significant increase”, in relation to the price at which a product or service which is subject to a product or service tie(4) is supplied to a tied pub tenant, has the meaning given in paragraphs 6A to 6D,

a “relevant analysis” means a written analysis of the level of trading which is forecast for a period of 12 months or more,

“trigger event” has the meaning given in paragraph 6E.>

### **Michelle Ballantyne**

**61** In schedule 1, page 12, line 23, leave out <sets the rent payable in respect of the tenant’s occupation of the pub> and insert <requires the tenant to pay in respect of that occupation>

### **Michelle Ballantyne**

**62** In schedule 1, page 12, leave out lines 24 and 25 and insert—

<( ) such rent as may be agreed between the pub-owning business and the tied-pub tenant in accordance with the MRO,>

### **Michelle Ballantyne**

**63** In schedule 1, page 12, line 30, leave out <a market rent only lease> and insert <an MRO- compliant lease>

### **Richard Lyle**

**64** In schedule 1, page 12, line 31, at end insert <, and for the avoidance of doubt a stocking requirement is to be deemed not to be an unreasonable term.>

### **Michelle Ballantyne**

**65** In schedule 1, page 12, line 31, at end insert—

<( ) permits the tenant to occupy the tied-pub under a lease which is MRO-compliant.>

### **Michelle Ballantyne**

**66** In schedule 1, page 12, line 31, at end insert—

<( ) is for a term at least as long as the existing tied lease.

( ) The pub-owning business may offer a market rent only lease for a term longer than the existing tied lease but nothing in the code must require them to do so.>

### **Jeremy Balfour**

**67** In schedule 1, page 12, line 31, at end insert—

<(2A) The code must specify that a tied-pub tenant is eligible to request that the offer of a market only lease be made, only where the tenant—

(a) has been served with a notice that the pub-owning business wishes to initiate a rent review,

(b) is within 1 year of the expiry of an existing lease and the pub-owning business has not served notice to quit,

(c) has been a tied-tenant of that tied pub for at least 5 years,

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

(d) has been served with a notice of a significant increase in the price at which a product or service which is subject to a product tie or service tie is supplied,

(e) has not have been in receipt of a qualifying investment within the last 7 years, and

(f) has not waived the right to request a market only lease.

(2B) The code must specify what constitutes a “significant price increase” and a “qualifying investment” for the purposes of sub-paragraph (2A).>

### **Maurice Golden**

**67A** As an amendment to amendment 67, line 6, leave out <1 year> and insert <2 years>

### **Maurice Golden**

**67B** As an amendment to amendment 67, line 8, leave out <5> and insert <7>

### **Maurice Golden**

**67C** As an amendment to amendment 67, line 11, leave out <7> and insert <10>

### **Maurice Golden**

**68** In schedule 1, page 12, line 36, at end insert—

<( ) A tied-pub tenant may, in writing, waive any rights under this paragraph.>

### **Graham Simpson**

**69** In schedule 1, page 12, line 36, at end insert—

<( ) The code may only impose a requirement under paragraph 5(1) once—

(a) the Scottish Ministers have undertaken—

(i) a consultation on the requirement to offer market rent only release,

(ii) an assessment of the economic impact of that requirement,

(iii) an analysis of the extent to which that requirement conforms with Article 1 of the First Protocol to the European Convention on Human Rights,

(b) 2 years have passed since the Scottish Pubs Code Adjudicator was established under section 2 of this Bill.>

### **Graham Simpson**

**70** In schedule 1, page 12, line 36, at end insert—

<( ) The adjudicator must, if required to do so by a pub-owning business, certify that certain forms of agreement meet the definition (save as to the rent) of a market rent only release.

( ) Any agreement so certified must be endorsed as such on the lease and must be conclusive evidence that it is compliant with the code.>

### **Maurice Golden**

**71** In schedule 1, page 12, leave out lines 38 and 39

### **Richard Lyle**

**72** In schedule 1, page 13, line 21, at end insert—

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

<(A1) The code may make provision about the procedure to be followed after the submission of an MRO notice in terms of paragraph 6B (referred to as “the MRO procedure”).>

**Richard Lyle**

**73** In schedule 1, page 13, line 22, leave out <In describing the procedure mentioned in paragraph 5(2)(a), the code> and insert <Provision made under sub-paragraph (1)>

**Alexander Stewart**

**74** In schedule 1, page 13, leave out line 24

**Richard Lyle**

**75** In schedule 1, page 13, line 24, leave out <period for negotiation under the procedure> and insert <reasonable period for negotiation during which the pub-owning business and the tied-pub tenant may seek to agree the rent to be payable in respect of the tied-pub tenant's occupation of the premises concerned under the proposed market rent only lease>

**Richard Lyle**

**76** In schedule 1, page 13, line 30, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

**Rachael Hamilton**

**77** In schedule 1, page 13, leave out lines 30 to 32

**Richard Lyle**

**78** In schedule 1, page 13, line 31, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

**Richard Lyle**

**79** In schedule 1, page 13, line 33, leave out <period specified on the code> and insert <specified reasonable period>

**Michelle Ballantyne**

**80** In schedule 1, page 13, line 34, at end insert—

<( ) exempt certain types of agreement from the MRO provisions of the code.>

**Alexander Stewart**

**81** In schedule 1, page 13, line 34, at end insert—

<( ) In describing the procedure mentioned in paragraph 5(2)(a), the code must specify a period for negotiation under the procedure.>

**Richard Lyle**

**82** In schedule 1, page 13, line 34, at end insert—

<( ) The code may make provision for—

(a) the tenancy under which the tied pub is occupied, and

(b) any other contractual agreement entered into by the tied pub tenant with the pub-owning business in connection with the tenancy,

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

as they are in force when a notice is given by virtue of paragraph 6A to continue to have effect until such time as the MRO procedure has come to an end (regardless of whether any of the agreements would or could otherwise cease to have effect before that time).>

## Graham Simpson

**83** In schedule 1, page 13, line 34, at end insert—

<6A(1) For the purposes of paragraph 5, a “significant increase” in the price of beer supplied to a tied pub tenant takes place on the issue to the tied pub tenant of an invoice for beer (“the relevant invoice”) where the following two conditions are met.

- (2) The first condition is that—
  - (a) one or more invoices for beer were issued to the tied pub tenant in the comparison period, and
  - (b) those invoices included at least one for beer of the same kind as beer invoiced in the current period.
- (3) The second condition is that—

$$\left( \frac{A-B}{B} \times 100 \right) > \left( \frac{C-D}{D} \times 100 \right) + 3$$

where—

A is the average unit price of current period beer,

B is the average unit price of comparison period beer,

C is the level of the producer price index on the day the relevant invoice is issued,

D is the level of the producer price index on the day 12 months before the relevant invoice is issued.

- (4) In this paragraph—
  - (a) “beer” means beer supplied under a product tie,
  - (b) “current period beer” means all beer invoiced to the tied pub tenant in the current period, excluding any of a kind not invoiced to the tied pub tenant in the comparison period,
  - (c) “comparison period beer” means all beer invoiced to the tied pub tenant in the comparison period, excluding any of a kind not invoiced to the tied pub tenant in the current period,
  - (d) beer invoiced in a period is “of the same kind” as beer invoiced in another period if they are—
    - (i) of the same brand, and
    - (ii) sold in the same units,
  - (e) “the current period” means the period of 4 weeks ending with the day on which the relevant invoice is issued,
  - (f) “the comparison period” means the period of 4 weeks ending with the day 12 months before the day on which the relevant invoice is issued,
  - (g) “invoice for beer” includes an invoice which covers (in addition to beer) products other than beer, or services; and references to beer being invoiced are to be read accordingly,
  - (h) references to prices are to prices exclusive of value added tax but inclusive of excise duty,
  - (i) “the producer price index” means the producer price index published by the Statistics Board in respect of beer (including duty),

(j) references to the level of the producer price index on any day are to the level of that index, in the index most recently published before the end of that day, in respect of the most recent month covered by that publication.

(5) For the purposes of this schedule, the “Statistics Board” is the Board as established under section 1 of the Statistics and Registration Services Act 2007.

6B(1) For the purposes of paragraph 5, a “significant increase” in the price of alcoholic drink supplied to a tied pub tenant takes place on the issue to the tied pub tenant of an invoice for alcoholic drinking (“the relevant invoice”) where the following two conditions are met.

(2) The first condition is that—

- (a) one or more invoices for alcoholic drink were issued to the tied pub tenant in the comparison period, and
- (b) those invoices included at least one for alcoholic drink of the same kind as alcoholic drink invoiced in the current period.

(3) The second condition is that—

$$\left( \frac{A-B}{B} \times 100 \right) > \left( \frac{C-D}{D} \times 100 \right) + 6$$

where—

A is the average unit price of current period alcoholic drink,

B is the average unit price of comparison period alcoholic drink,

C is the level of the producer price index on the day the relevant invoice is issued,

D is the level of the producer price index on the day 12 months before the relevant invoice is issued.

(4) In this paragraph—

- (a) “alcoholic drink” means alcoholic drink supplied under a product tie, other than beer,
- (b) “current period alcoholic drink” means all alcoholic drink invoiced to the tied pub tenant in the current period, excluding any of a kind not invoiced to the tied pub tenant in the comparison period,
- (c) “comparison period alcoholic drink” means all alcoholic drink invoiced to the tied pub tenant in the comparison period, excluding any of a kind not invoiced to the tied pub tenant in the current period,
- (d) alcoholic drink invoiced in a period is “of the same kind” as alcoholic drink invoiced in another period if they are—
  - (i) of the same category (see sub-paragraph (5)), and
  - (ii) sold in the same units,
- (e) “the current period” means the period of 4 weeks ending with the day on which the relevant invoice is issued,
- (f) “the comparison period” means the period of 4 weeks ending with the day 12 months before the day on which the relevant invoice is issued,
- (g) “invoice for alcoholic drink” includes an invoice which covers (in addition to alcoholic drink) products other than alcoholic drink, or services; and references to alcoholic drink being invoiced are to be read accordingly,
- (h) references to prices are to prices exclusive of value added tax but inclusive of excise duty,



- (i) “the producer price index” means the producer price index published by the Statistics Board in respect of alcoholic beverages (including duty),
- (j) references to the level of the producer price index on any day are to the level of that index, in the index most recently published before the end of that day, in respect of the most recent month covered by that publication.
- (5) For the purposes of sub-paragraph (4)(d)(i) the “categories” of alcoholic drink are—
- blended whiskies,
  - single malt whiskies,
  - gin,
  - vodka,
  - brandy,
  - spirits not within any of sub-sub-paragraphs (a) to (e),
  - red wine,
  - white wine,
  - rose wine,
  - cider,
  - alcoholic drink not within any of sub-sub-paragraphs (a) to (j).

