The Committee will meet at 2.15 pm in Committee Room 5.

1. **Declaration of interests:** Aileen Campbell, Nanette Milne and Gil Paterson will be invited to declare any relevant interests.

2. **Choice of Convener:** The Committee will choose a new Convener.

3. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.

4. **Guidance on Private Bills:** The Committee will consider a note by the Clerk and draft guidance on Private Bills.

5. **Work programme:** The Committee will consider its work programme.

6. **Scottish Parliamentary Pensions Bill (in private):** The Committee will consider its approach to an inquiry into any Standing Orders rule changes arising from the Bill.

7. **Review of Volume 2, Section 8 of the Code of Conduct (in private):** The Committee will consider a draft report.

8. **Inquiry into points of order (in private):** The Committee will consider a draft report.
The papers for this meeting are as follows—

**Agenda item 2**

Note by the Clerk  
SPPA/S3/08/19/1

**Agenda item 4**

Note by the Clerk  
SPPA/S3/08/19/2

**Agenda item 5**

Note by the Clerk  
SPPA/S3/08/19/3  
(P)

**Agenda item 6**

Note by the Clerk  
SPPA/S3/08/19/4  
(P)

**Agenda item 7**

Note by the Clerk  
SPPA/S3/08/19/5  
(P)

Draft report  
SPPA/S3/08/19/6  
(P)

**Agenda item 8**

Draft report  
SPPA/S3/08/19/7  
(P)
Standards, Procedures and Public Appointments Committee

19th Meeting, 2008 (Session 3),

Tuesday, 18 November 2008

Choice of Convener

Introduction

1. This paper informs Members of the procedure for choosing a Convener.

Choice of Convener

2. On 27 September 2007, the Parliament agreed to motion S3M-543 which resolved that members of the Scottish National Party are eligible to be chosen as Convener of the Standards, Procedures and Public Appointments Committee.

3. The Deputy Convener will chair the meeting initially and will invite nominations. Where only one nomination is received, Members will be asked to agree to the appointment.

Role of Convener

4. The duties and responsibilities of the Convener of a Parliamentary Committee are set out in Rule 12 of Standing Orders. Further detail is provided in paragraphs 4.27 to 4.29 of the Guidance on Committees which can be found at:
   http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-committee/cg-c.htm

Recommendation

5. Members are invited to choose a Convener.
Standards, Procedures and Public Appointments Committee

19th Meeting, 2008 (Session 3), 18 November 2008

Guidance on Private Bills

Note by the Clerk

Purpose

1. The purpose of this paper is to invite the Committee to consider a revised edition of the Guidance on Private Bills before it is published.

Background


3. The guidance is written mostly for an internal audience – MSPs and their staff, clerks and others directly involved in the relevant aspect of the Parliament’s business. However, it is also intended to be of more general interest to any member of the public wishing to find out in detail how the Parliament works.

4. While much of this material is broadly descriptive, some of it is prescriptive and is relied on by clerks in advising members. In this connection, in particular, it is considered useful to submit new volumes of Guidance, or revisions to existing volumes, to the SPPA Committee for consideration, and for a member of the relevant clerking team to attend the meeting and to respond to any comments made by Committee members. David Cullum, Head of the Private Bills Unit, will attend the meeting to answer any questions Members may have.

Guidance on Private Bills


6. That Report recommended a statutory system that would allow the principal responsibility for handling applications for transport developments (eg the construction of a new railway) to be transferred from the Parliament (and its procedures under Rule 9A and this Guidance) to the Scottish Government, but subject to appropriate parliamentary oversight. Under this approach, promoters could seek an order made by Ministers rather than an Act of the Scottish Parliament, and the detailed scrutiny and consideration of objections would be done at a local public inquiry operating under statutory rules rather than by a
parliamentary committee operating under standing orders. The Parliament would have an opportunity to scrutinise and, if need be, reject any such order both early in the process and at the end.

7. The Report called upon the Scottish Government to prepare and introduce a Bill to put in place such a system. The Transport and Works (Scotland) Bill was introduced in June 2006 and received Royal Assent in February 2007. The Act establishes a new system for authorising major rail, tram, inland waterway and guided bus system projects. It makes minor amendments to the process for authorising nationally significant road and harbour developments and the making of pilotage orders. It also allows for the establishment of voluntary purchase schemes for properties affected by major transport developments and removes ministerial powers to make light railway orders.

8. The Guidance on Private Bills has now been updated to reflect the changes in procedures and practice resulting from the Private Bill Committee Assessors system and to make reference to the implementation of the Transport and Works (Scotland) Act. The relevant parts of the guidance which members should refer to in this context are:

- Paragraphs 2.5 and 2.6 give reasons why a Private Bill Committee would encourage promoters to resolve concerns of objectors by communicating in an open and constructive manner.

- Paragraph 2.16 advises promoters that they may wish to carefully consider submitting at the earliest opportunity a draft Code of Construction Practice and a draft Noise and Vibration Policy relevant to the particular works scheme. Paragraphs 2.52 to 2.58 provide a fuller explanation of aforementioned documents when they are relevant.

- Paragraphs 3.12 to 3.17 give an explanation of how an objection and further evidence is dealt with by the Parliament under the Data Protection Act 1998.

- Paragraph 4.29 covers attendance by the Clerk to the Committee at assessor hearings.

- Paragraph 5.11 sets out why it is preferable that a Committee considers and agrees its approach to Preliminary Stage at its first meeting.

- Paragraphs 5.36 to 5.41 set out an example of the approach to gathering written evidence where the Committee agrees the grouping of objections and lead objectors of each group.

- Paragraphs 5.47 to 5.57 cover the appointment by the Committee and the role of the assessor and reiterates how evidence and personal data is dealt with under the Data Protection Act 1998.

- Paragraph 5.58 makes it clear when and how the assessor’s report will be published.

9. Fuller details in relation to each of these changes are set out at Annexe B.
Recommendation

10. The Committee is invited to consider the revised edition of the Guidance on Private Bills and approve its publication.
GUIDANCE ON PRIVATE BILLS

Directorate of Clerking and Reporting

## Contents

<table>
<thead>
<tr>
<th>Part One: Private Bills</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of a Private Bill</td>
<td>3</td>
</tr>
<tr>
<td>Devolution and the limits of legislative competence</td>
<td>3</td>
</tr>
<tr>
<td>Layout and presentation</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part Two: Preparations for introduction</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-introduction consultation</td>
<td>5</td>
</tr>
<tr>
<td>Discussion with the clerks</td>
<td>6</td>
</tr>
<tr>
<td>Preparation of the Bill—</td>
<td>6</td>
</tr>
<tr>
<td>&quot;Proper form&quot; and layout of Bills</td>
<td>6</td>
</tr>
<tr>
<td>Guidance to draftsmen of Private Bills</td>
<td>6</td>
</tr>
<tr>
<td>Preparation of accompanying documents</td>
<td>6</td>
</tr>
<tr>
<td>Accompanying documents required for every Private Bill—</td>
<td>7</td>
</tr>
<tr>
<td>Explanatory Notes</td>
<td>7</td>
</tr>
<tr>
<td>Promoter’s Memorandum</td>
<td>8</td>
</tr>
<tr>
<td>Promoter’s Statement</td>
<td>9</td>
</tr>
<tr>
<td>Assignation of copyright/licensing agreement or agreements with the Scottish Parliamentary Corporate Body</td>
<td>12</td>
</tr>
<tr>
<td>Accompanying Documents required for certain 'works' Bills—</td>
<td>12</td>
</tr>
<tr>
<td>Estimate of Expense and Funding Statement</td>
<td>12</td>
</tr>
<tr>
<td>Maps, plans, sections and book of reference</td>
<td>13</td>
</tr>
<tr>
<td>Environmental Statement</td>
<td>12</td>
</tr>
<tr>
<td>Draft Code of Construction Practice</td>
<td>13</td>
</tr>
<tr>
<td>Draft Noise and Vibration Policy</td>
<td>14</td>
</tr>
<tr>
<td>Printing, publication and distribution of Bill and accompanying documents—</td>
<td>14</td>
</tr>
<tr>
<td>Accompanying documents software</td>
<td>14</td>
</tr>
<tr>
<td>Submission of finalised documents</td>
<td>14</td>
</tr>
<tr>
<td>Distribution arrangements</td>
<td>15</td>
</tr>
<tr>
<td>Introduction of the Bill—</td>
<td>15</td>
</tr>
<tr>
<td>Fees</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part Three: Lodging of objections</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to object</td>
<td>17</td>
</tr>
<tr>
<td>Discussions with the clerks</td>
<td>17</td>
</tr>
<tr>
<td>Time limit for lodging objections</td>
<td>17</td>
</tr>
<tr>
<td>Form of objection</td>
<td>18</td>
</tr>
<tr>
<td>Admissibility of objections</td>
<td>18</td>
</tr>
<tr>
<td>Means of lodging objections</td>
<td>19</td>
</tr>
<tr>
<td>Data Protection</td>
<td>19</td>
</tr>
<tr>
<td>Fees</td>
<td>20</td>
</tr>
<tr>
<td>Notification by the clerks</td>
<td>20</td>
</tr>
<tr>
<td>Withdrawal</td>
<td>20</td>
</tr>
<tr>
<td>Change of objector</td>
<td>21</td>
</tr>
<tr>
<td>Objections to possible amendments to the Bill Affecting Third Parties</td>
<td>21</td>
</tr>
<tr>
<td>Statements in relation to consultation</td>
<td>22</td>
</tr>
</tbody>
</table>

**Part Four: Private Bill Committee**

| Establishment and membership—       | 23 |
| Establishment of Committee          | 23 |
| Remit and duration                  | 23 |
| Membership                          | 23 |
| Quorum and attendance at meetings   | 25 |
| Convener and deputy convener        | 26 |
| Sub-committees and reporters        | 26 |
| Clerks, advisers and other staff—   | 27 |
| Clerks to the Committee             | 27 |
| Parliament legal advisers           | 27 |
| Official reporters and broadcasters | 27 |
| Security staff                      | 27 |
| Advisers                            | 27 |
| Committee meetings—                 | 27 |
| Time and place of meetings          | 27 |
| Public and private meetings         | 28 |
| Attendance by non-Committee members | 29 |
| Conduct during meetings             | 29 |
| Matters sub judice                  | 29 |
| Language                            | 30 |

**Part Five: Stages of the Bill**

| The three-Stage process             | 31 |
| Preliminary Stage—                  | 31 |
| Consideration of general principles | 31 |
| Consideration of whether the Bill should proceed as a Private Bill | 31 |
| Consideration of objections         | 32 |
| Preliminary Stage Report            | 33 |
| Preliminary Stage Debate            | 33 |
| Consideration Stage—                | 34 |
| Phase 1 (Evidence)—                | 34 |
| Selection and grouping of objections| 35 |
| Timetabling                         | 36 |
| Written evidence                    | 36 |
| Legal representation                | 37 |
| Order of proceedings                | 37 |
| Additional evidence and witnesses   | 38 |
| Assessor                            | 38 |
| Option 1 – Grouping, invitations and evidence | 38 |
| Option 2 – Evidence only            | 39 |
| Data Protection                     | 39 |
| Consideration Stage Report          | 40 |
| Possible amendments to the Bill affecting third parties  | 40 |
| Phase 2 (Amendments)— | 41 |
| Consideration Stage amendments | 41 |
| Order of consideration | 41 |
| Recording decisions on amendments | 42 |
| The Bill as amended | 42 |
| Final Stage— | 42 |
| Amendments at Final Stage | 42 |
| Order of consideration | 42 |
| Selection of amendments | 43 |
| Proceedings on amendments | 43 |
| Adjournment to a later day | 43 |
| Re-commitment | 44 |
| Debate and vote on whether the Bill be passed | 44 |
| Crown consent | 44 |
| "As Passed" print | 45 |
| Reconsideration Stage— | 45 |
| Legal challenges to a Bill once passed | 45 |
| Motions to reconsider the Bill | 45 |
| Amendments at Reconsideration Stage | 46 |
| Proceedings at Reconsideration Stage | 46 |
| Crown consent | 46 |
| Financial resolution | 46 |
| Carryover of Private Bill | 46 |
| Withdrawal of Private Bill | 48 |
| Change of promoter | 48 |
| Royal Assent and after— | 49 |
| From Bill to Act | 49 |
| Royal Assent version of the Bill | 49 |
| Preparation of the Official Print | 49 |
| After enactment | 49 |

### Part Six: Amendments

**Introduction** 51

**Basic principles—** 51
- Separate textual amendments 51
- The rule of progress 51

**Admissibility of amendments—** 52
- Proper form 52
- Relevance 52
- Consistency with general principles 53
- Consistency with decisions already taken 54
- Role of clerks in determining admissibility 54

**Lodging amendments—** 55
- When an amendment can be lodged 55
- Where amendments are lodged 56
- Which parts of the Bill may be amended 56
- Who may lodge amendments 56
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correcting amendments after lodging</td>
<td>57</td>
</tr>
<tr>
<td><strong>Part Seven: Printing, marshalling, grouping and selecting amendments</strong></td>
<td></td>
</tr>
<tr>
<td>Rules on marshalling</td>
<td>59</td>
</tr>
<tr>
<td>Daily list of amendments</td>
<td>60</td>
</tr>
<tr>
<td>Marshalled List</td>
<td>61</td>
</tr>
<tr>
<td>Grouping of amendments</td>
<td>61</td>
</tr>
<tr>
<td>Selection of amendments</td>
<td>62</td>
</tr>
<tr>
<td><strong>Part Eight: Proceedings on Amendments</strong></td>
<td></td>
</tr>
<tr>
<td>Proceedings at all Stages—</td>
<td>64</td>
</tr>
<tr>
<td>Calling amendments</td>
<td>64</td>
</tr>
<tr>
<td>Moving amendments</td>
<td>64</td>
</tr>
<tr>
<td>Withdrawing amendments that have been moved</td>
<td>65</td>
</tr>
<tr>
<td>Putting the question and voting on amendments</td>
<td>65</td>
</tr>
<tr>
<td>Amendments in groups</td>
<td>65</td>
</tr>
<tr>
<td>Amendments to amendments</td>
<td>66</td>
</tr>
<tr>
<td>Manuscript amendments</td>
<td>66</td>
</tr>
<tr>
<td>Proceedings at Consideration Stage—</td>
<td>67</td>
</tr>
<tr>
<td>Agreement to sections and schedules</td>
<td>67</td>
</tr>
<tr>
<td>Consideration of the long title</td>
<td>68</td>
</tr>
</tbody>
</table>

**Annexes**

<table>
<thead>
<tr>
<th>Annex</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex A</td>
<td>Private Bill process flowchart</td>
<td>69</td>
</tr>
<tr>
<td>Annex B</td>
<td>Determination by the Presiding Officer on proper form of Private Bills</td>
<td>70</td>
</tr>
<tr>
<td>Annex C</td>
<td>Structure and content of Private Bills</td>
<td>73</td>
</tr>
<tr>
<td>Annex D</td>
<td>Determination by the Presiding Officer on proper form of accompanying documents</td>
<td>79</td>
</tr>
<tr>
<td>Annex E</td>
<td>Layout of accompanying documents</td>
<td>82</td>
</tr>
<tr>
<td>Annex F</td>
<td>Model notification letter</td>
<td>84</td>
</tr>
<tr>
<td>Annex G</td>
<td>Determinations by the Presiding Officer on notification and consent</td>
<td>90</td>
</tr>
<tr>
<td>Annex H</td>
<td>Determination by the Presiding Officer on advertisement of intention to introduce Private Bill</td>
<td>91</td>
</tr>
<tr>
<td>Annex I</td>
<td>Determination by the Presiding Officer on distribution of Private Bill and certain accompanying documents</td>
<td>93</td>
</tr>
<tr>
<td>Annex J</td>
<td>Determination by the Scottish Parliamentary Corporate Body on fees and costs</td>
<td>97</td>
</tr>
<tr>
<td>Annex K</td>
<td>Determination by the Presiding Officer on classes of works</td>
<td>98</td>
</tr>
<tr>
<td>Annex L</td>
<td>Determination by the Presiding Officer on Estimate of Expense and Funding Statement</td>
<td>99</td>
</tr>
<tr>
<td>Annex M</td>
<td>Determination by the Presiding Officer on maps, plans, sections and book of reference</td>
<td>100</td>
</tr>
<tr>
<td>Annex N</td>
<td>Determination by the Presiding Officer on Environmental</td>
<td>103</td>
</tr>
<tr>
<td>Annex</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>O</td>
<td>Confirmation of entitlement to reduced fees</td>
<td>104</td>
</tr>
<tr>
<td>P</td>
<td>Determination by Presiding Officer on mandatory consultees and consultation on environmental impact</td>
<td>105</td>
</tr>
<tr>
<td>Q</td>
<td>Determination by the Presiding Officer on proper form of objections to Private Bills</td>
<td>106</td>
</tr>
<tr>
<td>R</td>
<td>Model layout for objection to Private Bill</td>
<td>107</td>
</tr>
<tr>
<td>S</td>
<td>Determination by the Presiding Officer on proper form of amendments</td>
<td>108</td>
</tr>
</tbody>
</table>
Foreword

This Guidance is primarily intended for the use of members and clerks in the Scottish Parliament and promoters of, and objectors to, Private Bills although, as a public document, it is available to other Parliament staff and members of the public.

The Guidance aims to inform the reader/user of the procedures and requirements for the processing of a Private Bill through the Parliament. In seeking to achieve this aim, it is intended that the Guidance is as clear, readable and understandable as possible in explaining what at times can be a complex process. The format is, so far as possible, to follow the chronological order of events in the promotion and processing of a Bill. A flowchart has been produced at Annex A to show the broad procedure for a Private Bill from lodging through to Royal Assent.

The Rules that provide the procedural framework for the passage of Private Bills in the Parliament are set out in chapter 9A of the Standing Orders (these are the Parliament’s rules of procedure). Both the Guidance and the Standing Orders can be accessed via the Parliament’s website—

http://www.scottish.parliament.uk/business/bills/privateBills.htm
http://www.scottish.parliament.uk/business/parliamentaryProcedure/index.htm


That Report recommended a statutory system that would allow the principal responsibility for handling applications for transport developments (eg the construction of a new railway) to be transferred from the Parliament (and its procedures under Rule 9A and this Guidance) to the Scottish Government, but subject to appropriate parliamentary oversight. Under this approach, promoters could seek an order made by Ministers rather than an Act of the Scottish Parliament, and the detailed scrutiny and consideration of objections would be done at a local public inquiry operating under statutory rules rather than by a parliamentary committee operating under standing orders. The Parliament would have an opportunity to scrutinise and, if need be, reject, any such order both early in the process and at the end.

The Report called upon the Scottish Government to prepare and introduce a Bill to put in place such a system. The Transport and Works (Scotland) Bill was introduced in June 2006 and received Royal Assent in February 2007. The Act establishes a new system for authorising major rail, tram, inland waterway and guided bus system projects. It makes minor amendments to the process for authorising nationally significant road and harbour developments and the making of pilotage orders. It also allows for the establishment of voluntary purchase schemes for properties affected.
by major transport developments and removes ministerial powers to make light railway orders.

Therefore, any queries relating to the operation of that procedure, the promotion of an order to authorise such transport developments etc should be directed to the Scottish Government.

Where substantial changes are made to the Rules on Private Bills, a revised edition of this Guidance will be issued. In the meantime, should you have any comments on Private Bill procedure generally, or this Guidance, these should be sent to—

The Non Executive Bills Unit
The Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 6124
Fax: 0131 348 6467
mailto:NEBU@scottish.parliament.uk

For information in languages other than English or in alternative formats (for example Braille, large print, audio tape or various computer formats), please send your enquiry to the Public Information Service, The Scottish Parliament, Edinburgh, EH99 1SP. You can also contact that office by fax (on 0131 348 5601) or by email at sp.info@scottish.parliament.uk Written correspondence in any language is welcomed.

Non Executive Bills Unit
July 2008
Part One: Private Bills

Definition of a Private Bill

1.1 A Private Bill, according to Rule 9A.1.1 of the Standing Orders of the Scottish Parliament, “is 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”. The definition of a Private Bill, therefore, includes what are sometimes known as “personal Bills”.

1.2 Private Bills differ from Public Bills and are subject to substantially different procedures (see Part Five). Although Public Bills may be introduced by a Minister of the Scottish Government, an individual Member of the Scottish Parliament, or a committee convener, and range from major Bills of Scottish Government policy to small amending Bills, Budget Bills and Bills to tidy up the statute book, commonly they all involve only changes to the general law and matters of public policy. As such, they are subject to a process that is entirely parliamentary in character and in which only MSPs, elected to serve the public interest, participate. Private Bills are different in that they involve measures sought in the private interests of the promoter, and to which others may object, also in a private capacity. The role of the Parliament remains to legislate but, because of the nature of the issues at stake, it is also to arbitrate between competing private interests. That calls for procedures that are both parliamentary and quasi-judicial in character.

Devolution and the limits of legislative competence

1.3 Before the establishment of the Scottish Parliament in 1999, most private legislation affecting Scotland was subject to the procedures established by, and under, the Private Legislation Procedure (Scotland) Act 1936. Other UK private legislation (including some that applied in part to Scotland) was, and still is, subject to the Private Bill Standing Orders of the two Houses of Parliament at Westminster.

1.4 Paragraph 5 of Schedule 8 to the Scotland Act 1998 amended the 1936 Act so that the procedures it provides are no longer available for a Private Bill "wholly within the legislative competence of the Scottish Parliament". As a result, Private Bills dealing solely with devolved matters can only be introduced into the Scottish Parliament, where they will be subject to the procedures described in Standing Orders and in this Guidance. However, Scottish Private Bills that deal in part with reserved matters (as defined in Schedule 5 to the Scotland Act 1998) must continue to use the 1936 Act system and the General Orders thereunder – that is, they proceed by way of a "draft Provisional Order" subject to confirmation by a Bill introduced in the Westminster Parliament.

1.5 For these reasons, prospective promoters are advised to ensure that everything they seek by way of a Private Bill would be within the Scottish Parliament’s legislative competence before embarking on the process described in this Guidance. They should also be aware that any Private Bill introduced in the Scottish Parliament will be subject to various legislative competence tests before,
during and after its passage through the Parliament. First, it may only be introduced if accompanied by a statement of the Presiding Officer’s view on whether or not the Bill is within the Parliament’s legislative competence (under section 31(2) of the Scotland Act). Secondly, if passed by the Parliament, it could be subject to challenge by the Advocate General, the Lord Advocate or the Attorney General, who have the power (under section 33 of the Act) to prevent it being submitted for Royal Assent until any doubts about legislative competence have been resolved. Finally, even if it is enacted, it may be overturned by the courts on the basis of section 29(1) of the Act, which states that “an Act of the Scottish Parliament is not law so far as any provision of the Act is outside the legislative competence of the Parliament”.

1.6 Prospective promoters of transport developments should also give consideration to under which procedure, the Parliament’s Private Bill process or the Scottish Government’s transport and works process, they will be promoting their proposal.

Layout and presentation

1.7 Although the procedures are different, Private Bills in the Scottish Parliament are very similar, in terms of layout, structure and the conventions of legislative drafting, to Public Bills. This is because all Bills that are enacted become Acts of the Scottish Parliament (ASP), and ASPs are not distinguished, in terms of presentation, according to the type of Bill from which they originate. In particular, private ASPs are numbered in the same single series as public ASPs.¹

1.8 Scottish Private Bills are therefore almost identical in appearance to Scottish Public Bills. The layout of Scottish Bills, although broadly similar to that adopted by both Houses of Parliament at Westminster, is different in a number of respects. In particular, they are printed on a distinctive purple paper.

1.9 Standing Orders require Private Bills to be in “proper form” (Rule 9A.1.4). The Presiding Officer has made a determination of “proper form” which, together with recommendations on the content of Bills, is reproduced at Annexes B and C (see also paragraphs 2.7 and 2.8).

1.10 Users of this Guidance who are unaccustomed to dealing with primary legislation may find it useful to familiarise themselves with the information given in Annex C, which explains the structure of Private Bills and certain common features of drafting.

Part Two: Preparations for introduction

2.1 This part of the Guidance covers the procedures prior to a Private Bill being lodged for introduction. It includes the arrangements for notification and advertisement as well as the requirements in respect of accompanying documents to the Bill. The purpose here is to indicate the expectations of a Private Bill Committee (see Part 4) in relation to the above. While not authoritative, following the Guidance should minimise any requests for additional intimation, advertisement or the production of other material that might otherwise delay a Bill’s passage.

2.2 It has been structured to set out what needs to be done and then to provide details on how it should be done. In following that process some repetition inevitably occurs. The Guidance follows a chronological order of events in preparing for a typical Bill. Where additional documents require to be produced for certain classes of Bills, these are covered towards the end of this Part.

Pre-introduction consultation

2.3 A Private Bill may require, in consideration of what the Bill seeks to do, pre-introduction consultation with the mandatory consultees (see Rule 9A.1.4A and B) on the matters specified by the Presiding Officer in his determination at Annex P (for example, on the likely effects of the development on the environment). A full list of the mandatory consultees is contained in Annex P. The determination requires the consultation to be undertaken as early as practicable and in any event at least two months prior to the proposed date of the Bill’s introduction.

2.4 Given that the mandatory consultees must be consulted on, amongst other things, the scope of the environmental statement, in practice, it is anticipated that consultation will happen during the formative stages of the design of the project. This is likely to have a number of advantages and, in particular, the promoter may be better able to properly identify, assess and mitigate the potential impacts of the project on the environment. Meaningful consultation may also make it less likely that the mandatory consultees will object to the Bill.

2.5 Promoters must also consult more widely on the Bill’s objectives and the alternative ways of meeting them. Guidance on this is given in paragraphs 2.20-2.22. One of the Bill’s accompanying documents, the Promoter’s Memorandum, must detail the consultation that was undertaken on the policy objectives of the Bill; the ways of meeting them, and on the detail contained in the Bill together with a summary of the outcome of that consultation. Previous Private Bill Committees have paid particularly close attention to such matters and to how promoters have sought to engage and communicate effectively and constructively with directly affected parties. For example, how, when, where and what did the promoter communicate to local residents who may be directly affected by a project as a way of resolving their concerns thereby reducing the likelihood of these residents lodging objections to the Bill.

2.6 Proper, balanced, committed and participative engagement and communication with local communities can not only reduce the likelihood of
objections being lodged but also create a more open and constructive relationship between the promoter and local residents.

Discussion with the clerks

2.7 Prospective promoters are also invited to make contact with clerks in the Parliament (the Non Executive Bills Unit deals with Private Bills) as early as possible (see Foreword for contact details). Early discussion will help the clerks to plan for the impact the proposed Bill may have on the Parliament’s business programme and to advise on the steps that require to be taken in advance of its introduction. The promoter should discuss with the clerks any timetable to which it is working, particularly if there is a target date by which it would like the Bill enacted. Discussion is also welcome on the individual requirements of notification, advertisement and accompanying documents for each Bill.

