

Referendums (Scotland) Bill

Groupings of Amendments for Stage 3

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

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 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

Group 1: Referendums to which this Act applies

1, 21, 2

Group 2: Referendum questions

6, 7, 3, 8, 9, 10

Notes on amendments in this group
Amendment 3 pre-empts amendment 8

Group 3: Power to change date of referendum if UK election on same date

22

Group 4: Report on conduct of the referendum

4

Group 5: Power to modify Act by regulations

11, 12

Group 6: Consultation on the role of referendums in the democratic process

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Group 7: Referendum expenses

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Group 8: Restrictions on publications

13, 14, 15

Group 9: Details to appear on published referendum material

16, 17, 17A

Group 10: Investigatory powers of Electoral Commission

18, 19, 20

Group 11: Long Title
24, 25

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Amendments in debating order

Group 1: Referendums to which this Act applies

Adam Tomkins

- 1 In section 1A, page 1, line 6, after <held> insert <—
()>

Michael Russell

- 21 In section 1A, page 1, line 6, after <Scotland> insert <in pursuance of provision made by or under an Act of the Scottish Parliament>

Adam Tomkins

- 2 In section 1A, page 1, line 6, at end insert <, and
() no earlier than the day that is 6 months after the day of Royal Assent.>

Group 2: Referendum questions

Michael Russell

- 6 In section 3, page 1, line 24, leave out from <, and> to end of line 27

Michael Russell

- 7 In section 3, page 2, line 4, leave out from <, and> to end of line 8

Adam Tomkins

- 3 In section 3, page 2, line 22, leave out subsections (7) to (12)

Michael Russell

- 8 In section 3, page 2, leave out line 40

Michael Russell

- 9 In section 3, page 3, line 3, at end insert—
<() As soon as reasonably practicable after being consulted under subsection (2), (3) or (10), the Electoral Commission must—
(a) lay before the Scottish Parliament a statement of any views of the Commission on the matter, and
(b) publish the statement in such manner as the Commission may determine.>

Michael Russell

- 10 In section 3, page 3, line 3, at end insert—
<() If the Scottish Parliament resolves to consult the Electoral Commission on the wording of a question or statement in a referendum, the Commission must, as soon as reasonably practicable—

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- (a) lay before the Scottish Parliament a statement of any views of the Commission on that question or statement, and
- (b) publish the statement in such manner as the Commission may determine.>

Group 3: Power to change date of referendum if UK election on same date

Michael Russell

22 After section 3, insert—

<Power to change date of referendum if UK election on same date

Power to change date of referendum if UK election on same date

- (1) The date of a referendum must not be the same as the date on which any other election or poll is scheduled to be held throughout Scotland.
- (2) If the date of a referendum is the same as the date of a UK election, the Presiding Officer may appoint a later date on which the poll at that referendum is to be held.
- (3) The date appointed under subsection (2) may not be more than 6 weeks later.
- (4) The Presiding Officer may appoint a date under subsection (2) only if the Scottish Parliament is dissolved or in recess.
- (5) Before appointing a date under subsection (2), the Presiding Officer must consult the Electoral Commission.
- (6) The Presiding Officer must publish a statement of the date appointed under subsection (2).
- (7) In this section—
 - “date of a referendum” means the date on which the poll at a referendum is to be held in pursuance of provision made by or under an Act of the Scottish Parliament,
 - “date of a UK election” means the date appointed as the polling day for an early parliamentary general election under section 2 of the Fixed-term Parliaments Act 2011.>

Group 4: Report on conduct of the referendum

Michael Russell

4 In section 29, page 15, line 15, at end insert—

- <() In preparing the report, the Commission must consult such persons as they consider appropriate.>

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Group 5: Power to modify Act by regulations

Adam Tomkins

- 11 In section 37, page 18, line 14, after <Commission> insert <and such other persons as they consider appropriate>

Adam Tomkins

- 12 In section 37, page 18, line 16, at end insert—
- <() When laying a draft Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must also lay before the Parliament a document giving details of—
- (a) the consultation carried out under subsection (4),
 - (b) any representations received as a result of the consultation, and
 - (c) the changes (if any) made to the proposed draft regulations as a result of those representations.>

