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Standards, Procedures and Public Appointments Committee

Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Standing Order Rule changes - Private and Hybrid Bill Procedures



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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



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Introduction

1. The Standards, Procedures and Public Appointments Committee is responsible for recommending that changes are made to Standing Orders.
2. These proposed Rule-changes were proposed to the Committee by the Non-Government Bills Unit, which has the lead role in relation to Private and Hybrid Bill procedure, and which is responsible for explaining the procedures to promoters of Private Bills, and objectors to Bills of either sort. The Rule-changes have been proposed on the basis of experience, and with a view to making the Rules easier for those engaging with the procedures to follow.
3. The proposed revisions are divided into three different groups:
 - Definition of a Private Bill
 - Assessors
 - minor Rule-changes

Background

4. In the original Standing Orders, there was a single Chapter relating to all Bills, in which Private Bills were treated as just one of a number of special types of Bill (alongside e.g. Members' Bills, Committee Bills, Budget Bills etc.); at this stage, no provision was made for Hybrid Bills.
5. The single Rule (9.17) for Private Bills was replaced in 2000 with Chapter 9A. Roughly half of that Chapter consists of Rules that are identical or near-identical to the equivalent Rules in Chapter 9, while the other half consists of Rules that are specific to Private Bills (relating, in particular, to objections). Most subsequent Rule-change exercises affecting one Chapter have included matching changes to the other (in areas where the two Chapters make equivalent provision), but this has not always been possible (e.g. where the "scope" of the relevant inquiry did not permit it).
6. A separate Chapter was created for Hybrid Bills in 2009. This was done quickly in order to provide a procedural basis for the Forth Crossing Bill, and was largely an amalgamation of existing Rules from Chapters 9 and 9A. This Chapter has more Rules in common with Chapter 9 than 9A does, reflecting the fact that Hybrid Bills are a special category of Public Bill.
7. None of the three Chapters (9, 9A and 9C) is entirely self-contained, and it is necessary to look to other Chapters for some of the Rules that govern how these Bills are handled. For example, most of the Rules that govern the committee stages of a Public Bill are found in Chapters 6 and 12 (on committees). By contrast, most of the Rules governing how Private and Hybrid Bill Committees operate are found within Chapters 9A and 9C, but even here there are some Rules in Chapters 6 and 12 that remain relevant to the overall picture.
8. The following three sections of the report explain the proposed changes to Definitions of a Private Bill, Assessors and the minor changes.

Definition of a Private Bill

Background

9. Rule 9A.1 defines a Private Bill as:
 - ” a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association of persons ("the promoter") particular powers or benefits in excess of or in conflict with the general law, and includes a bill relating to the estate, property, status or style, or otherwise relating to the personal affairs, of the promoter
10. The first part of this definition defines who may qualify as the promoter of such a Bill, and the third part defines a particular type of Private Bill – what is sometimes referred to as a "personal Bill".
11. The second and central part of the definition stipulates that to be a Private Bill, a Bill must obtain for the promoter "particular powers or benefits in excess of or in conflict with the general law".
12. This part of the definition neatly captures one set of circumstance in which a Private Bill may be required. It is particularly appropriate in relation to a so-called "works Bill", which is further defined in Rule 9A.1.1A as:
 - ” a Private Bill which seeks to authorise the construction or alteration of such classes of works as may be determined by the Presiding Officer or a Private Bill which seeks to authorise the compulsory acquisition or use of any land or buildings.
13. A typical "works Bill", including all of those introduced in Session 2 of the Parliament, were Bills that gave the promoter specific powers to construct a bit of infrastructure (such as a railway or tram line), to carry out associated works (such as building new bridges or roads) and to compulsorily purchase land or buildings in order to do so. These powers went beyond what the promoter would otherwise be able to do under general law applicable to all bodies in the same category as the promoter. As such, these Bills were Bills to confer "powers in excess of or in conflict with the general law".
14. However, since the passing of the Transport and Works (Scotland) Act 2007, works Bills have become far less common; all recent Private Bills have been non-works Bills. The Rule 9A.1 definition is less appropriate for most of these non-works Bills.
15. Examples of Private Bills that did not fit easily into the definition include:
 - the City of Edinburgh Council (Leith Links and Surplus Fire Fund) Bill – the first part of which set aside a restriction (contained in a Private Act) to enable the Council to erect a statue in Leith Links
 - the National Trust for Scotland (Governance etc.) Bill – which made changes to the statutory constitution of the NTS, which is set out in a Private Act of 1935
 - the Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill

– which altered the rules governing this Fund, those rules being set out in a Private Act of 1982

- the Edinburgh Bakers' Widows' Fund Bill – which transferred the assets of this Fund into a new charitable trust and repealed the Private Act of 1813 which had previously governed how the Fund was to be used.

16. What the above examples have in common is that the Bill was needed to amend existing private legislation. Once private legislation is in place, it generally needs further private legislation (i.e. a Private Bill) to amend or repeal it.

Proposed change

17. The principal change proposed to Rule 9A.1.1 is the addition of a new sub-paragraph (b) which creates a second test by which it can be judged whether a Bill is a Private Bill (the existing test being retained as sub-paragraph (a)).
18. In addition, the opportunity is taken to clarify the Rule in other minor respects:
- the existing Rule has been split into two sentences, and the word-order adjusted, for increased clarity
 - the new words "(other than a member)" prevents a Private Bill being introduced by an MSP (thus ensuring Private Bills and Public Bills are mutually exclusive categories, Public Bills being Bills that may only be introduced by MSPs)
 - the second sentence formalises the label of "personal Bill" for any Private Bill that relates to the promoter's personal affairs.
19. It is proposed to replace 9A.1.1 with:
1. A Private Bill is a Bill introduced by an individual person (other than a member), a body corporate or an unincorporated association of persons ("the promoter") for either or both of the following purposes—
- (a) giving the promoter particular powers or benefits in excess of or in conflict with the general law,
 - (b) amending or repealing existing private legislation affecting the promoter.
- A Private Bill introduced by an individual person that relates to the promoter's estate, property, status or style, or otherwise relates to the promoter's personal affairs, is known as a "personal Bill".

Assessors

Background

20. As already noted, a large number of "works" Private Bills were introduced in Session 2. These were large and complex Bills authorising major infrastructure projects (in most cases, railways or tram-lines), and they took up a lot of time for the MSPs appointed to the Private Bill Committees.
21. The long-term solution to this problem was the passing of the Transport and Works (Scotland) Act 2007. That Act provides an alternative extra-Parliamentary mechanism for authorising such large infrastructure projects, so that they no longer need Private Bills in the first place.
22. However, as an interim solution, the then Procedures Committee also recommended Rule-changes to Chapter 9A. As a result, a Private Bill Committee established to consider a "works" Private Bill has the option of having an independent "assessor" appointed. The assessor can then carry out the more time-consuming tasks (including presiding over hearings at which the promoter and objectors present their competing arguments) and report his or her recommendations to the committee. This greatly reduces the time-commitment for MSPs of serving on a Private Bill Committee, while ensuring elected politicians remained responsible for making the key decisions.

Current rules

23. The two main Rules in Chapter 9A that relate to the role of assessors are 9A.8.2A and 9A.9.1B:

9A.8.2A. Where a Private Bill Committee established to consider a Private Bill to which Rule 9A.1.1A applies considers it appropriate, it may during Preliminary Stage direct the Parliamentary corporation, subject to the Bill proceeding to Consideration Stage, to appoint an assessor to perform at Consideration Stage the functions set out in sub-paragraphs (a) to (c) below, or the functions set out in sub-paragraphs (b) and (c) only, namely—

(a) to consider the admissible objections not rejected under Rule 9A.8.2 or Rule 9A.9.1A, and report with recommendations as to—

(i) which objections are the same or similar and so should be grouped under Rule 9A.9.4;

(ii) which objectors should be chosen to give evidence in relation to the objections so grouped; and

(iii) whether the invitations to give evidence (under Rule 9A.9.2) should be invitations to give evidence orally or in writing (or both);

(b) to consider the evidence given to the assessor and report with such

recommendations on the basis of that evidence as the assessor considers appropriate;

(c) to undertake any tasks which the assessor is directed by the Private Bill Committee to carry out under Rule 9A.9.7G. ¹

9A.9.1B.