6C (1) For the purposes of paragraph 5, a “significant increase” in the price of non-alcoholic products supplied to a tied pub tenant takes place on the issue to the tied pub tenant of an invoice for non-alcoholic products (“the relevant invoice”) where the following two conditions are met.

- (2) The first condition is that—
- one or more invoices for non-alcohol products were issued to the tied pub tenant in the comparison period, and
  - those invoices included at least one for non-alcohol products of the same kind as non-alcohol products invoiced in the current period.
- (3) The second condition is that, for any of the non-alcohol products producer price indices (“the applicable producer price index”)—

$$\left( \frac{A - B}{B} \times 100 \right) > \left( \frac{C - D}{D} \times 100 \right) + 20$$

where—

A is the average unit price of current period non-alcohol products,

B is the average unit price of comparison period non-alcohol products,

C is the level of the applicable producer price index on the day the relevant invoice is issued,

D is the level of the applicable producer price index on the day 12 months before the relevant invoice is issued.

(4) In this paragraph—

- “non-alcohol products” means products supplied under a product tie, other than alcoholic drink,

(b) “current period non-alcohol products” means all non-alcohol products within the applicable producer price index invoiced to the tied pub tenant in the current period, excluding any of a kind not invoiced to the tied pub tenant in the comparison period,

(c) “comparison period non-alcohol products” means all non-alcohol products within the applicable producer price index invoiced to the tied pub tenant in the comparison period, excluding any of a kind not invoiced to the tied pub tenant in the current period,

(d) non-alcohol products invoiced in a period are “of the same kind” as non-alcohol products invoiced in another period if they are—

(i) of the same category (see sub-paragraph (5)), and

(ii) sold in the same units,

(e) “the current period” means the period of 4 weeks ending with the day on which the relevant invoice is issued,

(f) “the comparison period” means the period of 4 weeks ending with the day 12 months before the day on which the relevant invoice is issued,

(g) “invoice for non-alcohol products” includes an invoice which covers (in addition to non-alcohol products) products or services other than non-alcohol products; and references to non-alcohol products being invoiced are to be read accordingly,

(h) references to prices are to prices exclusive of value added tax,

(i) “the non-alcohol products producer price indices” means—

(i) the producer price index published by the Statistics Board in respect of food products,

(ii) the producer price index published by the Statistics Board in respect of soft drinks, mineral waters and other bottled waters,

(j) references to the level of a producer price index on any day are to the level of that index, in the index most recently published before the end of that day, in respect of the most recent month covered by that publication.

(5) For the purposes of sub-paragraph (4)(d)(i) the “categories” of non-alcohol products are—

(a) food,

(b) non-alcoholic drinks.

6D (1) For the purposes of paragraph 5, a “significant increase” in the price of services supplied to a tied pub tenant takes place on the issue to the tied pub tenant of an invoice for services (“the relevant invoice”) where the following two conditions are met.

(2) The first condition is that—

(a) one or more invoices for services were issued to the tied pub tenant in the comparison period, and

(b) those invoices included at least one for services of the same kind as services invoiced in the current period.

(3) The second condition is that—

$$\left( \frac{A-B}{B} \times 100 \right) > \left( \frac{C-D}{D} \times 100 \right) + 20$$

where—

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

A is the average unit price of current period services,

B is the average unit price of comparison period services,

C is the Consumer Price Index on the day the relevant invoice is issued,

D is the Consumer Price Index on the day 12 months before the relevant invoice is issued.

(4) In this paragraph—

(a) “services” means services supplied under a service tie,

(b) “current period services” means all services invoiced to the tied pub tenant in the current period, excluding any of a kind not invoiced to the tied pub tenant in the comparison period,

(c) “comparison period services” means all services invoiced to the tied pub tenant in the comparison period, excluding any of a kind not invoiced to the tied pub tenant in the current period,

(d) services invoiced in a period are “of the same kind” as services invoiced in another period if they are—

(i) of the same category (see sub-paragraph (5)), and

(ii) sold in the same units,

(e) “the current period” means the period of 4 weeks ending with the day on which the relevant invoice is issued,

(f) “the comparison period” means the period of 4 weeks ending with the day 12 months before the day on which the relevant invoice is issued,

(g) “invoice for services” includes an invoice which covers (in addition to services) products; and references to services being invoiced are to be read accordingly,

(h) references to prices are to prices exclusive of value added tax,

(i) “the consumer price index” means the general index of consumer prices (for all items) published by the Statistics Board,

(j) references to the level of the consumer price index on any day are to the level of that index, in the index most recently published before the end of that day, in respect of the most recent month covered by that publication.

(5) For the purposes of sub-paragraph (4)(d)(i) the “categories” of services are—

(a) the hire of gaming machines,

(b) property and maintenance services (including maintenance of equipment),

(c) financial services (including insurance),

(d) business services not within any of sub-sub-paragraphs (a) to (c).

6E (1) For the purposes of paragraph 5, an event is a “trigger event”, in relation to a tied pub tenant, only if—

(a) conditions A and B are met; and

(b) either—

(i) the event does not affect pubs other than the tied pub, or

(ii) conditions C and D are met.

(2) Condition A is that the effect of the event is to decrease the level of trade that is reasonably expected to be achieved at the tied pub in each month over a continuous period of 12 months.

(3) Condition B is that the event is not—

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

- (a) connected to the personal circumstances of the tied pub tenant,
  - (b) a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant,
  - (c) an extrinsic increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant, or
  - (d) an event which the tied pub tenant could reasonably have prevented, or the effects of which it could reasonably have substantially mitigated.
- (4) Condition C is that the event—
- (a) affects other pubs in the local area, but
  - (b) is unlikely to affect all pubs in Scotland.
- (5) Condition D is that the event—
- (a) is directly related to a change in the tie imposed by the pub-owning business(1) on the tied pub, or
  - (b) has an effect which is directly related to changes in the local area such as—
    - (i) changes to the local infrastructure,
    - (ii) changes to local employment,
    - (iii) long-term changes to the local economic environment,
    - (iv) changes to local environmental factors.
- (6) An “extrinsic increase” in relation to a tied product or service means an increase in the price of the product or service due to circumstances beyond the control of the pub-owning business such as—
- (a) an increase in the price at which the pub-owning business purchases the product or service,
  - (b) an increase in any tax or duty payable by the pub-owning business which arises from the pub-owning business’s purchase of the product or service, or
  - (c) an increase in any other tax or regulatory cost payable by the pub-owning business which affects the costs of the pub-owning business.>

### Richard Lyle

**84** In schedule 1, page 13, line 34, at end insert—

<*The MRO notice*

6A(1) A tied pub tenant may give a notice (an “MRO notice”) to the pub-owning business where one of the circumstances in paragraph 6B(1) is satisfied.

- (2) The MRO notice must be—
  - (a) in writing, and
  - (b) received by the pub-owning business within the period of 21 days beginning with the day on which the event mentioned in paragraph (1) occurred.
- (3) The MRO notice must include—
  - (a) the tenant's name, postal address, email address (if any) and telephone number,
  - (b) the date on which the notice is being sent,
  - (c) the name of the tied pub in relation to which the request for an offer of a market rent only option is being made and its address,

- (d) the date on which the event mentioned in paragraph (1) occurred, and
- (e) a description of that event which, in the tenant's opinion, demonstrates that it is an event specified in paragraph 6B(1).
- (4) A tied pub tenant may not give an MRO notice to the pub-owning business where—
  - (a) the tenant has already given an MRO notice under paragraph (1), and
  - (b) the MRO procedure which relates to that notice has not ended.

*Circumstances in which MRO notice may be served*

6B(1) The circumstances in which an MRO notice may be served are—

- (a) the tied pub tenant receives notification of a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant,
- (b) where the tied pub tenant sends the pub-owning business, during the relevant period, a relevant analysis which demonstrates that a trigger event has occurred,
- (c) where—
  - (i) the tied pub tenant receives a rent assessment proposal sent by the pub-owning business in respect of the tenancy, and
  - (ii) the investment exception does not apply.

(2) In sub-paragraph (1)—

“trigger event” means an event specified in paragraph 6C,

“the relevant period” means the period of 56 days beginning with the day after that on which the trigger event occurred,

a “relevant analysis” means a written analysis of the level of trading which is forecast for a period beginning with the day on which the trigger event occurred and ending at least 12 months later,

“rent assessment proposal” means a proposed increase in rent following a rent review required under the lease or which may be required in terms of the code,

“investment exception” means the exception specified in paragraph 6D.

(3) The code must set out what constitutes a significant increase in the price of services and products for the purposes of sub-paragraph (1)(a).

*Trigger events*

6C(1) An event is a trigger event in relation to a tied pub tenant only if—

- (a) conditions A, B and C are met, and
- (b) either—
  - (i) the event does not affect pubs other than the tied pub, or
  - (ii) conditions D and E are met.
- (2) Condition A is that the event—
  - (a) is beyond the control of the tied pub tenant,
  - (b) was not reasonably foreseeable, and

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

- (c) has a significant impact on the level of trade that could reasonably be expected to be achieved at the tied pub.
- (3) Condition B is that the effect of the event is to decrease the level of trade that is reasonably expected to be achieved at the tied pub in each month over a continuous period of 12 months.
- (4) Condition C is that the event is not—
- (a) connected to the personal circumstances of the tied pub tenant,
  - (b) a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant,
  - (c) an extrinsic increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant,
  - (d) an event of a kind described in paragraph 6B(1)(c), or
  - (e) an event which the tied pub tenant could reasonably have prevented, or the effects of which it could reasonably have substantially mitigated.
- (5) Condition D is that the event—
- (a) affects other pubs in the local area, but
  - (b) is unlikely to affect all pubs in Scotland.
- (6) Condition E is that the event—
- (a) is directly related to a change in the tie imposed by the pub-owning business on the tied pub, or
  - (b) has an effect which is directly related to changes in the local area such as—
    - (i) changes to the local infrastructure,
    - (ii) changes to local employment,
    - (iii) long-term changes to the local economic environment,
    - (iv) changes to local environmental factors.
- (7) An “extrinsic increase” in relation to a tied product or service means an increase in the price of the product or service due to circumstances beyond the control of the pub-owning business such as—
- (a) an increase in the price at which the pub-owning business purchases the product or service,
  - (b) an increase in any tax or duty payable by the pub-owning business which arises from the pub-owning business's purchase of the product or service, or
  - (c) an increase in any other tax or regulatory cost payable by the pub-owning business which affects the costs of the pub-owning business.

