

Stage 2 Procedures

This note is a summary guide of the Bill at Stage 2 of the legislative process.

Detailed explanation of these rules and procedures can be found in Chapter 9 of Standing Orders (specifically Rules 9.7 and 9.10), and in the published Guidance on Public Bills (available on-line at:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/15707.aspx>)

Introduction

Stage 2 is normally taken by the lead committee on a Bill. It can take place over more than one committee meeting.

Stage 2 is an opportunity for any member of the Parliament to propose textual amendments to a Bill. Only members of the Committee (and members appearing formally as substitutes), however, can vote on the amendments.

The Committee is required to go through the whole Bill once, deciding whether to agree to each section and schedule. The Committee will consider and decide on all admissible amendments.

Stage 2 timetable

Amendments can be lodged at any time after the general principles of the Bill have been agreed by the Parliament at Stage 1.

There must be at least 12 sitting days between the date of the Stage 1 debate and the first meeting at which the Committee deals with Stage 2.

The lead committee will decide as part of its work programme when Stage 2 will begin. The clerks are likely to have had discussions with the Bill team and the Minister for Parliamentary Business about this. The Parliament can agree, on a motion proposed by the Parliamentary Bureau, a date by which Stage 2 must be completed.

The deadline for lodging amendments is 12 noon, four sitting days before the meeting – e.g. if the committee meets on a Tuesday, the deadline will normally be 12 noon on the preceding Wednesday. (**Note:** the rule is 'sitting days'. So, for example, when there are public holidays these days do not count.)

If Stage 2 is expected to extend over more than one meeting, the Convener may set a target for how much of the Bill will be considered at each meeting. There is a separate deadline day for each Stage 2 meeting. This means that members can leave lodging of amendments on later sections of the Bill until later weeks. If there is expected to be only one day required for Stage 2, or if no target is set, all amendments need to be lodged by the first deadline if they are to be sure of being considered.

Wherever the Committee reaches on Day 1 is the point from which it will pick up on Day 2. Further amendments can only be lodged for the sections of the Bill not yet dealt with by the Committee.

Deadlines for lodging of amendments and targets for progress will be intimated to Committee members, and are announced in the 'Progress of legislation' section of the Business Bulletin.

Lodging amendments

Amendments can only be lodged by members and their authorised signatories. They should be lodged in writing, either in person or by e-mail.

There is no requirement for members to propose amendments in properly drafted legal form. It is the clerks' role to assist members to produce amendments to fulfil their policy intentions and to put them into 'proper form'.

Clerks are happy to discuss any proposals in detail with members before amendments are finalised. It may take some time to work through options, and so it is helpful if members speak to the clerks as early as possible in the process rather than wait until near the deadline.

Discussions will be confidential, and amendments will only be in the public domain once members have agreed that they are in final form and that they wish to proceed.

All of the rules about lodging amendments apply equally to the member in charge of a Bill (for a Government Bill, the relevant Scottish Government Minister) as they do to all other members. Informally, the Government has agreed that it will aim to lodge its own Stage 2 amendments two days before the formal deadline so that other members can see what the Government proposes to do.

As well as lodging amendments, members can lodge their names as supporters of amendments. This should also be done before the deadline as it has the same status as lodging an amendment.

Any amendments lodged after the deadline are called 'manuscript' amendments. The Committee Convener will rule whether any such amendments can be considered.

Daily lists

For each day on which finalised amendments are lodged (including the deadline day), a **Daily List** of amendments is published in the next day's Business Bulletin. This allows all members to keep track of proposed amendments. Each amendment is allocated a consecutive number at this stage and keeps that number throughout Stage 2.

Only 'admissible' amendments are published in the Daily List. Standing Orders and the Guidance describe rules on admissibility. For example, if an amendment is not relevant to the subject matter of a Bill, or is inconsistent with the general principles of the Bill (i.e. if it would appear to 'wreck' the Bill's purpose), it will not be admissible. Clerks will advise members if proposals raise any issues of admissibility. Ultimately, if there is any dispute about the admissibility of an amendment, it is for the Committee Convener to determine.

Daily Lists will be circulated by email as soon as they are ready after close of business each day. This may be some time after close of business, depending on the volume and complexity of amendments. The email will be sent to members of the lead committee and copied to officials on request.

Marshalled Lists and Groupings

A **Marshalled List** is produced the day after the deadline for each meeting. The Marshalled List contains all admissible amendments. They appear strictly in the order that they would come in the Bill. Each amendment will retain the number it was allocated in the original Daily List in which it appeared.