Preparation of the Bill

“Proper form” and layout of Bills

2.8 In addition to the determination on “proper form” (see Annex B), the Presiding Officer has made a number of recommendations about the content of Private Bills (see Annex C) and the form in which they should be printed. The aim is to ensure that all Scottish Parliament Bills (and the Acts that they become) conform to standard conventions of layout.

2.9 Promoters are not expected to ensure that their Bills already satisfy these rules at the time they are first submitted. The draftsman of a Bill need only prepare the text of the Bill itself, leaving the layout and presentational aspects to the clerks in the Parliament’s Legislation Team who have access to specially-developed software for the purpose. (For practical and copyright reasons, the software is not available for use directly by outside draftsmen.) Promoters will be given an opportunity to check the formatted version before it is printed.

Guidance to draftsmen of Private Bills

2.10 Before drafting instructions for a Bill are issued, the promoter should obtain from the clerks separate guidance setting out the various rules and conventions that apply to the structure and style used in Scottish Parliament Bills. That guidance also gives more detailed instructions about the form in which the text of the Bill and of those accompanying documents for which the promoter is responsible should be submitted to the clerks to be entered into the relevant software.

Preparation of Accompanying Documents

2.11 This part of the Guidance deals with the preparation of the accompanying documents and provides a brief explanation of the function of each document. A determination by the Presiding Officer on the proper form of accompanying documents can be found at Annex D. More detailed information on the individual purpose and requirement of each document is contained in the various determinations made by the Presiding Officer under Rule 9A.2.3 (see paragraphs 2.13 and 2.14 for more specific Rule references) which are reproduced in Annex E.
2.12 One of the accompanying documents, the Promoter’s Statement (see paragraphs 2.23-2.43), must contain details of the arrangements made by the promoter to notify and advertise its intention to promote a Private Bill and the distribution of the Bill and accompanying documents. Promoters will wish, in seeking guidance on the requirements for notification and advertisement, to refer to Annex F in order to make these necessary arrangements at this point.

2.13 Under Rule 9A.2, every Private Bill must be accompanied on introduction by:

- a statement by the Presiding Officer on legislative competence (Rule 9A.2.2);
- Explanatory Notes (Rule 9A.2.3(a));
- a Promoter’s Memorandum (Rule 9A.2.3(b));
- a Promoter’s Statement (the contents of which vary according to the nature of the Bill) (Rule 9A.2.3(d)); and
- an assignation of copyright/licensing agreement or agreements with the Scottish Parliamentary Corporate Body (Rule 9A.2.3(e)).

2.14 In addition, Bills that seek to authorise the construction or alteration of certain classes of works, or the compulsory acquisition or use of any lands or buildings (that is, Bills to which Rule 9A.1.1A applies), must be accompanied on introduction by—

- an Estimate of Expense and Funding Statement (Rule 9A.2.3(c)(i));
- certain maps, plans, sections and a book of reference (or a statement as to why they are not provided) (Rule 9A.2.3(c)(ii)); and
- an Environmental Statement (Rule 9A.2.3(c)(iii)).

2.15 Of these, all except the Presiding Officer’s statement on legislative competence (see paragraph 1.5) are prepared by the promoter. The following paragraphs give further details of what each should contain.

2.16 In addition, while not required under Rule 9A.2.3, promoters will wish to give careful consideration to submitting, at the time of the Bill’s introduction, a draft Code of Construction Practice and a draft Noise and Vibration Policy relevant to the particular works scheme. Whilst it is accepted that these documents may not be appropriate for all Private Bills (e.g. non-works Bills) they have proved particularly useful to previous Private Bill Committees. Committees have attached great importance to them to the extent that they, as a matter of course, have amended particular Bills to ensure and provide for the statutory and mandatory compliance of each document. Their provision may therefore be considered particularly helpful to a Committee in its consideration of the environmental impact of the scheme proposed under the Bill, of how such impacts will be mitigated and in resolving any objections to the Bill (or, indeed, reducing the potential for objections being lodged in the first place).

Accompanying documents required for every Private Bill

Explanatory Notes

2.17 Explanatory Notes are required in relation to every Bill (Rule 9A.2.3(a)). Their purpose is to summarise objectively and clearly what each provision of the Bill does and to give other information necessary or expedient to explain the effect of the Bill.
They should be written in neutral terms and in as clear and as readable a way as possible so as to be comprehensible to people with no legal or specialist knowledge. Indeed, the use of plain English is greatly encouraged in the Bill and in all accompanying documents. The Notes should not simply repeat or paraphrase the text of the provisions of the Bill, and no explanation is needed of provisions that are self-explanatory. The Notes on a particular provision might include, for example, background or contextual information, such as reference to relevant statute and common law on which the provision relies, or an explanation of specialised terminology used in the Bill.

Promoter’s Memorandum

2.18 A Promoter’s Memorandum is also required in respect of every Bill (Rule 9A.2.3(b)). Its purpose is to explain—

- the policy objectives of the Bill;
- whether alternative ways of achieving these objectives were considered, what these alternatives were and why the approach chosen was adopted; and
- the consultation that was undertaken (including, where appropriate, consultation with the mandatory consultees (see Rule 9A.1.4A and B and Annex P)) on these objectives; the ways of meeting them, and on the detail contained in the Bill together with a summary of the outcome of that consultation.

2.19 Like the Explanatory Notes, the Memorandum should be expressed in as clearly and as readable a way as possible. It is not expected that it should be in the same neutral terms as the Explanatory Notes (see Annex E for guidance on the introductory paragraph).

2.20 The Memorandum should specify in clear and reasonable detail what consultation was undertaken on the proposals in the Bill. Such details might include the means by which consultees were selected, the manner in which they were approached, when the promoter consulted, what it consulted on and with whom, the number of responses received and what, if any, changes to the proposal were made as a result, as well as an outline on what measures it will put in place to maintain contact with affected parties after the Bill is introduced.

2.21 Where the Bill seeks to authorise the construction or alteration of works specified by the Presiding Officer in Annex K or the compulsory acquisition or use of any lands or buildings, the Memorandum should also describe what consultation was carried out under Rule 9A.1.4A and B with the mandatory consultees (see Annex P for a full list of the mandatory consultees).

2.22 In all cases, it is imperative that the consultation undertaken was meaningful and effective. The Private Bill Committee will wish to satisfy itself that the promoter undertook a consultation process that was open, accessible, helpful, clearly timetabled and, where possible, adopted and demonstrated innovative and best practice. A comprehensive consultation exercise, involving an open and constructive dialogue with those likely to be affected can provide helpful feedback into the design development process, which can lead to changes being made; help to allay fears and suspicions that can sometimes arise simply from lack of information about what is proposed; and can help to limit objections arising once a Bill is formally introduced.
It is not possible to give definitive guidance about who should be consulted and the kind of consultation that should be undertaken (i.e. formal written consultations, public exhibitions and meetings, information leaflets etc). It will depend to a large extent on the size and nature of the project. It will usually follow that the larger and more contentious a project is, the more extensive the pre-introduction consultation should be. At the very least, inadequate consultation is likely to result in a greater number of objections and a more drawn out Bill process.

Promoter’s Statement

2.23 A Promoter’s Statement is required in relation to every Private Bill (Rule 9A.2.3(d)), although what it must contain varies according to the nature of the Bill. The purpose of the document is to detail all the arrangements made by the promoter with regard to such matters as notification, obtaining any consents that may require to be obtained before introduction, advertising and distribution of the Bill and accompanying documents. Each of these component parts is described in the paragraphs that follow. The Presiding Officer has made determinations on various aspects of what the Promoter’s Statement must include and these determinations are set out in Annexes G, H and I. The determination at Annex D provides guidance on the proper form and layout of the document.

2.24 The first requirement of the Promoter’s Statement applies only to Private Bills that affect heritable property. In relation to such a Bill, the Statement must give details of the notification given by the promoter to certain persons having an interest in the heritable property affected by the Bill (Rule 9A.2.3(d)(i)) (see Annex G).

2.25 There are two steps to the notification process. The promoter must first identify which properties are ‘affected’ by the Bill and second, must establish who has a relevant interest in such property and ensure that all affected persons are duly and properly notified.

2.26 Affected persons generally fall into two categories. Those who—

- own or hold an interest in land that may be acquired or used compulsorily; and
- may otherwise be affected by the proposed scheme at any stage, be it construction, operation or maintenance.

2.27 The promoter must establish a set of ground rules for identifying the properties that will be affected by the proposed scheme.

2.28 Properties in the first category should be readily identifiable from the Bill and its associated plans. The promoter must then seek to identify the names of the persons that have an affected interest in those properties and to whom notifications should be sent.

2.29 The ground rules should also cover the criteria applied in identifying properties falling within the second category. A promoter may, for example, take the view that if a property abuts, that is, shares a boundary with the Bill’s limits, then such a person with a relevant interest in that property may be affected by the proposed scheme. Or a promoter may wish to set a distance from the scheme within which properties would be considered to be affected or to visually identify properties
that, while not abutting, could still be affected by the scheme. The ground rules must be capable of being applied on an objective basis and each scheme needs to be considered on its own facts. It is suggested that the promoter err on the side of caution if there is any uncertainty about which properties are affected.

2.30 Promoters are encouraged to make full use of the sources of information listed in Annex G in order to identify the affected persons in both categories upon whom notifications should be served. Affected persons could include owners, tenants, other occupiers and persons having some other heritable interest in land, e.g. holding a real burden or a servitude right. The Land Register and the Register of Sasines are particularly useful sources of information about the identity of those with heritable interests in land, and promoters should consider undertaking a full title search as part of their investigations.

2.31 All notifications should be made by sending a letter by recorded delivery or by delivery in person or, failing which, by leaving it at the person’s normal place of residence, registered office or place of business. Notification should be to the proper officer, clerk or secretary at the business address or, where there is no business address, at their home.

2.32 Details and evidence of delivery of notifications should be retained should any question arise as to whether the information set out in the Promoter’s Statement is correct. A signed acknowledgement of receipt collected at the time of delivery in person, or a receipt for the delivery of any recorded delivery letter, is sufficient for this purpose. Where the promoter has personally delivered the letter either to the person or the property and has been unable to obtain a signed acknowledgement of receipt, evidence of delivery will suffice.

2.33 The function of the notification letter is to inform a person or body who may be affected by the proposed scheme of the promoter’s intention to introduce a Private Bill on, or around, a specific date. In particular, it must inform the person/body of any land or an interest in land that may be acquired or used compulsorily should the scheme proceed. The letter should also state where they can obtain further information about the Bill and the parliamentary process to which it will be subject, how to lodge an objection to the Bill and indicate when the 60-day objection period will commence (see model notification letter at Annex F).

2.34 Regarding notifications, the Promoter’s Statement should—

- explain the ground rules that the promoter has used to determine affected persons;
- explain what sources of information were used to ascertain the identity of all affected persons for notification purposes;
- give details of notifications served on ‘The Owner/Occupier’ rather than on named individuals, and explain why;
- give details of the delivery methods used.

2.35 This will help the Private Bill Committee assess whether the promoter’s approach to notification has been adequate.
2.36 Where the promoter of a Bill is a body corporate, or an unincorporated association of persons, the Statement must contain details of the—

- notification of the Bill by the promoter to the members of that body or association; and
- consent obtained by the promoter from those members giving authority to promote the Bill (Rule 9A.2.3(d)(ii) and Annex G).

2.37 In particular, the Statement should describe the methods used by the promoter to notify members about the holding of a meeting to discuss this issue and the method used to actually obtain consent (i.e. by vote). Where letters/advertisements were used to notify members about the holding of any such meeting, copies of these should be attached to the Statement. Details of when any such meeting was held; the number or percentage of votes cast in support of the proposal and the text of any resolution or certificate of consent passed following any such vote would also be helpful.

2.38 Where a Bill contains provisions to confer powers upon, or modify the constitution of any body corporate or unincorporated association of persons named in the Bill but not being the promoter, the Statement must also contain details of the—

- notification of the Bill by the promoter to the members of that body or unincorporated association; and
- consent obtained by the promoter from those members to the conferral of powers or modification of constitution (Rule 9A.2.3(d)(iii) and Annex G).

2.39 In respect of this issue, the Statement must contain the same type of information as is referred to in paragraph 2.37 about the methods used to notify members and obtain consent.

2.40 In relation to every Bill, the Statement must include details of the advertisement of the promoter’s intention to introduce the Bill (Rule 9A.2.3(d)(iv)) (see Annex H).

2.41 In relation to every Bill, the Statement must include a list of premises at which it is possible to inspect or purchase—

- those accompanying documents not published by the Parliament (any maps, plans, sections, book of reference, and Environmental Statement); and
- any other documents that are relevant to the Bill but which do not qualify as accompanying documents, such as a draft Code of Construction Practice and a draft Noise and Vibration Policy, under Rule 9A.2 (Rule 9A.2.3(d)(v)).

2.42 In addition, it must include an undertaking to send a copy of any documents in either of the above categories to the mandatory consultees and to the premises determined for the purpose of Rule 9A.4.2 by the Presiding Officer (see Annex I).
2.43 The final component that must be included in the Statement is an undertaking to pay the costs that arise in relation to the following matters as set out in the determination of the Scottish Parliamentary Corporate Body (see Annex J)—

- printing and publication of the Bill, accompanying documents and Private Bill Committee reports;
- production, printing and publication of the Official Report of meetings of the Private Bill Committee;
- costs of hiring a suitable venue for the Private Bill Committee when meeting outside the parliamentary estate;
- broadcasting of Private Bill Committee meetings.

Assignation of copyright/licensing agreement or agreements with the Scottish Parliamentary Corporate Body (SPCB)

2.44 Every Bill must be accompanied by an agreement (or agreements) by which the promoter assigns to the SPCB copyright in the Bill and those accompanying documents published by the Parliament, and licenses the SPCB to use or reproduce for the Parliament’s purposes the remaining accompanying documents and other documents submitted to the clerks on introduction or subsequently.

2.45 A model agreement is set out in Annex D. The original copy of the agreement (or agreements) signed by, or on behalf of the promoter, must be lodged with the clerks on introduction.

Accompanying documents required for certain Bills

2.46 Rule 9A.2.3(c) requires certain additional accompanying documents to be provided but it applies only in relation to Bills to which Rule 9A.1.1A applies. These are Bills that either seek to authorise the—

- construction or alteration of such classes of works as determined by the Presiding Officer; or
- compulsory acquisition or use of any lands or buildings.

2.47 The Presiding Officer’s determination on the classes of works that qualify for the purposes of that Rule is set out in Annex K. The documents are described in paragraphs 2.48-2.50. Where a compulsory acquisition or use of any lands or buildings is sought a model notification letter in place of that referred to in paragraph 2.31 is contained at Annex F.

Estimate of Expense and Funding Statement

2.48 For Bills to which Rule 9A.1.1A applies, the first additional accompanying document required is an Estimate of Expense and Funding Statement. The Presiding Officer has made a determination regarding this (see Annex L). Its purpose is to set out the estimated total cost of the proposed project, giving a detailed breakdown of each element of the project and the sources of funding for the project. It should also set out best estimates of the timescales over which such costs and funding would be expected to arise and an indication of the margins of uncertainty in any such estimates. Where some of the information required under the determination cannot
be provided, a written statement must be provided setting out what information is missing and the reasons for the omission.

Maps, plans, sections and book of reference

2.49 Private Bills to which Rule 9A.1.1A applies must also be accompanied by such maps, plans, sections and book of reference as the Presiding Officer has determined (see Annex M). (The Scottish Parliament is licensed to use Ordnance Survey products.) This determination gives the necessary detail of the content of each document. See also the determinations at Annexes D and E which provide guidance on the proper form and layout of the book of reference. Where any of the documents cannot be provided, a written statement must be provided setting out which documents are missing and the reasons for the omission. The promoter should provide two copies of the maps, plans and section and book of reference.

2.50 The model notification letter at Annex F(B) states that an extract from the plans is enclosed with the notification letter. The promoter may wish to give careful consideration as to whether any other maps or drawings could be provided that would aid understanding of the precise location of the land intended for acquisition.

Environmental Statement

2.51 A Bill to which Rule 9A.1.1A applies should be accompanied by an Environmental Statement. The Presiding Officer has determined that this should contain all the information currently set out in Schedule 4 to the Environmental Impact Assessment (Scotland) Regulations 1999 (SI 1999/1). In addition to these requirements, the promoter should also provide a summary of the Environmental Statement in clear, non-technical language. The Presiding Officer’s determination in respect of the Environmental Statement can be found at Annex N. The determination at Annex P on consultation with mandatory consultees (e.g. Scottish Natural Heritage, the Scottish Environmental Protection Agency, Historic Scotland) is also pertinent. The promoter should provide eight copies of the Environmental Statement and its summary.

Draft Code of Construction Practice

2.52 This is not an accompanying document as required under Rule 9A.2.3 but, as highlighted in paragraph 2.18, promoters will wish to give serious consideration to the provision of a draft Code of Construction Practice (CoCP) at the time the Bill is introduced. The document has proved particularly helpful to Private Bill Committees.

2.53 The purpose of the CoCP is to identify the actions the promoter will require contractors and sub-contractors to take during the construction phase of the project to minimise the environmental and other impacts e.g. construction noise, dust pollution, disposal of waste material. It defines the minimum standards of construction practice required of contractors, informs those affected eg local communities of how the promoter will mitigate such impacts and on how they will be consulted and engaged over such mitigation and of the timetable for the construction works.

2.54 Although there is no statutory requirement for a CoCP, best practice has established that these are extremely useful in terms of identifying the means by which contractors will be required to carry out the works in a manner that seeks to
minimise their environmental and other impacts. In accordance with such best practice, the CoCP can be incorporated into the contracts for the construction of the works proposed under the Bill. This ensures that all contractors and sub-contractors are required to fully comply with the terms of the document.

2.55 It is accepted that for some types of Private Bill (e.g. those which seek to change the name or status of an organisation) a draft CoCP would not be required.

*Draft Noise and Vibration Policy*

2.56 Again, this is not an accompanying document as required under Rule 9A.2.3 but a document that promoters will wish to consider lodging anyway. The purpose of the Noise and Vibration Policy (NVP) is to set out the approach the promoter will adopt to mitigate noise and vibration impact from the operation of the works conferred under the Bill (the CoCP addresses the mitigation of construction noise and vibration).

2.57 The NVP may build on commitments made during the Environmental Impact Assessment as reported in the Environmental Statement. The NVP can be made binding on relevant contractors by being incorporated into the appropriate contracts for the construction and operation of the works.

2.58 Again it is recognised that the provision of a draft NVP may not be relevant to all Private Bills.

*Printing, publication and distribution of Bill and Accompanying Documents*

*Accompanying documents software*

2.59 The clerks have specially-developed templates for formatting some of the accompanying documents required under Rule 9A.2. These templates do not apply to maps, plans, sections, book of reference, Environmental Statement or the assignation of copyright/license agreement. For those accompanying documents that do apply, the promoter must only submit the unformatted text, which the clerks will enter into the software, thus automatically ensuring that these documents conform to the standard conventions of layout and presentation. The templates for accompanying documents also include the pro forma introductory paragraphs of text *(see Annex D)* and pro forma wording for some of the statements, undertakings and agreements required (in the same form of words as set out in *Annex E*). The final text of the relevant accompanying documents should be submitted, also unformatted, to the clerks at the same time as the final text of the Bill, for entering into the templates. Promoters will be given an opportunity to check the formatted versions before they are published.

*Submission of finalised documents*

2.60 The promoter should submit a final text of the Bill itself, together with all necessary accompanying documents, to the Legislation Team clerks at least three weeks before the proposed date of introduction. During this period, the clerks will enter the text of the Bill and the relevant accompanying documents into the appropriate software and check that they conform to the Standing Orders, relevant determinations and this Guidance. At the same time, the Parliament’s legal advisers
will prepare advice to the Presiding Officer to inform the statement on legislative competence.

2.61 Every reasonable effort will be made to ensure that the promoter’s proposed introduction date can be met. The promoter will be notified as soon as the Presiding Officer has signed a statement on legislative competence. At that point, and assuming that all other pre-introduction requirements have been satisfied, the Bill can be formally introduced. Promoters should be aware that the Bill will only be available publicly the day after introduction.

**Distribution arrangements**

2.62 It is for the clerks to distribute the Bill and those accompanying documents published by the Parliament to a list of premises determined by the Presiding Officer (see Annex I) and to the mandatory consultees. Promoters should be aware that these documents are only available publicly the day after introduction. At the same time, the promoter should send copies of the remaining accompanying documents to the same premises and to the mandatory consultees (pursuant to the undertaking given as part of the Promoter’s Statement, described above).

**Introduction of the Bill**

2.63 Under Rule 9A.1.2, a Private Bill can be introduced on any “sitting day”. A sitting day is, under Rule 2.1.3, any day when the office of the Clerk is open but not when the Parliament is in recess or dissolved. The office of the Clerk is normally open on weekdays. The clerks can advise promoters of the dates of forthcoming recesses or other days when the office of the Clerk will not be open.

2.64 The Bill is introduced by being lodged with the Clerk (Rule 9A.1.3) and must be signed by, or on behalf of, the promoter. In practice therefore, the signed Bill should be lodged in hard copy (together, preferably, with hard copies of the accompanying documents for which the promoter is responsible), either in person by the promoter or by post (recorded delivery or registered post being advisable). These should be the versions agreed with, and formatted by, the clerks. Following this procedure should ensure that, by the time the Bill is formally introduced, it conforms to the Presiding Officer’s determination on proper form (under Rule 9A.1.4) and the other requirements of introduction set out in Rule 9A.2.

**Fees**

2.65 At the time the Bill is introduced, the promoter must also pay whatever fee for introduction of the Bill has been determined by the SPCB under Rule 9A.1.8. The determination by the SPCB setting out these fees is at Annex J. A certificate in respect of the reduced fee is provided in Annex O.

2.66 The Parliament’s Finance Office will invoice the promoter for the reimbursement of the cost of printing and publishing the Bill and all accompanying documents specified in the determination at Annex J. The costs that a promoter will incur and that are refundable to the Parliament under Rule 9A.2.3(d)(vi) will vary

---

2 The Legislation Team clerks may make final changes to the presentation of these documents (such as adding line numbers to the Bill) but not to the text itself before sending them to the printer.
depending upon such factors as the size of the Bill and its accompanying documents, and the number, length and location of the Private Bill Committee’s meetings.

2.67 Any fees and costs not timeously paid may result in the Bill not proceeding further until payment is made.
• Part Three: Lodging of objections

Right to object

3.1 Under Rule 9A.6.1, any person, body corporate or unincorporated association may lodge an objection to a Private Bill that would adversely affect their interests (see paragraph 2.26). This may include individuals, amenity bodies and others whose interests may be adversely affected by the proposal.

Discussions with the clerks

3.2 Prospective objectors should have been informed about the Bill, either by way of the newspaper advertisements or directly by the promoter in advance of its introduction (see paragraphs 2.25-2.42). Prospective objectors are advised to contact the clerks (see Foreword for details) to seek guidance and information on the parliamentary procedures involved and, in particular, the arrangements for lodging an objection. All prospective objectors are advised to follow this advice in order to ensure that their objection is admissible. The clerks can only offer advice on procedural issues and not on the content of an objection. The objection must specify the way in which the objector feels that their interest will be adversely affected by the Bill (Rule 9A.6.1).

Time limit for lodging objections

3.3 Objections should be lodged with the Clerk during the 60 day period following the Bill being introduced. This is referred to as the “objection period” (Rule 9A.6.2). In calculating this period, no account is taken of any period when the office of the Clerk is closed for more than four days. Prospective objectors are advised to consult with the clerks to confirm the date when the objection period ends. The date for the conclusion of the objection period will however be posted on to the webpage created for the particular Bill on the Parliament’s website.

3.4 The Private Bill Committee does have discretion to allow objections received after the expiry of the objection period but before the first meeting of the Committee at Consideration Stage to be lodged. The Committee will exercise its discretion on such ‘out-of-time’ objections only if it is satisfied that the objector has good reason for not lodging their objection within the objection period; the objector has lodged their objection as soon as reasonably practicable after the expiry of that period; and consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the promoter (Rule 9A.6.7A). Any prospective objector seeking to lodge an out-of-time objection should provide a brief statement to the clerks setting out their reasons. This statement will be considered by the Committee when determining whether or not to allow the late objection (see paragraphs 5.11-5.15).
Form of objection

3.5 An objection may be lodged only if it is in ‘proper form’ as determined by the Presiding Officer (Rule 9A.6.4). This determination is reproduced in Annex Q and states that all objections must—

- be in English;
- be printed, typed or clearly hand-written;
- set out clearly the name, address and, where available, other contact details of the objector (telephone, e-mail and fax); and
- be signed (where applicable by a person duly authorised and showing that person’s position or designation) and dated.

3.6 A model layout for an objection is set out in Annex R. A copy of this template can, on request to the Non-Executive Bills Unit, be e-mailed to prospective objectors.

Admissibility of objections

3.7 Rule 9A.6.5 sets out the criteria for the admissibility of objections. These are that the objection—

- is in proper form (see paragraph 3.5 and Annex Q);
- sets out clearly the nature of the objection (i.e. why the objector opposes the Bill, for example, acquisition of land, impact of noise and vibration (construction and/or operation));
- explains whether the objection is to the whole Bill or only to specified provisions (in which case these should be clearly identified i.e. by referring to particular sections or works numbers in the Bill) or to both;
- specifies how the objector’s interests would be adversely affected by the Bill (e.g. because of anticipated loss of earnings, or reduction in property values, adverse impact on employment or business, loss of amenity etc); and
- is accompanied by the lodging fee determined by the Scottish Parliamentary Corporate Body (currently £20.00).

3.8 Although there is no limit on the length of objections, objectors should aim to express themselves in as clear and concise a manner as is consistent with satisfying the above criteria. In addition, objections should, wherever possible—

- normally refer to, rather than quote from, specified parts of the Bill or the accompanying documents;
- only quote from other published sources (e.g. newspapers, court judgements) to the extent necessary (i.e. it is not necessary for copies of the full source to be attached so long as a full citation is provided) although objectors may submit accompanying material to support their objection if they consider it necessary to do so.
Means of lodging objections

3.9 Objections may be lodged either in writing or by e-mail (Rule 9A.6.3). Objections lodged in writing may be delivered in person or by courier or may be posted (recorded delivery or registered post being recommended). The clerks will issue an acknowledgement on receipt.

3.10 Objections lodged by e-mail must be sent from the objector’s e-mail address. Within seven days of being sent by e-mail, a hard signed copy of the objection must also be received (see paragraph 3.9). The clerks will acknowledge receipt of e-mailed objections by the same route. The fee, however, must be received within the 60 day period allowed for the objection.

3.11 Whether or not an objection is lodged by e-mail, the provision of an electronic copy, while not a requirement, is of great assistance to the clerks in preparing papers for the Committee and is encouraged. It can also assist objectors and the Bill promoter in the swift transmission of documents between parties.

Data Protection

3.12 The lodging of objections is a public process and the Scottish Parliament operates within the Data Protection Act 1998. In accordance with this Act the Parliament has an obligation to advise objectors (the clerks will do this) how the information contained in an objection and any subsequent evidence an objector may submit regarding their objection will be dealt with by the Parliament under the Act.