#### *The investment exception*

6D(1) The investment exception applies where—

- (a) a pub-owning business has made a qualifying investment,
  - (b) the pub-owning business and the tied pub tenant have entered into an investment agreement in relation to the qualifying investment, and
  - (c) the investment period has not ended.
- (2) A “qualifying investment” is an investment in the premises of a tied pub—

(a) which is made in connection with a project which, when the investment agreement is signed, would be reasonably expected to—

- (i) change the trading environment, the nature or the capacity of the premises, and
- (ii) increase the trade and profit of the tied pub,

which is not made in pursuance of any duty under the terms of the tenancy under which the tied pub is occupied, and

(b) the amount of which is equal to or greater than—

(i) where the tenant was in occupation of the tied pub throughout the last complete financial year preceding the date on which the investment agreement was signed, twice the rent payable under the tenancy in respect of that period,

(ii) where paragraph (i) does not apply but the tenant was in occupation of the tied pub throughout the period of 12 months preceding the date on which the investment agreement was signed, twice the rent payable under the tenancy in respect of that period,

(iii) otherwise, twice the rent payable under the tenancy in respect of the period of 12 months beginning with the date on which the tenancy first confers on the tied pub tenant the right to occupy the tied pub.

(3) An “investment agreement” is a written agreement between the tied pub tenant and the pub-owning business which includes—

(a) a description of the proposed investment which demonstrates that it is a qualifying investment,

(b) a term specifying any proposed change to the terms of the tenancy,

(c) a list of the works to be carried out in the premises as a result of the investment which includes—

(i) the dates on which those works are to be completed,

(ii) the estimated costs of the works, and

(iii) confirmation that the tied pub tenant has had an opportunity to obtain alternative estimates for the works,

(d) a term specifying the dates on which the investment period is to begin and end,

(e) a term specifying—

(i) that at least one rent review will be conducted during the investment period, and

(ii) the date of that review, and

(f) confirmation that the tied pub tenant has obtained independent professional advice in relation to the agreement.

(4) Before the investment agreement is signed by the pub-owning business and the tied pub tenant, the pub-owning business must provide to the tenant information which, in the pub-owning business's opinion, is necessary to demonstrate to the tenant how the investment would be reasonably expected to achieve the outcomes described in paragraph (2)(a)(i) and (ii), such as a reasonable forecast profit and loss statement for the tied pub for a period of 2 years.

(5) For the purposes of paragraph (1) the investment agreement—

(a) is of no effect unless the pub-owning business complies with paragraph (4), and

(b) ceases to have effect if the works mentioned in paragraph (3)(c) are not completed—

(i) within the period of 12 months beginning with the day on which the investment agreement is signed by the pub-owning business and the tied pub tenant, or

(ii) if later, by the date agreed by the parties in the investment agreement.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

(6) But sub-paragraph (5)(b) does not apply where, after the investment agreement has been signed by both parties—

- (a) an event occurs which is beyond the reasonable control of the pub-owning business,
- (b) the event is likely to delay the date on which the works are completed,
- (c) the pub-owning business notifies the tenant, in writing, within the period of 14 days beginning with the day on which the event occurs, of a new date by which the works are to be completed, and
- (d) that new date is reasonable, given the nature of the event.

(7) In that case, the investment agreement ceases to have effect if the works mentioned in sub-paragraph (3)(c) are not completed by the new date mentioned in sub-paragraph (6)(c).

(8) For the purposes of sub-paragraphs (5)(b) and (6), the works are completed when the pub-owning business provides the tenant with a practical completion notice.

(9) Where a tied pub tenant considers that the investment agreement is of no effect for the purposes of sub-paragraph (1) because the pub-owning business has not complied with sub-paragraph (4), the tenant may refer the matter to the Land Tribunal for Scotland,

(10) Where a tied pub tenant considers that the investment agreement has ceased to have effect for the purposes of sub-paragraph (1)—

- (a) because the works specified in that agreement are not completed within the period, or on the date, specified in sub-paragraph (5)(b) or (6)(c), or
- (b) because the new date mentioned in that paragraph is not reasonable,
- (c) the tenant may refer the matter to the Lands Tribunal for Scotland.

(11) Where a tied pub tenant and a pub-owning business have entered into an agreement but disagree as to whether it is an investment agreement, either of them may refer the matter to the Lands Tribunal for Scotland.

(12) The “investment period” is the period which—

- (a) begins with the day on which the investment agreement is signed by the pub-owning business and the tied pub tenant, and
- (b) ends with a date agreed between the tenant and the pub-owning business, being a date—
  - (i) which is reasonable in the light of the value of the qualifying investment,
  - (ii) which is no later than 7 years from the day on which the investment agreement is signed.

(13) For the purposes of paragraph (4)(a) a “reasonable forecast” is a forecast which is based on an assessment of the level of trading at the tied pub after the investment if it were operated by a reasonably efficient tenant.>

## Section 2

### Richard Lyle

**85** In section 2, page 1, line 11, leave out <is established> and insert <may be established by the Scottish Ministers by regulations>

### Rachael Hamilton

**86** Leave out section 2



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

## Schedule 2

### Rachael Hamilton

87 In schedule 2, page 14, line 7, leave out paragraph 1

### Rachael Hamilton

88 In schedule 2, page 14, line 10, leave out paragraph 2

### Rachael Hamilton

89 In schedule 2, page 14, line 16, leave out paragraph 3

### Rachael Hamilton

90 In schedule 2, page 14, line 30, leave out paragraph 4

### Graham Simpson

91 In schedule 2, page 15, leave out line 3

### Michelle Ballantyne

92 In schedule 2, page 15, line 3, at end insert—

<( ) where it is necessary to exercise the adjudicator's other functions.>

### Rachael Hamilton

93 In schedule 2, page 15, line 7, leave out <verbally> and insert <in writing>

### Graham Simpson

94 In schedule 2, page 15, line 10, after <specifying> insert <with sufficient particulars for the recipient to understand what is required>

### Michelle Ballantyne

95 In schedule 2, page 15, line 14, after <Chapter> insert < and setting out the right of appeal against such a requirement>

### Rachael Hamilton

96 In schedule 2, page 15, line 22, after <must> insert <—

(a) ensure the place is as reasonably convenient as possible to the individual, and

(b)>

### Graham Simpson

97 In schedule 2, page 15, line 24, at end insert—

<( ) A person required to provide information under this paragraph may appeal to the Court of Session against that requirement.>

### Rachael Hamilton

98 In schedule 2, page 15, line 26, leave out paragraph 5

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

**Graham Simpson**

**99** In schedule 2, page 15, line 35, after <exceed> insert—

<(a) 1% of the pub-owning business's turnover in Scotland in the previous tax year, or>

**Richard Lyle**

**99A** As an amendment to amendment 99, line 2, leave out <1%> and insert <0.1%>

**Rachael Hamilton**

**100** In schedule 2, page 16, line 2, leave out paragraph 6

**Jeremy Balfour**

**101** In schedule 2, page 16, line 10, after <adjudicator> insert <and the adjudicator's staff>

**Alexander Stewart**

**102** In schedule 2, page 16, line 10, after <advice> insert <verbally or in writing>

**Rachael Hamilton**

**103** In schedule 2, page 16, line 10, leave out paragraph 7

**Rachael Hamilton**

**104** In schedule 2, page 16, line 12, leave out paragraph 8

**Rachael Hamilton**

**105** In schedule 2, page 16, line 24, leave out paragraph 9

**Graham Simpson**

**106** In schedule 2, page 16, line 27, at end insert—

<where it is reasonable and in the public interest to do so.>

**Rachael Hamilton**

**107** In schedule 2, page 17, line 6, leave out paragraph 10

**Rachael Hamilton**

**108** In schedule 2, page 17, line 9, at end insert—

<( ) Before making a loan under this paragraph, the Scottish Ministers must have regard to the reasons for the loan and whether it represents best value.

( ) Where the Scottish Ministers give any loan to the adjudicator, they must publish—

- (a) the amount
- (b) any conditions attached, and
- (c) their reasons for giving the loan.>

**Rachael Hamilton**

**109** In schedule 2, page 17, line 11, leave out paragraph 11

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

**Michelle Ballantyne**

**110** In schedule 2, page 17, line 12, at end insert—

<Premises

Where premises are provided, the Scottish Ministers are required to ensure that—

- (a) any such premises are suitable to the requirements of the adjudicator,
- (b) for any other purpose under the code, and
- (c) that the terms of any such arrangements represent best value.>

**Rachael Hamilton**

**111** In schedule 2, page 17, line 16, leave out paragraph 12

**Rachael Hamilton**

**112** In schedule 2, page 17, line 21, leave out paragraph 13

**Alexander Stewart**

**113** In schedule 2, page 17, line 22, leave out <adjudicator> and insert <Scottish Ministers>

**Richard Lyle**

**114** In schedule 2, page 17, line 22, at end insert <, subject to the requirements in this paragraph.

( ) The adjudicator must ensure in setting the levy that no person is to be charged a sum exceeding the levy charged per pub in England and Wales.>

**Maurice Golden**

**115** In schedule 2, page 17, line 22, after <adjudicator> insert <, subject to the requirements of this paragraph.

(1A) The adjudicator must ensure in setting the levy that no person is to be charged a sum exceeding £300 in respect of each pub which the person owns or has owned.

(1B) The Scottish Ministers may by regulations increase the sum specified in sub-paragraph (1A) to take into account any increase in the retail prices index.>

**Alexander Stewart**

**116** In schedule 2, page 17, line 23, leave out <adjudicator> and insert <Scottish Ministers>

**Alexander Stewart**

**117** In schedule 2, page 17, line 27, leave out <adjudicator> and insert <Scottish Ministers>

**Alexander Stewart**

**118** In schedule 2, page 17, line 29, leave out <adjudicator> and insert <Scottish Ministers>

**Alexander Stewart**

**119** In schedule 2, page 17, line 33, leave out <adjudicator> and insert <Scottish Ministers>

**Rachael Hamilton**

**120** In schedule 2, page 18, line 7, leave out paragraph 14

**Rachael Hamilton**

**121** In schedule 2, page 18, line 20, leave out paragraph 15

**Rachael Hamilton**

**122** In schedule 2, page 18, line 28, leave out paragraph 16

**Graham Simpson**

**123** In schedule 2, page 18, line 30, at end insert <including any expenditure incurred by the adjudicator,>

**Graham Simpson**

**124** In schedule 2, page 18, line 30, at end insert—

<( ) where the expenditure of the adjudicator differs from that which was expected, account for that difference,>

**Rachael Hamilton**

**125** In schedule 2, page 18, line 35, leave out paragraph 17

**Graham Simpson**

**126** In schedule 2, page 19, leave out lines 10 and 11

**Michelle Ballantyne**

**127** In schedule 2, page 19, line 11, at end insert—

<( ) any other work undertaken by the adjudicator in performance of their functions,

( ) any steps that the adjudicator considers should be taken to improve the performance of its functions,

( ) the number of complaints that fell short of arbitration received by tied-pub tenants and the outcome of those complaints,

( ) the number of tied leases and tied tenants subject to the code,

( ) whether the reasons for the introduction of the code should continue to apply,>