Group 6: Consultation on the role of referendums in the democratic process

Patrick Harvie

- 23 After section 39, insert—
- <Consultation on the role of referendums in the democratic process*
- Consultation on the role of referendums in the democratic process**
- (1) The Scottish Ministers must, before the expiry of the period of 3 months beginning with the day of Royal Assent, issue a consultation about the matters in subsection (2).
 - (2) The matters are—
 - (a) the role of referendums in the democratic process in Scotland,
 - (b) the regulation of campaigning using social media and other online services in a referendum,
 - (c) the consequences (in terms of criminal penalties that may be imposed on a person and in terms of the effect on the validity of the result) of making or publishing false campaign statements in relation to—
 - (i) the conduct of the poll for a referendum (including in particular, but not limited to, the date of the poll, who is entitled to vote, registration for voting, the manner of voting and the manner of counting of votes),
 - (ii) matters connected to the question on which the referendum is being held,
 - (iii) the consequences of a particular outcome to the referendum,
 - (d) such other matters relating to referendums, conduct rules and campaign rules as the Scottish Ministers consider appropriate.
 - (3) To comply with subsection (1), the Scottish Ministers must in particular—
 - (a) lay a copy of the consultation before the Scottish Parliament,

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- (b) allow a period of no less than 90 days after the consultation is laid before the Parliament for representations to be made to them,
- (c) take reasonable steps to—
 - (i) publicise the consultation to the general public,
 - (ii) provide sufficient opportunities for the general public to consider, and make representations in relation to, the issues raised by the consultation.
- (4) Following the consultation under subsection (1), the Scottish Ministers must—
 - (a) prepare and publish a report—
 - (i) on representations received in response to the consultation,
 - (ii) setting out any action they propose to take as a result of the consultation, and
 - (b) lay a copy of the report before the Scottish Parliament.>

Group 7: Referendum expenses

Michael Russell

- 5 In schedule 3, page 85, line 2, at end insert—
 - <() reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English,>

Group 8: Restrictions on publications

Adam Tomkins

- 13 In schedule 3, page 98, line 29, at end insert—
 - <(1A) Subject to sub-paragraph (3), no material—
 - (a) of a kind described in sub-paragraph (1)(a) or (d) is to be published during the relevant period,
 - (b) of a kind described in sub-paragraph (1)(b) or (c) is to be published during the referendum period,by or on behalf of the Scottish Ministers or any other part of the Scottish Administration.>

Adam Tomkins

- 14 In schedule 3, page 98, leave out line 32

Adam Tomkins

- 15 In schedule 3, page 99, line 1, leave out <Sub-paragraph (2) does> and insert <Sub-paragraphs (1A) and (2) do>

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Group 9: Details to appear on published referendum material

Michael Russell

- 16 In schedule 3, page 99, line 35, after <individual> insert <other than a relevant person>

Michael Russell

- 17 In schedule 3, page 99, line 38, at end insert—

<() In sub-paragraph (2A), “relevant person” means an individual—

- (a) who is a permitted participant,
- (b) who is a responsible person in relation to a permitted participant,
- (c) who falls within one of the following categories of person in relation to a permitted participant—
 - (i) if the permitted participant is a body corporate (other than a limited liability partnership), a director, manager, secretary or other similar officer of the body,
 - (ii) if the permitted participant is a limited liability partnership, a member of that partnership,
 - (iii) if the permitted participant is a Scottish partnership, a partner of that partnership,
 - (iv) if the permitted participant is an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.>

Patrick Harvie

- 17A As an amendment to amendment 17, line 16, at end insert—

- <() who has made a relevant donation (within the meaning of paragraph 30) to a permitted participant,
- () who has entered into a regulated transaction.>

Group 10: Investigatory powers of Electoral Commission

Michael Russell

- 18 In schedule 4, page 126, line 25, at end insert—

- <(i) is a body that is not a permitted participant and the Commission have reasonable grounds for believing that the body has published material to which paragraph 28(1) of schedule 3 applies.>

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Michael Russell

19 In schedule 4, page 126, line 25, at end insert—

- <() In sub-paragraph (2)(f), “relevant donation” includes, in the case of a permitted participant, any donation received at a time before the individual or body became a permitted participant, if the donation would have been a relevant donation had the individual or body been a permitted participant at that time.
- () In sub-paragraph (2)(g), “regulated transaction” includes, in the case of a permitted participant, any transaction entered into at a time before the individual or body became a permitted participant, if the transaction would have been a regulated transaction had the individual or body been a permitted participant at that time.>

Michael Russell

20 In schedule 4, page 127, line 5, at end insert—

- <() In the case of a person mentioned in sub-paragraph (2)(i), a disclosure notice may also require the person to whom it is given to provide the Commission, or a person authorised by the Commission, with any information or explanation reasonably required by the Commission for the purposes of carrying out their functions under paragraph 28 of schedule 3.>

Group 11: Long Title

Michael Russell

24 In the long title, page 1, line 1, leave out <for> and insert <about>

Michael Russell

25 In the long title, page 1, line 2, leave out from <; to> to end of line 3

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