3.13 Each objection will be copied in full to the members of the Committee and any assessor appointed to conduct proceedings at Consideration Stage. The clerks will arrange for each objection to be published on the Committee’s home page on the Parliament’s website at the conclusion of the objection period, subject to the removal of the following information—

- the objector’s address, email address, telephone number, signature
- any sensitive personal data such as the objector’s medical or family history
- statements regarding a third party which constitute sensitive personal data about that person or which may identify a third party

3.14 The objector’s name will remain on the objection posted on the website.

3.15 Copies of each objection will also be placed in the Parliament’s Information Centre, which is accessible to MSPs, their staff and parliamentary staff. These copies will be the same as those published on the website. They will also be made available for inspection at the each of the public libraries at which copies of the Bill and its accompanying documents were lodged.

---

3 Sensitive personal data is data which describes racial origin, political opinion, religious belief, trade union membership, physical or mental health, sexual life, or the commission or alleged commission of an offence or proceedings carried out in relation to an offence.
3.16 Each objection will also be copied to the promoter of the Bill, but subject to the removal of the objector’s email address, telephone number and signature, if provided.

3.17 Should an objection go forward for detailed scrutiny at Consideration Stage, the objection may be grouped with other objections that raise the same or similar issues. In that event, it is likely that an objector’s address will be given to fellow group members to enable all objectors within that group to enter into dialogue with each other and collectively present their concerns. If an objection contains sensitive personal data it may also be necessary for the clerks to share that information with other objectors within the group and to seek consent from any third party referred to, prior to the sharing of any information about them.

Fees

3.18 An objection is admissible if it is accompanied by the fee established by the SPCB (currently £20.00). This may be paid by cheque, postal order or banker’s draft (payable to ‘The Scottish Parliament’) or in cash (in person only). Objectors must ensure that the required fee is paid at the time their objection is lodged.

Notification by the clerks

3.19 Each objector will be notified by the clerks whether the objection is admissible i.e. whether it complies with the admissibility criteria (Rule 9A.6.6). Following the conclusion of the objection period, the clerks will arrange for publication in the Parliament’s Business Bulletin of a list of the names of objectors who have lodged admissible objections (Rule 9A.6.7). Further entries in the Bulletin will be published if the Committee decides to permit out-of-time objections to be lodged (see paragraph 3.4) (Rule 9A.6.7B).

3.20 Objectors should note that acknowledgement by the clerks that an objection is admissible, and notification in the Business Bulletin, should not be taken as an indication that the objection will be accepted by the Committee at the Preliminary Stage or that the objector will be invited to give evidence to the Committee or any assessor appointed by it.

Withdrawal

3.21 An objector may, at any time following the lodging of their objection, withdraw it by notifying the clerks. The objector may, in the first instance, notify the clerks by telephone of their wish to withdraw their objection but, as with lodging an objection, notice of withdrawal must be given in writing or by e-mail subject to a hard signed copy written confirmation. No reason for withdrawal is required, although the objector may state their reasons if so inclined. The fee paid for lodging the objection will not be refunded on withdrawal.

---

4 The Business Bulletin is the Parliament’s official publication for advertising its programme of business and listing items of Parliamentary business (including new amendments to Bills and a list of “Bills in progress”). It is available on the Parliament’s website (www.scottish.parliament.uk/business/businessBulletin/index.htm).
3.22 To facilitate withdrawals, promoters should enter into dialogue with objectors as soon as practicable after objections have been lodged and published to discuss in detail the specific concerns of the objector and the ways, if any, in which they could be addressed. Promoters will also wish to consider whether there is any information they can actively provide to objectors as early as possible to address the concerns the objector has, for example, a general guide to the compensation process, site specific plans detailing the works relating to the Bill and site specific noise and vibration survey information which may be contained within the draft Code of Construction Policy or draft Noise and Vibration Policy.

**Change of objector**

3.23 Property affected by a Private Bill may change ownership during the Bills process. Where property ownership changes as a result of a straightforward sale, the new owner is entitled to lodge an objection in accordance with the time limits described above, and the Private Bill Committee has discretion to accept objections lodged as late as the first meeting of Consideration Stage. After that date, purchasers of property affected by the Bill have no entitlement to lodge a late objection, and neither can they “adopt” any objection lodged by previous owners. However, the seller of the property may be permitted to maintain their objection if they still have an interest in doing so, for example, if they have agreed with the purchaser to maintain the objection on the purchaser’s behalf. The Committee will treat each situation on its own merits, and objectors and/or prospective purchasers should contact the clerks to discuss what will happen to an objection if the affected property is sold.

3.24 Where the identity of a corporate objector changes as a result of a company restructuring or sale, under which a new company has received the assets, rights and liabilities of the old company, the new company will generally be permitted to adopt and carry forward any objection lodged by the old company. Corporate objectors should contact the clerks to inform them of any changes to the company’s name or structure that would affect the identity of the objector. The Committee will consider each case on its particular facts to reach a view on whether the objection may proceed.

**Objections to possible amendments to the Bill affecting third parties**

3.25 It should be noted that prior to the end of Phase One of Consideration Stage (see paragraphs 5.22-5.65), a proposal may be made to amend the Bill in such a way that might adversely affect the interests of persons who may not have previously objected to the Bill as introduced.

3.26 Objections to proposals to amend the Bill shall also be in accordance with the preceding paragraphs, subject to any decisions made by the Committee in this respect, e.g. the time limit for lodging such objections. For more information on objections to proposals for amendments (see paragraphs 5.58-5.65).
Statements in relation to consultation

3.27 Any of the mandatory consultees (see Rule 9A1.4A and B and the determination at Annex P) may, during the objection period, lodge a statement with the Parliament in relation to the consultation undertaken by the promoter (Rule 9A.6A). The statement must be sent to the clerks who would then refer it to the Private Bill Committee once it is established. Any statement will not be treated as an objection, but will enable the mandatory consultees to bring to the Committee’s attention their concerns about the adequacy of prior consultation and shortcomings in the accompanying documents (in particular the environmental statement) or other matters such as the methodology used in compiling, and general adequacy of, the draft Code of Construction Practice and Noise and Vibration Policy. The statement may raise issues that the Committee would wish to consider at Preliminary and/or Consideration Stage.
Part Four: Private Bill Committee

Establishment and membership

Establishment of Committee
4.1. The first formal step to be taken following the introduction of a Private Bill is the establishment of a Private Bill Committee. Like other committees of the Parliament, a Private Bill Committee is established by a resolution of the Parliament. Such a resolution results from the Parliament agreeing to a motion in the name of the Parliamentary Bureau (Rule 6.1.3). The motion should include the name, remit and duration of the Committee. The membership of the Committee may be established in the same or a separate Bureau motion.

4.2. If there are two or more Private Bills in progress at the same time, it is expected that separate Committees will be established for each. There may be occasions, however, when it is appropriate to establish a single Committee to deal with two or more closely-related Private Bills introduced at around the same time. In addition, depending on the number of mandatory and subject committees already established and the number of members serving on one or more of those committees, it may not always be practical for there to be more than one or two Private Bill Committees in operation at any time.

Remit and duration
4.3. The remit of a Private Bill Committee will be to consider and report to the Parliament on the Bill in question. The Rules, guidance and practice applicable to other committees will also apply to Private Bill Committees except to the extent that different provision is made for those Committees in Chapter 9A and described in this Guidance.

4.4. A Committee will normally be established for the duration of the Bill – that is, until the Bill has received Royal Assent, falls or is withdrawn. In practice, its role will normally be at an end once Consideration Stage is completed, but further meetings of the Committee would be required should the Bill be referred back for further Consideration Stage consideration (see paragraphs 5.82-5.84).

Membership
4.5. Under Rule 9A.5.2, a Private Bill Committee shall have at least three but not more than five members.

4.6. There are various constraints on who can serve as a member of a Private Bill Committee. As with other committees of the Parliament, the Bureau is required (Rule 6.3.4) to have regard to the balance of political parties within the Parliament and to take into account the qualifications and experience of any member who has expressed an interest in serving on the committee. Given that Private Bills will not normally raise issues of a party-political nature, the proportions of members from the various parties on such a Committee may depart to some extent from the proportions of seats held by those parties in the Parliament. However, no Committee should ever consist only of members from one political party. In addition, given the small size of each Private Bill Committee, it may be more appropriate to assess conformity with
the requirement of party balance by reference to the overall balance of members across various Private Bill Committees over a period of time.

4.7. In addition to these general constraints on membership, the quasi-judicial nature of Private Bill Committees makes it particularly important that the members appointed to it are seen as neutral and impartial. Accordingly, under Rule 9A.5.3, an MSP may not be appointed to a Committee if—

- his or her principal place of residence is within an area in which works are proposed to be authorised by, or under, the Bill;
- any land or building owned by the member, or in which the member has a right or interest, would be subject to compulsory acquisition, or use, or under the Bill;
- the constituency or region that he or she represents, or any part of it, falls within the area in which works are proposed to be authorised by, or under, the Bill;
- he or she represents a constituency or region that, in the opinion of the Parliamentary Bureau, is particularly affected by the works proposed to be authorised by, or under, the Bill;
- he or she has a financial interest that, in the opinion of the Parliamentary Bureau, directly relates to the promoter or the subject matter of the Bill; or
- he or she has any other interest registered in the Register of Interests of Members of the Scottish Parliament\(^5\) that, in the opinion of the Parliamentary Bureau, would, or would be likely to, prejudice the ability of the member to participate in the Committee’s proceedings in an impartial manner.

4.8 The function of the Register of Interests is “to provide information about certain financial interests of members which might reasonably be thought by others to influence members’ actions, speeches or votes in the Parliament, or other actions taken in their capacity as members”. In most contexts, the existence of a financial interest requires to be registered and declared in relevant contexts, but does not inhibit the member from participating in the proceedings of the Parliament.

4.9 In relation to a Private Bill Committee, however, the Rules exclude from Committee membership any member with a financial interest that, in the Bureau’s opinion, directly relates to the promoter or the subject matter of the Private Bill, even if the amounts involved do not exceed any registrable threshold applied when members register interests. To ensure that financial interests are known to the Bureau when it is proposing membership of a Private Bill Committee, any member nominated must bring such interests to the attention of Bureau members (Rule 9A.5.4). In addition, the rules exclude from Committee membership any member with a registered interest that (in the Bureau’s opinion) is likely to prejudice his or her ability to consider the Bill impartially.

4.10 At the first meeting of the Committee that a member attends, he or she shall declare that, in his or her capacity as a member of that Committee, he or she will act impartially and will base decisions solely on the evidence and information provided to the Committee (Rule 9A.5.4A).

---

\(^5\) [www.scottish.parliament.uk/business/committees/standards/responsibilities.htm](http://www.scottish.parliament.uk/business/committees/standards/responsibilities.htm)
4.11 Like other committees, a Private Bill Committee cannot commence consideration of any business or vote with fewer than three members present (Rule 12.2.1).

4.12 The circumstances in which a member of a Private Bill Committee may cease to be a member of it are the same as for other committees – namely, resignation, removal from office by the Parliament on a motion of the Committee, and ceasing to be an MSP (Rule 6.3.5). In such an event, the Bureau may appoint a replacement member. However, if the membership of a Private Bill Committee falls below two, the Bureau is required (Rule 9A.5.7) to establish a new Committee.

4.13 If a new Private Bill Committee is established under these circumstances and, at the time of its establishment, the Stage that the Bill was at had not been completed, then the proceedings on it shall recommence at the beginning of that Stage. However, the proceedings may resume at the point during the Stage where the previous Committee left off if the—

- persons referred to in Rule 9A.9.3 (the promoter, those objectors chosen by the Committee as representatives of grouped objections and other objectors identified by the Committee as having interests adversely affected by the Bill) and any other person from whom the Committee has agreed to take evidence, agree; or
- person, or persons, whose evidence has already been taken give that evidence again (Rule 9A.5.9).

**Quorum and attendance at meetings**

4.14 Partly because of the small size of these Committees and partly because of the special nature of their proceedings, there is a formal expectation on members to attend all meetings of the Committee (Rule 9A.5.5). Members are permitted to be absent from a meeting only in exceptional circumstances. In particular, members are expected to hear all the evidence presented during the Consideration Stage (should the Committee itself undertake Phase One of this Stage itself and not appoint an assessor (see below)). The Rules provide that, at Consideration Stage, a member of the Committee may not participate in any consideration of the merits of an objection, or in any further proceedings relevant to that objection, unless—

- all the evidence directly relevant to that objection given orally at Consideration Stage has been given in the presence of the member; or
- with the agreement of the persons who gave any such evidence in the absence of the member, and the promoter, the member has viewed a recording of, or read the Official Report of, the meeting at which the evidence was given (Rule 9A.5.6).

4.15 Unlike the position for other committees, members of a Private Bill Committee may not be represented at meetings by substitutes (Rule 6.3A.3).

4.16 In these circumstances, it is particularly important that any member who will, or may, be unable to attend a particular meeting gives early notice to the clerks. Wherever possible, meetings of a Committee will be arranged at times suitable for
the members and the other participants. In addition, if at any time during a meeting circumstances arise that makes it necessary for a member to leave, the meeting is likely to be adjourned for a short time, or closed early. Because of the inconvenience this may cause to non-MSPs involved in the proceedings, members should make every endeavour to ensure that such circumstances do not arise.

Convener and Deputy Convener

4.17 Like other committees, a Private Bill Committee must choose a convener at its first meeting. Before that meeting can be held, however, the Parliament must decide the political party of the convener (or that the convener should be a member who is not a member of a political party). The Parliament’s decision is taken on a motion lodged on behalf of the Parliamentary Bureau (Rule 12.1.2), likely, in practice, to be the same motion by which the Committee is established.

4.18 Until that choice is made, the meeting is chaired by the oldest member of the Committee who is present at the meeting and agrees to chair the meeting for that purpose (Rule 12.1.6 and 12.1.19). It is expected that the convener will be chosen simply by one (or more than one) member indicating a willingness to stand and the other members indicating their agreement to that member (or one of those members) being the convener. Should there be any disagreement, the choice may be made by division.

4.19 The convener holds office for the duration of the Committee unless he or she resigns, is removed from office by a decision taken by an absolute majority of the Committee, or ceases to be a member of the Committee or an MSP. If the convener ceases to hold office, the Committee must choose a successor (Rules 12.1.8 and 12.1.9). In these circumstances, the Bureau may propose a fresh motion specifying the party from which the convener is to be taken.

4.20 The convener’s role is to convene and chair all meetings of the Committee and (with the assistance of the clerks) to ensure that it follows the applicable procedures. The convener can vote in any division, and must exercise a casting vote in the event of a tie.

4.21 If the Parliament decides, on a motion of the Parliamentary Bureau, that a Private Bill Committee is to have a deputy convener, the Committee must choose one of its members to occupy that position though this need not be done at the first meeting. As with the convener, the political party from whose members the deputy convener must be chosen is made by the Parliament, on a motion of the Parliamentary Bureau. The role of the deputy convener is to convene and chair meetings of the Committee in the absence of the convener (although, for the reasons given above, this is unlikely to arise). Where the office of convener is vacant, meetings are convened by the deputy convener and chaired by him or her until a convener is chosen. If both offices are vacant a meeting is convened and chaired by the oldest member until a temporary convener is chosen (Rule 12.1.15).

Sub-committees and reporters

4.22 Like other committees of the Parliament, Private Bill Committees can, with the agreement of the Parliament on a motion of the Parliamentary Bureau, establish sub-committees or appoint members as ‘reporters’ (Rules 12.5 and 12.6). However, given
the presumption in favour of all evidence being heard by all members, it is not expected that Private Bill Committees will seek to use these powers.

Clerks, advisers and other staff

Clerks to the Committee
4.23 Each Committee has one or more clerks. The clerks are members of the staff of the Parliament whose general role is to provide administrative and procedural support to the Parliament as a whole and to its members. The specific role of the clerk to a Committee is to arrange meetings; prepare the agenda, papers and minutes; provide procedural advice to the convener and other members; liaise with the promoter, objectors and witnesses; and draft the Committee’s reports.

4.24 The clerks do not normally speak during public Committee meetings but may, if invited to by the convener, do so in relation to a factual or procedural query. A Committee may not meet without a clerk present.

Parliament legal advisers
4.25 A Committee may have in attendance one or more legal advisers, who are members of the staff of the Parliament and whose general role is to provide the members and clerks with legal advice.

Official reporters and broadcasters
4.26 For every Committee meeting held in public a substantially verbatim report of the proceedings is published (Rules 16.2 and 16.5). Members of the staff of the Official Report attend meetings and sit at the table for the purpose of preparing this report. A broadcast (audio-visual or audio only) is also made of all public Committee proceedings. Members of broadcasting staff are present at meetings to control cameras and to operate microphones.

Security staff
4.27 Members of the Parliament’s security staff are present during all public meetings. Their role is to assist with public access, maintain order and pass messages to and from members and others.

Advisers
4.28 Like other committees, Private Bill Committees may seek to appoint advisers to assist them in their work.

4.29 In the case of oral evidence at Consideration Stage Phase One being heard by an assessor appointed by the Committee, generally the Clerk to the Committee would assist the assessor in the administrative and procedural arrangements for the hearings and would attend each hearing. However, the other members of Parliament staff identified above are less likely to be in attendance.

Committee meetings

Time and place of meetings
4.30 It is for the Private Bill Committee to decide when it meets. Most Committees cannot meet at the same time as the Parliament itself is meeting. However, a
Committee, while it shall not normally meet, or continue to meet, at a time when a meeting of the Parliament is in progress (within the meaning of Rule 12.3.3A), may do so if—

- it is necessary for it to do so at that time;
- where reasonably practicable, the prior approval of the Parliamentary Bureau has been obtained; and
- the business being considered at the meeting of the Parliament is business other than Stage 3, Final Stage or Reconsideration Stage of a Bill (Rule 9A.5.4B).

4.31 A Private Bill Committee may not meet, or continue to meet, when Stage 2 of a Public Bill is being taken by a Committee of the Whole Parliament (Rule 9A.5.4C).

4.32 In practice, however, the deadlines for completion of business set by the Parliament, by competing priorities for accommodation and other resources, and by the other commitments of members are all factors in arranging dates and times of Private Bill Committee meetings. Notice of these meetings is given in the Business Bulletin. Committee members and others invited or expected to attend will be notified directly by the clerks.

4.33 Committees may, subject to the approval of the Parliamentary Bureau, meet anywhere in Scotland. In deciding where to meet (particularly when taking evidence during Consideration Stage), Committees are expected to take into account the strength of local feeling in the area affected by the Bill. As a matter of courtesy, the Committee should inform the relevant constituency and list MSPs and Westminster MP if it is meeting anywhere other than at Holyrood.

4.34 In addition to the formal meetings of the Committee, members may wish to undertake familiarisation visits to the site of any works envisaged in the Bill. Any such visits might be accompanied by the parties although, if accompanied, members of the Committee would not be able to listen to any representations on the merits of the case. Clerks would liaise with objectors and the Bill promoter as necessary over the arrangements for such site visits.

Public and private meetings

4.35 Like other committees, Private Bill Committees normally meet in public (Rule 12.3.4). Any committee may meet in private if it so decides, but it may not do so when considering legislation except where, for the purpose of taking evidence, it decides that it is appropriate that a meeting, or part of a meeting, should be held in private (Rule 12.3.5). It follows that a Private Bill Committee, whose remit is limited to the consideration of legislation, can meet in private only to hear evidence that it considers cannot appropriately be heard in public. This might arise in relation to evidence of a commercially sensitive nature, for example. In addition, like other committees, Private Bill Committees may decide to meet in private to consider a draft report.

4.36 Decisions to hold a meeting, or part of a meeting, in private should if possible be taken at a previous meeting of the Committee. This helps to make clear in
advance to members of the public who might wish to attend that they will not be able to do so.

4.37 Committee proceedings held in private are not reported in the Official Report unless the Parliament has decided otherwise, and are not broadcast (Rule 16.5.2).

Attendance by non-Committee members
4.38 Any MSP who is not a member of the Committee may attend any public meeting it holds. However, non-Committee members are not entitled to participate in the proceedings of a Private Bill Committee during the Preliminary or Consideration Stages (Rules 9A.8.7 and 9A.9.9). In this context, "participation in the proceedings" includes questioning of witnesses (see paragraph 4.38) and discussion of the Bill, as well as moving amendments (see paragraph 8.5) and voting. In respect of participation, Private Bill Committees differ from other committees of the Parliament.

Conduct during meetings
4.39 As in other committees, the convener chairs meetings of the Committee, and other members speak only at the invitation of the convener. Members speak from their seats and should speak through the convener at all times, unless addressing questions directly to witnesses. Members should not interrupt each other, though they may accept interventions (Rules 7.2.1 and 7.2.4 and 7.8). Witnesses should address their remarks through the chair, except during direct cross-examination of other witnesses. Other witnesses should respect the authority of the convener at all times.

4.40 The convener may limit the time available for a particular item on the agenda. He or she may also determine the order of speakers and limit the time available to any member to speak. The convener has similar general powers to maintain order in the Committee as the Presiding Officer has in the Chamber. In particular, he or she may order a member or any other person present to stop speaking if they have exceeded the time allotted to them, or if they are departing from the subject or repeating themselves (Rules 7.2.2 and 7.2.3 and 7.8).

4.41 In Committee meetings, members address each other in the same manner as in the Parliament, that is, by name (and title if they wish). The convener and deputy convener may be referred to as such.

4.42 All participants in the proceedings must conduct themselves in a courteous, orderly and respectful manner, and must respect the authority of the convener at all times. In particular, they must not behave in a manner that would constitute a criminal offence or contempt of court (Rules 7.3.2 and 7.8).

Matters sub judice
4.43 Under Rule 7.5, members may not make reference to any matter in relation to which legal proceedings are active (for the purposes of section 2 of the Contempt of Court Act 1981), except to the extent permitted by the Presiding Officer. However, under Rule 7.5.4, nothing “shall prevent the Parliament from legislating about any matter”. In practice this means that the restriction does not apply in relation to proceedings on a Bill. Nevertheless, members should avoid making reference to matters that are sub judice even during such proceedings unless they consider it
necessary and appropriate to do so. If in doubt, they should, where possible, raise the matter with the clerks in advance.

Language
4.44 All committees normally conduct their business in English (Rule 7.1). However, if a member wishes to address a Private Bill Committee in Scots Gaelic, or in any other language, he or she may do so with the agreement of the convener. A promoter, objector, witness, or any other person invited to speak by the Committee may also address it in a language other than English with the permission of the convener. Permission should be sought, through the clerks, at least two weeks in advance to allow translation or interpretation facilities to be made available.
Part Five: Stages of the Bill

The three-Stage process

5.1 All Private Bills will be subject to a three Stage process. These are—

- Preliminary Stage
- Consideration Stage
- Final Stage

5.2 A separate Reconsideration Stage is also possible in certain circumstances (see paragraphs 5.88-5.95).

Preliminary Stage

5.3 This Stage begins once the Bill has been printed and a Private Bill Committee established. The Parliamentary Bureau then refers the Bill to the Committee (Rule 9A.8.1). The Committee’s role is to produce a report on whether to recommend to the Parliament that the—

- general principles of the Bill should be agreed to; and
- Bill should proceed as a Private Bill.

5.4 In addition, the Committee is required to give preliminary consideration to any objections and to give full consideration to any objections to the whole Bill (in the context of the consideration of the general principles of the Bill). Each of these three functions is explained in more detail below.

Consideration of general principles

5.5 In considering the general principles of the Bill, the Committee should consider the Bill “in the round” without focusing unduly on points of detail that are more properly a matter for Consideration Stage. Although it is not required to take oral evidence at this Stage, the Committee is likely to offer the promoter an opportunity to explain what the Bill does and why it is considered necessary. The Committee would likely do this through the submission of written evidence supplemented by the hearing of oral evidence. The Explanatory Notes and the Promoter’s Memorandum will also assist in these respects.

5.6 If the Committee has substantial doubts at this Stage about the Bill’s general principles, and is considering recommending that they be disagreed to, it should give the promoter an opportunity to respond to such doubts.

Consideration of whether the Bill should proceed as a Private Bill

5.7 The second main issue for the Committee to address in its Preliminary Stage report is whether the Bill should proceed as a Private Bill. This in turn involves the Committee satisfying itself on two points: first, that the Bill conforms to the definition of a Private Bill set out in Rule 9A.1.1, and secondly that the Bill’s accompanying documents conform to Rule 9A.2.3 and are adequate to allow proper scrutiny of the Bill (Rule 9A.8.3).
5.8 On the first of these points, the Committee should establish the identity of the promoter, for example, to satisfy itself that a promoter who is an unincorporated association of persons has been properly constituted as such. It should also establish whether the Bill involves obtaining for the promoter “powers or benefits in excess of or in conflict with the general law”. A Bill should not proceed as a Private Bill if a statutory remedy is not necessary to achieve the result sought; nor should it proceed if the result sought would more appropriately be achieved by means of changes to the general, public law (i.e. by a Public rather than a Private Bill) that would give the same powers or benefits to others in a similar position, without the need to single out the promoter.

5.9 On the second point, the Committee should establish that each accompanying document meets the requirements set out in the relevant paragraph of Rule 9A.2.3, and that it does so in a way that is suitable for the intended purpose. For example, the Committee should consider whether the Explanatory Notes give sufficient information to explain the effect of the provisions of the Bill; and whether the Promoter’s Statement provides sufficient information about advertisement of the promoter’s intention to introduce the Bill.

5.10 If the Committee takes the view that the accompanying documents do not meet the requirements of Rule 9A.2.3, or are not adequate to allow for proper scrutiny of the Bill, it will not normally decide to recommend that the Bill should not proceed as a Private Bill without first offering the promoter an opportunity to provide supplementary accompanying documents (Rule 9A.8.4). It is for the Committee to specify what further documents it requires and to set a reasonable timescale within which they must be provided. Under Rule 9A.8.5, supplementary accompanying documents must satisfy the same requirements of form as apply to the original accompanying documents. The clerks will make similar arrangements for the publication and distribution of supplementary accompanying documents as were made for the original accompanying documents (Rule 9A.8.6).

5.11 Previous Private Bill Committees have, at a very early point in its proceedings (e.g. at the first meeting), considered and agreed what the Committee’s approach to Preliminary Stage will be. This has included decisions on which organisations, bodies, individuals other than the promoter it wishes to invite to submit written and/or give oral evidence and on what particular issues. Committees have also considered and agreed provisional timetables to which they work for the purposes of inviting written evidence, holding oral evidence meetings and publishing their Preliminary Stage report. Agreeing and publishing such details allows all affected parties, promoter, objectors, to be aware of how and when the Bill will be taken forward.

Consideration of objections

5.12 The third main role of the Committee at Preliminary Stage is to give preliminary consideration to any objections lodged, and to give full consideration to any objections to the whole Bill.