**Graham Simpson**

**128** In schedule 2, page 19, line 16, after <they> insert <reasonably>

**Rachael Hamilton**

**129** In schedule 2, page 19, line 16, leave out paragraph 18

**Rachael Hamilton**

**130** In schedule 2, page 19, line 21, at end insert—

<( ) The appointed adjudicator must—

(a) be a resident of Scotland,

(b) not be a member of the Scottish Parliament,

(c) have at least 15 years of relevant experience of tied-pubs in Scotland,

(d) be a fit and proper person to hold the appointment,

- (e) in accepting the appointment, devote their entire time and attention to the appointment,
- (f) take no other appointments or employment, paid or unpaid, that would give rise to any conflict of interest or would otherwise bring the office of the adjudicator into disrepute.>

**Richard Lyle**

**130A** As an amendment to amendment 130, line 4, at end insert—

- <( ) not be a member of the House of Commons,
- ( ) not be a member of the European Parliament,
- ( ) not be a councillor of a Scottish local authority,>

**Richard Lyle**

**130B** As an amendment to amendment 130, line 5, leave out <15> and insert <10>

**Rachael Hamilton**

**131** In schedule 2, page 19, line 21, leave out paragraph 19

**Rachael Hamilton**

**132** In schedule 2, page 19, line 30, leave out paragraph 20

**Rachael Hamilton**

**133** In schedule 2, page 20, line 15, leave out paragraph 21

**Rachael Hamilton**

**134** In schedule 2, page 20, line 35, leave out paragraph 22

**Jeremy Balfour**

**135** In schedule 2, page 20, line 37, at beginning insert <reasonable>

**Graham Simpson**

**136** In schedule 2, page 20, line 38, after <including> insert <reasonable>

**Rachael Hamilton**

**137** In schedule 2, page 21, line 2, leave out paragraph 23

**Michelle Ballantyne**

**138** In schedule 2, page 21, line 3, at end insert—

- <( ) The Scottish Ministers must publish details of the remuneration on appointment of the adjudicator and at least annually thereafter.>

**Rachael Hamilton**

**139** In schedule 2, page 21, line 7, leave out paragraph 24

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### Graham Simpson

**140** In schedule 2, page 21, line 8, after <staff> insert <on such terms as are reasonably required for the performance of the adjudicator's functions and having regard to the impact such secondments may have on the other functions of the Scottish Ministers.

( ) For the purposes of sub-paragraph (1), any such arrangements should be proportionate to the activities of the adjudicator and the relatively small number of tied pubs in Scotland as a proportion of the total pub sector.>

### Rachael Hamilton

**141** In schedule 2, page 21, line 17, at end insert—

<( ) In making arrangements for person to be seconded to the adjudicator, the adjudicator must not discriminate on the basis of race, ethnicity, religion, gender, gender identity or expression, age, national origin, disability or sexual orientation.>

## Section 3

### Rachael Hamilton

**142** In section 3, page 1, leave out lines 14 to 17

### Graham Simpson

**143** In section 3, page 1, leave out lines 23 and 24

### Richard Lyle

**144** In section 3, page 1, line 24, at end insert <, recognising the freedom of contract afforded to the parties and the requirement to maintain a route to market for pub-owning businesses who are brewers.>

### Michelle Ballantyne

**145** In section 3, page 1, line 24, at end insert—

<( ) the principle that tied pubs and pub-owning businesses should be free to contract on such terms as they think fit.>

## Section 4

### Maurice Golden

**146** In section 4, page 2, line 2, leave out subsections (1) and (2)

### Rachael Hamilton

**147** In section 4, page 2, line 2, leave out <1 year> and insert <2 years>

### Graham Simpson

**148** In section 4, page 2, line 2, leave out <1 year> and insert <3 years>

### Maurice Golden

**149** In section 4, page 2, line 2, leave out <1 year> and insert <4 years>

### Rachael Hamilton

**150** In section 4, page 2, line 2, leave out <1 year> and insert <5 years>

### Richard Lyle

151 In section 4, page 2, line 2, leave out <1 year> and insert <6 years>

### Rachael Hamilton

152 In section 4, page 2, leave out lines 6 to 8

### Graham Simpson

153 In section 4, page 2, line 7, leave out subsections (3) and (4)

### Maurice Golden

154 In section 4, page 2, line 8, at end insert—

<( ) Before the end of the period of 1 year beginning with the day that this section comes into force, the Scottish Ministers must appoint a person to the office of Scottish Pubs Code Adjudicator.>

### Graham Simpson

155 In section 4, page 2, line 8, at end insert—

<( ) Before making an appointment under subsection (1)(b), the Scottish Ministers must consult—

- (a) pub-owning businesses,
- (b) such other persons as they consider appropriate,

as to the necessary skills required for the role of Scottish Pubs Code Adjudicator.>

### Maurice Golden

156 In section 4, page 2, line 9, leave out from second <the> to <(1)(a)> in line 10 and insert <a draft Scottish statutory instrument containing regulations under section 1>

### Graham Simpson

157 In section 4, page 2, leave out line 13

### Rachael Hamilton

158 In section 4, page 2, line 13, leave out from <and> to end of line 14

## Section 5

### Richard Lyle

159 In section 5, page 2, line 17, leave out <each review period the Scottish Ministers must> and insert <the first review period, the Scottish Ministers must—

- (a) prepare a report reviewing, over the period—
  - (i) the operation of the existing code of practice, and
  - (ii) whether it is necessary for sections 1, 2, 6, Part 2 and the schedules to be brought into force or, as the case may be, continue in force,
- (b) make the report publicly available, and
- (c) lay a copy of the report before the Scottish Parliament.

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

(1A) In the event that the Scottish Ministers consider that an existing code of practice could be modified to reflect the principles set out in section 3 more fully they may, by regulations, make changes to the existing code of practice.

(1B) In the event that the Scottish Ministers consider that it is necessary to bring into force any of sections 1, 2 and 6, Part 2 and the schedules then they may do so by regulations.

(1C) If, following the first review period, the Scottish Ministers have not brought into force any of sections 1, 2 and 6, Part 2 and the schedules—

(a) they must undertake reviews under this section for each subsequent review period, and

(b) the power to bring into force any of sections 1, 2 and 6, Part 2 and the schedules ceases to be exercisable if no regulations have been made within the period of 6 years beginning with the day of Royal Assent.

(1D) If the Scottish Ministers bring into force any of sections 1, 2 and 6, Part 2 and the schedules, they must for each review period following the first review period—>

#### **Maurice Golden**

**160** In section 5, page 2, line 19, leave out <the code> and insert <any code in operation>

#### **Rachael Hamilton**

**161** In section 5, page 2, leave out line 20

#### **Rachael Hamilton**

**162** In section 5, page 2, line 27, leave out subsection (3)

#### **Rachael Hamilton**

**163** In section 5, page 2, line 28, at end insert—

<( ) must consider whether the adjudicator has the necessary resources to carry out their functions,>

#### **Maurice Golden**

**164** In section 5, page 2, line 34, leave out <2> and insert <5>

#### **Richard Lyle**

**165** In section 5, page 2, line 34, leave out <2> and insert <7>

#### **Maurice Golden**

**166** In section 5, page 2, line 35, at end insert—

<( ) in respect of the adjudicator—>

#### **Rachael Hamilton**

**167** In section 5, page 2, line 36, leave out <section 2 comes into force> and insert <the Scottish Ministers appoint someone to the office of the adjudicator>

#### **Richard Lyle**

**168** In section 5, page 2, line 36, leave out <section 2 comes> and insert <the first regulations under section 2 come>



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### Graham Simpson

169 In section 5, page 4, line 37, leave out <1 year> and insert <3 years>

### Maurice Golden

170 In section 5, page 2, line 37, leave out <1 year> and insert <4 years>

### Richard Lyle

171 In section 5, page 2, line 37, leave out <1 year> and insert <6 years>

### Maurice Golden

172 In section 5, page 2, line 37, at end insert—

<( ) in respect of the operation of the code—

(i) begins on the day after the code comes into operation, and

(ii) ends on 31 March in the calendar year falling 1 year after it came into operation.>

## Section 6

### Rachael Hamilton

173 Leave out section 6

## Section 7

### Michelle Ballantyne

174 In section 7, page 3, line 11, leave out <unenforceable> and insert <void>

### Maurice Golden

175 Leave out section 7

## Section 8

### Graham Simpson

176 In section 8, page 3, line 17, after <code> insert <and it is in the public interest to do so>

### Rachael Hamilton

177 In section 8, page 3, line 19, at end insert—

<( ) Where the adjudicator decides to investigate, a pub-owning business may appeal to the Sheriff Appeal Court against the decision to investigate.>

### Rachael Hamilton

178 Leave out section 8

## Section 9

### Alexander Stewart

179 In section 9, page 3, line 22, after <failed> insert <, without proper excuse,>

### Alexander Stewart

**180** In section 9, page 3, line 23, after <may> insert <, but is under no obligation to do so if satisfied that it would not be in the public interest to do so,>

### Michelle Ballantyne

**181** In section 9, page 3, line 24, at end insert—

<( ) making recommendations to the business to do, or stop doing, something to comply with the code,>

### Jeremy Balfour

**182** In section 9, page 3, line 25, leave out <directing> and insert <making recommendations to>

### Graham Simpson

**183** In section 9, page 3, line 29, at end insert—

<( ) Where enforcement actions are specified in a direction under subsection (2)(a) or (b), the direction must also state—

- (a) the extent of the failure to comply with the code,
- (b) the reason for making the direction, and
- (c) the period within which the direction must be complied with.>

### Michelle Ballantyne

**184** In section 9, page 3, line 31, at end insert—

<( ) A person against whom enforcement action is taken may appeal to the Court of Session against the enforcement action.>

### Rachael Hamilton

**185** Leave out section 9

## Section 10

### Graham Simpson

**186** In section 10, page 4, line 1, after first <the> insert <detailed>

### Graham Simpson

**187** In section 10, page 4, line 1, at end insert <and why it is in the public interest to do so>

### Rachael Hamilton

**188** In section 10, page 4, line 3, at end insert <, which must be no less than 56 days,>

### Graham Simpson

**189** In section 10, page 4, line 5, leave out <the permitted maximum> and insert <1% of the pub-owning business' turnover in Scotland in the previous tax year>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### Richard Lyle

**189A** As an amendment to amendment 189, line 1, leave out <1%> and insert <0.1%>

### Graham Simpson

**190** In section 10, page 4, line 6, leave out subsection (3)

### Richard Lyle

**191** In section 10, page 4, line 6, leave out subsections (3) and (4)

### Graham Simpson

**192** In section 10, page 4, line 7, leave out subsection (4) and insert—

<( ) The Scottish Ministers may—

(a) by regulations increase the penalty under subsection (2), but

(b) only—

(i) once in each calendar year,

(ii) to reflect an increase in the retail price index.

