

Islands (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Duty to have regard to island communities

43, 45, 73, 90, 21, 22, 23

Relevant authorities for the purposes of the Act

5, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 86

Island communities impact assessment: test

61, 65

Retrospective impact assessments

62, 64

Island communities impact assessment: duties where not done or mitigated

69, 70, 89

Shetland mapping requirement

20

Ministerial impact assessment

78, 79, 24

Number of councillors in wards

82, 6

Changes of boundaries, functions or powers

25

Marine development and plans

7, 8, 9, 83, 84, 85

Review of Act

87

Amendments already debated

Uninhabited islands

With 10 - 44, 60, 63, 66, 67, 68, 72, 74, 75, 76, 77, 88

Requests from islands authorities in respect of functions

With 29 - 80, 81, 26, 27

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Amendments in debating order

Duty to have regard to island communities

Jamie Greene

- 43 In section 7, page 3, line 24, after <have> insert <due>

Jamie Greene

- 45 In section 7, page 3, line 25, at end insert <, insofar as it is capable.>

Jamie Greene

- 73 In section 9, page 4, line 17, at end insert—

<() For the purposes of this section, the relevant public authority may determine what constitutes compliance.>

Colin Smyth

- 90 After section 9, insert—

<Duty to review policies and practices to comply with section 7 duty

In exercising its functions, a relevant authority must make such arrangements as it considers appropriate to review and, where necessary, revise any policy, strategy or service (as the case may be) to ensure that, in exercising those functions, it complies with the duty imposed by section 7.>

Gail Ross

- 21 In section 10, page 4, line 22, at the end insert—

<() each local authority listed in the schedule,>

Gail Ross

- 22 In section 10, page 4, line 23, after <such> insert <other>

Tavish Scott

- 23 In section 10, page 4, line 24, at end insert—

<() Subsection (1) does not apply unless—

- (a) the Scottish Ministers have laid a copy of any guidance they propose to issue before the Scottish Parliament, and
- (b) the Parliament has by resolution approved the guidance.>

Relevant authorities for the purposes of the Act

Humza Yousaf

- 5 In section 7, page 3, line 29, after <office-holder,> insert—

<() varying the description of an entry,>

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Jamie Greene

- 46 In section 7, page 3, line 30, at end insert—
<() The Scottish Ministers may by regulations amend the functions of a body, office-holder or other person listed in the schedule insofar as they relate to island communities.>

Colin Smyth

- 47 In section 7, page 3, line 30, at end insert—
<() For the avoidance of doubt, the power to add an entry for a person, body or office-holder mentioned in subsection (3) may include adding an entry for any person, body or office-holder paid to deliver a service for a relevant authority.>

Colin Smyth

- 48 In the schedule, page 12, line 12, at end insert—
<The Boundary Commission for Scotland>

Colin Smyth

- 49 In the schedule, page 12, line 21, at end insert—
<The Local Government Boundary Commission for Scotland>

Colin Smyth

- 50 In the schedule, page 13, line 11, at end insert—
<NHS Borders>

Colin Smyth

- 51 In the schedule, page 13, line 11, at end insert—
<NHS Dumfries and Galloway>

Colin Smyth

- 52 In the schedule, page 13, line 12, at end insert—
<NHS Fife>

Colin Smyth

- 53 In the schedule, page 13, line 12, at end insert—
<NHS Forth Valley>

Colin Smyth

- 54 In the schedule, page 13, line 12, at end insert—
<NHS Grampian>

Colin Smyth

- 55 In the schedule, page 13, line 12, at end insert—
<NHS Greater Glasgow and Clyde>

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Colin Smyth

- 56 In the schedule, page 13, line 14, at end insert—
<NHS Lanarkshire>

Colin Smyth

- 57 In the schedule, page 13, line 14, at end insert—
<NHS Lothian>

Colin Smyth

- 58 In the schedule, page 13, line 17, at end insert—
<NHS Tayside>

Colin Smyth

- 59 In the schedule, page 13, leave out lines 22 to 27 and insert—
<An integration joint board established under schedule 1 to the Public Bodies (Joint Working) (Integration Joint Board Establishment) (Scotland) Order 2015>