5.13 It is not the Committee’s role at this Stage to decide the admissibility of objections, that is settled at the time they are lodged by the clerks (paragraph 3.7). Preliminary consideration is limited to the Committee satisfying itself that each objection is based on a reasonable claim that the objector’s interests would be
clearly adversely affected by the Bill. If the Committee is not satisfied on that point, it may reject the objection (Rule 9A.8.2). The Committee may (but need not) offer an objector an opportunity to be heard at a meeting of the Committee before deciding whether to reject their objection.

5.14 As regards objections to specified provisions of the Bill, this is not the time to consider the substance of such objections (that is for Consideration Stage). However for those objections (or part of objections) that relate to the whole Bill, the Committee will first give preliminary consideration to such objections and, if satisfied that the objections are based on a reasonable claim, then give detailed consideration to them in the context of its consideration of the general principles of the Bill. The Committee’s approach to the handling of such objections (in terms of selection and grouping of objections and evidence gathering) will replicate the process by which objections to specified provisions are dealt with at Consideration Stage.

5.15 If an objection relates to the whole Bill as well as to specified provisions, that part of the objection regarding the whole Bill will be dealt with at the Preliminary Stage, but the remainder of the objection would be allowed to continue to the Consideration Stage.

5.16 If an objection is rejected at the Preliminary Stage, the objector will be informed of the Committee’s decision by the clerks. The fee paid for lodging the objection will not be refunded in these circumstances. The Parliament’s procedures do not provide for a right of appeal against such a decision although the decisions of the Parliament and its committees may be subject to review by the courts.

**Preliminary Stage Report**

5.17 Once the Committee has completed its detailed consideration of the above issues, it will prepare a report to the Parliament. The report is published in hard copy (and will be made available in each relevant Parliament partner library) and made available on the Parliament’s website.

5.18 The report will contain a recommendation to the Parliament on whether the general principles of the Bill should be agreed to and whether the Bill should proceed as a Private Bill. It will also set out the result of the Committee’s preliminary consideration of objections and list any objections rejected (Rule 9A.8.2) on the ground that the objector’s interests are not clearly adversely affected. The report will also include the Committee’s decisions with regard to any objections against the whole Bill. If the Committee upholds an objection against the whole Bill, the Committee will recommend to the Parliament that the general principles of the Bill not be agreed to.

**Preliminary Stage Debate**

5.19 After the Preliminary Stage Report has been published, the Parliamentary Bureau will recommend, in a Business Motion, a time in the Parliament’s Business Programme for a Preliminary Stage debate. If the Business Motion is agreed to, the agreed Business Programme is advertised in Section B of the Business Bulletin.
5.20 The Preliminary Stage debate takes place on a motion, lodged in the name of the convener of the Committee, reflecting the recommendations of the report. The procedural possibilities depend on the form of the motion.

5.21 One possible motion is “That the Parliament agrees to the general principles of the [title] Bill and that the Bill should proceed as a Private Bill”. If a motion in that form is agreed to by the Parliament (whether on a division or otherwise), the Bill proceeds to Consideration Stage. If such a motion is not agreed to, the Bill falls (Rule 9A.8.10).

5.22 Alternative forms of motion may be used where the Committee either did not recommend that the general principles be agreed to, or that the Bill should proceed as a Private Bill, or both. (For example, “That the Parliament does not agree to the general principles of the [title] Bill and does not agree that the Bill should proceed as a Private Bill”). If any such motion in that form is agreed to (whether on a division or otherwise), the Bill falls. If any such motion is not agreed to, the Bill also falls. The Bill could only proceed to Consideration Stage on the basis of such a motion if the motion was first amended. The necessary amendment (in relation to the motion given as an example above) would be to leave out “does not agree to the general principles of the [title] Bill and does not agree” and insert “despite the recommendation of the [name] Committee, agrees to the general principles of the [title] Bill and agrees”. Any MSP may lodge such an amendment, which is subject (like all amendments to motions) to selection by the Presiding Officer (Rule 8.5.6).

Consideration Stage – Phase 1 (Evidence)

5.23 If the Bill is approved by the Parliament at the Preliminary Stage debate, it is then for the Private Bill Committee to take Consideration Stage (Rule 9A.9.1).

5.24 The overall purpose of Consideration Stage is to consider the detail of the Bill. Within that, there are two distinct phases, distinguished by the style of proceedings. The first involves the Committee meeting in a quasi-judicial capacity to hear evidence on the Bill and on objections to it; the second involves it meeting in a legislative capacity to consider and dispose of any amendments (some of which may have arisen out of objections that the Committee upholds).

5.25 The role of the Private Bill Committee at Phase 1 is to act as arbiter between the promoter and objectors and to report its decisions to Parliament. This involves allowing differences between the parties to be resolved by negotiation but also, where that is not possible, choosing between them. Before it can do so, the Committee must ensure that each party has had a fair opportunity to present its own case and question the opposing case. This may involve the leading of evidence and the cross-examination of witnesses and their evidence.

5.26 It is worth considering factors that determine the length of phase one of Consideration Stage. For example, the number of outstanding issues arising from objections and the complexity of these issues is one factor. However, overarching this is the number of objections that actually proceed to oral evidence at Consideration Stage ie those objections on which a satisfactory agreement has not
been reached. That is why promoters and objectors are encouraged to enter into early dialogue to seek resolution of objections whenever and wherever possible.

Selection and grouping of objections
5.27 At the beginning of the first phase of Consideration Stage, the Committee must agree from whom to invite evidence, and whether to invite oral evidence, written evidence or both.

5.28 The Committee has only limited discretion about whom to invite. Under Rule 9A.9.3(a), it must invite the promoter. With objectors, the Committee should first group objections that it considers to be the same or similar. From each group, the Committee must then select one or more objectors to co-ordinate evidence (whether oral or written) on behalf of that group (Rule 9A.9.4). For the purpose of grouping, objections will normally be treated as similar only if they give similar reasons in opposition to similar aspects of the Bill. This ensures that all legitimate arguments are considered, while avoiding unnecessary repetition.

5.29 Of the remaining objections i.e. those the Committee cannot (or chooses not to) group, it must invite every objector whose interests would (in the Committee’s opinion) be clearly adversely affected by the Bill to give evidence. This power of the Committee at Consideration Stage to decide not to invite evidence from certain objectors is separate from its power at Preliminary Stage to reject objections on similar grounds. Only objectors whose interests are (in the Committee’s opinion) clearly not adversely affected by the Bill may be rejected outright at Preliminary Stage.

Timetabling
5.30 A timetable will normally be prepared for the hearing of evidence. Depending upon circumstances this will normally be prepared in one of the following ways—

- the clerks may draft a timetable following informal discussions with the promoter and objectors;
- the Committee members may wish to meet parties informally before agreeing a timetable; or
- the Committee may wish to discuss and agree a timetable at its first evidence-taking meeting.

5.31 Where possible, discussions on timetabling will take place at least two weeks in advance of the commencement of the taking of oral evidence. This will allow the Committee to provide those witnesses whom it invites to give oral evidence (whether in front of it or an assessor appointed by it) with adequate notice. Where the Committee intends to meet outwith Edinburgh to take evidence, it may be necessary for it to finalise the list of oral witnesses at the beginning of the first such meeting. In that event some witnesses may be required to be on stand-by to give their evidence. Any such witnesses will be given as much advance notice as possible.

5.32 Prior to any meeting to discuss timetabling the promoter and objectors will be expected to provide in writing the following details of any witness they would wish to support their position—
• name and position;
• summary of their evidence;
• the expected time required to give their evidence; and
• availability to attend.

5.33 Such information should ideally be available seven days in advance of the timetabling discussions to allow copies to be given to other parties. The clerks will liaise with all parties as necessary on this.

Written evidence

5.34 In some instances written evidence will be invited and a timescale for this to be received will be set. Written evidence should wherever possible be succinct, concise, focussed and as non-technical as possible and set out in numbered paragraphs. Clerks will provide a template for the submission of written evidence. The electronic submission of evidence is greatly encouraged as this eases distribution and speeds up the evidence gathering process. It is not necessary for written evidence to repeat material already available to the Committee in the accompanying or others documents.

5.35 All written evidence submitted must relate to the original objections. It may not raise, for example, any unrelated new issues not raised in the relevant original objections. The evidence should clearly state those issues upon which there is no disagreement between the objectors and promoter. Any evidence that does not relate to issues in the original objection will not be considered by the Committee (or any assessor).

5.36 The following is an example only of an approach to gathering written evidence where the Committee agrees the grouping of objections and lead objectors of such groups (it is for each Committee to consider and agree on what approach it will take)—

Step 1

5.37 A letter is issued to all objectors and the promoter informing them of the outcome of the meeting at which the Committee considers and agrees its approach to Consideration Stage (decisions on groupings, lead objectors). The letter might invite the submission from each objector group of—

• written evidence on each outstanding issue identified in each objection within the group that the group wishes to pursue;
• provisional witness lists i.e. the witnesses each group will put forward on each topic of evidence; and
• invite each group to provisionally indicate how long it will take to present its oral evidence and cross examine witnesses.

Step 2

5.38 Upon receipt of the written evidence from each group, a copy would be forwarded to the promoter inviting it to—

• respond to the written evidence received on each outstanding issue raised by each group;
• submit provisional witness lists i.e. the witnesses the promoter will put forward on each topic of evidence within each group should the Committee wish to hear oral evidence on the issues raised; and
• provisionally indicate how long it expects to take to present its oral evidence and cross examine witnesses for each group.

Step 3
5.39 Upon receipt of the promoter’s written evidence response, a copy would be forwarded to each group inviting it submit a further written response on each outstanding issue.

Step 4
5.40 Upon receipt of each group’s response evidence, the Committee would expect to be in a position to invite its assessor to proceed to oral evidence hearings.

5.41 The intention of such an approach is to filter down to the outstanding issues to be pursued through oral evidence. At this point, each group and the promoter could be invited to finalise their respective witness lists and firm up on how long they expect to take in cross-examining witnesses. This assists in finalising the timetable for oral evidence hearings. It should however be noted that the Committee has discretion as regards who to call for oral evidence and how much evidence to hear. For example, the Committee may refuse to have heard evidence which in its opinion is irrelevant or repetitious or on an issue not raised in the original objections.

5.42 Objectors are encouraged to include within their evidence details of amendments they would like to see made to the Bill.

5.43 To ensure fairness to all, written evidence submitted will be published in electronic form on the Committee’s home page on the Parliament website and as part of the Committee’s report when published. If, exceptionally, an objector has grounds for not wishing their written evidence to be published, then this must be indicated to the clerks. The Committee will then consider any such requests.

Legal representation
5.44 If the Committee decides that an objector (or a representative of objectors that the Committee has grouped) should be invited to give oral evidence, it is a matter for the promoter and each objector to decide whether or not to employ legal or other representation to appear for them in the proceedings before the Committee (or any assessor). There is no obligation to employ legal or other representation and parties may represent themselves. It is expected that each party that chooses to employ any representation will bear the costs of so doing. Parties may of course reach alternative arrangements if they so wish, but that is not a matter for the Parliament.

Order of proceedings
5.45 It is for the convener of the Committee to call witnesses to speak and to determine the overall order of proceedings. However it is expected that the Committee will first hear from the promoter, followed by questioning of the promoter by Committee members themselves and cross-examination by objectors in whatever order the Committee determines. It will then be for objectors to present their evidence (in the agreed order), each objector being subject to questioning by the
Committee and cross-examination by the promoter. The parties will be expected to have regard to the overall timetable to which the Committee is working (and on which they would have been consulted). Oral evidence should focus only on those matters that remain in dispute between the parties.

Additional evidence and witnesses
5.46 If, during the Consideration Stage evidence-taking, one of the parties wishes to introduce additional written evidence or propose that an additional witness be heard, a formal request should be made via the clerks. It is for the Committee itself (or any assessor appointed by the Committee) to decide what evidence is taken and which witnesses are heard.

Assessor
5.47 At Preliminary Stage, the Committee can decide to direct the Scottish Parliamentary Corporate Body (SPCB) (subject to the Bill proceeding to Consideration Stage) to appoint an assessor to consider and report to the Committee at Consideration Stage (Rule 9A.8.2A).

5.48 The Procedures Committee report, Private Bill Committee Assessors\textsuperscript{6} recommended that the Private Bill procedures to be changed. In essence, the report proposed that Private Bill Committees should have the option of appointing an independent assessor to hear and consider objections during the first phase of Consideration Stage. The primary benefit of the proposal was described as its capacity to ‘reduce the burden on MSPs in dealing with what are at times highly complex and technical matters’, while also enabling the process to be conducted more efficiently.

5.49 The Parliament agreed to the changes and Chapter 9A of Standing Orders has been amended to include provision for the appointment of an assessor (and related procedures).

5.50 While an assessor could report to the Committee in the ways highlighted above, it remains the sole duty of the Committee to decide and report on any outstanding objections at Consideration Stage. Standing Orders are clear that the Committee can accept in whole or in part, or reject, any report by an assessor. Furthermore, after an assessor reports, the Committee could take such other steps as it thinks fit, for example, referring further matters to the assessor for consideration and report, or itself taking further evidence.

5.51 Should the Committee decide to appoint an assessor, then under Rule 9A.8.2A the Committee may, during Preliminary Stage, direct such an assessor to report to it in one or both of the following options—

Option 1: Grouping, invitations and evidence
5.52 The assessor would recommend to the Committee in a report—

\textsuperscript{6} Procedures Committee’s 1st Report, 2006 (Session 2) (SP Paper 481)
• the objections that are the same or similar and which should be grouped under rule 9A.9.4;
• which objectors should be chosen to give evidence in relation to the objections so grouped; and
• whether the invitations to give evidence should be invitations to give evidence orally or in writing;
• to consider the evidence given to the assessor and report with such recommendations on the basis of that evidence as the assessor considers appropriate.

Option 2: Evidence only
5.53 The assessor would report on the evidence given and report with such recommendations on the basis of that evidence as the assessor considers appropriate. The other functions of grouping objections and then inviting written and oral evidence would be undertaken by the Committee (as expanded on below).

Data Protection
5.54 As previously referred to (see paragraphs 3.12-3.17) the Parliament must process all written evidence under the terms of the Data Protection Act 1998. All written evidence submitted will be seen in full by the assessor, the promoter and the Committee, i.e. without deletion of personal data or sensitive personal data concerning objectors.

5.55 However, any personal data concerning a third party who is not an objector will not be forwarded to the promoter unless the clerks receive the clear written consent of the person whom the data concerns. If the clerks do not have that consent they will forward the written evidence to the promoter with this third party data deleted and no further evidence will be taken on that specific matter.

5.56 In submitting written evidence objectors should therefore avoid the inclusion of personal or sensitive personal data unless this is necessary to make a particular point. For example, written evidence must include the names and titles of witnesses, but there is no need to include their phone numbers, addresses and other contact details. It will be for the lead objector to ensure that objectors or third parties agree to the inclusion of their personal data in any evidence submitted to the Parliament.

5.57 All written evidence will be published on the Parliament’s website. However, all personal data or sensitive personal data will be removed from the published version.

---

7 Personal data means data that affects the privacy of a living, identifiable individual who can be identified from the data. The mere mention of someone’s name is not necessarily personal data – there must be some biographical element that has the individual as its focus and affects their privacy. For example, a person’s name along with their home address is personal data.

8 Sensitive personal data is data which describes racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life, the commission or alleged commission of an offence, or proceedings carried out in relation to an offence.
Consideration Stage Report

5.58 Once Phase One has been completed the Committee will prepare a report giving its decisions on the objections considered with reasons where appropriate. Such a report may also indicate areas where the Committee expects the Bill to be amended during the second phase of Consideration Stage. In the event of an assessor being appointed by the Committee, the Committee’s report will take into consideration the conclusions and recommendations made in the assessor’s report. It is likely that the Committee would append this report to its own. The report will be published in hard and electronic formats. Affected parties will be notified when the report is to be published.

Possible amendments to the Bill affecting third parties

5.59 Prior to the end of Phase One, a proposal may be made to amend the Bill in such a way that might adversely affect the interests of new prospective objectors (that is, persons whose interests are not affected by the Bill as introduced, and so would not have been able to object to it, but who would be able to object to the Bill if it was amended as proposed), or that might adversely affect the interests of existing objectors in new ways (for example, giving them new grounds of objection). Such a proposal could either originate with the Committee or with the promoter, and might be based on arguments made by objectors or on other considerations.

5.60 If the proposal originates with the Committee then the promoter will be expected to respond to this proposal, indicating whether it is willing to put in place the arrangements necessary for a new objection process to take place.

5.61 Should the promoter indicate unwillingness to accept the Committee’s proposal, the Committee may recommend to the Parliament that the Bill not be passed at Final Stage. However, the final decision as to whether the Bill be passed is a matter for the whole Parliament.

5.62 It is important to note that, where the Committee agrees to consider such a proposal, it is not stating that it definitely wishes the Bill to be amended in line with the proposal (even if the proposal originates with the Committee rather than the promoter), merely that it considers there to be merit in further exploring the detail of the Bill. It would be inappropriate for the Committee to decide whether to amend the Bill before it had given those who might be adversely affected by the amendment an equivalent opportunity to object to it as was given prior to introduction of the Bill to those who might be adversely affected by the Bill itself. It may be that objections will be lodged (and subsequent evidence presented) to the amendment that are more persuasive than the arguments in favour of the amendment. The point being that the Committee needs to be aware of the considerations on both sides before it can decide.

5.63 It will be for the Committee to agree with the promoter what material will be needed to inform prospective objectors of what the proposed amendment would involve. This may involve the preparation of draft amendments to the Bill and drafts of revised or supplementary accompanying documents (that is, drafts of how the accompanying documents to the Bill would need to be revised or supplemented if the amendments were agreed to).
5.64 The process of notification and advertisement should be equivalent to the original process undertaken before introduction of the Bill, to ensure that new prospective objectors have the same rights as the original prospective objectors. The new objection period should also normally be 60 days. However, in circumstances where the Committee is satisfied that potential new objectors will not be hindered in the exercise of their right to object then it may specify an objection period of less than 60 days.

5.65 Following the end of the objection period, the Committee will give preliminary consideration to any objections lodged as well as considering the draft revised or supplementary accompanying documents on the same basis as was the case at Preliminary Stage.

5.66 Following preliminary consideration, if the Committee is content that any objections are made on a reasonable basis, then the Committee will consider the detail of these objections on the same basis as any other objections at Consideration Stage.

**Consideration Stage – Phase 2 (Amendments)**

*Consideration Stage amendments*

5.67 Once the first phase of Consideration Stage – the hearing of evidence – has been completed, there must be an interval of at least five sitting days before the Private Bill Committee begins phase 2 – formal proceedings on amendments (Rule 9A.9.7). Between the conclusion of the evidence taking and deadline for lodging amendments (Rule 9A.12.2), members of the Committee may lodge amendments to the Bill. The Committee will encourage the promoter to prepare amendments to give effect to any recommendations contained in its Consideration Stage Report. The clerks can distribute these for members of the Committee to lodge and subsequently consider during phase 2.

5.68 Amendments are lodged with the clerks and, if admissible, printed in the Business Bulletin. Before the first meeting of the Committee at which amendments are considered, the clerks will prepare a Marshalled List (a document showing all the admissible amendments lodged and not so far disposed of, in the order in which they will be considered) of amendments. The convener may group amendments for debate. If proceedings on amendments take place over more than one meeting, a separate Marshalled List and groupings will be prepared for each day.

*Order of consideration*

5.69 Under Rule 9A.9.6, the Private Bill Committee may decide the order in which the sections and schedules of the Bill are to be taken. It need only make a formal decision about the order of consideration if it wishes to depart from the default order prescribed by the Rule, which is to take the sections in the order they appear in the Bill and each schedule immediately after the section that introduces it. If the Committee proposes to depart from that order, the clerks will inform the promoter (and the promoter may wish to propose, via the clerks, an appropriate order to the Committee).
5.70 Where the order of consideration is to be decided, this should, if at all possible, be done before the first meeting at which the Committee considers amendments (i.e. at the last Consideration Stage meeting at which evidence is taken), so that the Marshalled List can be prepared to reflect the agreed order. However, the clerks should first ensure that the convener is content with the order proposed and then circulate a note explaining the proposal to the Committee, inviting any member who might object to do so in advance. This should ensure that the order can be agreed to formally and that the Committee can immediately begin to consider amendments in that order.

- **Recording decisions on amendments**

5.71 It is not expected that the Private Bill Committee will normally prepare any report to the Parliament at this stage of the process. However, it is open to the Committee to prepare a report explaining why particular amendments were made or drawing the Parliament’s attention to provisions of the Bill where, although it could not agree on any particular amendments, it agrees that some amendment is required.

*The Bill as amended*

5.72 If any amendment (however small) is agreed to, the Bill must be re-printed in amended form (Rule 9A.9.10). If substantial amendments are made (particularly the insertion of new sections or schedules) the promoter will be expected to provide revised or supplementary Explanatory Notes. The re-printing of a Bill is recorded in the Business Bulletin.

**Final Stage**

5.73 Final Stage takes place at a meeting of the Parliament (Rule 9A.10.1). If the Bill has been amended at Consideration Stage, there must be nine sitting days between the last day at that Stage and the day on which Final Stage takes place (or begins) (Rule 9A.7.3A). If the Bill has not been amended, the gap is four sitting days.

**Amendments at Final Stage**

5.74 Amendments for Final Stage may be lodged as soon as the Consideration Stage is completed (Rule 9A.10.3). Where the Bill was amended at Consideration Stage, Final Stage amendments must relate to the “As Amended” print of the Bill. Where amendments are submitted before that print is ready, the clerks will accept them only on a provisional basis and print them when the page and line references have been checked against the printed version of the amended Bill.

**Order of consideration**

5.75 Rule 9A.10.5 requires amendments at Final Stage to be taken by reference to the order in which the sections and schedules arise in the Bill, unless the Parliament agrees to a Parliamentary Bureau motion to the contrary. If the promoter takes the view that Final Stage consideration should follow any order other than that laid down by the Rule, it may suggest that order to the clerks. If there is to be a Parliamentary Bureau motion, it should, if possible, be lodged in sufficient time to allow the motion to be taken by the Parliament the week before Final Stage.
Selection of amendments
5.76 All amendments that are admissible under Rule 9A.12.5 will be printed in the Business Bulletin; but if the Presiding Officer decides under Rule 9A.10.4 not to select all of the amendments, not all of the admissible amendments lodged will appear in the Final Stage Marshalled List. The clerks prepare a draft Marshalled List containing all the amendments lodged and put this to the Presiding Officer two days before the Final Stage is to be taken, together with a covering note recommending which amendments are selected (see Part 7 for how these recommendations are arrived at). The final Marshalled List is then prepared and sent for printing.

Proceedings on amendments
5.77 Final Stage proceedings on amendments are similar to those at Consideration Stage, except that all MSPs may vote.

Adjournment to a later day
5.78 After all amendments have been disposed of, the convener of the Committee may move, after the last amendment is disposed of, “That remaining Final Stage proceedings on the [short title] Bill be adjourned to [date]/a later day” (the motion may, but need not, name a day). This motion may be moved without notice and cannot be amended or debated, and under Rule 11.3.1, the question is put on it straight away. If the motion is agreed to, no further proceedings take place on the Bill until the day named in the motion (or until the Bureau has appointed a “later day”). In the interim, the convener of the Committee may lodge further amendments, but only for the purpose of “clarifying uncertainties” or “giving effect to commitments given on behalf of the promoter at the earlier proceedings at Final Stage” (Rule 9A.10.5).

5.79 These categories of permissible additional amendments correspond to the two possible reasons the Convener may have for moving to adjourn to a later day. The first reason is to give the promoter an opportunity to consider the implications of any significant Final Stage amendments that have been agreed to. Changes made to the Bill by an amendment on which the promoter has not been consulted may require some correction, and further changes elsewhere in the Bill may also be necessary before the Bill is, once again, fit to be enacted.

5.80 A second reason for moving to adjourn Final Stage proceedings is to allow commitments given on behalf of the promoter to be met. A promoter who wishes to make such commitments should write to the Convener of the Private Bill Committee (via the clerks). The Convener, in making the commitment during the Final Stage proceedings, should clearly indicate that he or she is speaking on behalf of the promoter. If the Final Stage proceedings are then adjourned, amendments will only be accepted as being to give effect to commitments given if they are consistent with what the Convener is recorded as saying on the promoter’s behalf.

5.81 Amendments lodged in either of the above categories for the resumed Final Stage proceedings will normally be printed in the Convener’s name followed by “(on behalf of the promoter)”.

43
Re-commitment

5.82 It may be that adjourning Final Stage consideration is not sufficient to resolve outstanding difficulties with the Bill. It may become apparent, in other words, that although there is still general support for the Bill, the limited scope for further Final Stage amendments does not allow the necessary changes to be made. In that case, the convener in charge may move “That the [short title] Bill be re-committed for further Consideration Stage consideration in respect of [specified sections and/or schedules]”, under Rule 9A.10.6.

5.83 If such a motion is agreed to, the Bureau will refer the Bill (or the provisions mentioned in the motion) back to the Private Bill Committee. Proceedings on re-commitment follow the same rules as for the original Consideration Stage.

5.84 If the Bill is amended during the further Consideration Stage proceedings, it is reprinted as amended and four sitting days must elapse between the day those proceedings end and the day on which Final Stage resumes. If the Bill is not amended, there is no such minimum interval before the Final Stage proceedings may resume (Rule 9A.7.3B). In either case, Final Stage amendments may again be lodged, but only to those sections and schedules specified in the motion to re-commit or to other parts of the Bill (including the long title) if they are necessary in consequence of amendments made on re-commitment.

Debate and vote on whether the Bill be passed

5.85 After proceedings on amendments at the Final Stage are concluded (including any adjourned proceedings under Rule 9A.10.5, and any further Final Stage proceedings after re-commitment), the Parliament must decide whether to pass the Bill. The convener of the Committee moves “that the [short title] Bill be passed” (the motion having been lodged in advance of Final Stage), and a general debate on the Bill may take place.

5.86 Note that the convener will always lodge and move a motion in these terms, even if the Committee recommended at the Preliminary Stage that the Parliament should not agree to the general principles of the Bill or that the Bill should not proceed as a Private Bill. Because the Committee’s role is, in practice, over by this point in the process, the convener is no longer required to represent its views. Instead, for the purposes of the Final Stage debate, the convener’s role is to ensure that a decision is taken either to pass the Bill or not. In moving the motion, therefore, the convener is not acting on the promoter’s behalf and so is not expected, in his or her speech, to advocate or defend the Bill as a whole. Nor is there any expectation that the convener will vote in favour of the motion, despite having moved it.

5.87 If there is a division on the motion to pass the Bill, the result is only valid if at least a quarter of MSPs vote (Rule 9A.10.8). If the majority votes against the Bill, or the result is invalid, the Bill is rejected.