( ) In this section “retail price index” means the general index for retail prices (for any items) published by the Office of National Statistics.>

### Richard Lyle

**193** In section 10, page 4, line 9, at end insert—

<( ) The Scottish Ministers may by regulations increase the penalty.

( ) The Scottish Ministers may only increase the penalty once in each calendar year to reflect an increase in the retail prices index.

( ) In this section, “retail prices index” means the general index for retail prices (for any items) published by the Office for National Statistics.>

### Graham Simpson

**194** In section 10, page 4, line 12, leave out subsection (6)

### Maurice Golden

**195** In section 10, page 4, line 13, leave out <Sheriff Appeal Court> and insert <Court of Session>

### Rachael Hamilton

**196** Leave out section 10

## After section 10

### Graham Simpson

**197** After section 10, insert—

#### <Appeals against enforcement action

(1) A person against whom enforcement action is taken under section 9 may appeal to the Court of Session on the following grounds—

- (a) there has not been a failure to comply with the code,
  - (b) that the steps required by a direction exceed what is necessary to remedy any breach of the code,
  - (c) that the imposition of a financial penalty is not justified to remedy any breach of the code,
  - (d) that the amount of a financial penalty imposed is excessive, or
  - (e) that the time period allowed for compliance with a direction or payment of a financial penalty falls short of what should reasonably be allowed.
- (2) Where an appeal is lodged under subsection (1) then any direction or financial penalty is suspended until the appeal is determined.>

## Section 11

### Graham Simpson

**198** In section 11, page 4, line 26, at end insert—

<( ) Where an appeal is lodged under section (*Appeals against enforcement action*)—

- (a) if the appeal finds that there has not been a failure to comply with the code then no report is to be published, and
- (b) publication of any report which is required is to be suspended until the appeal is determined.>

### Graham Simpson

**199** In section 11, page 4, line 26, at end insert—

<( ) A pub-owning business may appeal to the Court of Session against the decision to name the pub-owning business in the report.>

### Rachael Hamilton

**200** Leave out section 11

## Section 12

### Graham Simpson

**201** In section 12, page 4, line 14, leave out <Sheriff Appeal Court> and insert <Court of Session>

### Alexander Stewart

**202** In section 12, page 4, line 29, after first <the> insert <reasonable>

### Michelle Ballantyne

**203** In section 12, page 4, line 30, after <failed> insert <without proper excuse>

### Graham Simpson

**204** In section 12, page 4, line 30, at end insert <, and

- (b) the adjudicator takes enforcement action against the pub-owning business under section 9 in relation to that failure.

### Alexander Stewart

**205** In section 12, page 4, line 31, after second <the> insert <reasonable>

**Michelle Ballantyne**

206 In section 12, page 4, line 34, after <was> insert <frivolous,>

**Jeremy Balfour**

207 In section 12, page 4, line 34, leave out <wholly>

**Graham Simpson**

208 In section 12, page 5, line 5, after first <the> insert <detailed>

**Graham Simpson**

209 In section 12, page 5, line 5, after <so> insert <and why it is in the public interest to do so,>

**Rachael Hamilton**

210 In section 12, page 5, line 7, at end insert <, which must be no less than 56 days,>

**Maurice Golden**

211 In section 12, page 5, line 14, leave out <Sheriff Appeal Court> and insert <Court of Session>

**Graham Simpson**

212 In section 12, page 5, line 16, at end insert—

<( ) Where the adjudicator imposes a requirement under subsection (1) then notice of the requirement must be served on the pub-owning business at the same time as notice of enforcement action is served on the pub-owning business in terms of section 9 or 10 as appropriate.

( ) Where—

(a) the adjudicator imposes a requirement under subsection (1) on a pub-owning business, and

(b) the pub-owning business appeals under section 10A against enforcement action taken in relation to the same failure to comply with the code as the subject of the requirement under subsection (1)

the requirement imposed under subsection (1) is suspended until the appeal lodged in terms of section (*Appeals against enforcement action*) is determined.>

**Rachael Hamilton**

213 Leave out section 12

**Section 13**

**Neil Bibby**

214 In section 13, page 5, line 27, at end insert—

<( ) The criteria mentioned in subsection (1)(a) must include time limits, which may be set by reference to the suspected failure to comply with the code or otherwise, after the expiry of which an investigation may not be initiated.>

**Rachael Hamilton**

215 In section 13, page 5, line 31, after <must> insert <fully>

**Rachael Hamilton**

216 Leave out section 13

**Section 14**

**Michelle Ballantyne**

217 In section 14, page 5, line 11, at end insert—

<( ) The substance of any final award made by the adjudicator or a person appointed by the adjudicator shall be published within 28 days unless it is in the public interest not to do so and following appropriate anonymisation of the parties to the award.>

**Graham Simpson**

218 In section 14, page 5, line 35, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

**Graham Simpson**

219 In section 14, page 6, line 3, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

**Jeremy Balfour**

220 In section 14, page 6, line 5, at end insert—

<( ) Subsection (1) does not apply where the adjudicator is reasonably satisfied that—

(a) the dispute is frivolous, vexatious or otherwise without merit, or

(b) to act as the arbitrator in the dispute, or to appoint another person to do so, would otherwise not be in the public interest.>

**Graham Simpson**

221 In section 14, page 6, line 6, leave out first <adjudicator> and insert <Lands Tribunal for Scotland>

**Graham Simpson**

222 In section 14, page 6, line 6, leave out second <adjudicator> and insert <Lands Tribunal for Scotland>

**Alexander Stewart**

223 In section 14, page 6, line 11, at end insert—

<( ) or such other rules as the Scottish Ministers may by regulations prescribe,>

**Rachael Hamilton**

224 Leave out section 14

**Section 15**

**Neil Bibby**

225 In section 15, page 6, line 19, leave out subsections (2) and (3) and insert—

<(1A) But a dispute may be submitted to arbitration under this section only if—

(a) the tenant notified the business of the alleged failure to comply with the code that is the subject of the dispute within the period specified in subsection (1B), and

(b) the dispute is submitted within the period of 4 months beginning with the day falling 21 days after the business was notified.

(1B) The period referred to in subsection (1A)(a) is the period of 6 months, beginning with—

(a) the day on which the alleged failure to comply with the code occurred,

(b) where the alleged failure was a continuing one, the day on which the failure ceased, or

(c) the day on which the tenant became, or could reasonably be expected to have become, aware of the alleged failure, if later than the day mentioned in paragraph (a) or (as the case may be) (b).>

### Neil Bibby

**226** In section 15, page 6, line 27, leave out <(2)(b)> and insert <(1A)(b) or the 6 month period mentioned in subsection (1B)>

### Neil Bibby

**227** In section 15, page 6, line 29, after <4> insert <or (as the case may be) 6>

### Graham Simpson

**228** In section 15, page 6, line 30, at end insert—

<(5) Where a person submits a dispute for arbitration by the Lands Tribunal for Scotland, they must also give notice of the submission of that dispute to the adjudicator.>

### Rachael Hamilton

**229** Leave out section 15

## Section 16

### Graham Simpson

**230** In section 16, page 6, line 34, leave out first <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

**231** In section 16, page 6, line 34, leave out second <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

**232** In section 16, page 6, line 34, at end insert <provided that where a person is appointed by an adjudicator the fees and expenses of that person do not exceed the reasonable fees and expenses that would have been incurred had the adjudicator acted as arbitrator>.

### Michelle Ballantyne

**233** In section 16, page 6, line 39, after <vexatious> insert <frivolous or otherwise without merit>

### Rachael Hamilton

**234** Leave out section 16

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Glusadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

## Section 17

### Graham Simpson

235 In section 17, page 7, line 1, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

236 In section 17, page 7, line 5, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

237 In section 17, page 7, line 13, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

238 In section 17, page 7, line 14, after <applies> insert <having regard to the financial means of the tied-pub tenant and the conduct by the tied-pub tenant to the arbitration>

### Graham Simpson

239 In section 17, page 7, line 15, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

### Graham Simpson

240 In section 17, page 7, line 16, leave out <adjudicator> and insert <Lands Tribunal for Scotland>

### Richard Lyle

241 In section 17, page 7, line 20, after <amount> insert <(which must not exceed the maximum arbitration costs under the Pubs Independent Rent Review Scheme (PIRRS))>

### Rachael Hamilton

242 In section 17, page 7, line 20, after <pay> insert <, the whole or part of,>

### Maurice Golden

243 In section 17, page 7, leave out lines 23 and 24

### Rachael Hamilton

244 In section 17, page 7, line 23, after <payment> insert <, wholly or partially,>

### Jeremy Balfour

245 In section 17, page 7, line 24, at end insert—

<( ) Regulations under subsection (4) containing provision described in paragraph (b) of subsection (6) may not—

- (a) specify an amount in excess of £20,000,
- (b) set out a methodology that could result in an amount in excess of £20,000 being determined.>

### Rachael Hamilton

246 In section 17, page 7, line 24, at end insert—



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

<( ) The Scottish Ministers may by regulations allow the adjudicator, or a person appointed by the adjudicator should they determine that a representative of a tied-pub tenant has submitted or conducted a dispute to arbitration under this section in a way which is frivolous, vexatious or wholly without merit, to—

- (a) apply the fee to be paid under this section to be paid by the representative, and
- (b) give no less than 14 days written notice to the representative to explain why they are not liable to pay the fee.>

**Rachael Hamilton**

**247** Leave out section 17

### Section 18

**Graham Simpson**

**248** In section 18, page 7, line 26, leave out from <14(1)> to <an> in line 27 and insert <15(5), the adjudicator receives notification that an application has been made for>

**Jeremy Balfour**

**249** In section 18, page 7, line 29, at end insert <and  
( ) any third party in possession of information relevant to the arbitration,>

**Rachael Hamilton**

**250** Leave out section 18

### Section 19

**Michelle Ballantyne**

**251** In section 19, page 7, line 37, leave out <avoidance activity> and insert <business practices which are, in the adjudicator's opinion, unfair business practices>

**Michelle Ballantyne**

**252** In section 19, page 8, line 1, leave out <avoidance activity> and insert <unfair business practices>

**Michelle Ballantyne**

**253** In section 19, page 8, line 1, leave out from <acts> to end of line 3 and insert <a business practice which is>

**Michelle Ballantyne**

**254** In section 19, page 8, line 4, leave out <the business> and insert <a pub-owning business at any time after this Act comes into force>

**Michelle Ballantyne**

**255** In section 19, page 8, line 4, leave out <a tied-pub tenant> and insert <tied-pub tenants>

**Graham Simpson**

**256** In section 19, page 8, line 5, at end insert—

<( ) For the purposes of subsection (2)(a), acts or omissions are held not to be avoidance activity if they do not constitute an unfair business practice in England and Wales.>