Where a direction under Rule 9A.8.2A was made at Preliminary Stage, the Parliamentary corporation shall, at Consideration Stage, appoint as assessor such person as it considers suitably qualified, subject to such terms and conditions as it considers appropriate.

Proposed change

24. The assessor Rules served their purpose in the latter part of Session 2 by allowing the detailed scrutiny of "works Bills" to be delegated, thus reducing the burden on the MSPs sitting on the relevant Private Bill Committees. ²
25. More recently, however, the 2007 Act has meant that all the Private Bills introduced have been non-works Bills, to which the assessor rules do not apply. But two of those Bills ³ have still attracted objections, meaning that the Private Bill Committees established to consider them have had their scrutiny task made much more demanding, with the Committees holding many more meetings (and longer meetings) at both Preliminary and Consideration Stage than would otherwise have been required.
26. The Committee believes it would be beneficial if all Private Bill Committees considering Bills that attract objections had the option of having an assessor appointed. This would likely reduce the time-commitment for the MSPs involved to something much closer to what would be expected with a Bill that attracts no objections.
27. Equivalent Rules apply in Chapter 9C (Hybrid Bill procedures) – namely Rules 9C.10.3 and 9C.11.3. These too only allow an assessor to be appointed if the Bill is a "works" Bill (that is, a Bill to which Rule 9C.1.2 applies).
28. There has only been one Hybrid Bill in the Parliament's history to date (the Forth Crossing Bill in Session 3). This was a "works" Bill, and an assessor was appointed.
29. While it is not possible to predict the extent to which any future non-works Hybrid Bills might attract objections, providing the option to appoint an assessor is consistent with the situation in relation to Private Bills.
30. The effect of the changes proposed would be that an assessor could be appointed in any case where objections have been lodged to a Private (or Hybrid) Bill, whether or not it is a "works" Bill. (At present, the only pre-condition is that it is a works Bill, and not that objections have been lodged to it, but in practice there would be no reason to appoint an assessor for a works Bill unless objections had been lodged to the Bill. Every works Bill so far introduced has, in any case, attracted objections.)

31. In Rule 9A.8.2A it is proposed to replace "Rule 9A.1.1A applies" with "objections have been lodged".
32. In Rule 9C.10.3, it is proposed to replace "Rule 9C.1.2 applies" with "objections have been lodged".

Minor rule changes

Background

33. A series of Rule changes to Private and Hybrid Bill procedure are proposed. The majority of the changes are to Rules in Chapter 9A (Private Bills) and Chapter 9C (Hybrid Bills), while the remainder relate to Rules in other Chapters which either mention Private or Hybrid Bills, or cross-refer to Rules in Chapters 9A or 9C.
34. In most cases, the need for these changes was identified by the Non-Government Bills Unit when updating the published Guidance volumes.⁴ The main purpose of those volumes is to explain and expand on the Rules to provide interested parties (in particular, promoters of Private Bills, and prospective objectors) with a more fleshed-out picture of how the procedures work in practice.
35. In the course of doing that, it became clear to officials that in some places:
 - the Rules did not provide a clear or unambiguous underpinning for the established procedure being explained
 - minor errors had been made in previous "rounds" of Rule-changes translating the recommendations of SPPA Committee reports into the Rules
 - Rules in different Chapters that are meant to deliver equivalent results are worded differently for no good reason (which could create uncertainty in interpretation)
 - Rules could usefully be simplified or updated.
36. The changes will, therefore, allow the Rules to be clarified and tidied up, rather than making any changes of substance.
37. In preparing these Rule-changes, the Non-Government Bills Unit consulted clerks in the Parliament's Legislation Team, the Parliament's solicitors and Scottish Government officials.