Crown Consent

5.88 If provisions of the Bill would affect the prerogative or interests of the Crown and Crown Consent has not been signified at Preliminary Stage (or if relevant provision has since been inserted by amendment), it is signified during the Final Stage debate by a member of the Scottish Government.
“As Passed” print

5.89 If a Bill that is passed was amended at Final Stage, it is re-printed to show the Final Stage amendments. If it was not amended at Final Stage, the previous print of the Bill serves the purpose of showing the Bill in the form in which it was passed.

Reconsideration Stage

Legal challenges to a Bill once passed

5.90 Section 32 of the Scotland Act 1998 provides that a Bill, once passed, may be submitted for Royal Assent by the Presiding Officer only after the expiry of a four-week period during which the Bill is subject to legal challenge by the Advocate General for Scotland, the Lord Advocate or the Attorney General under section 33, or by the Secretary of State under section 35. The Presiding Officer may, however, submit the Bill for Royal Assent after less than four weeks if all three Law Officers (under section 33(3)) and the Secretary of State (under section 35(4)) notify him that they do not intend to exercise their powers to challenge the Bill.

5.91 A challenge from the Secretary of State takes the form of an order specifying the provisions of the Bill objected to and the reasons that prohibit the Presiding Officer from submitting the Bill for Royal Assent. A challenge from one of the Law Officers takes the form of a reference to the Judicial Committee of the Privy Council (JCPC). Once such a reference has been made, the Presiding Officer cannot make further progress towards Royal Assent until the JCPC has either decided (or otherwise disposed of) the reference, or has referred a question arising from it to the European Court of Justice (ECJ).

Motions to reconsider the Bill

5.92 Where the JCPC refers to the ECJ a question arising from the case brought by the Law Officer, proceedings on that case are put on hold pending the ECJ judgement. Since the ECJ can often take two years or more to decide a question referred to it, section 34 of the Scotland Act allows the Parliament to have a reference to the JCPC withdrawn if the JCPC has in turn made a reference to the ECJ. For a Private Bill, this is effected by a motion under Rule 9A.11.1, “That the Parliament resolves that it wishes to reconsider the [short title] Bill”. Any member may move such a motion, but only if neither the reference to the JCPC nor the JCPC’s reference to the ECJ has been decided or otherwise disposed of. If the motion is agreed to, the Presiding Officer informs the Law Officers and the one who made the original challenge must then (under section 34(2)) request withdrawal of the reference to the JCPC. Reconsideration Stage may not take place until the withdrawal of the JCPC reference has been formally confirmed.

5.93 If there is no ECJ reference, nothing further can be done in the Parliament until the JCPC has decided (or otherwise disposed of) the Law Officer’s reference. If the JCPC decides that the Bill (or part of it) would be outwith legislative competence,

---

9 The JCPC consists of Law Lords and other senior judges and is the final court of appeal in civil and criminal cases from certain Commonwealth countries and from domestic sources other than the courts, including the General Medical Council and the Church of England.

Note: The functions of the JCPC will be taken over by the Supreme Court of the United Kingdom under the Constitutional Reform Act 2005 from October 2009.
or if a section 35 order (see paragraph 5.90) is made, any member may move “That the Parliament resolves to reconsider the [short title] Bill”. If such a motion is agreed to, the Bureau allocates a time for Reconsideration Stage on the Bill at a meeting of the Parliament (Rule 9A.11.3).

Amendments at Reconsideration Stage
5.94 The purpose of Reconsideration Stage is to allow those provisions of the Bill subject to legal challenge to be amended so that the basis of the challenge is removed. Rule 9A.11.4 therefore provides that only amendments aimed at resolving the issue on which the Bill was challenged are admissible. The judgement of the JCPC, the question that was referred to the ECJ or the section 35 order will be used by the clerks as a guide to the admissibility of amendments at Reconsideration Stage. Amendments are worded by reference to the “As Passed” version of the Bill. As at Final Stage, amendments are disposed of in the order in which they relate to the Bill, unless the Parliament decides, on a Bureau motion, to follow a different order (Rule 9A.11.4). There is no selection of amendments at Reconsideration Stage, so all admissible amendments lodged must be taken.

Proceedings at Reconsideration Stage
5.95 The above differences aside, proceedings at Reconsideration Stage are similar to those at Final Stage. Once the amendments have been disposed of, the Bill may be further debated before the Parliament decides whether to approve the Bill. If there is a division, only a simple majority is required (the 25% quota required for the Bill to be passed does not apply).

5.96 A Bill approved after reconsideration is again subject to legal challenge by the Law Officers or the Secretary of State in exactly the same way as it was after it was first passed. There is no limit to the number of times the Parliament may approve a Bill, or those persons may challenge it.

Crown Consent
5.97 If the Bill has been amended on reconsideration to include provisions that would affect the prerogative or interests of the Crown, Crown Consent for those provisions is signified during debate on whether to approve the Bill.

Financial resolution
5.98 Where a Bill contains particular provisions affecting payments into or out of the Scottish Consolidated Fund, it cannot proceed beyond Preliminary Stage unless the Parliament has, by resolution, agreed to the relevant provisions. That resolution is known as a "financial resolution" and the rules governing such resolutions are set out in Rule 9A.14.

Carryover of Private Bill
5.99 As with Public Bills, a Private Bill introduced in any session of the Parliament falls if it has not been passed by the Parliament before the end of that session (Rule
However, unlike Public Bills, Private Bills that fall in these circumstances may be “carried over” to the following session.

5.100 Under Rule 9A.7.6, where a Bill falls at the end of one session, the promoter may introduce a Bill in the same terms in the next session of the Parliament. If the original Bill had already completed Consideration Stage and had been reprinted as amended, the new Bill that is introduced in the second session will be in the same terms as that reprinted Bill. The promoter is not required to provide any accompanying documents under Rule 9A.2.3 when the new Bill is introduced, as the accompanying documents used for the Bill in the first session will be used for the Bill in the second session. However, a fresh statement by the Presiding Officer is required in respect of the new Bill. It may not therefore be possible to introduce the new Bill until some time after the beginning of the new session, to allow time for the new Parliament to elect a Presiding Officer (which, under Rule 3.2.1, must take place at the first meeting after the election) and for a fresh statement to be prepared. The new Bill must, however, be introduced no later than 30 days after the new Parliament first meets (Rule 9A.7.9).

5.101 Any objections to the original Bill lodged during the earlier session are treated as objections in the later session to the new Bill, and any decision by the earlier Private Bill Committee to reject certain objections at the Preliminary Stage shall apply in relation to the new Bill (Rule 9A.7.8).

5.102 If, on the day the Parliament is dissolved, the original Bill had not completed a particular Stage, then proceedings on the new Bill must normally commence at the beginning of that Stage. However, the new Bill may commence at a later point in that Stage (up to the point that the original Bill had reached) with the agreement of the promoter, those objectors the original Committee invited to give evidence and any other witness from whom that Committee decided to take evidence. This may be useful to avoid the repetition of evidence taken during the earlier session. However, the Committee established in the new session may prefer to begin evidence-taking again if its membership is substantially different from that of the original Committee or if the amount of evidence to be re-heard is not substantial.

5.103 It should be noted, however, that this Rule does not permit the new Bill to commence its progress at any point during that part of either Consideration Stage or Final Stage which involves proceedings on amendments. This is because Consideration Stage amendments that had been lodged to the original Bill are not carried over to the new session. What is more, decisions taken by the Committee (or the Parliament) to agree to amendments during a Stage not completed during the earlier session have no effect after the dissolution. As a result, it is necessary for the new Bill to begin the relevant proceedings on amendments afresh in the new session to allow the same or similar amendments to be made to the new Bill.

---

10 Note that, in the Scottish Parliament, the term “session” refers to the period between the first meeting of the Parliament after a general election and the dissolution of the Parliament before the next election. The equivalent term in Westminster is a “Parliament”.

47
Withdrawal of Private Bill

5.104 Rule 9A.15 allows a Private Bill to be withdrawn at any time by the promoter. The consent of the Committee or the Parliament as a whole is not required. A Bill is withdrawn by the promoter writing to the clerks, who will notify the Committee and include notice of the withdrawal in Section G of the Business Bulletin. The fee for lodging the Bill is not refunded on withdrawal, and any outstanding costs must still be paid by the promoter.

5.105 Where a Bill is withdrawn another Bill in the same or similar terms may not be introduced by the same promoter within a period of six months from the date on which the original Bill was withdrawn (Rule 9A.15).

Change of promoter

5.106 The identity or status of a promoter may change during the passage of a Bill as a result, for example, of the death of an individual, the merger or bankruptcy of a company, or a legislative change affecting the identity of a statutory body. In many cases, the general rights and liabilities of the promoter will transfer to its successor by operation of law.

5.107 Rule 9A.11A applies where the promoter who introduced the Bill is no longer able, or no longer wishes, to obtain the powers or benefits that it is the purpose of the Bill to confer, but where there is another person or body who can (and wishes to) become the beneficiary of those powers or benefits.

5.108 As the range of possible circumstances is so open-ended, it is difficult to anticipate what impact a change of promoter may have on objectors and the need to ensure proper scrutiny of the Bill and it is therefore for the Private Bill Committee to assess the circumstances. If the Committee is satisfied that a change of promoter would not compromise the proper scrutiny of the Bill, or the rights and interests of the objectors, it can allow the Bill to proceed (although it may require the promoter to provide additional accompanying documents, or give additional undertakings, and it may require Preliminary or Consideration Stage to begin again).

5.109 If the Committee is not satisfied, it may report to the Parliament that the Bill should not proceed with the new promoter. In that event, proceedings on the Bill would be suspended until the Parliament had considered and decided on that recommendation (on the grounds that no Bill should ever be rejected other than by the Parliament as a whole). If the recommendation was accepted, the Bill would fall (and it would then be open to the new promoter to introduce the same or a similar Bill in order to begin the process again (but see 6 month rule in Rule 9A.7.4)). If the Committee’s recommendation to the Parliament was not accepted, however, the Committee would be required to continue with its consideration of the Bill.
Royal Assent and after

From Bill to Act

5.110 If a Private Bill that has been passed (or approved after Reconsideration) has not been subject to legal challenge (or further legal challenge) within the statutory 4-week period, or if the Secretary of State and all three Law Officers have confirmed that they will not challenge the Bill, the Presiding Officer may present the Bill for Royal Assent.

Royal Assent version of the Bill

5.111 To prepare for this, the clerks produce a “Royal Assent version” of the Bill. This is the same as the previous, printed version but with all numbering corrected and any necessary “printing points” taken in. Printing points are non-substantial corrections (i.e. corrections that do not affect the legal effect of the Bill). For example, changes may be made to section and schedule titles to ensure they continue accurately to describe the relevant sections and schedules. Numbering (including in cross-references) and punctuation are also corrected in consequence of amendments made. The promoter may ask for printing points to be made, but these will be refused by the clerks if they involve substantive changes that should have been made by amendment at an earlier stage.

5.112 As soon as there is no further possibility of legal challenge to the Bill, the Royal Assent version is taken to the Presiding Officer’s office. From there, it is sent together with draft Letters Patent to the Queen for Royal Assent.

Preparation of the Official Print

5.113 As soon as the Royal Assent version has been sent to the Palace, an “Official Print” version of the Act is prepared. The text is identical to the final text of the Bill, but the presentation is altered to that of an Act. In particular, an enactment formula is added, reading “The Bill for this Act of the Scottish Parliament was passed/approved by the Parliament on [date] and given Royal Assent on” [with a space for the date of Royal Assent]. The line numbers and backsheet are removed and a cover page showing the short title of the Act and the “asp number” is prepared.

5.114 The Official Print is printed on archive-quality paper, prepared according to a specification agreed with the National Archives of Scotland (formerly the Scottish Record Office), and bound with blue ribbon.

After enactment

5.115 When the Keeper of the Registers of Scotland (who records the Letters Patent that signify Royal Assent, under section 38(1)(a) of the Scotland Act 1998) informs the Clerk of the Parliament that Royal Assent has taken place (under section 38(2)), the Clerk fills in the date of Royal Assent in longhand in the enactment formula on the Official Print (under section 28(4)). He also writes in the “asp number” (in the place occupied on the Bill by the “status entry”). This number is in the form “2005 asp 1” (for the first Act given Royal Assent in 2005). The Clerk then sends a photocopy of the Official Print to the Queen’s Printer for Scotland, who authorises

---

the Act to be printed, and sends the original to the Keeper of the Records of Scotland for inclusion in the National Archives of Scotland.

5.116 The Act version (which is identical to the Official Print except with the date and asp number added) is prepared by the clerks and sent to The Stationery Office, who print it as soon as authorised to do so by the Queen’s Printer for Scotland. This “Queen’s Printer copy” is available to the public through stationery office bookshops and on the Office of Public Sector Information website. The text of the Act is also sent to the Statutory Publications Office for inclusion in the electronic Statute Law Database.
Part Six: Amendments

Introduction

6.1 An amendment is a proposal to change the wording of the text of a Bill. It is the only mechanism that may be used to make such a change, and also a key mechanism for allowing debate on the Bill’s provisions. (Some amendments are lodged primarily to allow an issue to be debated, without any intention to effect a change in the Bill’s text.) All amendments must conform to the rules governing the admissibility, style and content of amendments.

Basic principles

6.2 The Standing Orders relating to amendments are based on two guiding principles: the rule of separate textual amendments and the rule of progress.

Separate textual amendments

6.3 This is the principle that every substantive change to the text of a Bill requires an individual amendment to be lodged, moved and agreed to. As a legislature, the Parliament must agree to the precise form of words that has legal effect, and not just to the underlying policy behind those words. This means that it cannot simply agree, for example, to change every occurrence of word x to word y, since the legal effect of changing x to y will depend on the context in which the word occurs and may be different in each case.

6.4 When the Parliament (or a Committee) agrees to an amendment, it is precisely that amendment – and only that amendment – that may be made to the Bill (the only other changes that are permitted being strictly non-substantive “printing points”). The Parliament (or the Committee) cannot decide only on the principle underlying a change to the text of a Bill; it must also decide on the precise manner in which that change is to be made. Note that some major changes to the legal effect of a Bill can be achieved by a single amendment, whereas other, less major changes may require dozens of separate amendments.

The rule of progress

6.5 The second basic principle is that amendments must be taken and disposed of strictly in order. This order is not always the order in which the sections and schedules appear in the printed Bill but, whatever the order is, it must be followed. It is never permitted to return to a point in the order earlier than the last amendment moved at that Stage of the Bill. This obviously makes it important that amendments are marshalled (i.e. sorted into order) accurately and that a degree of formality is applied in the manner in which amendments are called and disposed of, since mistakes often cannot be rectified at the same Stage. The rule of progress also explains the importance of wording amendments consistently – since this will determine their relative places in the Marshalled List and hence their precedence in debate.
Admissibility of amendments

6.6 Rule 9A.12.5 establishes four criteria for the admissibility of amendments. These are amplified below by reference to the paragraphs of that Rule.

Proper form

6.7 Amendments are almost never ruled inadmissible on this ground alone. An amendment that is otherwise admissible can always be put into proper form – that is the clerks’ job. The form of amendments has been determined by the Presiding Officer (see Annex S).

6.8 It is implicit in this first criterion that an amendment is inadmissible if an identical amendment has already been lodged. This includes not just amendments which admit of only one wording (e.g. “Leave out section 1”) but also amendments that differ from an amendment already lodged only in trivial respects that would have no legal effect. A member seeking to submit such an amendment has the choice of either changing the amendment to make it substantively different from the one already lodged, or adding his or her name to that amendment.

6.9 Amendments must be in English.

Relevance

6.10 This is a key criterion. An amendment is inadmissible if it is outwith the scope of the Bill – though this is not always easy to determine.

6.11 It is sometimes wrongly imagined that the long title alone can be used to determine the scope of the Bill. The long title is intended to provide a concise description of the main purposes of the Bill and so is a useful guide to scope; but it is not definitive. Indeed, the reason why amendments to the long title are permitted (and are taken last) is to allow it to be adjusted to take account of amendments made elsewhere in the Bill – amendments that had to be within the scope of the Bill to be admissible, but were not consistent with the long title as it stands.

6.12 As a rule-of-thumb, where a Bill has only one or two purposes when it is introduced, any additional purpose is unlikely to be relevant; but if the Bill has three or more purposes when it is introduced, it may be relevant to add a further purpose by amendment, so long as the new purpose is no more remote in terms of subject-matter to the existing purposes than those purposes are to each other.

6.13 As well as being relevant to the Bill as a whole, each amendment must be relevant to the provision to which it is made. An amendment to a section, for example, is admissible only if it is relevant to the subject matter of the section. Similarly, an amendment to leave out a section and insert a new section in its place is appropriate only where the new section has essentially the same purpose as the old (but uses a different form of words to achieve that purpose). If the new section is doing something quite distinct, two amendments should be lodged, one to leave out the existing section, the other to insert the new one – the point being that the Parliament (or Committee) should, in that case, have the option of agreeing to one
amendment without the other. (Similar considerations apply to amendments to leave out smaller provisions such as subsections and insert new such provisions in their place.)

6.14 Where an amendment is relevant to the Bill but not to any existing section (or schedule), it should be put in the form of a new section (or schedule). In that case, care must be taken to place it appropriately in the Bill. In particular, if the Bill is divided into Parts and Chapters or under italic headings, a new section must be placed under a Part, Chapter, or italic heading to which it is relevant (which is easier if one of those headings is “General” or “Miscellaneous”). If the new section is not relevant to any existing heading, it may be necessary to prefix it with its own heading.

6.15 Under Rule 9A.12.9, an amendment to insert a new section or schedule should “normally” specify where it is to be inserted. “Normally” here means “wherever possible”. For any new section/schedule amendment that is admissible, it must be possible to find a place in the Bill where it can be relevantly inserted – and it should be lodged as an amendment to that place in the Bill if submitted before the Stage begins. But if proceedings at the Stage in question have already progressed beyond the last place where the new section or schedule could relevantly be inserted, then it may be lodged as an amendment to an unspecified place in the Bill. (Before accepting such an amendment, care should be taken to ensure that it conforms to the fourth criterion below.) Such an amendment would be printed under the heading “At an appropriate place in the Bill”.

Consistency with general principles

6.16 This criterion is intended to rule out so-called “wrecking amendments” – amendments that would reverse, substantially alter or render ineffective a principal purpose of the Bill. The rationale for this rule is that, by the time the Bill comes to be amendable, the Parliament has already voted at Preliminary Stage in favour of its general principles. The purpose of Consideration Stage is to subject the Bill to detailed scrutiny and to improve the means by which it gives effect to those general principles. The proper course, therefore, for members who oppose the basic thrust of the Bill is to vote against the motion to approve its general principles at Preliminary Stage – or, if any amendments made at Consideration Stage are insufficient to make it acceptable in their view, to vote against the motion to pass the Bill at Final Stage. What they should not do is attempt, by amendment, to frustrate the general principles of the Bill already agreed to by the Parliament.

6.17 In determining whether an amendment would be inconsistent with the general principles of the Bill, a similar rule-of-thumb to that described under Relevance above is employed. That is, where a Bill is introduced with only one or two principal purposes, an amendment to leave out (or substantially alter) that purpose or one of those purposes would not be admissible; but where the Bill was introduced with three or more purposes, it may be possible to leave out by amendment any one of them without “wrecking” the Bill. In taking a view in any particular case, account would be taken of how substantial the purpose is, the extent to which the remaining purposes would be affected by its removal (or substantial alteration) and how close it is in terms of subject-matter from the other purposes of the Bill. Thus it may be possible to remove by amendment from a multi-purpose Bill a minor purpose that
stands apart from the remainder of the Bill and on which the rest of the Bill does not depend, but not to remove a substantial purpose that is central to the Bill as a whole.

**Consistency with decisions already taken**

6.18 This criterion is intended to prevent decisions taken on one amendment being effectively overturned by a decision on a subsequent amendment at the same stage. Rule 9A.12.11 prevents a later amendment already on the Marshalled List (i.e. that was admissible when it was lodged) being called; but this rule prevents such an amendment being printed if the amendment with which it is inconsistent has already been agreed to. It also prevents an amendment being printed if another amendment that would have essentially the same effect has already been disagreed to. The rationale for this rule is to prevent a member who has been defeated once on an issue simply coming back again with a similar amendment later during the same Stage.

6.19 The question of whether an amendment qualifies as “inconsistent” with a decision already taken will often require judgment to decide; and here in particular the benefit of any serious doubt should always be given to the member seeking to lodge the amendment. If need be, the convener (or Presiding Officer) can be alerted to the issue that the amendment may contravene this rule, so that he or she can alert the Committee (or the Parliament) to the issue when the amendment is taken.

6.20 In particular, if a new section amendment has been disagreed to early in proceedings, it is not permitted to lodge (later in the stage) an amendment to insert the same (or a substantially similar) new section to an unspecified place in the Bill. Such an amendment, if admitted and then agreed to, could undermine the earlier decision. Amendments to insert new sections or schedules at unspecified places are thus, in practice, admissible only where they deal with issues not substantively discussed when the part of the Bill to which they are relevant was being taken.

**Role of clerks in determining admissibility**

6.21 The clerks aim, where possible, to make amendments submitted conform to the above criteria. Where the changes that are required to make an amendment admissible are non-substantive, they may be made administratively. But where it is only possible to render an amendment admissible by making substantive changes to the wording, the clerk will clear these changes with the member wherever possible. If doubts about the admissibility of an amendment cannot be resolved, the ultimate authority is the convener or (as the case may be) the Presiding Officer (under Rule 9A.12.4).

6.22 Amendments of doubtful admissibility may, if need be, be held back from printing while the issue is resolved, to avoid the situation where an amendment appears in print and is subsequently deemed inadmissible. Where an amendment is so held back, the member who submitted it will be informed. However, amendments lodged on the last day before the deadline for preparation of the Marshalled List should be given the benefit of the doubt and included in the Marshalled List to ensure that notice of them is given before the Stage begins.
Lodging amendments

When an amendment can be lodged

6.23 A Private Bill can be amended at Consideration Stage and at Final Stage. A Bill that is re-committed under Rule 9A.10.6 may be further amended at Consideration Stage and amended again when it returns to Final Stage (to the limited extent specified in that Rule). A Bill that is reconsidered after it has been passed may be amended to the extent allowed under Rule 9A.11.4. At Consideration Stage, amendments may not be lodged until consideration of evidence has been completed (Rule 9A.9.7). At Final Stage, amendments may be lodged as soon as Consideration Stage has been completed (Rule 9A.10.3).

6.24 The deadline for lodging amendments at Consideration Stage (or Reconsideration Stage) is two sitting days before the day on which the consideration of amendments at that Stage begins (Rule 9A.12.2). So where amendments at Consideration Stage are to be considered on a Wednesday, amendments should be lodged no later than Monday. But where Consideration Stage amendments are being considered over more than one day, further amendments may be lodged for the second or subsequent days so long as the same two-day notice period is observed. So if the second day for Consideration Stage amendments was scheduled for the following Tuesday, amendments for that day could be lodged until the Friday preceding it. The purpose of the notice period is to ensure members have an opportunity to read and think about amendments in advance of the debate, and to allow the clerks adequate time to marshal and group the amendments (see Part 7).

6.25 At Final Stage, the deadline for lodging amendments is three sitting days before the Stage is due to take place (Rule 9A.12.2A).

6.26 At all Stages, amendments may normally be lodged until 4.30 pm on any sitting day. However, at the Consideration and Reconsideration Stages, the deadline for lodging amendments on the final day when amendments for the Stage (or any day at the Stage) may be lodged is 2.00 pm (Rule 9A.12.2). This earlier deadline allows the Marshalled List to be finalised the same day, so it can be published the day before the proceedings take place.

6.27 Amendments for a second or subsequent day of a Stage may be lodged only if they are to a part of the Bill not already dealt with at that Stage. This is easy to determine except where a Stage is being taken over two consecutive days. If, for example, the first day at Consideration Stage is on Tuesday and the second scheduled for Wednesday, then the deadline for the first Marshalled List is the previous Friday. Amendments handed in on Monday would be in time to be added to the second Marshalled List, but only if they relate to parts of the Bill not reached by the end of Tuesday – that clearly cannot be judged on the Monday. In that case, an amendment submitted on the Monday is printed in the Business Bulletin but not in the first Marshalled List (for which it is too late). So long as the point in the Bill to which it relates is not passed during Tuesday’s proceedings, it can be included in the second Marshalled List.

6.28 Amendments lodged after the deadline may be accepted as “manuscript amendments” under Rule 9A.12.6, but only at the discretion of the convener of the
Private Bill Committee (at Consideration Stage) or Presiding Officer (at Final Stage and Reconsideration Stage). Procedures for dealing with such amendments are set out in Part 7.

Where amendments are lodged
6.29 Amendments to a Private Bill should be lodged with the clerks to the relevant Private Bill Committee (who will normally be members of the Private Bills Unit)

Which parts of the Bill may be amended
6.30 The sections and schedules of a Bill, together with the long title, constitute the “legislative text” of the Bill. This may be thought of as the Bill itself (as opposed to the document in which it is printed). Anything that would have legal effect (so that if it was any different, the law might be applied or interpreted differently) counts as part of the legislative text. Any part of the legislative text of a Bill – including every section and schedule – may be amended: the long title may also be amended (though normally only in consequence of amendments made elsewhere). The short title may be amended where it is cited in the Bill itself.

6.31 The parts of the Bill that may not normally be amended are Part and Chapter titles, italic cross headings, section or schedule titles, or any of the numbers assigned to any of the component parts of the Bill. (Cross-references in the text of one provision to another provision may, however, be amended.) The principle behind this distinction is that the Parliament must decide what the legislative effect of the Bill is to be, and these other elements can then be adjusted administratively to reflect what the Parliament has decided. So, for example, an amendment to change substantially a particular section might necessitate a change to the italic heading above it, so that the heading continues to describe accurately the provisions that fall under it. If the italic heading is not adjacent to the section in question, a separate amendment to the heading would be inadmissible; but if the two are adjacent, an amendment to leave out the section and insert a new section in its place might replace the heading as part of the amendment.

6.32 Similar considerations apply with punctuation and numbering. For example, an amendment to break up a subsection into two paragraphs, (a) and (b), might only insert the number (b), leaving the (a) to be inserted later as printing. A separate amendment to do nothing more than insert the number (a) is not necessary, but may be lodged if it would make clearer to the reader how the subsection would then be structured.

6.33 Amendments to amendments are permitted (Rule 9A.12.7), and are subject to the same rules as other amendments, save for minor differences of style.

Who may lodge amendments?
6.34 At Consideration Stage, only members of the Private Bill Committee may lodge amendments to a Private Bill (Rule 9A.12.14). At Final Stage (and Reconsideration Stage, if there is one), any MSP may lodge amendments. In each case, there is no limit to the number of amendments that each eligible MSP may lodge.

6.35 Although the promoter cannot directly lodge amendments, it is expected that many amendments will, in practice, be drafted by or on behalf of the promoter. Such
draft amendments should be sent to the clerks for circulation to the members of the Private Bill Committee, who may formally lodge them. Where a member of the Committee lodges an amendment drafted by the promoter, the member may (but need not) have the amendment printed as an amendment “on behalf of the promoter”. If lodged for Final Stage, such an amendment will normally be selected by the Presiding Officer.