**Rachael Hamilton**

257 In section 19, page 8, line 7, leave out <activity> and insert <business practices>

**Alexander Stewart**

258 In section 19, page 8, line 14, leave out <reasons> and insert <reasoning>

**Rachael Hamilton**

259 Leave out section 19

**Section 20**

**Maurice Golden**

260 In section 20, page 8, line 18, leave out <is being leased to a tenant who> and insert <has been leased to a tenant for a period of more than one year and where the tenant>

**Richard Lyle**

260A As an amendment to amendment 260, line 2, leave out <one year> and insert <two years>

**Maurice Golden**

261 In section 20, page 8, line 19, after <obligation> insert <entered into after the day of Royal Assent>

**Rachael Hamilton**

262 In section 20, page 8, line 19, after <obligation> insert <, entered into after section 1 comes into force,>

**Rachael Hamilton**

263 In section 20, page 8, line 20, leave out <some or all> and insert <50% of the total>

**Richard Lyle**

264 In section 20, page 8, line 20, leave out <some or all of the alcohol> and insert <over 75% of beer>

**Jeremy Balfour**

265 In section 20, page 8, line 20, leave out <in the pub> and insert <at the premises>

**Michelle Ballantyne**

266 In section 20, page 8, line 21, leave out <of the pub> and insert <, or a person who is a group undertaking in relation to the landlord>

**Graham Simpson**

267 In section 20, page 8, line 22, after <landlord> insert <or a person who is a group undertaking (within the meaning of section 1161 of the Companies Act 2006) in relation to the landlord>

**Graham Simpson**

268 In section 20, page 8, line 23, at end insert—

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

<( ) The Scottish Ministers may by regulations exclude certain types of landlord, tied-pub tenant and leases from the provisions of the code.>

**Rachael Hamilton**

**269** In section 20, page 8, line 26, at end insert <or a third-party representative of the landlord,>

**Michelle Ballantyne**

**270** In section 20, page 8, leave out line 29 to 31 and insert <does not require the tenant to procure the beer or cider from a particular supplier.>

**Jeremy Balfour**

**271** In section 20, page 8, line 32, leave out subsection (3)

**Section 21**

**Jeremy Balfour**

**272** In section 21, page 8, line 36, at end insert <where that landlord is the landlord of at least 10 pubs in Scotland.>

**Alexander Stewart**

**272A** As an amendment to amendment 272, line 1, leave out <10> and insert <20>

**Rachael Hamilton**

**272B** As an amendment to amendment 272, line 1, leave out <10> and insert <25>

**Graham Simpson**

**272C** As an amendment to amendment 272, line 1, leave out <10> and insert <30>

**Maurice Golden**

**272D** As an amendment to amendment 272, line 1, leave out <10> and insert <50>

**Michelle Ballantyne**

**273** In section 21, page 8, line 37, leave out subsection (2)

**Graham Simpson**

**274** In section 21, page 9, line 1, leave out <include a person who has been> and insert <is a person who is currently>

**Section 22**

**Rachael Hamilton**

**275** In section 22, page 9, leave out line 5

**Rachael Hamilton**

**276** In section 22, page 9, line 14, after <on> insert <the premises>

**Alexander Stewart**

277 In section 22, page 9, line 14, after third <the> insert <retail>

**Section 23**

**Graham Simpson**

278 Leave out section 23

**Section 24**

**Maurice Golden**

279 In section 24, page 9, line 28, after <1,> insert <paragraph 13(1B) of schedule 2 and sections>

**Section 24**

**Maurice Golden**

280 In section 24, page 9, line 28, at end insert—

<(2A) Before laying draft regulations under section 1 before the Scottish Parliament for approval, the Scottish Ministers consult bodies which are representative of the tied pubs sector.

(2B) When laying draft regulations under section 1 before the Scottish Parliament for approval, the Scottish Ministers must also lay before the Parliament—

- (a) a statement setting out the reasons they consider it to be necessary for the benefit of the tied pub sector and of the consumer that the draft regulations be made,
- (b) an explanatory document setting out—
  - (i) details of the consultation undertaken under subsection (2A),
  - (ii) any representations received as a result of the consultation,
  - (iii) what account was taken of the representations, and
  - (iv) details of the evidence the Scottish Ministers consider justifies their conclusion that the code is necessary for the benefit of the tied pubs sector and the consumer.>

**Graham Simpson**

281 In section 24, page 9, line 29, leave out subsection (3)

**Section 25**

**Richard Lyle**

282 In section 25, page 9, line 35, after <3> insert <(other than subsection (2))>

**Graham Simpson**

283 In section 25, page 10, line 3, at end insert—

<( ) Before making regulations under subsection (2), the Scottish Ministers must prepare, and lay before the Parliament an assessment of the—

- (a) economic impact of the Bill,
- (b) impact of the Bill on Article 1 of the First Protocol to the European Convention on Human Rights.>

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Amendments   Atharrachaidhean				

### After section 25

#### Maurice Golden

**284** After section 25, insert—

#### <Expiry

- (1) This Act expires at the end of the period of three years beginning with the date on which it is passed.
- (2) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.>

#### Graham Simpson

**284A** As an amendment to amendment 284, line 3, leave out <three> and insert <five>

#### Richard Lyle

**284B** As an amendment to amendment 284, line 3, leave out <three> and insert <eight>

#### Rachael Hamilton

**285** After section 25, insert—

#### <Expiry of this Act

- (1) This Act expires after the end of the period of 7 years beginning with the day of Royal Assent.
- (2) The Scottish Ministers may by regulations make transitional, transitory or saving provision they consider appropriate for the purpose of, or in connection with, the expiry of this Act.>

## New Subordinate Legislation

### New Subordinate Legislation

#### Affirmative instruments

The following instrument was laid before the Parliament on 17 February 2021 and is subject to the affirmative procedure—

Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 (SSI 2021/draft)  
Laid under section 115 and schedule 7 of the Scotland Act 1998.

#### Laid only instruments

The following instrument was laid before the Parliament on 17 February 2021 and is subject to the laid only procedure—

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2021 (SSI 2021/75)  
Laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

## Members' Bills Proposals

### Proposals for Members' Bills

A member seeking to introduce a Member's Bill must first lodge a draft proposal, together with a consultation document (or a statement of reasons why consultation is not considered necessary). Subsequently, the member may lodge a final proposal, in broadly similar terms to the draft, accompanied by a summary of consultation responses (or the statement of reasons). The member secures the right to introduce a Bill to give effect to the proposal if the final proposal secures, within one month, the support of at least 18 other members from at least half the political parties or groups represented in the Parliamentary Bureau, and provided no indication is given that the Scottish Government or UK Government is planning equivalent legislation.

All current proposals (together with associated documents) are available on the Scottish Parliament website at Proposals for Members' Bills / Session 5 Proposals

<https://www.parliament.scot/parliamentarybusiness/Bills/12419.aspx>

### Final Proposal for a Member's Bill

**Elaine Smith: Proposed Right to Food (Scotland) Bill**—Proposal for a Bill to incorporate the human right to food into Scots law (lodged 11 February 2021)

The proposal was accompanied by a summary of consultation responses, which is accessible online via the website page referred to above. The summary and individual responses may also be viewed in the Scottish Parliament Information Centre (SPICe).

Supported by: Iain Gray, Mark Griffin, Johann Lamont, Alex Rowley, David Stewart, Rhoda Grant, John Finnie, James Kelly, Pauline McNeill, Monica Lennon, Jackie Baillie, Jenny Marra, Andy Wightman, \*Neil Bibby

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

## Progress of Legislation

A list of all Bills in progress can be accessed via the Scottish Parliament website at:

<https://www.parliament.scot/parliamentarybusiness/Bills/576.aspx>

For each Bill, the date of the next (or most recent) event in the Bill's passage is given. Other relevant information, e.g. about lodging amendments, is given in italics.

As soon as a Public Bill (i.e. a Government, Committee or Member's Bill) has completed Stage 1, amendments for consideration at Stage 2 may be lodged; and as soon as Stage 2 is completed, amendments for Stage 3 consideration may be lodged. The last lodging day for amendments at Stage 2 is four sitting days before the meeting at which those amendments will be considered (e.g. Wednesday for a meeting on Tuesday); at Stage 3 it is five days before. Amendments may be lodged until 4.30 pm on any sitting day, except on the last lodging day for each Stage, when the deadline is 12 noon.

A Hybrid Bill is subject to the same rules except in the case of Stage 2 where amendments for consideration may be lodged no earlier than the completion of any consideration of evidence at Stage 2.

Amendments to Private Bills are subject to different deadlines. These are set out in Rule 9A.12 of Standing Orders.

Members are advised to lodge amendments in good time before the beginning of a Stage and as early as possible during the day.

(G) = Government Bill; (M) = Member's Bill; (C) = Committee Bill; (P) = Private Bill; (H) = Hybrid Bill.

### **Budget (Scotland) (No.5) Bill (G)**

Stage 1 Debate, 25 February 2021

### **Defamation and Malicious Publication (Scotland) Bill (G)**

Stage 3 Proceedings, 2 March 2021

*All amendments should be lodged by 12 noon on Tuesday 23 February 2021 with the clerks in the Legislation Team ([legislationteam@parliament.scot](mailto:legislationteam@parliament.scot))*

### **Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill (M)**

Introduced, 30 September 2020

*Lead committee - Education and Skills*

### **Dogs (Protection of Livestock) (Amendment) (Scotland) Bill (M)**

Stage 1 completed, 27 January 2021

Stage 2 (Rural Economy and Connectivity Committee), 24 February 2021

*Amendments should be lodged by 12 noon on Thursday 18 February 2021 with the clerks of the Legislation Team ([legislationteam@parliament.scot](mailto:legislationteam@parliament.scot))*



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

### **Domestic Abuse (Protection) (Scotland) Bill**

Stage 2 (Justice Committee), 23 February 2021

### **European Charter of Local Self-Government (Incorporation) (Scotland) Bill**

Stage 2 (Local Government and Communities Committee), 24 February 2021

*Amendments should be lodged by 12 noon on Thursday 18 Feb 2021 with the clerks of the Legislation Team ([LegislationTeam@parliament.scot](mailto:LegislationTeam@parliament.scot))*

### **Fair Rents (Scotland) Bill (M)**

Introduced, 1 June 2020

*Lead Committee – Local Government and Communities*

### **Hate Crime and Public Order (Scotland) Bill (G)**

Stage 2 completed, 16 February 2021

*Stage 3 amendments may now be lodged with the clerks in the Legislation Team ([LegislationTeam@parliament.scot](mailto:LegislationTeam@parliament.scot))*