Proposed changes

38. All of these proposed minor rule changes are set out in Annexe A, accompanied by a short explanation of each change. Minor changes are proposed to Rules in Chapter 6, Chapter 9, Chapter 9A, Chapter 9C and Chapter 12 of Standing Orders.

Recommendation

- 39. The Standards, Procedures and Public Appointments Committee recommends to the Parliament the changes to Standing Orders set out at Annex A of this report.**

Annexe A: Standing Order rule changes

Definitions of a Private Bill

For Rule 9A.1, substitute:

"1. A Private Bill is a Bill introduced by an individual person (other than a member), a body corporate or an unincorporated association of persons ("the promoter") for either or both of the following purposes—

(a) giving the promoter particular powers or benefits in excess of or in conflict with the general law,

(b) amending or repealing existing private legislation affecting the promoter.

A Private Bill introduced by an individual person that relates to the promoter's estate, property, status or style, or otherwise relates to the promoter's personal affairs, is known as a "personal Bill".

[This Rule-change expands and clarifies the definition of a Private Bill, in particular to cover situations where the promoter's main aim is to amend or repeal existing private legislation – for example, where the promoter is an organisation constituted by a Private Act that needs to be updated to suit modern circumstances.]

Assessors

In Rule 9A.8.2A, for:

"Rule 9A.1.1A applies"

substitute:

"objections have been lodged".

In Rule 9C.10.3, for:

"Rule 9C.1.2 applies"

substitute:

"objections have been lodged".

[These changes permit an assessor to be appointed to assist with the scrutiny of any Private or Hybrid Bill to which objections have been lodged, and not just (as at present) Bills that seeks to authorise the construction of works, or the compulsory acquisition or use of land or buildings.]

Minor changes

Chapter 6 (Committees)

In Rule 6.1.4, for:

"or a Private Bill Committee"

substitute:

" , a Private Bill Committee or a Hybrid Bill Committee".

[This corrects an omission from the time Chapter 9C was created. It adds mention of Hybrid Bill Committees in a list of committees established only to take certain Stages of a particular Bill.]

Chapter 9 (Public Bill procedures)

Replace Rule 9.1 with:

Rule 9.1 Definitions

1. A "Public Bill" is any Bill introduced in the Parliament other than a Private Bill (as defined in Rule 9A.1).

2. The General Rules set out in Rules 9.2 to 9.13A apply in relation to every Public Bill other than a Hybrid Bill (as defined in Rule 9C.1), but where any of the Special Rules set out in Rules 9.14 to 9.21 apply in relation to the Bill, the Special Rule supersedes the General Rules to the extent that they are inconsistent."

[This Rule-change improves the way in which Chapter 9 "signposts" the separate Chapters on Private and Hybrid Bills. It also adds a definition of Public Bills (which include Hybrid Bills), and makes Chapter 9C, like 9A, entirely distinct from Chapter 9.]

Delete Rule 9.17.

[In the original Standing Orders, Chapter 9 covered all Bills and Rule 9.17 set out the variations applicable to Private Bills. It has been redundant since a separate Chapter 9A was created.]

Chapter 9A (Private Bill procedures)

In Rule 9A.2.3(d), for sub-paragraph (v), substitute:

"(v) a list of premises (complying with such criteria as the Presiding Officer may determine) where the Private Bill and accompanying documents published by the Clerk under Rule 9A.4.1 are to be available for inspection;

(va) an undertaking to send copies of any accompanying documents not published by the Clerk under Rule 9A.4.1, and any other documents which are relevant to the Private Bill but are not accompanying documents, to the premises in the list required under sub-paragraph (v) and (in the case of a Bill to which Rule 9A.1.1A applies) to the mandatory consultees referred to in Rule 9A.1.4B;

(vb) information about how any documents referred to in sub-paragraph (va) may be purchased;"

[This separates out more clearly three things that promoters need to include in the Promoter's Statement. It also makes more clear that the Presiding Officer's role is to set criteria for premises where documents are to be made available for inspection, while the promoter's role is to choose premises that meet those criteria.]