6.36 As with other items of business, amendments (under Rule 17.4) may be lodged either in writing by the member, or on his or her behalf by a third party whom the member has authorised in writing, or by e-mail if the member has authorised the acceptance of business from his or her e-mail account. (Note that amendments cannot be lodged by fax, nor can they be lodged by e-mail from the e-mail address of anyone other than the member).

6.37 Each amendment must be in the name of just one member, but may also have up to four supporters. At Consideration Stage, only other members of the Private Bill Committee may support amendments (Rule 9A.12.14). Supporters’ names need not be attached to the amendment when it is lodged – they may be added at any time during the period when amendments for the Stage (or the relevant day) may be lodged (Rule 9A.12.3). Where names are added to an amendment that is in print, the amendment is not reprinted just because new names have been added. The additional names will, however, appear when the Marshalled List is printed.

6.38 Part of the rationale for allowing members to support amendments is that member B cannot lodge a particular amendment if member A has already done so – but B may add his or her name as a supporter of A’s amendment. Under Rule 9A.12.7A, an amendment may be withdrawn by the member who lodged it, but only with the consent of all supporters and only during the period when amendments for that Stage may be lodged. So by adding his or her name to A’s amendment, B can prevent the amendment being withdrawn in advance and so be assured of the opportunity (under Rule 9A.12.15) to move it if A does not. Where the member who lodged an amendment seeks to alter it (or lodge a new version in substitution), the consent of any supporters to the original amendment is only required if the alteration is substantial (or the new version substantially different). If any such supporters’ consent has not been obtained, their names must be left attached to that version of the amendment (that cannot therefore be withdrawn).

6.39 Supporters’ names cannot be added to a manuscript amendment, nor can such an amendment, once lodged, be withdrawn in advance of the Stage (Rule 9A.12.3). As with any other amendment, it is of course open to the member who lodged a manuscript amendment not to move it when it is called.

Correcting amendments after lodging

6.40 All members - and others - with an interest in a Bill are advised to check Section G of the Business Bulletin every day during the period when amendments may be lodged, to ensure they have seen and considered all amendments lodged to the Bill. It is particularly important that members who lodge amendments check them carefully in the next day’s Bulletin. The clerks do often make minor changes of wording and structure to ensure that amendments are, so far as possible, consistent
with the structure and drafting style used in the Bill. As noted above, clerks make
every effort to clear changes of substance with members before sending them for
printing, but this is not always possible and occasionally the purpose of an
amendment may be misunderstood. It is the responsibility of members to ensure that
amendments published in their name achieve the intended purpose.

6.41 Members who wish to correct amendments that have been published should
contact the relevant clerks as early as possible. If the corrections are substantive
(i.e. non-trivial) but do not change the overall purpose of the amendment, the
corrected amendment will appear on the Marshalled List marked with an asterisk (*).
This alerts other members to the fact that the amendment is not the same as the
version previously published with that amendment number. (New amendments - i.e.
those not previously published - are also asterisked on the Marshalled List.) Where a
more fundamental correction is sought, a new amendment must be lodged and is
printed in the Bulletin as "in substitution for" the earlier amendment. This procedure
ensures that maximum notice is given of the new amendment, while simultaneously
alerting other members to the fact that the earlier amendment has been superseded.

6.42 It follows that major corrections (i.e. those that would require an "in
substitution" amendment) can only be made up to the deadline for lodging
amendments at that Stage, whereas minor corrections may be made at any time
until the Marshalled List is finalised. However, members should notify the clerks of all
corrections as early as possible, since in practice the deadline for finalisation of the
Marshalled List may not be much later (particularly at Consideration Stage) than the
deadline for lodging amendments. The published Marshalled List is treated as a
definitive document - that is, the only amendments that may be moved and agreed to
(aside from any manuscript amendments that may be lodged) are those printed on
the List.
Part Seven: Printing, marshalling, grouping and selecting amendments

7.1 This part of the guidance deals with the printing of each day's amendments in the Business Bulletin, the amalgamation of the various days' lists into a Marshalled List, the preparation of groupings and the selection of amendments at Final Stage.

Rules on marshalling

7.2 The preparation of both daily lists of amendments and Marshalled Lists is based on rules determined by the Clerk of the Parliament (under Rule 9A.12.8). They are subject to the “order of consideration” – that is, the order in which the sections and schedules of the Bill are to be considered. At Consideration Stage, the order of consideration is the order set out in Rule 9A.9.6 or such other as is decided by the Private Bill Committee under that Rule; at Final Stage, it is either the order in which the sections and schedules appear in the Bill or such other order as the Parliament has decided under Rule 9A.10.5. The long title is always considered last.

7.3 The rules are as follows—

- An amendment to insert a new section or schedule before or after an existing section or schedule is taken before or after (as the case may be) amendments to the existing section or schedule.
- An amendment to leave out a section or schedule and insert a new section or schedule in its place is taken after all amendments to the section or schedule, but before any amendment to leave out the section or schedule. An amendment to leave out a section or schedule is, in turn, taken before any amendments to divide or move the section or schedule.
- Within each section or schedule, amendments are considered in the order determined by the first point in the section or schedule to which they relate, subject to the following rules:
  - Amendments to leave out a block of text within a section or schedule (such as a subsection or paragraph) are taken before any amendments to that block of text.
  - Amendments to leave out words are taken before any amendments to leave out words beginning at the same place in the Bill and insert other words in their place.
  - Amendments to insert new words at the end of the last line of a block of text are taken before amendments to insert new blocks of text at the end of that line; and amendments to insert new blocks of text at the same place in the Bill are taken in the order in which those blocks of text would appear in the Bill if all such amendments were agreed to.
- Where the order of amendments to the same place in the Bill is not determined by the above rules, they are normally taken in the order in which they are lodged, but with precedence given to those lodged by the member in charge of the Bill.

7.4 Thus amendments would be marshalled as follows:
Section 12

In section 12, page 10, line 8, leave out subsection (1)

In section 12, page 10, line 8, leave out subsection (1) and insert—
   <(1) Text of new subsection.>

In section 12, page 10, line 8, leave out <word>

In section 12, page 10, line 8, leave out <word> and insert <words>

In section 12, page 10, line 8, after <word> insert <words>

In section 12, page 10, line 8, at end insert <words>

In section 12, page 10, line 8, at end insert—
   <( ) text of new paragraph;>

In section 12, page 10, line 8, at end insert—
   <( ) Text of new subsection.>

Leave out section 12 and insert—
   <Title of new section
      Text of new section.>

Leave out section 12

Divide section 12 into two sections, the first (Title of first new section) to consist of subsections (1) and (2) and the second (Title of second new section) to consist of subsections (3) to (5)

Move section 12 to after section 14

After section 12

After section 12, insert—
   <Title of new section
      Text of new section.>

Daily lists of amendments

7.5 Where possible, all amendments lodged before the deadline on a particular day are printed in Section G of the following day’s Business Bulletin under the short title of the relevant Bill. The amendments in each such “daily list” will normally appear in “marshalled” order, numbered consecutively from top to bottom of the list (except for amendments to amendments, which are numbered by reference to the
amendment to which they relate, so amendments to amendment 3 are 3A, 3B etc.). Amendment numbers on a second daily list begin where the numbers on the first such list left off.

**Marshalled List**

7.6 Normally, by the time a Marshalled List is printed, all the amendments to be included will already have been printed in a daily list. The Marshalled List is therefore simply an amalgamation of the various daily lists (minus any amendments that have been withdrawn). At Final Stage, however, the Marshalled List contains only those amendments that have been selected for consideration by the Presiding Officer.

7.7 Because each daily list may contain amendments scattered throughout the Bill, and because amendment numbers do not change once assigned, Marshalled Lists are not numbered consecutively but in an apparently random order. Although this may at first appear odd, it has significant advantages. The fact that each amendment is numbered as soon as it first appears in print makes it easier for members and others with an interest to follow the progress of the amendment – which is only possible because amendment numbers do not change once assigned.

7.8 Marshalled Lists are numbered by reference to the relevant print of the Bill. So the first Marshalled List at Consideration Stage of SP Bill 3 will be SP Bill 3–ML1, the second ML2, and so on. If the Bill is amended at Consideration Stage and reprinted as SP Bill 3A, the Final Stage Marshalled List will be SP Bill 3A–ML; if the Bill is not amended, the Final Stage Marshalled List will be numbered in the same sequence as those at Consideration Stage.

**Grouping of amendments**

7.9 The purpose of grouping amendments is to minimise repetition by debating together amendments on particular topics. There are principal grounds on which amendments are grouped together—

Amendments that stand or fall together, or are to a lesser extent dependent on each other, are grouped. For example, there might be a series of amendments throughout a Bill to change a particular date or title, where there would be no point in agreeing to any one such amendment without also agreeing to all the others, and where a single debate on the issue is all that is required. Another clear case would be an amendment to insert a new schedule and the amendment to insert a provision introducing the schedule, where the Bill would be defective if it included one and not the other. A less clear case might involve an amendment to insert a new section, and a number of other amendments to insert cross-references to that new section in various existing provisions of the Bill. It might be that the new section would be ineffective without at least some of the other amendments, but members who support the new section might differ on which of the existing provisions of the Bill should be made subject to its procedures, and hence which of the associated amendments should be agreed to. Amendments that represent alternative ways of addressing the same issue, or are otherwise closely related in terms of the issue they raise, are grouped.
Here the clear case involves directly competing alternatives, where it would not make sense to agree to all of the amendments and where the issues raised are identical: for example, where the Bill makes provision for a specified period of notice (e.g. one month) and there are amendments to substitute different periods (e.g. two months, three months, six months).

A less clear case would be where there are various amendments to a particular provision that are related only by the fact that their subject matter is determined by the provision. Some might make major changes to the provision, others only small changes. Some might be mostly technical in nature (e.g. to improve the drafting), whereas others might involve major changes of policy. In this situation, amendments to amendments are always grouped with the amendments to which they relate. Similarly, amendments are almost always grouped with any amendments they would pre-empt (see paragraph 8.3), to guarantee an opportunity for the latter amendments to be debated.

7.10 The groupings are decided by the convener or Presiding Officer (Rule 9A.12.12). The clerks, in preparing a draft, may seek the views of members and the promoter, but the convener’s or Presiding Officer’s decision is final. Groupings lists are prepared no later than the day before the relevant meeting of the Private Bill Committee or the Parliament and are available in advance in the Document Supply Centre. Like Marshalled Lists, groupings are numbered by reference to the Bill number (e.g. SP Bill 3-PS1 for the first).

Selection of amendments

7.11 There is no selection of amendments at Consideration Stage (or Reconsideration Stage), but at Final Stage the Presiding Officer has the power to select which amendments of those that have been lodged (and are admissible) are to be taken (under Rule 9A.10.4). The decision of the Presiding Officer is final.

7.12 The purpose of selection is to ensure that proceedings on the Bill can be completed in a reasonable time and to avoid repeating unnecessarily discussion of issues fully debated at Consideration Stage. The criteria that the Presiding Officer applies are as follows—

- Any amendments lodged by a member of the Committee on behalf of the promoter will normally be selected.
- Trivial amendments or amendments that are defective (i.e. acceptable as “probing” amendments, but not fit to become law) should not be selected, to allow the debate to concentrate on the more important issues and on amendments that could improve the resulting legislation. Selection should not, however, reduce the range of important issues considered.
- Amendments that raise issues fully considered at Consideration Stage, particularly where the Consideration Stage debate made it obvious that there was little real merit in the amendment or little support for it, should not be selected. The fact that an amendment was disagreed to on division at Consideration Stage is less important than the nature of the issue raised, and the overall level of support expressed in debate should be the guide.
- An amendment that was fully discussed may, however, be selected if:
the promoter gave an undertaking to reconsider this issue, particularly if no amendment on behalf of the promoter to address the issue has been lodged: or
- there has been (or appears to have been) a relevant material development, such that, had it applied when the Consideration Stage debate took place, a different result might have obtained.

- Selection may also be used to reduce the number of alternative or overlapping amendments. But there need be no selection among a number of valid alternative amendments (which would in any case be grouped and debated together).
Part Eight: Proceedings on Amendments

8.1 This part of the guidance deals with how proceedings on amendments unfold in the Private Bill Committee or in the Parliament. Most of it applies to all Stages, and in the context of proceedings at Final Stage or Reconsideration Stage, references to the convener should be read as references to the Presiding Officer, and references to the committee as references to the Parliament. Guidance that applies only at Consideration Stage is set out at the end.

Proceedings at all Stages

Calling amendments

8.2 It is for the convener to call amendments in turn from the Marshalled List. Each amendment is called – and, if moved, disposed of – individually in its place in the list.

8.3 The only situation in which an amendment on the Marshalled List may not be called is where it would be inconsistent with a decision already taken at the same Stage (Rule 9A.12.11). Instances of this are described as “pre-emptions”. This will arise in a case where one amendment would, if agreed to, remove the text on which the later amendment relies. An amendment to leave out subsection (1), for example, would pre-empt any amendment to the text of that subsection. Pre-emptions may also arise with amendments aiming at the same result but at different points in the Bill, where agreeing to the later amendment would be inconsistent with disagreement to the earlier. (This will not, however, be treated as a pre-emption in any case where the later amendment may be regarded as the better means of achieving the shared intention.) In any instance of pre-emption, the convener will, before calling the earlier amendment, draw the Committee’s attention to the implications for the later amendment of agreeing to the earlier amendment.

8.4 However, this rule does not preclude all of a number of alternative amendments to the same place in the Bill being taken. Amendments to a provision setting a time limit (of, say, one month) might variously propose changing that limit to two, three and six months. Agreement to the first of those amendments would not prevent the others also being taken – since agreement to the first may be taken to involve only a decision that two months is better than one (which does not preclude a decision that three or six months is better still).

Moving amendments

8.5 If the member in whose name an amendment appears does not move it, any other member entitled to participate in the proceedings (limited, at Consideration Stage, to members of the Private Bill Committee) may do so (Rule 9A.12.15). The suggested form of words for moving an amendment – that is usually done at the end of the speech in support of it – is “Accordingly, I move amendment X”. The convener then calls other members of the Private Bill Committee to speak on the amendment (Rule 9A.12.13). At the end of the debate, the convener gives the member who moved the amendment an opportunity to reply to points made by other speakers, and to indicate whether he or she wishes to press the amendment to a decision.
**Withdrawing amendments that have been moved**

8.6 At any time after an amendment is moved, but before the question is put, the member who moved it may seek to withdraw it (Rule 9A.12.16). In that event, the convener must ask the Committee whether it agrees to the amendment being withdrawn. If any member dissents, the amendment cannot be withdrawn and the question on it must be put. If no member dissents, the amendment is withdrawn, and the next amendment is immediately called.

**Putting the question and voting on amendments**

8.7 After the debate on an amendment or a group of amendments is concluded, the convener “puts the question”, normally by saying “The question is that amendment X be agreed to. Are we all agreed?” Members who agree say “Yes”, those who disagree say “No”. If no member disagrees, the amendment is agreed to. If any member of the Committee disagrees to the question on an amendment, the convener will call a division.

8.8 Divisions normally take place by a show of hands (Rule 11.8.3). The convener says “Those in favour?”, “Those against?”, “Those abstaining?”, ensuring that hands are raised for long enough in each case to allow the clerks to note the names of those concerned. (If a Committee member requests a roll-call vote, and the convener agrees, the committee votes by the convener calling the members of the Committee in alphabetical order, each responding “Yes”, “No” or “Abstain”.)

**Amendments in groups**

8.9 As explained above, amendments are grouped in order to avoid repetition and to allow a single debate on the issue raised by a number of amendments. But grouping does not affect the requirement that each amendment is called, moved and disposed of in its place in the Marshalled List. The result is that a lengthy debate on a group of consecutive amendments may be followed by the disposal of those amendments in quick succession.

8.10 Where amendments are debated in a group because they are so closely related that they must stand or fall together then, if the first is agreed to, it can be expected that the others will also be agreed to when they are called. But each must be called and moved before it can be so agreed to.

8.11 Where an amendment is called having already been debated earlier, it cannot be debated again (Rule 9A.12.12). If the member wishes to move it he or she need only say “Moved” or “Moved formally” – but the convener may allow him or her to make a brief remark before the question is put. Where a number of such amendments in the name of the same member (and, at Consideration Stage, to the same section or schedule) are consecutive in the Marshalled List, they may be moved *en bloc*. If no member of the Committee objects, a single question on those amendments may also be put, but if any member does object, the amendments must be disposed of individually to the extent desired. If it is clear that the member who lodged a sequence of previously-debated amendments does not wish to move them, they need not be called individually. However, if any other member present entitled to participate in the proceedings (limited, at Consideration Stage, to members of the Private Bill Committee) indicates a wish to move such an amendment not moved by the member who lodged it, they may exercise their right to do so.
Amendments to amendments
8.12 Where there are amendments to an amendment, these will usually be grouped together. The procedure is similar to that described above, except that the amendments to the original amendment must be disposed of before that amendment is disposed of (Rule 9A.12.10). The procedure is as follows:

- The convener calls the member who lodged the original amendment (amendment 35, say), who speaks in support of it, and may comment on the amendments to it, before moving it.
- Immediately the convener calls the member who lodged amendment 35A, who speaks in support of it (and may comment on the original amendment and on the other amendments to it) before moving it.
- The debate then takes place on amendment 35A. The convener calls other speakers, including the members who lodged the other amendments to the original amendment (35B and 35C, say), all of whom may comment on the relative merits of all the amendments under consideration.
- At the end of the debate, the convener puts the question “that amendment 35A be agreed to”.
- The convener then calls amendment 35B, which is moved formally (or not moved) by the member who lodged it.
- If moved, the convener puts the question “that amendment 35B be agreed to”.
- The convener then calls amendment 35C, which is moved formally (or not moved) by the member who lodged it.
- If moved, the convener puts the question “that amendment 35C be agreed to”.
- Finally, the convener puts the question “that amendment 35 (or amendment 35 as amended) be agreed to”.

Manuscript amendments
8.13 Amendments lodged after the normal deadline established by Rule 9A.12.2 or 2A are referred to as “manuscript amendments”. All late amendments fall into this category, whether they are lodged only minutes after the deadline or immediately before the point in proceedings on the Bill when they would have to be moved. Like any other amendment, a manuscript amendment must be lodged in writing with the clerk, and is subject to the criteria of admissibility set out in Rule 9A.12.5. A manuscript amendment at Final Stage is also subject to selection by the Presiding Officer under Rule 9A.10.4.

8.14 A manuscript amendment may be moved only with the convener’s agreement. The convener gives that agreement only if he or she “considers it is justified, in the circumstances, taking account of the disadvantages of lack of proper notice” (Rule 9A12.6). In applying that test, the convener should keep in mind that, although there may be a justification for manuscript amendments in particular circumstances, their frequent use erodes the effectiveness of the normal deadline, the purpose of which is to ensure that adequate notice is given of all amendments, both to members and to outside parties with an interest in the Bill. The disadvantages of reduced notice depend on the scope and complexity of the amendment, and are generally greater the less notice that is given – particularly at Final Stage (or Reconsideration Stage), normally the final opportunity to amend the Bill. There is a particular disadvantage in taking a last-minute manuscript amendment at a meeting of the Parliament, given the greater disruption that a suspension causes to Chamber proceedings. A last-
minute Final Stage (or Reconsideration Stage) manuscript amendment may still be justified, however, if it would, for example, correct a defect in the Bill (such as a missed consequential) that had only just come to light. Agreement should not normally be given to move a manuscript amendment that could equally well have been lodged before the deadline. But where a non-manuscript amendment was lodged immediately before the normal deadline, and so is only available in print after that deadline has passed, agreement should normally be given to move any manuscript amendments that are lodged directly in response to that amendment, and on the first available day thereafter.

8.15 If a manuscript amendment is lodged in time for it to be included in the Marshalled List, it will be printed with an asterisk beside its number to indicate that it is a manuscript amendment. If it is lodged after the Marshalled List has been finalised, the amendment will normally be made available in print separately before it is moved. If the amendment is lodged during the proceedings, it may be necessary for the meeting to be suspended to allow the amendment to be made available. A manuscript amendment to leave out a section or schedule, however, may be moved without being available in print.

**Proceedings at Consideration Stage**

*Agreement to sections and schedules*

8.16 Rule 9A.9.5 requires every section and schedule to be agreed to at Consideration Stage. The question that is put is “that section/schedule x be agreed to” (and no motion is required for this). Before the question is put, the convener may give members the opportunity to raise any issues relevant to the section or schedule that have not been adequately discussed during consideration of amendments to it.

8.17 The question on a section or schedule is *only* put if there is no amendment to leave out the section or schedule. In other words, any substantive decision on whether the section or schedule should remain in the Bill is taken on an amendment. If an amendment to leave out the section or schedule is disagreed to, the question that the section or schedule be agreed to is not put (under the final sentence of Rule 9A.9.8). And if such an amendment is agreed to, it is no longer possible to agree to the section or schedule, since it no longer exists.

8.18 If no amendment to leave out the section or schedule has been lodged in advance, any member who does not wish to agree to the section or schedule must do so by moving a manuscript amendment to leave it out. So long as such an amendment is admissible, the convener should always consent to it being taken. In the case of a section containing provisions central to one of the principal purposes of the Bill, a manuscript amendment to leave it out may be inadmissible under Rule 9A.12.5(c) – which precludes “wrecking” amendments.

8.19 Because the only mechanism available to leave a section or schedule out of a Bill is by means of an amendment, putting the question on each section and schedule is, in practice, a formality. There is no obligation on members to agree when the question is put on the section or schedule, but disagreement does not lead to a division and cannot result in the omission of the section or schedule from the Bill.
8.20 Where there is a section or schedule to which no amendments have been lodged, the convener puts the question on that section or schedule at the appropriate point (i.e. immediately after the last amendment to the previous section or schedule has been disposed of) (Rule 9A.9.8). Where there are two or more consecutive sections or schedules to which no amendments have been lodged, a single question that they be agreed to may be put (Rule 9A.9.5). (But a manuscript amendment to leave out more than one section or schedule is not permitted – separate such amendments would be required.)

8.21 Although all amendments to a section or schedule are taken before the question is put on the section or schedule, amendments to divide or move the section or schedule are taken after the section or schedule has been agreed to. This is in order to allow the substance of the section or schedule to be finalised before deciding any issue of where in the Bill the section or schedule should go.

**Consideration of the long title**

8.22 At the end of Consideration Stage, any amendments to the long title are disposed of and the question is then put “that the long title be agreed to”.
ANNEX A

PRIVATE BILL PROCESS FLOWCHART

Bill and Accompanying Documents lodged
Statement from Presiding Officer

Bill introduced

Objections lodged and considered for admissibility
Private Bill Committee established

Consideration of general principles and whether the Bill should proceed as a Private Bill. Also preliminary consideration of objections to specific provisions and full consideration of objections to the whole Bill.

Parliament agrees general principles and whether Bill to proceed as Private Bill?

NO
Bill falls

YES

Committee considers details of the Bill and objections to specific provisions

Evidence heard, objections considered and report produced

Amendments to Bill considered from Private Bill Committee members

Phase 1

Phase 2

Final Stage

Motion to pass Bill agreed to?

NO
Bill fails

YES

Debate on passing Bill (Parliament)

Amendments from any Member Considered

Bill passed for Royal Assent
DETERMINATION BY THE PRESIDING OFFICER ON ‘PROPER FORM’ OF PRIVATE BILLS

The Presiding Officer has determined, under Rules 9.2.3 and 9A.1.4 of the Standing Orders, that the “proper form” of Bills is as follows. (Note: this determination supersedes the determination printed in Bulletin No. 37/1999 and in Annex A to the Guidance on Public Bills.)

Structure
The text of a Bill should be set out in numbered sections, supplemented where appropriate by schedules, which should be numbered unless there is only one. Bills may be divided into numbered Parts and Chapters (as may schedules). Each section, schedule, Part and Chapter should have a brief descriptive title. The sections of a Bill (or the paragraphs of a schedule) may also be grouped under italic cross-headings as a guide to the structure of the Bill (or the schedule).

Sections may be divided into numbered subsections, which in turn may be divided into paragraphs, sub-paragraphs etc. Schedules may be similarly divided into numbered paragraphs, sub-paragraphs etc.

Each Bill should be prefaced by a long title beginning “An Act of the Scottish Parliament to …”. Preambles to Bills are not permitted.

Style and presentation
Section numbers and titles should appear in bold, with each section title appearing above the text of the section. Units of text smaller than sections and schedule paragraphs should appear as indented blocks of text with straight left margins.

Where it is appropriate for repeals and revocations to be listed in tabular format in a schedule, that schedule should be set out in two columns, the first giving the short title and number of each statute or instrument affected, in chronological order; the second listing the provisions to be repealed or revoked, in the order in which they appear in the statute or instrument.

Presiding Officer’s Recommendations on the Content of Bills

The Presiding Officer has made the following recommendations about the content of Bills. (Note: these recommendations do not form part of the determination of “proper form” and supersede those printed in Bulletin No. 37/1999 and in Annex A to the Guidance on Public Bills.)

Style and content
A Bill should be drafted so that, when read with any relevant existing statutory provision, its intended legal effect is clear.
A Bill should include provision for the short title by which the Act may be cited. The long title should set out the principal purposes of the Bill.

The text of a Bill – including both the short and long titles – should be in neutral terms and should not contain material intended to promote or justify the policy behind the Bill, or to explain its effect. The text of the Bill itself should be identical to the text of the Act to which it is intended to give rise and, in particular, should refer to the Bill as "this Act".

Any proposed Bill that has such severe deficiencies in drafting that it could not readily be understood or, if enacted, would be manifestly incapable of consistent legal application, should not be introduced.

A Bill whose principal purpose (or one of whose principal purposes) is to make provision manifestly outside the legislative competence of the Parliament should not be introduced.

Any Bill introduced as a Public Bill should not normally contain provisions that would affect a particular private interest in a manner different from the private interest of other persons or bodies of the same category or class.

Any Bill intended to extend other than to the whole of Scotland should set out that intended extent. Any Bill intended to come into force other than on the day of Royal Assent should either give a date or dates for commencement, or make provision for the appointment of the relevant date or dates. Any Bill containing provisions that would confer power to make subordinate legislation should specify what powers, if any, the Parliament is to have to approve or reject the subordinate legislation (or draft subordinate legislation) laid before it under those provisions.

Any Bill introduced to give effect to a proposal for a Member’s Bill (under Rule 9.14) or a Committee Bill (under Rule 9.15) should only contain provisions that are broadly in conformity with the terms of the successful proposal.