Jamie Greene

- 86 In section 21, page 10, line 26, leave out <7(3)> and insert <7>

Island communities impact assessment: test

Colin Smyth

- 61 In section 8, page 4, line 1, leave out <, in the authority's opinion,>

Colin Smyth

- 65 In section 8, page 4, line 2, leave out <significantly>

Retrospective impact assessments

Peter Chapman

- 62 In section 8, page 4, line 1, after <have> insert <, or have had,>

Peter Chapman

- 64 In section 8, page 4, line 2, after <is> insert <, or was>

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Island communities impact assessment: duties where not done or mitigated

Colin Smyth

69 In section 8, page 4, line 11, at end insert—

- <() If a relevant authority does not prepare an island communities impact assessment in relation to a—
- (a) policy,
 - (b) strategy, or
 - (c) service,
- it must publish an explanation of its reasons for not doing so.>

Peter Chapman

70 In section 8, page 4, line 11, at end insert—

- <() Where an island communities impact assessment prepared under subsection (1) states that the effect of the policy, strategy or service is likely to be negative and where the authority which has prepared the assessment has not taken steps to improve or mitigate, for the relevant island community, the outcomes resulting from it, that authority must explain to the Scottish Ministers, in writing, its reasons for not taking steps to improve or mitigate those outcomes.>

Colin Smyth

89 After section 8, insert—

<Requirement to review decision not to conduct island communities impact assessment

- (1) Any person who is dissatisfied with the decision of a relevant authority not to conduct an island communities impact assessment under section 8(1) may require the authority to review that decision.
- (2) A requirement under subsection (1) is referred to in this section as a “review request”.
- (3) A review request must—
 - (a) be in writing or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (for example, an audio or video recording),
 - (b) state the name of the person requesting the review and an address for correspondence, and
 - (c) specify—
 - (i) the policy, strategy or service to which the review request relates, and
 - (ii) the reasons for the person’s dissatisfaction mentioned in subsection (1).
- (4) For the purposes of subsection (3)(a) (and without prejudice to the generality of that paragraph), a review request is treated as made in writing where the text of the request is transmitted by electronic means, received in legible form and capable of being used for subsequent reference.

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- (5) A review request must be made to the relevant authority no later than 4 weeks after the publication by the relevant authority of its decision not to conduct an island communities impact assessment.
- (6) On receiving a review request, a relevant authority must (unless that request is withdrawn in accordance with subsection (7)) decide on the review and issue its decision under subsection (8) as soon as practicable and in any event within 4 weeks of receipt of the request.
- (7) A review request may be withdrawn by the person who made it, by notice in writing to the authority, at any time before the authority makes its decision on the request.
- (8) The relevant authority may, as respects the decision to which the request relates—
 - (a) confirm the decision complained of, with or without such modifications as it considers appropriate, or
 - (b) substitute for any such decision a different decision.>
- (9) A relevant authority—
 - (a) is required to decide on only one review request under subsection (1) in relation to a particular policy, strategy or service, and
 - (b) accordingly, where more than one such request is made—
 - (i) is to comply with subsection (6) only in respect of—
 - (A) the first such request received, or
 - (B) where the first (or a subsequent) request is withdrawn under subsection (7), the first such request not so withdrawn, and
 - (ii) is to inform the person making any subsequent such request in relation to the same policy, strategy or service that it will not proceed to decide on the subsequent request.>

Shetland mapping requirement

Tavish Scott

20 After section 9, insert—

<Shetland mapping requirement

- (1) There is to be a Shetland mapping requirement.
- (2) When publishing in any form a document that includes a map of Scotland, a Scottish public authority must comply with the Shetland mapping requirement.
- (3) The Shetland mapping requirement is that in any map of Scotland the Shetland Islands must be displayed in a manner that accurately and proportionately represents their geographical location in relation to the rest of Scotland.>

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Ministerial impact assessment