In Rule 9A.4.2, for:

"such premises as the Presiding Officer may determine"

substitute:

"the premises listed in the Promoter's Statement by virtue of Rule 9A.2.3(d)(v)".

[This Rule-change is consequential on the previous one, reflecting the fact that revised Rule 9A.2.3(d)(v) now provides for the Presiding Officer's determination.]

In Rule 9A.5.6, for:

"At Consideration Stage"

substitute:

"Other than when considering, at Consideration Stage, any report prepared by an assessor appointed in accordance with Rule 9A.9.1B,".

[Rule 9A.5.6 prevents Private Bill Committee members participating in decisions on objections unless they have heard or read the relevant evidence. This is an important safeguard when the private rights of individuals are at stake, but is inappropriate where an assessor has been appointed, since in such a situation the evidence would have been given to the assessor rather than to the Committee members. The revised Rule therefore makes an exception in cases where the Committee is considering objections on the basis of an assessor's report.]

After Rule 9A.5.6, add:

"6A. If, as a result of the operation of paragraph 6, the number of members able to participate in the consideration of any objection is less than half the membership of the Committee, the Committee shall offer those persons who previously gave (or were offered an opportunity to give) evidence on the objection, including the promoter, another opportunity to give such evidence. If any person offered that opportunity does not take it, that person's agreement under paragraph 6(b) is no longer required."

Delete Rules 9A.5.7, 9A.5.8, 9A.5.9 and 9A.5.10.

[New paragraph 6A provides a simpler and more proportionate means for dealing with a situation where, because of the operation of Rule 9A.5.6, more than half of the members of a Private Bill Committee are prevented from participating in decisions on objections. (This would arise if they hadn't heard the evidence on those objections and one of the parties who gave that evidence refuses to agree to them viewing a recording or reading the Official Report instead.) Under new Rule 9A.5.6A, the parties (the promoter and relevant objectors) would be given the opportunity to give their oral evidence again; but if they don't take that opportunity, they would no longer be able to withhold agreement to the Committee members viewing a recording or reading the Official Report instead. This prevents any unreasonable withholding of agreement blocking progress with the Bill. As a consequence of the new paragraph 6A, the existing Rules that allow a new Committee to be established if the membership of the Committee falls below two is no longer required.]

In Rule 9A.6.3(b), delete:

"and, not later than 7 days after being sent by email, the objector lodging a copy in

writing with the Clerk."

[This Rule-change allows objections to be lodged by e-mail, without the need for a follow up hard copy. This, in turn, would allow objections to be signed electronically, without a "wet ink" signature – or, if the Presiding Officer so determines, for the requirement that objections be signed to be dispensed with altogether.]

In Rule 9A.11.3, for:

"on reconsideration"

substitute

"at Reconsideration Stage".

In the first sentence of Rule 9A.11.4, for:

"on reconsideration of the Private Bill but only"

substitute:

"at Reconsideration Stage but amendments are admissible only if, in addition to the criteria in Rule 9A.12.5, they are".

[These two Rule-changes help ensure that the name "Reconsideration Stage" is used consistently in relevant Rules. The second Rule-change also makes clear that Reconsideration Stage amendments remain subject to the normal admissibility criteria in addition to the specific requirements of Rule 9A.11.4.]

In Rule 9A.12.8, in sub-paragraph (a), omit "or Reconsideration Stage".

[This corrects a minor error in the Rule. It is only at Consideration Stage that Rule 9A.9.7D can prevent certain amendments being moved, so it is only at that Stage that such amendments need to be excluded from a Marshalled List.]

In Rule 9A.12.16, for:

"with the unanimous agreement of the Private Bill Committee or the Parliament, as the case may be"

substitute:

"if no member of the Private Bill Committee or, as the case may be, the Parliament present at the proceedings objects".

[This brings this Rule into line with the equivalent Rule in Chapter 9, where the established practice is that a single objection by another member present at the proceedings prevents an amendment being withdrawn; unanimous agreement is not required.]