Preparation for introduction
The text of a Bill should be submitted to the Clerk in writing or by e-mail in sufficient time before the proposed date of introduction to allow it to be prepared for printing. No Bill may be printed under the authority of the Parliament except by the Clerk. The Clerk will ensure that the printed version of the Bill conforms to the following presentational conventions:

- The text of Bills (sections, schedules and the long title) should be printed in Times New Roman font, 11.5 point, fully justified.
- There should be a running header throughout the body of the Bill containing the Bill’s short title and page number together with, where appropriate, any Part and Chapter titles or schedule and schedule Part titles.
- Bills of more than around six sections should be printed with a Contents page or pages.
• The text of the Bill, including the long title, should be printed with line numbers every fifth line.
• The Bill should be printed with a back sheet setting out the short and long titles, the name of the member who introduced it, the date of introduction, the names of any supporters and the type of Bill.
STRUCTURE AND CONTENT OF PRIVATE BILLS

Sections
The main components of all Scottish Bills and Acts are known as sections.\textsuperscript{12} The sections are consecutively numbered throughout the Bill. The section number appears in bold, followed by the section title.

Subsections
Sections may be divided into two or more numbered subsections, (1), (2) etc. The text of each subsection (or of the section, if it is not divided into subsections) consists of a whole sentence (or occasionally more than one sentence). The division of a section into subsections is \textit{exhaustive}: that is, the subsections make up the whole of the section without remainder.

Paragraphs etc.
Within each subsection (or within a section which is not divided into subsections), further divisions are possible. These divisions, however, are never exhaustive. Instead, they are devices to make the structure of the subsection (or section) clearer and easier to follow. The divisions in question are paragraphs, sub-paragraphs, sub-sub-paragraphs (sometimes known as “heads”) and so on. Each is further indented than the last and are numbered according to the following convention: (a), (b), (c) etc., then (i), (ii), (iii) etc., then (A), (B), (C) etc. There must be at least one word of text at each “level” of this structure before any such division, and the text may also resume after any such division (this is known as a “full-out”).

Although paragraphs are normally numbered (a), (b) etc., they may on occasion be divided into un-numbered paragraphs, for example in a list of definitions. Where such a paragraph is itself divided, the sub-paragraphs are numbered (a), (b) etc. rather than (i), (ii) etc. – since that is the first level of numbering available. By contrast, where a subsection breaks into paragraphs for a second time, these are numbered (i), (ii) etc to ensure that each paragraph within the subsection is uniquely numbered, and so can be referred to unambiguously.

Schedules
After all the sections, there may be a schedule or schedules.\textsuperscript{13} Schedules are used to set out supplementary or consequential provisions (although they have the same status in law as the sections). Every schedule must be introduced by a section (or a part of a section). There is a reference below the schedule title to the provision that introduces it.

Schedules are usually divided into paragraphs (not to be confused with paragraphs within subsections) which are consecutively numbered within each schedule. Paragraphs of schedules may consist of a number of sub-

\textsuperscript{12} In Westminster Bills, they are “clauses”.
\textsuperscript{13} Whereas Scottish Bills and Acts have schedules (with a lower-case s), UK Bills and Acts have Schedules.
paragraphs, which may be divided in turn into smaller components in exactly the same way as subsections.

*Parts, Chapters etc.*

Larger Bills are often divided into Parts, which may in turn be divided into Chapters. Chapters cannot exist except within Parts; and some Parts may consist of Chapters and other Parts not. Each Part or Chapter consists of a whole number of sections, plus any schedules introduced by those sections. Parts and Chapters are numbered 1, 2, etc., and may be further subdivided under a number of italic cross-headings.

The division of a Bill into Parts and Chapters can have formal significance in determining the scope of certain provisions. For example, there may be a section entitled “Interpretation of Part 2” containing definitions applicable only to that Part. Italic cross-headings, by contrast, are merely convenient navigational aids to the reader.

Individual schedules may also be divided into Parts (or Parts and Chapters), while the paragraphs making up the schedule may also be grouped together under a number of italic headings.

*The long and short titles*

Every Bill has a long title and a short title. The long title is set out at the beginning of the Bill and begins “An Act of the Scottish Parliament to …”. It consists of a single sentence, divided if necessary by semi-colons into various limbs, each of which deals with a principal purpose of the Bill. With large and complex Bills, it is common for the long title to end with a form of words such as “and for connected purposes”. A connected purpose is something that the Bill does that is not sufficiently distinct to merit a limb to itself, but which does not fall entirely within one of the preceding limbs. The long title should accurately describe what the Bill does and, as such, is a guide to the scope of the Bill.

The short title is set out at the top of the Bill and in the running header on each page. It is also cited in the text of the Bill itself, usually in the final section. This citation provision is given in the form “This Act may be cited as the Example (Scotland) Act 2001” – the year being that in which Royal Assent is expected to be given.

*Common features of drafting*

There are certain aspects of drafting style, familiarity with which will aid comprehension of the Bill. What follows is a basic introduction to this subject, which assumes that Scottish Bills and Acts are similar in the relevant respects to UK legislation. Ultimately, of course, it is a matter for the Parliament, in its consideration of Bills, to determine the style in which Scottish statutory provision is made.

---

14 The long title is sometimes incorrectly referred to as the preamble. Scottish Parliament Bills do not have preambles.
Legislative style
The principal concern in drafting a Bill is to achieve the intended legal effect. Normally, this involves making provision that is as clear, certain and unambiguous as possible, leaving minimal scope for the courts to determine what legal effect the provision has. There are, however, cases where statute law explicitly leaves it for the courts to determine how a provision is to be applied – for example, what constitutes a “reasonable” fee. Considerations other than achieving the intended legal effect, including comprehensibility and accessibility of language, are necessarily secondary. Making a Bill’s intended effects obvious to the lay reader is never easy; where the legal concepts involved are complex, or where the appropriate mechanism involves amendments to existing Acts, it may be impossible.

More clear-cut are issues of economy and neutrality. Bills never include provisions that do not have legal effect (except for entirely non-substantive provisions, such as indexes of defined expressions). Nothing is said merely by way of explanation or background (except for parenthetical descriptions of legislative provisions – e.g. “section 2 of that Act (which provides for exemptions in certain cases)”). Nothing is repeated unnecessarily or given textual emphasis (e.g. by italicisation), since this would inevitably give rise to uncertainty of application. Equally importantly, evaluative or subjective terminology is never used: however politically controversial the policy behind the Bill, the aim of the Bill itself is simply to state, clearly and objectively, how that policy is to be given legal effect.

There are many common drafting conventions in Bills and Acts. For example, where an ASP delegates powers to the Scottish Government, it will say “the Scottish Ministers may …” – rather than specifying a particular Minister. This reflects the convention of collective Cabinet responsibility, given expression by section 52(1) and (3) of the Scotland Act. The equivalent term in UK Acts is “the Secretary of State may” and has a formal foundation in the Interpretation Act 1978, that provides a statutory basis for interpreting certain terms in all UK Acts. The Interpretation Act only applies to ASPs to the limited extent provided by paragraph 16 of Schedule 8 to the Scotland Act, however; other interpretation provisions are provided (for the time being at least) by a transitional Order under that Act. Other drafting conventions are less formal and have evolved as a practice amongst the Scottish Government (and UK Government) draftsmen. These include the standard form of words used for the citation provision and for introducing amendments to existing Acts. To some extent, however, different draftsmen have different preferred styles.

Many Bills employ shorthand terms for individuals or bodies, dates (e.g. “the appointed day”) or existing Acts (e.g. “the 1997 Act”), with a single interpretation or definition provision (often at the end of the Bill) to explain what each such term means or refers to. In order fully to understand a provision of a Bill, it may be necessary to find the appropriate interpretation provision (and there may be different interpretation provisions for particular Parts, Chapter or even sections). Larger Bills often include, towards the end,

---

an “index of defined expressions” to guide the reader to where particular terms are defined.

Provisions amending existing Acts
Bills frequently contain provisions to amend existing Acts (or, occasionally, subordinate legislation). Where this involves inserting text into an existing Act, the text to be inserted will be set out exactly as it would appear in that Act, in double quotation marks. Where the inserted text consists of a block of text beginning on a new line (e.g. an inserted section), it will appear in the Bill indented. Where inserted text extends over more than one page of the Bill, care is needed to identify what text is inserted text and what text is simply the text of the Bill.

Provisions in a Bill that make amendments to existing Acts usually follow certain conventions of wording (although the style depends on the draftsman). New provisions are “inserted”, “added” or “substituted”; existing provisions are “repealed”, “omitted” or “cease to have effect” (all amount to the same in legal terms). New sections, subsections etc. to be inserted into an Act are numbered in such a way that the existing provisions of the Act do not require to be re-numbered (so, for example, a new section after section 12 is 12A).

Standard provisions in Bills
There are certain standard provisions that feature in most or all Bills, familiarity with which is useful in gaining an understanding of how the Bill works.

Commencement provisions
There is an important distinction between the enactment of a Bill and its commencement. The former is when, on receiving Royal Assent, it is converted from a Bill to an Act: in loose terms, when it becomes part of the “statute book”. The latter is when it comes into force and so becomes the law of the land. Some provisions of Acts are never brought into force, though they may remain on the statute book for years before being repealed.16

Commencement is usually dealt with in one of the final sections of the Bill. The various possibilities for commencement are—

- after a specified period – e.g. “This Act comes into force at the end of the period of two months beginning with the date of Royal Assent”;17
- on a specified day – e.g. “This Act comes into force on 1st July 2002”;
- on a day (or days) to be determined after enactment by subordinate legislation – e.g. “This Act comes into force on such day as the Scottish Ministers may by order appoint; and different days may be appointed for different purposes”; or
- immediately (i.e. on Royal Assent) – in which case the Bill is silent on commencement.

16 The Easter Act 1928 is an example of a whole Act that has never been commenced.
17 The equivalent commencement provision in a UK Act would be by reference to the day the Act is passed – which means the same.
With a Scottish Bill, the interval between the passing of a Bill and Royal Assent is less predictable in advance than it would be in relation to a UK Bill – because of the possibility of a Law Officer’s reference under section 33 or 34 or a Secretary of State order under section 35 of the Scotland Act. Partly for that reason, most Bills provide for commencement by order made under the resulting Act. (This also allows the timetable for implementing a Bill to be adjusted according to the speed at which preparatory work is completed.) Commencement on (or immediately after) Royal Assent is used only rarely, where there is a particular need to bring the Act into force with minimum delay.

Standard schedules
There are certain standard schedules that feature regularly in larger Bills. In particular, there is often a schedule of “minor and consequential amendments” to existing Acts, those Acts being listed in order of year and chapter/asp number. Also common are repeal schedules, listing all provisions of existing Acts (and statutory instruments) to be repealed (or revoked) by the Bill. This is set out in two columns, the short title of the Act in the left column and the provisions to be repealed (or revoked) in the right column. (In many Bills, some repeals will instead be provided for in the body of the Bill.) It is quite common for schedules to consist of, or contain, text in columns, tables or lists (rather than text in sentences).

Subordinate legislation provisions
Most Bills contain provisions conferring powers to make subordinate legislation. The principle behind such legislation is that the Parliament does not have time to consider the minutiae of policy and so should be prepared to allow the Scottish Government to give effect to the detail of policy within the general limits imposed by the parent statute. It also enables the Scottish Government to put certain provisions into place at a later date, taking account of changing circumstances, and to adapt provisions more easily as circumstances change, without the need for a Bill on each occasion.

The Parliament has an interest in ensuring that an Act does not delegate to the Scottish Government powers that are unnecessary or inappropriate, since that would undermine the Parliament’s primary legislative role. So provisions in a Bill conferring subordinate legislation powers are likely to come in for close scrutiny. Those provisions will specify what, if any, Parliamentary scrutiny the subordinate legislation will be subject. The two main variants are–

- Affirmative procedure: where the subordinate legislation is in the form of a statutory instrument that is laid before the Parliament “for approval by resolution”. Most such instruments are laid in draft and cannot be made (signed by a Minister of the Scottish Government) or come into force until approved by the Parliament.
- Negative procedure: where the subordinate legislation is in the form of a statutory instrument that must be laid before the Parliament and is “subject to annulment”. Most subordinate legislation is subject to negative procedure and most such instruments are laid as made instruments (i.e.
not in draft form and signed by a Minister of the Scottish Government) and come into force (or remain in force) unless the Parliament annuls them within a period of 40 days from the date of laying.

Some statutory instruments made under the powers in an Act only require to be laid before the Parliament but are not subject to any parliamentary control; and some need not even be laid.

Rule 9.6.2, which relates to Public Bills, provides for any Bill that confers powers to make subordinate legislation to be referred to the Parliament’s Subordinate Legislation Committee (SLC) which is required to report to the committee for that Bill. Although there is no equivalent Rule for Private Bills, neither is there any prohibition on a similar procedure being utilised. Therefore, a Private Bill that confers subordinate legislation making powers may be subject to scrutiny by the SLC. The final decision on this is for the Parliamentary Bureau although the expectation is that the Bill would be formally referred to the SLC at around the same time as the Private Bill Committee is established.

The normal procedure will for the promoter to provide the SLC with a memorandum explaining, amongst other things, why it is considered necessary to confer subordinate legislation making powers in the Bill, why the statutory instrument will be subject to annulment rather than approval by resolution etc. Further details on this can be obtained via the clerks to the Subordinate Legislation Committee.
ANNEX D

DETERMINATION ON PROPER FORM OF ACCOMPANYING DOCUMENTS

The Presiding Officer has determined under Rule 9A.3.1 of the Standing Orders that the proper form of accompanying documents for a Private Bill is as follows.

All accompanying documents (other than maps, plans and sections)
The text of each document should be set out either in un-numbered paragraphs or in consecutively-numbered paragraphs (1, 2, 3, etc.). Paragraphs may be divided into sub-paragraphs or bullet-points, but multi-level numbering (e.g. 1.1.1) should be avoided.

Headings should be un-numbered.

The text of each document should generally follow the order of such requirements as are specified in the relevant Rule.

Explanatory Notes
The first two paragraphs (under the heading “Introduction”) should read as follows [variable or optional text]—

‘These Explanatory Notes have been prepared by [name of agent] [on behalf of] the promoter [name of promoter] in order to assist the reader of the [short title] Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation, none is given.’

These should be followed by, first (where appropriate) a general description and explanation of the Bill (under the heading “The Bill”) and, secondly, paragraphs describing and explaining those of the Bill’s provisions requiring explanation or comment (normally in the order those provisions arise in the Bill, save that schedules and the sections that introduce them may be dealt with together).

Book of Reference
The first paragraph (under the heading “Introduction”) should read as follows [variable or optional text]—

‘This document relates to the [short title] Bill introduced in the Scottish Parliament on [date]. It has been prepared by [name of agent] [on behalf of] the promoter [name of promoter] to satisfy Rule 9A.2.3(c)(ii) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the promoter and have not been endorsed by the Parliament.’
Environmental Statement
The first paragraph (under the heading “Introduction”) should read as follows:

‘This document relates to the [short title] Bill introduced in the Scottish Parliament on [date]. It has been prepared by [name of agent] [on behalf of] the promoter [name of promoter] to satisfy Rule 9A.2.3(c)(iii) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the promoter and have not been endorsed by the Parliament.’

Promoter’s Statement
The Statement should clearly state which (if any) of Rules 9A.2.3(d)(i), (ii) and (iii) apply.

The undertaking under Rule 9A.2.3(d)(v) should be in the following form and should be signed by or on behalf of the promoter—

‘I/We, [name of agent] [on behalf of] [name of promoter], hereby undertake to send copies of the [maps, plans, sections, book of reference] [and] [Environmental Statement] accompanying the [short title] Bill, together with any other documents relevant to the Bill submitted to the Parliament on, or after introduction, to the premises determined by the Presiding Officer for the purpose of Rule 9A.4.2.’

The undertaking under Rule 9A.2.3(d)(vi) should be in the following form and should be signed by or on behalf of the promoter—

‘I/We, [name of agent] [on behalf of] [name of promoter], hereby undertake to pay any costs that may be incurred by the Scottish Parliamentary Corporate Body during the passage of the [short title] Bill in respect of the matters determined by that Body under Rule 9A.2.3(d)(vi) of the Parliament’s Standing Orders.’

Assignation of copyright/licensing agreement(s)
The agreement under Rule 9A.2.3(e)(i) should be in the following form and should be signed by or on behalf of the promoter—

‘I/We, [name of agent] [on behalf of] [name of promoter], hereby assign to the Scottish Parliamentary Corporate Body copyright in the [short title] Bill, and in the Explanatory Notes, Promoter’s Memorandum, [Estimate of Expense and Funding Statement] and Promoter’s Statement accompanying the Bill.’

The agreement under Rule 9A.2.3(e)(ii) should be in the following form and should be signed by or on behalf of the promoter—

‘I/We, [name of agent] [on behalf of] [name of promoter], hereby license the Scottish Parliamentary Corporate Body to use or reproduce for the Parliament’s purposes the [plans, maps, sections, book of reference] [and] [Environmental Statement] accompanying the [short title] Bill,'
together with any other documents relevant to the Bill submitted to the Parliament on, or after, introduction.'
ANNEX E

LAYOUT OF ACCOMPANYING DOCUMENTS

Annex D reproduces the determination made by the Presiding Officer on the proper form for certain accompanying documents. In addition to that Annex, the following are suggestions on the layout of accompanying documents.

Promoter’s Memorandum

The Memorandum begins with an introduction in the following terms—

‘This document relates to the [short title] Bill introduced in the Scottish Parliament on [date]. It has been prepared by [name of agent on behalf of] [name of promoter] to satisfy Rule 9A.2.3(b) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the promoter and have not been endorsed by the Parliament.’

Estimate of Expense and Funding Statement

The Estimate of Expense and Funding Statement should be in the following terms—

‘This document relates to the [short title] Bill introduced in the Scottish Parliament on [date]. It has been prepared by [name of agent on behalf of] [name of promoter] to satisfy Rule 9A.2.3(c)(i) of the Parliament’s Standing Orders and to assist in an understanding of the background to the Bill. The contents are entirely the responsibility of the promoter and have not been endorsed by the Parliament.

I estimate the expense of the works or purposes proposed to be carried out under the above Bill to be as follows—

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td>[a detailed cost breakdown of each element of the project should be provided here]</td>
</tr>
</tbody>
</table>

It is estimated that such costs will arise [estimate of the timescales over which such costs would be expected to arise.] The margin of uncertainty in these estimates is [insert details.]

It is proposed that the capital and running costs for the project detailed in the Estimate of Expense and Funding Statement is funded as follows—’
[a detailed breakdown of all anticipated and committed sources of funding including for both capital and running costs should be provided here]

[the promoter should then provide detailed information on how it intends to fund the works, including any agreements (e.g. with banks, enterprise agencies etc), indicating the timescales over which funding would be expected to arise and an indication of the margins of uncertainty in any such estimate. This information should be as comprehensive as possible].

- **Signature**
  - Name
  - Position
  - Date

### Book of Reference

<table>
<thead>
<tr>
<th>No. on map or plan</th>
<th>Extent, description and situation of the land</th>
<th>Owners or reputed owners</th>
<th>Lessees or reputed lessees</th>
<th>Occupiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>205 sq. metres House, garden and garage known as 1 Somewhere Drive, Somewhere, SM1 1YY</td>
<td>A N Other 1 Somewhere Drive Somewhere SM1 1YY</td>
<td>Owner</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>20 sq. metres Part of rear garden of 2 Anywhere Avenue Somewhere, SM2 2YY</td>
<td>A N Other, 2 Anywhere Avenue Somewhere SM2 2YY</td>
<td>Owner</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>850 sq. metres North East Corner of Green Common, Somewhere, SM3 3YY</td>
<td>Somewhere City Council, Council Buildings Somewhere, SM4 4YY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1975 sq. metres Pasture land forming part of Longacre Farm, Midfield, Somewhere, SM5 5YY</td>
<td>Acre Farm plc, Acre Estate Somewhere, SM6 6YY</td>
<td>A N Other Longacre Farm, Midfield, Somewhere, SM5 5YY</td>
<td>Lessee</td>
</tr>
<tr>
<td>5</td>
<td>214 sq metres Land adjoining River Flows at Riverhead Hall, near Watersedge, Somewhere, SM7 7YY</td>
<td>A N Other, Rivershead Hall, near Watersedge, Somewhere, SM7 7YY</td>
<td>Owner</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1213 sq metres House and garden known as Old Cottage, Old Street,</td>
<td>The Protection Agency, 7 Old Street, Somewhere, SM9 9YY</td>
<td>A N Other The Cottage Heritage Street,</td>
<td></td>
</tr>
</tbody>
</table>

83
MODEL NOTIFICATION LETTER

(A): Model notification letter

[SHORT TITLE OF BILL]

The purpose of this letter is to inform you that [name of promoter] intends to introduce a Private Bill, the [title of Bill], into the Scottish Parliament on or around [proposed date of introduction], and of the procedures involved should you wish to seek further information regarding the Bill, the parliamentary process to which it will be subject, or how to lodge an objection to the Bill.

The purpose of the Bill is to [insert details, including any works].

The day after the Bill is introduced in the Parliament, it will be published by the Parliament together with the following accompanying documents—

- Explanatory Notes
- Promoter’s Memorandum
- Promoter’s Statement
- [Estimate of Expenses and Funding Statement]
- Statement by the Presiding Officer of the Parliament on the legislative competence of the Bill.

The day after introduction, the Bill and the above documents will be available on the Parliament’s website (www.scottish.parliament.uk, go to ‘Parliamentary Business’, then ‘Bills’, then click on ‘Bills in Progress’). In addition, copies of the Bill and its accompanying documents [(including a Book of Reference, maps, plans and sections, and Environmental Statement, that have been published by the promoter)] will be available for inspection at the following Parliament partner libraries—

- [list relevant partner libraries]

[If possible, a copy of the Environmental Statement will be made available via the Parliament’s website.]

Copies of the Bill, and those accompanying documents published by the Parliament, will be available for sale from any Blackwell’s bookshop. [Copies of the other accompanying documents will be available for sale from [name and address of contact including, if possible, details of price of each document]

Once the Bill has been introduced, it will be subject to a three Stage process where it will be considered in detail both by a specially established Private Bill Committee and by the full Parliament.
Should you wish to object to the Bill, you will have 60 days to do so. The objection period commences the day after the Bill is introduced and ends at 5.00 pm on the sixtieth day thereafter. Objections must be lodged with the Private Bills Unit, The Scottish Parliament, Edinburgh, EH99 1SP (0131 348 6789, private.bills@scottish.parliament.uk). The enclosed leaflet gives information on the Private Bill process and, in particular, the objection process.

A copy of the Parliament’s Guidance on Private Bills, which explains in greater detail the procedures involved in the Private Bill process, is available for inspection from the partner libraries listed above. The guidance is also available on the Parliament’s website (www.scottish.parliament.uk, go to ‘Parliamentary Business’ and then ‘Parliamentary Procedure’).

If you wish to lodge an objection, you will require to conform to the admissibility criteria set out in the Parliament’s Standing Orders (its rules of procedure). Objections are required to—

- be in English;
- be printed, typed or clearly hand-written;
- set out clearly the name, address and, where available, other contact details of the objector (telephone, e-mail and fax);
- be signed (where applicable by a person duly authorised and showing that person’s position or designation) and dated;
- set out clearly the nature of the objection i.e. why the objector opposes the Bill, for example, the proposed acquisition of an objector’s property, or noise and vibration;
- explain whether the objection is to the whole Bill and/or specified provisions in which case these should be clearly identified;
- specify how the objector’s interests would be adversely affected by the Bill, for example because of anticipated loss of earnings, or reduction in property values, adverse impact on employment or business, loss of amenity etc; and
- be accompanied by the lodging fee determined by the Scottish Parliamentary Corporate Body (currently £20.00).

It is important to emphasise **that an objection states clearly whether it is against the whole Bill and/or specified provisions.** In either case **the objection must clearly show how the objector will be adversely affected by the provisions of the Bill.**

At the conclusion of the objection period, the clerks in the Private Bills Unit will check all objections for admissibility. Once this has been done, a letter will be issued to each objector and a copy of each admissible objection will be made available for inspection in each of the above partner libraries and on the Parliament’s website. Should you not wish all, or any, of your contact details to be made available on the website, then you must inform the clerks of this at the time you are objecting. They will then delete this from the web version of that objection but not from the copies placed in the partner libraries for inspection (this version will be useful to objectors in identifying each other
should they wish to enter into dialogue where there are objections of a similar nature).

For further details on the Private Bill process and, in particular, the objection process, please contact the Private Bills Unit (0131 348 6789, private.bills@scottish.parliament.uk). For further details on the subject matter of the Bill please contact [insert name and contact details for promoter.]

(B): Model notification letter where compulsory acquisition or use of any lands or buildings is sought

IF YOU ARE IN DOUBT ABOUT THE POSSIBLE EFFECT OF THIS LETTER YOU SHOULD SEEK LEGAL ADVICE AS SOON AS POSSIBLE.

[TITLE OF BILL]
[DETAILS OF PROPERTY LIABLE TO COMPULSORY PURCHASE]
NOTICE OF PROPOSAL [TO ACQUIRE LAND/RIGHTS IN LAND COMPULSORILY] [TO USE LAND] [FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS] [TO EXTINGUISH RIGHTS OVER LAND]

The purpose of this letter is to inform you that [name of promoter] intends to introduce a Private Bill, the [title], into the Scottish Parliament on or around [proposed date of introduction], and of the procedures involved should you wish to seek further information regarding the Bill, the parliamentary process to which it will be subject, or how to lodge an objection.

The purpose of the Bill is [insert details including any works].

We understand that you have an interest in the property/properties [insert general details of property] fully described in the schedule to this letter. If the Bill is passed by the Parliament, you may be obliged to sell your property, or [lose your] [the promoter or a third party may be given the] right to use it. This means that ownership of the property/properties described in the schedule could be taken from you. You may be entitled to compensation from the promoter if you are obliged to sell the property or the promoter or a third party gains a right to use it.

The Bill provides for the [extinguishment of the] [land] [rights in land] [rights to use land] [rights to carry out protective works to buildings], [insert general details of property] described in the schedule to this letter and shown on the extract from the Bill plans attached to the Schedule (should you require further information or have any questions about the area of land referred
to (e.g. identifying precise location, intended use) please contact [insert name address and phone number of individual]). It is believed you have an interest in this land.

The day after the Bill is introduced in the Parliament, it will be published by the Parliament together with the following accompanying documents—

- Explanatory Notes
- Promoter’s Memorandum
- Promoter’s Statement
- Estimate of Expenses and Funding Statement
- Statement by the Presiding Officer of the Parliament on the legislative competence of the Bill.

The day after introduction, the Bill and the above documents will be available, free of charge, on the Parliament’s website (www.scottish.parliament.uk, go to ‘Parliamentary Business’, then ‘Bills’, then click on ‘Bills in Progress’). In addition, copies of the Bill and its accompanying documents ([including a Book of Reference, maps, plans and sections, and Environmental Statement, that have been published by the promoter]), will be available for inspection at the following Parliament partner libraries—

[[list relevant partner libraries]]

[If possible, a copy of the Environmental Statement will be made available on the Parliament’s website.]

Copies of the Bill, and those accompanying documents published by the Parliament, will be available for sale from any Blackwell’s bookshop. Copies of the other accompanying documents will be available for sale from—

[[name and address of contact including, if possible, details of price of each document]]

[The Bill shall provide that, notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 (where a person cannot be obliged to sell only part of a house or other building if they are able to sell the whole of the building), you may be required to sell and convey a part only of your property, numbered [here insert number or numbers] on the deposited plan.]