A set of **Groupings** is also produced, with the Committee Convener's approval. The Groupings are produced as soon as possible after the Marshalled List is finalised. All amendments are grouped by subject in order to structure debate. Within each group, the amendments are listed in the order in which they appear in the Bill.

Grouping is designed to ensure that all topics covered by amendments can be debated without unnecessary duplication. For example, a proposal to change the name of an organisation might require many separate amendments at points throughout the Bill, but the principle behind the change only needs debated once.

The Legislation Team clerks will prepare the Groupings for the Convener's approval, and will consult with the Parliamentary Counsel Office before doing so.

Dealing with amendments in a Stage 2 meeting

In order to follow proceedings at Stage 2, members will need the Bill, the Marshalled List and the Groupings.

The flow of the meeting will require members to work between the Marshalled List and the Groupings:

- Debate will follow the Groupings
- After debate on a group, disposal of amendments follows the Marshalled List
- The normal order of consideration is the order in which the sections and schedules to which the amendments relate appear in the Bill. However, this can vary – usually if the committee decides (by agreement in advance) that a different order would be preferable – e.g. to leave a particularly important or contentious section to the end to allow more time for amendments to be lodged on that point.
- The 'rule of progress' provided in Standing Orders means that the committee goes through the Bill once and cannot retrace its steps. If there are no amendments lodged to a particular section or schedule of the Bill, the Committee will simply be asked to agree the section or schedule. This makes it clear how far the committee has reached. So, for example, if a Bill is being

considered over three meetings and sections 1 to 10 are dealt with at the first meeting, further amendments to those sections cannot be proposed for later meetings. A member wishing to propose further amendments to them would need to consider doing so at Stage 3.

Speaking to amendments

Any member who has lodged amendments (whether or not a member of the Committee) is entitled to attend the meeting and to move and speak to their amendments.

The relevant Minister is also entitled to attend and move and speak to Government and other amendments. (Ministers are usually accompanied by officials but, in contrast to occasions when giving evidence to a committee, officials are not able to speak on the record when legislation is being considered.)

To start a debate on a group, the member who lodged the first amendment in the group will be asked to move and speak to the amendment and comment on any other amendments in the group.

In turn, all other members (including, if relevant, the Minister) with amendments in the group will be asked to speak to them.

Other members may then have the opportunity to speak on the group.

If the Minister has not already spoken, s/he will be asked to comment towards the end of the debate on the group.

The member with the lead amendment will be asked to wind up the debate and to press or withdraw the lead amendment.

The Committee will then move to the question on the amendment. If the Committee is not agreed, there will be a division (usually by show of hands). In the event of a tie, the Convener has a casting vote. There is no formal convention on how a Convener should use the casting vote.

The questions on other amendments in the group will be put at the point at which they are reached on the Marshalled List. This can be some time later in the process. When the amendment is reached, there is no further debate on it and the member asked to move it before the question is put to the Committee. If the proposer does not move it, any other member present may do so.

A member who has moved an amendment but does not want to proceed with it (for example, because of assurances given during debate) may seek to withdraw it. The Convener will ask if any member objects to the withdrawal. If any member objects, the question will be put on the amendment.

At Stage 2 there is no timetable for how long can be spent on discussion of each amendment or group. That is simply a matter for the Convener (subject to managing business within any overall timetable for Stage 2 agreed by the Parliament).

After Stage 2

When the Committee has completed Stage 2 consideration of the Bill, the Bill is reprinted as an 'As Amended' version. This version will show side bars to indicate where amendments have been agreed to resulting in added, changed or removed text. This version is usually available in print and on the web the day after the committee completes Stage 2.

Amendments for Stage 3 can be lodged by any member from the day the 'As amended at Stage 2' print of the Bill appears.

Stage 3 follows a procedure very similar to Stage 2, except that:

- It takes place in the Chamber, usually over one day
- The deadline for lodging amendments is 12 noon five sitting days before the stage is scheduled to take place
- The Scottish Government has informally agreed that it will seek to lodge its Stage 3 amendments one day in advance of the formal deadline
- * • The Presiding Officer selects amendments for debate, according to criteria published in the *Guidance on Public Bills*
- A timetable for consideration of the various groups of amendments is usually proposed by the Parliamentary Bureau and agreed by the Parliament
- No questions are automatically put on each section and schedule.