Jamie Greene

- 78 In section 12, page 5, line 19, at end insert <, and
() set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation.>

Peter Chapman

- 79 In section 12, page 5, line 19, at end insert—
- <(4) In preparing an islands communities impact assessment, the Scottish Ministers must provide a mechanism for—
- (a) a relevant authority listed in the schedule,
 - (b) an island community,
- to appeal a decision made under this section.
- (5) The Scottish Ministers may by regulations make provision as to the procedure to be followed in connection with appeals under subsection (4).>

Liam McArthur

- 24 After section 12, insert—
- <Preparation of retrospective island communities impact assessment by Ministers**
- (1) The Scottish Ministers must prepare and publish a retrospective island communities impact assessment in relation to existing legislation and national strategies which have an effect on all island communities which is significantly different from their effect on other communities (including other islands communities) in Scotland.
- (2) In this section—
- “legislation” means—
- (a) an Act of the Scottish Parliament, and
 - (b) subordinate legislation made under an Act of the Scottish Parliament,
- “national strategies” means any strategy or framework prepared and published by the Scottish Ministers.
- (3) A retrospective island communities impact assessment must include—
- (a) a description of the methods and data used to assess the effect on island communities,
 - (b) the steps (if any) the Scottish Ministers intend to take to rectify, mitigate or improve the effect on island communities.>

Number of councillors in wards

Colin Smyth

- 82 In section 14, page 6, line 9, after <ward> insert <,or in an islands authority area,>

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Humza Yousaf

- 6 In section 14, page 6, line 9, leave out <mainly> and insert <partly>

Changes of boundaries, functions or powers

Liam McArthur

- 25 After section 15, insert—

<PART

CONSENT TO CHANGES TO BOUNDARIES, FUNCTIONS OR POWERS OF ISLAND AUTHORITIES

Requirement for consent in relation to changes of boundary, functions or powers

- (1) The Scottish Ministers must not, unless the condition in subsection (2) is met, bring forward proposals to alter the boundary, functions or powers of any—
- (a) Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
 - (b) local authority,
- whose area consists wholly or partly of one or more inhabited islands.
- (2) The condition is that—
- (a) in relation to a proposal under subsection (1)(a), each local authority whose area or part of whose area falls within the area of the Health Board,
 - (b) in relation to a proposal under subsection (1)(b), that local authority,
- has given to the Scottish Ministers in writing its consent to the proposals.>

Marine development and plans

Humza Yousaf

- 7 In section 16, page 7, line 8, leave out from <(whether> to end of line 9 and insert <, including—
- (i) the removal of any material from the sea or seabed, or
 - (ii) using any device to move any material (whether or not suspended in water) from one part of the sea or seabed to another part.>

Humza Yousaf

- 8 In section 16, page 7, line 12, leave out from second <and> to end of line 14

Humza Yousaf

- 9 In section 16, page 7, line 22, at end insert—
- <() fishing by any other method.>

Stewart Stevenson

- 83 In section 18, page 7, line 40, leave out <includes> and insert <is adjacent to>

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Peter Chapman

- 84 In section 19, page 10, line 6, leave out from <, before> to <area,>

Colin Smyth

- 85 After section 20, insert—

<PART

DELEGATION OF FUNCTIONS RELATING TO REGIONAL MARINE PLANS

Delegation of functions relating to regional marine plans

- (1) The Marine (Scotland) Act 2010 is amended as follows.
(2) In section 12, after subsection (2) insert—

“(2A) Where the Scottish Ministers consider that an islands authority (within the meaning given in section (*Meaning of “islands authority”*) of the Islands (Scotland) Act 2018) sufficiently demonstrates difficulty in fulfilling obligations under subsection (2), they may designate an island authority as a single public authority to carry out their functions in relation to a regional marine plan.”.>

Review of Act

Jamie Greene

- 87 After section 22 insert—

<Review of the Act

Not later than the end of the period of one year beginning with the day of Royal Assent, the Scottish Ministers must—

- (a) lay before the Scottish Parliament, and
(b) publish,
a report on the impact and effectiveness of this Act.>

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