Chapter 9C (Hybrid Bills procedures)

In Rule 9C.3.2, replace sub-paragraph (b) with:

"(b) where the Bill contains any provision charging expenditure on the Scottish Consolidated Fund, a report signed by the Auditor General for Scotland (referred to

as "an Auditor General's Report") setting out the Auditor General for Scotland's views on whether the charge is appropriate;"

[This is a presentational change, to make more clear the limited circumstances in which an Auditor General's report is required.]

In Rule 9C.3.2, replace sub-paragraph (h)(iii) and (iv) with:

"(iii) a list of premises, complying with such criteria as the Presiding Officer may determine, where the Hybrid Bill and accompanying documents are to be available for inspection;

(iv) a list of any other premises where the Hybrid Bill and accompanying documents are to be available for inspection;

(v) an undertaking to send copies of the Hybrid Bill and accompanying documents to any premises in the list required under sub-paragraph (iv);

(vi) an undertaking to pay any costs that may be incurred by the Parliamentary corporation during the passage of the Hybrid Bill in respect of such matters relating to the appointment and use of an assessor as the Parliamentary corporation may determine".

[This Rule-change separates out more clearly three things that need to be included in the Scottish Ministers' Statement (new sub-paragraphs (iii), (iv) and (v)); new sub-paragraph (iii) also makes more clear that the Presiding Officer's role is to set criteria for premises where documents are to be made available for inspection, while the Scottish Government's role is to choose premises that meet those criteria. Similarly, new sub-paragraph (vi) makes more clear that the SPCB's role is to determine categories of costs that the Scottish Government must undertake to repay, rather than determining actual costs incurred in any particular case. In a Hybrid Bill context, these costs are limited to those incurred in cases where an assessor is appointed.]

In Rule 9C.4.2, for:

"such premises as the Presiding Officer may determine"

substitute:

"the premises listed in the Scottish Ministers' Statement by virtue of Rule 9C.3.2(h)(iii)".

[This Rule-change is consequential on the previous one, reflecting the fact that revised Rule 9C.3.2(h)(iii) now provides for the Presiding Officer's determination.]

In Rule 9C.6, replace paragraph 1 with:

"1. After a Hybrid Bill has been introduced, the Parliament shall, on a motion of the Parliamentary Bureau under Rule 6.1.3, establish a committee (a "Hybrid Bill Committee") to consider and report on the Bill's general principles and whether the Bill should proceed as a Hybrid Bill. Where the subject matter of the Bill falls within the remit of a committee or committees other than the Hybrid Bill Committee, the other committee or committees may also consider the general principles of the Bill and report its or their views to the Hybrid Bill Committee."

[This avoids the need for the Parliament (on a motion of the Parliamentary Bureau) to designate the Hybrid Bill Committee as "lead committee" in a situation where the Hybrid Bill falls within the remit of an existing committee. It does not affect the role of both committees in scrutinising the Bill.]

After Rule 9C.6.9, add:

"9A. If, as a result of the operation of paragraph 9, the number of members able to participate in the consideration of any objection is less than half the membership of the Committee, the Committee shall offer those persons who previously gave (or were offered an opportunity to give) evidence on the objection, including the member in charge, another opportunity to give such evidence. If any person offered that opportunity does not take it, that person's agreement under paragraph 6(b) is no longer required."

Delete Rules 9C.6.10, 9C.6.11, 9C.6.12 and 9C.6.13.

[The rationale for these two Rule-changes is the same as for the equivalent changes in Chapter 9A (new Rule 9A.5.6A and deletion of Rules 9A5.7 to 10.)]

In Rule 9C.7.3(b), delete:

"and, not later than 7 days after being sent by e-mail, the objector lodging a copy in writing with the Clerk."

[The rationale for this Rule-change is the same as for the equivalent change in Chapter 9A (amendment of Rules 9A.6.3(b)).]

In Rule 9C.9.4, after the second "which" insert:

"consideration of amendments at"

[This ensures that this minimum interval works as intended, by protecting a period of time before consideration of amendments can begin, without preventing any consideration of objections taking place sooner after the completion of Stage 1.]