### **Heat Networks (Scotland) Bill (G)**

Stage 3 Proceedings, 23 February 2021

### **Pre-release Access to Official Statistics (Scotland) Bill (C)**

Stage 3 Proceedings, 4 March 2021

*All amendments should be lodged by 12 noon on Thursday 25 February 2021 with the clerks in the Legislation Team ([legislationteam@parliament.scot](mailto:legislationteam@parliament.scot))*

### **Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill (M)**

Passed, 19 January 2021

### **Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill (G)**

Stage 2 completed, 17 February 2021

*Stage 3 amendments may now be lodged with the clerks in the Legislation Team ([LegislationTeam@parliament.scot](mailto:LegislationTeam@parliament.scot))*

### **Scottish Parliament (Assistance for Political Parties) Bill (C)**

Passed, 2 February 2021

### **Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill (C)**

Stage 3 Proceedings, 4 March 2021

*All amendments should be lodged by 12 noon on Thursday 25 February 2021 with the clerks in the Legislation Team ([legislationteam@parliament.scot](mailto:legislationteam@parliament.scot))*

### **Tied Pubs (Scotland) Bill (M)**

Stage 2 (Economy, Energy and Fair Work Committee), 23 February 2021

### **Travelling Funfairs (Licensing) (Scotland) Bill (M)**

Stage 1 (evidence, lead committee (Local Government and Communities Committee)), 3 February 2021

### **UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill (G)**

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

Passed, 21 March 2018

*Following a reference under section 33 of the Scotland Act 1998 by the Attorney General and the Advocate General for Scotland, the Supreme Court has ruled that some provisions of the Bill are outwith the legislative competence of the Scottish Parliament. The Bill cannot be submitted for Royal Assent in its unamended form.*

### **United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (G)**

Stage 2 completed, 11 February 2021

Stage 3 amendments may now be lodged with the clerks in the Legislation Team  
([LegislationTeam@parliament.scot](mailto:LegislationTeam@parliament.scot))

### **University of St. Andrews (Degrees in Medicine and Dentistry) Bill (G)**

Stage 2 (Health and Sport Committee), 23 February 2021

### **Welfare of Dogs (Scotland) Bill (M)**

Introduced, 1 June 2020

Lead committee – Environment, Climate Change and Land Reform

## **Legislative Consent Memorandums**

**A list of all Legislative Consent Memorandums lodged with the Scottish Parliament can be accessed via the website at:**

<http://www.parliament.scot/parliamentarybusiness/Bills/31313.aspx>

### **Air Traffic Management and Unmanned Aircraft Bill LCM-S5-34**

Lodged on 26 February 2020

Lead committee – Justice

Meeting of the Parliament, 24 March 2020

### **Counter-Terrorism and Sentencing Bill LCM-S5-52**

Lodged on 29 January 2021

### **Covert Human Intelligence Sources (Criminal Conduct) Bill LCM-S5-48**

Lodged on 4 December 2020

Meeting of the Parliament, 19 January 2021

### **Domestic Abuse Bill LCM-S5-35**

Lodged on 16 March 2020

Justice Committee, 2 June 2020

Meeting of the Parliament, 17 June 2020

### **Environment Bill LCM-S5-39**

Lodged on 27 May 2020

Environment, Climate Change and Land Reform Committee, 29 September 2020

Meeting of the Parliament, 12 November 2020

### **European Union (Future Relationship) Bill LCM-S5-50**

Lodged on 29 December 2020

Culture, Tourism, Europe and External Affairs Committee Report, 30 December 2020

Meeting of the Parliament, 30 December 2020

### **Financial Services Bill LCM-S5-51**

Lodged on 20 January 2021

Lead committee – Justice

### **Fisheries Bill LCM-S5-41**

Lodged on 15 June 2020

Rural Economy and Connectivity Committee Report, 24 August 2020

Meeting of the Parliament, 9 September 2020

### **Medicines and Medical Devices Bill LCM-S5-43**

Lodged on 18 August 2020

Health and Sport Committee report published, 29 October 2020

Meeting of the Parliament, 12 November 2020

### **Medicines and Medical Devices Bill Supplementary LCM-S5-43a**

Lodged on 19 October 2020

Health and Sport Committee report published, 29 October 2020

Meeting of the Parliament, 12 November 2020

### **Private International Law (Implementation of Agreements) Bill LCM-S5-37**

Lodged on 30 March 2020

Justice Committee, 2 June 2020

Meeting of the Parliament, 17 June 2020

### **Sentencing Bill LCM-S5-45**

Lodged on 22 September 2020

Justice Committee, 29 September 2020

Meeting of the Parliament, 29 September 2020

### **Social Security (Up-rating of Benefits) Bill LCM-S5-46**

Lodged on 24 September 2020

Meeting of the Parliament, 30 September 2020

### **Trade Bill LCM-S5-44**

Lodged on 18 August 2020

Finance and Constitution Committee, 6 and 7 October 2020

Meeting of the Parliament, 8 October 2020

### **United Kingdom Internal Market Bill LCM-S5-47**

Lodged on 28 September 2020

Finance and Constitution Committee, 6 and 7 October 2020

Delegated Powers and Law Reform Committee, 6 October 2020

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

Meeting of the Parliament, 7 October 2020

### Subordinate Legislation *(date of laying)* (lead committee)

#### Made affirmative instruments

##### Subject to approval by 24 February 2021

[Personal Protective Equipment \(Temporary Arrangements\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(SSI 2021/50\)](#) (28 January 2021) (COVID-19 Committee)

##### Subject to approval by 25 February 2021

[Health Protection \(Coronavirus\) \(International Travel, Prohibition on Travel from the United Arab Emirates\) \(Scotland\) Amendment Regulations 2021 \(SSI 2021/52\)](#) (29 January 2021) (Health and Sport Committee)

[Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 15\) Regulations 2021 \(SSI 2021/54\)](#) (29 January 2021) (COVID-19)

##### Subject to approval by 10 March 2021

[Rural Support \(Controls\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(SSI 2021/72\)](#) (11 February 2021) (Rural Economy and Connectivity Committee)

##### Subject to approval by 22 March 2021

[Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(SSI 2021/74\)](#) (15 February 2021) (Health and Sport Committee)

#### Affirmative instruments

##### Lead Committee approval by 7 February 2021

[Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2021 \(SSI 2020/draft\)](#) (14 December 2020) (Local Government and Communities Committee)

[Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021 \(SSI 2020/draft\)](#) (14 December 2020) (Local Government and Communities Committee)

##### Lead Committee approval by 19 February 2021

[Human Tissue \(Authorisation\) \(Specified Type B Procedures\) \(Scotland\) Regulations 2021 \(SSI 2021/draft\)](#) (11 January 2021) (Health and Sport Committee)

##### Lead Committee approval by 20 February 2021

[Single Use Carrier Bags Charge \(Scotland\) Amendment Regulations 2021 \(SSI 2021/draft\)](#) (12 January 2021) (Environment, Climate Change and Land Reform Committee)

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

### Lead Committee approval by 22 February 2021

[Local Authority \(Capital Finance and Accounting\) \(Scotland\) \(Coronavirus\) Amendment Regulations 2021 \(SSI 2021/draft\) \(14 January 2021\)](#) (Local Government and Communities Committee)

### Lead Committee approval by 26 February 2021

[Civil Contingencies Act 2004 \(Amendment of List of Responders\) \(Scotland\) Order 2021 \(SSI 2021/draft\) \(18 January 2021\)](#) (Health and Sport Committee)

### Lead Committee approval by 27 February 2021

[Property Factors \(Code of Conduct\) \(Scotland\) Order 2021 \(SSI 2021/draft\) \(19 January 2021\)](#) (Local Government and Communities Committee)

### Lead Committee approval by 28 February 2021

[Low Emission Zones \(Emission Standards, Exemptions and Enforcement\) \(Scotland\) Regulations 2021 \(SSI 2021/draft\) \(20 January 2021\)](#) (Rural Economy and Connectivity Committee)

### Lead Committee approval by 1 March 2021

[National Bus Travel Concession Scheme for Young Persons \(Scotland\) Order 2021 \(SSI 2021/draft\) \(21 January 2021\)](#) (Rural Economy and Connectivity Committee)

### Lead Committee approval by 2 March 2021

[First-tier Tribunal for Scotland Social Security Chamber \(Allocation of Functions\) Amendment Regulations 2021 \(SSI 2021/draft\) \(22 January 2021\)](#) (Social Security Committee)

[Children and Young People \(Scotland\) Act 2014 \(Modification\) Order 2021 \(SSI 2021/draft\) \(22 January 2021\)](#) (Education and Skills Committee)

[Registers of Scotland \(Fees\) Amendment Order 2021 \(SSI 2021/draft\) \(22 January 2021\)](#) (Economy, Energy and Fair Work Committee)

[Companies Act 2006 \(Scottish public sector companies to be audited by the Auditor General for Scotland\) Order 2021 \(SSI 2021/draft\) \(22 January 2021\)](#) (Economy, Energy and Fair Work Committee)

### Lead Committee approval by 6 March 2021

[Criminal Justice \(Scotland\) Act 2003 \(Supplemental Provisions\) Order 2021 \(SSI 2021/draft\) \(26 January 2021\)](#) (Justice Committee)

[Carers \(Scotland\) Act 2016 \(Adult Carers and Young Carers of Terminally Ill Persons: Timescales for Adult Carer Support Plans and Young Carer Statements etc.\) Regulations 2021 \(SSI](#)

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

[2021/draft](#)) (26 January 2021) (Health and Sport Committee)

[Community Care \(Personal Care and Nursing Care\) \(Scotland\) Amendment Regulations 2021 \(SSI 2021/draft\)](#) (26 January 2021) (Health and Sport Committee)

**Lead Committee approval by 8 March 2021**

[Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(SSI 2021/draft\)](#) (28 January 2021) (Economy, Energy and Fair Work Committee)

**Lead Committee approval by 9 March 2021**

[Community Orders \(Coronavirus\) \(Scotland\) Regulations 2021 \(SSI/draft\)](#) (29 January 2021) (Justice Committee)

**Lead Committee approval by 15 March 2021**

[Sea Fishing \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(SSI 2021/draft\)](#) (4 February 2021) (Rural Economy and Connectivity Committee)

**Lead Committee approval by 16 March 2021**

[Plant Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(SSI 2021/draft\) 5 February 2021](#) (5 February 2021) (Rural Economy and Connectivity Committee) (*Withdrawn and re-laid 15 February 2021*)

**Lead Committee approval by 20 March 2021**

[Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(SSI 2021/draft\)](#) (9 February 2021) (Rural Economy and Connectivity Committee)

**Lead Committee approval by 21 March 2021**

[Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(SSI 2021/draft\)](#) (10 February 2021) (Social Security Committee)

[Social Security Up-rating \(Scotland\) Order 2021 \(SSI 2021/draft\)](#) (10 February 2021) (Social Security Committee)

**Lead Committee approval by 23 March 2021**

[Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(SSI 2021/draft\)](#) (12 February 2021) (Social Security Committee)