In 9C.13.3, for:

"on consideration"

substitute:

"at Reconsideration Stage."

In Rule 9C.13, in the first sentence, for:

"on reconsideration of the Hybrid Bill"

substitute:

"at Reconsideration stage".

[These two Rule-changes help ensure that the name "Reconsideration Stage" is used consistently in relevant Rules.]

In Rule 9C.13.4, in the second sentence, for:

"only be moved"

substitute:

"be moved, and notice of an amendment given, only".

[This is for consistency with other Rules where a limitation on who may move amendments is also applied to who may lodge (give notice of) amendments.]

In Rule 9C.14.6 after "not relevant to", add "the Hybrid Bill or".

[This is for consistency with the equivalent Rule in Chapter 9, and ensures that the relevance criterion applies to all amendments, including those that don't amend existing provisions of the Bill.]

In Rule 9C.14.10, after the 2nd sentence, add:

"At Stage 2, the list shall include only those amendments which are lodged prior to the deadline for that week's proceedings, together with any manuscript amendments to provisions expected to be considered that week."

[This is for consistency with the equivalent Rule in Chapter 9 (9.10.8), which had similar wording added in 2016. The new sentence ensures that amendments lodged after the deadline for a particular week's Stage 2 proceedings but not expected to be reached that week need not be included in the Marshalled List for those proceedings.]

In Rule 9C.14.10, in paragraph (a), omit "or Reconsideration Stage".

[The rationale for this Rule-change is the same as for the equivalent change in Chapter 9A (amendment of Rule 9A.12.8(a).]

Chapter 12 (Committee procedures)

In Rule 12.2.3 delete ", except a Private Bill Committee or a Hybrid Bill Committee,".

After paragraph 3 insert:

"3A. Paragraphs 2 and 3 are subject to Rules 9A.8.7, 9A.9.9, 9C.10.8 and 9C.11.12."

[These Rule-changes correct a minor error from when Chapter 9C was created. They ensure that the Minister in charge of a Hybrid Bill Committee has the right to participate in Stage 2 amendment proceedings, and that other MSPs have the right to attend those proceedings and participate with the convener's permission, as they would at Stage 2 of any other Public Bill. New paragraph 3A makes clear that specific Rules in Chapters 9A and 9C about the limits on participation in proceedings of Private and Hybrid Bill Committees take precedence over these general rules; in particular, this prevents either the Minister or other MSPs from participating in Committee proceedings on objections.]

Annexe B: Extract from minutes

18th Meeting 2020 (Session 5), Thursday 8 October 2020

Standing Order Rule Changes (in private): The Committee agreed Standing Order Rule Changes. The Committee also agreed to consider a draft report on the Standing Order Rule Changes in private at future meetings.

4th Meeting 2021 (Session 5), Thursday 18 February 2021

Standing Order Rule Changes (in private): The Committee considered the rules relating to Private and Hybrid Bill Procedures.

6th Meeting 2021 (Session 5), Thursday 4 March 2021

Standing Order Rule Changes (in private): The Committee agreed a draft report and draft Standing Order Rule Changes to Private and Hybrid Bill procedures.

- 1 Rule 9A.9.7G relates to situations where an amendment is lodged that could adversely affect private interests. In that situation, it may be necessary for there to be a further objection period during which objections to the amendment may be lodged. If an assessor has been appointed, some of the relevant tasks (including taking evidence from the promoter and objectors) may be delegated to the assessor.
- 2 Assessors were appointed to assist with the scrutiny of the Airdrie-Bathgate and Linked Improvements (Scotland) Bill, the Edinburgh Airport Rail Link Bill and the Glasgow Airport Rail Link Bill.
- 3 In Session 4, the City of Edinburgh (Portobello Park) Bill, and in Session 5, the Pow of Inchaffray Drainage Commission (Scotland) Bill
- 4 Guidance on Private Bills, available at: <https://www.parliament.scot/parliamentarybusiness/Bills/79081.aspx>; Guidance on Hybrid Bills, available at: <https://www.parliament.scot/parliamentarybusiness/Bills/79103.aspx>