[Social Security Information-sharing \(Scotland\) Regulations 2021 \(SSI 2021/draft\)](#) (12 February 2021) (Social Security Committee)

**Lead Committee approval by 28 March 2021**

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

[Scottish Parliament \(Elections etc.\) Amendment \(Coronavirus\) Order 2021 \(2021/draft\)](#) (17 February 2021) (Standards, Procedures and Public Appointments Committee)

### Negative instruments

**Subject to annulment 19 February 2021**  
**Lead Committee report due by 15 February 2021**

[Parole Board \(Scotland\) Amendment Rules 2021 \(SSI 2021/4\)](#) (11 January 2021) (Justice Committee)

**Subject to annulment 21 February 2021**  
**Lead Committee report due by 15 February 2021**

[Repayment of Student Loans \(Scotland\) Amendment Regulations 2021 \(SSI 2021/8\)](#) (13 January 2021) (Education and Skills Committee)

[Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) \(Modification and Revocation\) \(Coronavirus\) Order 2021 \(SSI 2021/10\)](#) (13 January 2021) (Local Government and Communities Committee)

**Subject to annulment 22 February 2021**  
**Lead Committee report due by 22 February 2021**

[Common Agricultural Policy \(Simplifications and Improvements\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(SSI 2021/9\)](#) (14 January 2021) (Rural Economy and Connectivity Committee)

[Council Tax Reduction \(Scotland\) Amendment \(Coronavirus\) Regulations 2021 \(SSI 2021/12\)](#) (14 January 2021) (Social Security Committee)

[General Pharmaceutical Council \(Coronavirus\) \(Amendment\) Rules Order of Council 2021 \(SI 2021/26\)](#) (14 January 2021) (Health and Sport Committee)

[Health and Care Professions Council \(Coronavirus\) \(Amendment\) Rules Order of Council 2021 \(SI 2021/27\)](#) (14 January 2021) (Health and Sport Committee)

**Subject to annulment 23 February 2021**  
**Lead Committee report due by 22 February 2021**

[Fireworks \(Scotland\) Amendment Regulations 2021 \(SSI 2021/14\)](#) (14 January 2021) (Justice Committee)

**Subject to annulment 26 February 2021**  
**Lead Committee report due by 22 February 2021**

[Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2021 \(SSI 2021/18\)](#) (18 January 2021) (Local Government and Communities Committee)

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

[Civil Partnership \(Scotland\) Act 2020 \(Commencement No.3, Saving and Transitional Provision\) Regulations 2021 \(SSI 2021/23\)](#) (18 January 2021) (Equalities and Human Rights Committee)

**Subject to annulment 28 February 2021**  
**Lead Committee report due by 22 February 2021**

[Civil Partnership Between Persons of Different Sexes \(Prescribed Bodies\) \(Scotland\) Regulations 2021 \(SSI 2021/24\)](#) (20 January 2021) (Equalities and Human Rights Committee)

[Low Emission Zones \(Scotland\) Regulations 2021 \(SSI 2021/26\)](#) (20 January 2021) (Rural Economy and Connectivity Committee)

[Crofting Community Right to Buy \(Procedure, Ballots and Forms\) \(Scotland\) Amendment Regulations 2021 \(SSI 2021/27\)](#) (20 January 2021) (Environment, Climate Change and Land Reform Committee)

**Subject to annulment by 1 March 2021**  
**Lead Committee report due by 22 February 2021**

[Education \(Fees and Student Support\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(SSI 2021/28\)](#) (21 January 2020) (Education and Skills Committee)

[Town and Country Planning \(General Permitted Development\) \(Coronavirus\) \(Scotland\) Amendment Order 2021 \(SSI 2021/29\)](#) (21 January 2021) (Local Government and Communities Committee)

**Subject to annulment 2 March 2021**  
**Lead Committee report due by 1 March 2021**

[Special Restrictions on Adoptions from Nigeria \(Scotland\) Order 2021 \(SSI 2021/30\)](#) (22 January 2020) (Education and Skills Committee)

[Education \(Miscellaneous Amendments\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(SSI 2021/31\)](#) (22 January 2021) (Education and Skills Committee)

**Subject to annulment 5 March 2021**  
**Lead Committee report due by 1 March 2021**

[Rural Development \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(SSI 2021/33\)](#) (25 January 2021) (Rural Economy and Connectivity Committee)

**Subject to annulment 6 March 2021**  
**Lead Committee report due by 1 March 2021**

[Restorative Justice \(Prescribed Persons\) \(Scotland\) Order 2021 \(SSI 2021/40\)](#) (26 January 2021) (Justice Committee)

**Subject to annulment 8 March 2021**  
**Lead Committee report due by 8 March 2021**



Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

[M8 and M9 Trunk Roads \(Newbridge to Hermiston Gait\) \(Actively Managed Hard Shoulder and Speed Limit Amendment\) Regulations 2021 \(SSI 2021/43\)](#) (28 January 2021) (Rural Economy and Connectivity Committee)

[Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021 \(SSI 2021/44\)](#) (28 January 2021) (Rural Economy and Connectivity Committee)

**Subject to annulment 9 March 2021**  
**Lead Committee report due by 8 March 2021**

[Scottish Road Works Register \(Prescribed Fees\) Regulations 2021 \(SSI 2021/48\)](#) (29 January 2021) (Rural Economy and Connectivity Committee)

**Subject to annulment 12 March 2021**  
**Lead Committee report due by 8 March 2021**

[Council Tax Reduction \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(SSI 2021/51\)](#) (1 February 2021) (Social Security Committee)

[Legal Aid and Advice and Assistance \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(SSI 2021/56\)](#) (1 February 2021) (Justice Committee)

**Subject to annulment 15 March 2021**  
**Lead Committee report due by 8 March 2021**

[Non-Domestic Rating \(Valuation of Utilities\) \(Scotland\) Amendment Order 2021 \(SSI 2021/59\)](#) (4 February 2021) (Local Government and Communities Committee)

[Personal Injuries \(NHS Charges\) \(Amounts\) \(Scotland\) Amendment Regulations 2021 \(SSI 2021/60\)](#) (4 February 2021) (Health and Sport Committee)

**Subject to annulment 19 March 2021**  
**Lead Committee report due by 15 March 2021**

[Non-Domestic Rate \(Scotland\) Order 2021 \(SSI 2021/63\)](#) (8 February 2021) (Local Government and Communities Committee)

[Non-Domestic Rates \(District Heating Relief and Renewable Energy Generation Relief\) \(Scotland\) Amendment Regulations 2021 \(SSI 2021/64\)](#) (8 February 2021) (Local Government and Communities Committee)

[Non-Domestic Rates \(Levying and Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(SSI 2021/65\)](#) (8 February 2021) (Local Government and Communities Committee)

**Subject to annulment 21 March 2021**  
**Lead Committee report due by 15 March 2021**

Today's Business <i>Gnothaichean an-diugh</i>	Future Business <i>Gnothaichean ri teachd</i>	Motions & Questions <i>Gluasadan agus Ceistean</i>	Legislation <i>Reachdas</i>	Other <i>Eile</i>
Progress of Legislation   Adhartas Reachdais				

[Food, Natural Mineral Water, Spring Water and Bottled Drinking Water \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(SSI 2021/66\)](#) (10 February 2021) (Health and Sport Committee)

**Subject to annulment 22 March 2021**  
**Lead Committee report due by 15 March 2021**

[Food Information \(Scotland\) Amendment Regulations 2021 \(SSI 2021/70\)](#) (11 February 2021) (Health and Sport Committee)

[Scotland Act 1998 \(Agency Arrangements\) \(Specification\) \(Overseas Production Orders\) Order 2021 \(SI 2021/144\)](#) (11 February 2021) (Justice Committee)

**Subject to annulment 23 March 2021**  
**Lead Committee report due by 22 March 2021**

[Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 \(Fees\) \(Coronavirus\) Amendment Regulations 2021 \(SSI 2021/71\)](#) (12 February 2021) (Justice Committee)

[Disability Assistance for Children and Young People \(Consequential Amendment and Transitional Provision\) \(Scotland\) Regulations 2021 \(SSI 2021/73\)](#) (12 February 2021) (Social Security Committee)

## New Documents

### Committee Reports

The following report was published on 17 February 2021—

Economy, Energy and Fair Work Committee, 2nd Report, 2021 (Session 5): Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2021 [draft] (SP Paper 942)

For further information on accessing committee reports, please contact the relevant clerk or webpage (see end of Bulletin for contact details or access general committee webpage)

### Other Documents

The following documents were laid before the Parliament on 17 February 2021 and are not subject to parliamentary procedure—

**Scottish Public Services Ombudsman: Compendium Report of Discontinued Investigations- Compendium of Case Reports for February 2021 SPSO/2021/02** laid under Sections 15(1) and 15(1A) of the Scottish Public Services Ombudsman Act 2002

**Care Inspectorate: Fortnightly report to the Scottish Parliament on Care Inspectorate inspections – Laid before Parliament 17 February 2021 SG/2021/39** laid under Section 53A of the Public Services Reform (Scotland) Act 2010

**Care Inspectorate: Weekly Care Home deaths report – periods up to 14 February 2021 SG/2021/40** laid under Section 79A(3) of the Public Services Reform (Scotland) Act 2010

## Contacts for Further Information

All telephone numbers 0131 348 XXXX

Web site: <http://www.parliament.scot>

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Chamber Desk (Motions and Questions)	5199
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Legislation Team	5277
Non-Government Bills Unit (NGBU)	6124

Committee web sites at:

<http://www.parliament.scot/parliamentarybusiness/committees.aspx>

<a href="#">Committee on the Scottish Government Handling of Harassment Complaints</a>	5222
<a href="#">COVID-19 Committee</a>	6226
<a href="#">Culture, Tourism, Europe and External Relations</a>	5234
<a href="#">Delegated Powers and Law Reform</a>	5212
<a href="#">Economy, Jobs and Fair Work</a>	5403
<a href="#">Education and Skills</a>	5204
<a href="#">Environment, Climate Change and Land Reform</a>	5240
<a href="#">Equalities and Human Rights</a>	5223
<a href="#">Finance and Constitution</a>	5215
<a href="#">Health and Sport</a>	5224
<a href="#">Justice</a>	5047
<a href="#">Justice Sub-Committee on Policing</a>	5220
<a href="#">Local Government and Communities</a>	6037
<a href="#">Public Audit and Post-legislative Scrutiny</a>	5390
<a href="#">Public Petitions</a>	5254
<a href="#">Rural Economy and Connectivity</a>	5211
<a href="#">Social Security</a>	5228
<a href="#">Solicitors in the Supreme Courts of Scotland (Amendment) Bill Committee</a>	6234
<a href="#">Standards, Procedures and Public Appointments</a>	6924

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