[The Bill [seeks to supersede] section 90 of the Lands Clauses Consolidation (Scotland) Act 1845, and substitute for it a provision restricting the power of acquiring compulsorily a part only of a—

(a) house or building to cases where the part can be taken without material detriment to the house or building; and
(b) park or garden belonging to a house to cases where the part can be taken without seriously affecting the amenity or convenience of the house.]
Once the Bill has been introduced, it will be subject to a three Stage process where it will be considered in detail both by a specially established Private Bill Committee and by the full Parliament.

Should you wish to object to the Bill, you will have 60 days to do so. The objection period commences the day after the Bill is introduced and ends at 5.00 pm on the sixtieth day thereafter. Objections must be lodged with the Private Bills Unit, The Scottish Parliament, Edinburgh, EH99 1SP (0131 348 6789, private.bills@scottish.parliament.uk). The enclosed leaflet gives information on the Private Bill process and, in particular, the objection process.

A copy of the Parliament’s Guidance on Private Bills, which explains in greater detail the Private Bill process, is available for inspection from the partner libraries listed above. The guidance is also available on the Parliament’s website (www.scottish.parliament.uk, go to ‘Parliamentary Business’ and then ‘Parliamentary Procedure’).

If you are wishing to lodge an objection, you will require to conform to the admissibility criteria set out in the Parliament’s Standing Orders (its rules of procedure). Objections are required to—

- be in English;
- be printed, typed or clearly hand-written;
- set out clearly the name, address and, where available, other contact details of the objector (telephone, e-mail and fax);
- be signed (where applicable by a person duly authorised and showing that person’s position or designation) and dated;
- set out clearly the nature of the objection i.e. why the objector opposes the Bill, for example, the proposed acquisition of an objector’s property, or noise and vibration;
- explain whether the objection is to the whole Bill and/or specified provisions in which case these should be clearly identified;
- specify how the objector’s interests would be adversely affected by the Bill, for example because of anticipated loss of earnings, or reduction in property values, adverse impact on employment or business, loss of amenity etc; and
- be accompanied by the lodging fee determined by the Scottish Parliamentary Corporate Body (currently £20.00).

It is important to emphasise that an objection states clearly whether it is against the whole Bill and/or specified provisions. In either case the objection must clearly show how the objector will be adversely affected by the provisions of the Bill.

At the conclusion of the objection period, the clerks in the Private Bills Unit will check all objections for admissibility. Once this has been done, a letter will be issued to each objector and a copy of each admissible objection will be made available for inspection in each of the above partner libraries and on to the Parliament’s website. Should you not wish all, or any, of your contact details
to be made available on the website, then you must inform the clerks of this at the time you are objecting. They will then delete this from the web version of that objection but not from the copies placed in the partner libraries for inspection (this version will be useful to objectors in identifying each other should they wish to enter into dialogue where there are objections of a similar nature).

For further details on the Private Bill process and, in particular, the objection process, please contact the Non-Executive Bills Unit (0131 348 6789, NEBU@scottish.parliament.uk). For further details on the subject matter of the Bill please contact [insert name and contact details for promoter.]

Note: [indicates where promoter is required to amend/insert text]
(1) DETERMINATION BY THE PRESIDING OFFICER ON THE NOTIFICATION ARRANGEMENTS FOR PRIVATE BILLS AFFECTING PERSONS OR CLASSES WITH AN INTEREST IN HERITABLE PROPERTY

The Presiding Officer has determined under Rule 9A.2.3(d)(i) of Standing Orders the persons or classes of persons with an interest in heritable property who require to be notified by the promoter of a Private Bill as follows:

Persons whose interests are—

(a) registered in the Sasines Register held by Registers of Scotland; or  
(b) registered on the Land Register; or  
(c) on the latest version of the valuation roll; or  
(d) as ‘the owner’, ‘the lessee’ or, as the case may be, ‘the occupier’ of any land or buildings (other than the owner, lessee or occupier of which cannot be ascertained after reasonable inquiry).

(2) DETERMINATION BY THE PRESIDING OFFICER ON THE ARRANGEMENTS FOR THE NOTIFICATION AND CONSENT OF MEMBERS IN THE CASE OF A PRIVATE BILL PROMOTED BY A BODY CORPORATE OR AN UNINCORPORATED ASSOCIATION OF PERSONS

The Presiding Officer has determined under Rule 9A.2.3(d)(ii) of Standing Orders accompanying a Private Bill, where the promoter is a body corporate or an unincorporated association of persons, are as follows—

(i) the methods used and copies of any letters and advertisements used to notify members of the holding of a meeting to discuss and/or obtain consent for the promotion of the Private Bill; and  
(ii) the method in accordance with the promoter’s own rules or otherwise and of the voting (if any) by which consent was obtained from the members.

(3) DETERMINATION BY THE PRESIDING OFFICER ON THE ARRANGEMENTS FOR THE NOTIFICATION AND CONSENT IN RESPECT OF A PRIVATE BILL THAT AFFECTS A BODY CORPORATE OR UNINCORPORATED ASSOCIATION NOT BEING THE PROMOTER

The Presiding Officer has determined under Rule 9A.2.3(d)(iii) of Standing Orders that where, in the case of any Private Bill that contains provisions that confer powers upon or alter in any respect the constitution of a body corporate or an unincorporated association named in the Private Bill, but not being the promoter, then the provisions of the determination, Notification and Consent of Members in the case of a Private Bill Promoted by a Body Corporate or an Unincorporated Association of Persons, shall apply as if any such body corporate or unincorporated association were the promoter of the Private Bill.
The Presiding Officer has determined under Rule 9A.2.3(d)(iv) of Standing Orders the arrangements to be made by the promoter of a Private Bill, in advertising their intention to introduce a Private Bill.

To comply with this requirement, an advertisement must be given in two newspapers circulating in the area affected by the proposed Bill. Where the proposed Bill is not limited in territorial extent, both newspapers must be newspapers circulating throughout Scotland. The advertisement must appear in two issues of each newspaper, at least one week apart, both issues published prior to the Bill’s introduction.

In addition, arrangements must be made by the promoter for a notice to be displayed in each partner library in the area(s) affected by the Bill or, in a case where there is no area affected by the Bill, to any Parliament partner library that is in the constituency in which any person or body whose interests are affected resides or has a place of business. The notice must contain at least all of the information contained in the newspaper advertisement. Such notices must be displayed from no later than two weeks prior to the proposed date of introduction of the Bill.

The newspaper advertisement must be headed “Notice of proposed Private Bill” and shall contain the following information—

- the name of the promoter;
- the short title of the proposed Bill;
- a concise summary in non-technical language of the Bill’s purposes;
- a list of all the accompanying documents to the Bill;
- details of the premises where copies of the Bill and accompanying documents will be available for inspection or purchase;
- that there will be a 60-day period after introduction during which objections may be lodged;
- that details of the admissibility criteria for objections are available from the clerks at the Private Bills Unit;
- that objections must be accompanied by the lodging fee of £20;
- the name and contact details of the promoter (or employee or agent) from whom additional information about the content of the Bill may be obtained; and
- contact details for the clerks in the Private Bills Unit, stating that they are the persons with whom objections may be lodged and from whom additional information, including detailed guidance about the procedures and an information leaflet for objectors, can be obtained.
In this determination,

“Parliament partner library” means the libraries that are specified in the Annex to the determination, *Distribution of Private Bill and Accompanying Documents*. 
ANNEX I

DETERMINATION BY THE PRESIDING OFFICER ON DISTRIBUTION OF PRIVATE BILL AND CERTAIN ACCOMPANYING DOCUMENTS

The Presiding Officer has determined that for the purposes of Rule 9A.4.2 of Standing Orders, the premises to which a copy of the Private Bill and the accompanying documents mentioned in that Rule shall be sent are—

(a) any Parliament partner library situated in the area affected by the proposed Bill; or

(b) in a case where there is no area affected by the Bill, to any Parliament partner library that is in the constituency in which any person or body whose interests are affected resides or has a place of business.

In this determination,

“Parliamentary partner library” means the libraries that are specified in the Annex to this determination.

“constituency” means a constituency as defined in Schedule 1 to the Scotland Act 1998 (as amended by the Scottish Parliament (Constituencies) Act 2004).
<table>
<thead>
<tr>
<th>Constituency</th>
<th>Partner Library</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Aberdeen Central</td>
<td>Aberdeen Central Library</td>
<td>Rosemount Viaduct Aberdeen AB25 1GW</td>
<td>01224 652534</td>
</tr>
<tr>
<td>2. Aberdeen North</td>
<td>Bridge of Don Library</td>
<td>Scotstoun Road Aberdeen AB22 8HH</td>
<td>01224 702800</td>
</tr>
<tr>
<td>3. Aberdeen South</td>
<td>Kincorth Library</td>
<td>Provost Watt Drive Aberdeen AB12 5NA</td>
<td>01224 872572</td>
</tr>
<tr>
<td>4. Airdrie &amp; Shotts</td>
<td>Airdrie Library</td>
<td>6 Wellwynd, Airdrie, ML6 0AG</td>
<td>01236 758070</td>
</tr>
<tr>
<td>5. Angus</td>
<td>Arbroath Library</td>
<td>Hill Terrace Arbroath DD11 1AH</td>
<td>01241 872248</td>
</tr>
<tr>
<td>6. Argyll &amp; Bute</td>
<td>Dunoon Library</td>
<td>248 Argyll Street Dunoon PA23 7LT</td>
<td>01369 703735</td>
</tr>
<tr>
<td>7. Ayr</td>
<td>Carnegie Library</td>
<td>12 Main Street Ayr KA8 8ED</td>
<td>01292 266385</td>
</tr>
<tr>
<td>8. Banff &amp; Buchan</td>
<td>Peterhead Library</td>
<td>St Peter Street Peterhead AB42 6QD</td>
<td>01779 472554</td>
</tr>
<tr>
<td>9. Caithness, Sutherland &amp; Easter Ross</td>
<td>Thurso Library</td>
<td>Davidson’s Lane Thurso KW14 7AF</td>
<td>01847 893237</td>
</tr>
<tr>
<td>10. Carrick, Cumnock &amp; Doon Valley</td>
<td>Cumnock Library</td>
<td>25-27 Ayr Road Cumnock KA18 1EB</td>
<td>01290 422804</td>
</tr>
<tr>
<td>11. Central Fife</td>
<td>Glenwood Library</td>
<td>Glenwood Shopping Centre Glenrothes KY6 1PA</td>
<td>01592 416840</td>
</tr>
<tr>
<td>12. Clydebank &amp; Milngavie</td>
<td>Clydebank Library</td>
<td>Dumbarton Road Clydebank G81 1XH</td>
<td>0141 952 1416</td>
</tr>
<tr>
<td>13. Clydesdale</td>
<td>Lanark Library</td>
<td>Hope Street Lanark ML11 7LZ</td>
<td>01555 661144</td>
</tr>
<tr>
<td>14. Coatbridge &amp; Chryston</td>
<td>Coatbridge Library</td>
<td>Academy Street Coatbridge ML5 3AW</td>
<td>01236 424150</td>
</tr>
<tr>
<td>15. Cumbernauld &amp; Kilsyth</td>
<td>Cumbernauld Central Library</td>
<td>8 Allander Walk Cumbernauld G67 1EE</td>
<td>01236 725664</td>
</tr>
<tr>
<td>16. Cunninghame North</td>
<td>Saltcoats Library</td>
<td>Springvale Place Saltcoats KA21 5LS</td>
<td>01294 469546</td>
</tr>
<tr>
<td>17. Cunninghame South</td>
<td>Irvine Library</td>
<td>Cunninghame House Irvine KA12 8EE</td>
<td>01294 324251</td>
</tr>
<tr>
<td>18. Dumbarton</td>
<td>Dumbarton Library</td>
<td>Strathleven Place Dumbarton G82 1BD</td>
<td>01389 763129</td>
</tr>
<tr>
<td>19. Dumfries</td>
<td>Ewart Library</td>
<td>Catherine Street Dumfries DG1 1JB</td>
<td>01387 253820</td>
</tr>
<tr>
<td>20. Dundee East</td>
<td>Broughty Ferry Library</td>
<td>Queen Street Broughty Ferry DD5 2HN</td>
<td>01382 436919</td>
</tr>
<tr>
<td>21. Dundee West</td>
<td>Dundee Central Library</td>
<td>The Wellgate Dundee DD1 1DB</td>
<td>01382 434318</td>
</tr>
<tr>
<td>22. Dunfermline East</td>
<td>Dalgety Bay Library</td>
<td>Regents Way Dalgety Bay KY11 5UY</td>
<td>01383 318981</td>
</tr>
<tr>
<td>23. Dunfermline West</td>
<td>Dunfermline Central Library</td>
<td>1 Abbot Street Dunfermline KY12 7NL</td>
<td>01383 312600</td>
</tr>
<tr>
<td>24. East Kilbride</td>
<td>East Kilbride Central Library</td>
<td>The Olympia East Kilbride G74 1PG</td>
<td>01355 220046</td>
</tr>
<tr>
<td>25. East Lothian</td>
<td>Haddington Library</td>
<td>Newton Port Haddington EH41 3NA</td>
<td>01620 822531</td>
</tr>
<tr>
<td>26. Eastwood</td>
<td>Giffnock Library</td>
<td>Station Road Glasgow G46 6JF</td>
<td>0141 577 4976</td>
</tr>
<tr>
<td>27. Edinburgh Central</td>
<td>Edinburgh Central Library</td>
<td>George IV Bridge Edinburgh EH1 1EG</td>
<td>0131 242 8070</td>
</tr>
<tr>
<td>No.</td>
<td>Area</td>
<td>Library Name</td>
<td>Address</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>28.</td>
<td>Edinburgh East &amp; Musselburgh</td>
<td>Portobello Library</td>
<td>14 Rosefield Avenue Edinburgh EH15 1AU</td>
</tr>
<tr>
<td>29.</td>
<td>Edinburgh North &amp; Leith</td>
<td>Leith Library</td>
<td>28-30 Ferry Road Edinburgh EH6 4AE</td>
</tr>
<tr>
<td>30.</td>
<td>Edinburgh Pentlands</td>
<td>Wester Hailes Library</td>
<td>1 West Side Plaza Edinburgh EH14 2FT</td>
</tr>
<tr>
<td>31.</td>
<td>Edinburgh South</td>
<td>Morningside Library</td>
<td>184 Morningside Road Edinburgh EH10 4PU</td>
</tr>
<tr>
<td>32.</td>
<td>Edinburgh West</td>
<td>Blackhall Library</td>
<td>56 Hillhouse Road Edinburgh EH4 5EG</td>
</tr>
<tr>
<td>33.</td>
<td>Falkirk East</td>
<td>Grangemouth Library</td>
<td>52 Bo'ness Road Grangemouth FK3 8AG</td>
</tr>
<tr>
<td>34.</td>
<td>Falkirk West</td>
<td>Falkirk Library</td>
<td>Hope Street Falkirk FK1 5AU</td>
</tr>
<tr>
<td>35.</td>
<td>Galloway &amp; Upper Nithsdale</td>
<td>Stranraer Library</td>
<td>North Strand Street Stranraer DG9 7LD</td>
</tr>
<tr>
<td>36.</td>
<td>Glasgow Anniesland</td>
<td>Knightswood Library</td>
<td>27 Dunterlie Avenue Glasgow G13 3BB</td>
</tr>
<tr>
<td>37.</td>
<td>Glasgow Baillieston</td>
<td>Baillieston Library</td>
<td>141 Main Street Glasgow G69 6AA</td>
</tr>
<tr>
<td>38.</td>
<td>Glasgow Cathcart</td>
<td>Langside Library</td>
<td>2 Sinclair Drive Glasgow G42 9QE</td>
</tr>
<tr>
<td>39.</td>
<td>Glasgow Govan</td>
<td>Ibrox Library</td>
<td>1 Midlock Street Glasgow G51 1SL</td>
</tr>
<tr>
<td>40.</td>
<td>Glasgow Kelvin</td>
<td>Hillhead Library</td>
<td>348 Byres Road Glasgow G12 8AP</td>
</tr>
<tr>
<td>41.</td>
<td>Glasgow Maryhill</td>
<td>Maryhill Library</td>
<td>1508 Maryhill Road Glasgow G20 9AD</td>
</tr>
<tr>
<td>42.</td>
<td>Glasgow Pollok</td>
<td>Cardonald Library</td>
<td>1113 Mosspark Drive Glasgow G52 3BU</td>
</tr>
<tr>
<td>43.</td>
<td>Glasgow Rutherglen</td>
<td>Rutherglen Library</td>
<td>163 Main Street Rutherglen G73 2HB</td>
</tr>
<tr>
<td>44.</td>
<td>Glasgow Shettleston</td>
<td>Shettleston Library</td>
<td>154 Wellshot Road Glasgow G32 7AX</td>
</tr>
<tr>
<td>45.</td>
<td>Glasgow Springburn</td>
<td>Dennistoun Library</td>
<td>2a Craigpark Glasgow G31 2NA</td>
</tr>
<tr>
<td>46.</td>
<td>Gordon</td>
<td>Inverurie Library</td>
<td>Town hall Inverurie AB51 3SN</td>
</tr>
<tr>
<td>47.</td>
<td>Greenock &amp; Inverclyde</td>
<td>Inverclyde Central Library</td>
<td>Clyde Square Greenock PA15 1NA</td>
</tr>
<tr>
<td>48.</td>
<td>Hamilton North &amp; Bellshill</td>
<td>Bellshill Cultural Centre</td>
<td>John Street Bellshill ML4 1RJ</td>
</tr>
<tr>
<td>49.</td>
<td>Hamilton North &amp; Bellshill</td>
<td>Hamilton Town House Library</td>
<td>102 Cadzow Street Hamilton ML3 6HH</td>
</tr>
<tr>
<td>50.</td>
<td>Hamilton South</td>
<td>Blantyre Library</td>
<td>Calder Street Blantyre G72 0AU</td>
</tr>
<tr>
<td>51.</td>
<td>Inverness East, Nairn &amp;</td>
<td>Fort William Library</td>
<td>Airds Crossing Fort William PH33 6BA</td>
</tr>
<tr>
<td>52.</td>
<td>Kilmarnock &amp; Loudoun</td>
<td>The Dick Institute</td>
<td>14 Einbank Avenue Kilmarnock KA1 3BU</td>
</tr>
<tr>
<td>53.</td>
<td>Kirkcaldy</td>
<td>Kirkcaldy Central Library</td>
<td>War Memorial Gardens Kirkcaldy KY1 1YG</td>
</tr>
<tr>
<td>54.</td>
<td>Linlithgow</td>
<td>Linlithgow Library</td>
<td>The Vennel, Linlithgow EH49 7EX</td>
</tr>
<tr>
<td>55.</td>
<td>Livingston</td>
<td>Carmondean Library</td>
<td>Carmondean Centre Livingston EH54 8PT</td>
</tr>
<tr>
<td>56.</td>
<td>Midlothian</td>
<td>Dalkeith Library</td>
<td>White Hart Street Dalkeith EH22 1AE</td>
</tr>
<tr>
<td>57.</td>
<td>Moray</td>
<td>Elgin Library</td>
<td>Cooper Park Elgin IV30 1HS</td>
</tr>
<tr>
<td>58.</td>
<td>Motherwell &amp; Wishaw</td>
<td>Motherwell Library</td>
<td>Hamilton Road Motherwell ML3 3BZ</td>
</tr>
<tr>
<td></td>
<td>Library Name</td>
<td>Address</td>
<td>Phone Number</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------</td>
<td>----------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>59.</td>
<td>North East Fife</td>
<td>St Andrews Library 78 South Street St Andrews KY16 9JT</td>
<td>01334 412685</td>
</tr>
<tr>
<td>60.</td>
<td>North Tayside</td>
<td>Forfar Library 50-56 West High Street Forfar DD8 1BA</td>
<td>01307 466071</td>
</tr>
<tr>
<td>61.</td>
<td>Ochil</td>
<td>Alloa Library 26/28 Drysdale Street Alloa FK10 1JL</td>
<td>01259 722262</td>
</tr>
<tr>
<td>62.</td>
<td>Orkney</td>
<td>Orkney Library 44 Junction Road Kirkwall Orkney KW15 1AG</td>
<td>01856 873166</td>
</tr>
<tr>
<td>63.</td>
<td>Paisley North</td>
<td>Renfrew Library 103 Paisley Road Renfrew PA4 8LJ</td>
<td>0141 886 3433</td>
</tr>
<tr>
<td>64.</td>
<td>Paisley South</td>
<td>Paisley Central Library 68 High Street Paisley PA1 2BB</td>
<td>0141 887 3672</td>
</tr>
<tr>
<td>65.</td>
<td>Perth</td>
<td>AK Bell Library York Place Perth PH2 8EP</td>
<td>01738 444949</td>
</tr>
<tr>
<td>66.</td>
<td>Ross, Skye &amp; Inverness West</td>
<td>Inverness Library Farraline Park Inverness IV1 1NH</td>
<td>01463 236463</td>
</tr>
<tr>
<td>67.</td>
<td>Roxburgh &amp; Berwickshire</td>
<td>Kelso Library Bowmont Street Kelso TD5 7EG</td>
<td>01573 223171</td>
</tr>
<tr>
<td>68.</td>
<td>Shetland</td>
<td>Shetland Library Lower Hillhead Lerwick Shetland ZE1 0EL</td>
<td>01595 693868</td>
</tr>
<tr>
<td>69.</td>
<td>Stirling</td>
<td>Stirling Central Library Corn Exchange Road Stirling FK8 2HX</td>
<td>01786 432107</td>
</tr>
<tr>
<td>70.</td>
<td>Strathkelvin &amp; Bearsden</td>
<td>William Patrick Library 2-4 West High Street Kirkintilloch G66 1AD</td>
<td>0141 776 8090</td>
</tr>
<tr>
<td>71.</td>
<td>Tweeddale, Ettrick &amp; Lauderdale</td>
<td>Peebles Library High Street Peebles EH45 8AG</td>
<td>01721 720123</td>
</tr>
<tr>
<td>72.</td>
<td>West Aberdeenshire &amp; Kincardine</td>
<td>Stonehaven Library Evan Street Stonehaven AB39 2ET</td>
<td>01569 762136</td>
</tr>
<tr>
<td>73.</td>
<td>West Renfrewshire</td>
<td>Erskine Library Bridgewater Place Erskine PA8 7AA</td>
<td>0141 812 5331</td>
</tr>
<tr>
<td>74.</td>
<td>Western Isles</td>
<td>Stornoway Library 19 Cromwell Street Stornoway Isle of Lewis HS1 2DA</td>
<td>01851 708631</td>
</tr>
</tbody>
</table>

**Additional Partner Libraries**

<table>
<thead>
<tr>
<th></th>
<th>Library Name</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>75.</td>
<td>Dornoch Library</td>
<td>Carnegie Building High Street Dornoch IV25 3SH</td>
<td>01862 811079</td>
</tr>
<tr>
<td>76.</td>
<td>Portree Library</td>
<td>Bayfield Road Portree Isle of Skye IV51 9EL</td>
<td>01478 612697</td>
</tr>
<tr>
<td>77.</td>
<td>Ullapool Library</td>
<td>Mill Street Ullapool Ross-Shire IV26 2UN</td>
<td>01854 612543</td>
</tr>
<tr>
<td>78.</td>
<td>Oban Library</td>
<td>Corran Halls Oban PA34 5AB</td>
<td>01631 571444</td>
</tr>
<tr>
<td>79.</td>
<td>The Mitchell Library</td>
<td>North Street Glasgow G3 7DN</td>
<td>0141 287 2999</td>
</tr>
<tr>
<td>80.</td>
<td>Aberdeenshire Library and Information Services (ALIS) HQ</td>
<td>Meldrum Meg Way, Meadows Industrial Estate, Oldmeldrum AB51 0GN</td>
<td>01651 872707</td>
</tr>
</tbody>
</table>
ANNEX J

DETERMINATION BY PARLIAMENTARY CORPORATION ON FEES AND REIMBURSEMENT OF COSTS

The Parliamentary corporation has determined under Rules 9A.1.8 and 9A.6.5(e) of Standing Orders the fees payable by promoters of, and objectors to, a Private Bill. In addition the Parliamentary corporation has determined under Rule 9A.2.3(d)(vi) those matters for which promoters will require to give an undertaking to reimburse costs incurred by the Parliamentary corporation during the passage of the Private Bill.

Fees payable by a Promoter of a Private Bill

On introduction—

(a) if the Private Bill—
   (i) relates to charitable, religious, educational, literary or scientific purposes whereby no private profit or advantage is derived, or
   (ii) is promoted by a person other than a local authority; and is one from which the Promoters appear unlikely to derive substantial personal or corporate gain
   £1,250

(b) in the case of any Private Bill not falling within paragraph (a) above
   £5,000

Fees payable by objectors

On lodging an objection £20

Matters for which Promoters will require to give an undertaking to pay costs incurred by the Parliamentary corporation—

- printing and publication of Bill, accompanying documents and Private Bill Committee reports;
- production, printing and publication of the Official Report of meetings of Private Bill Committees;
- costs of hiring suitable venue for Private Bill Committee where the Committee meets outside the Parliament estate;
- broadcasting of Private Bill Committee meetings.
The Presiding Officer has determined that the classes of works referred to in Rule 9A.1.1A of Standing Orders shall be as follows—

Aqueduct;
Archway;
Bridge;
Canal;
Cut;
Dock;
Drainage (where it is not provided in the Bill that the cut shall not be more than 3.4 metres wide at the bottom);
Embankment for reclaiming land from the sea or any tidal river;
Ferry;
Harbour;
Light railway;
Navigation;
Pier;
Port;
Reservoir;
Road;
Sewer;
Subway;
Tramroad;
Tramway;
Trolley vehicle system;
Tunnel;
Waterwork;

and any construction or engineering works for which planning permission would be required if the works were not approved by way of a Private Bill.
ANNEX L

DETERMINATION BY THE PRESIDING OFFICER ON ESTIMATE OF EXPENSE AND FUNDING STATEMENT

The Presiding Officer has determined under Rule 9A.2.3(c)(i) of Standing Orders the other financial details that require to be set out in the Estimate of Expense and Funding Statement that accompanies a Private Bill on introduction. This information is as follows—

- a detailed cost breakdown of each element of the project;
- an estimate of the timescales over which such costs would be expected to arise and an indication of the margins of uncertainty in any such estimate;
- a detailed breakdown of all anticipated and committed sources of funding including for both capital and running costs; and
- an estimate of the timescales over which funding would be expected to be required and an indication of the margins of uncertainty in any such estimates.
ANNEX M

DETERMINATION BY THE PRESIDING OFFICER ON MAPS, PLANS, SECTIONS AND BOOK OF REFERENCE

The Presiding Officer has determined under Rule 9A.2.3(c)(ii) of Standing Orders the information that requires to be set out in the maps, plans, sections and book of reference that accompany an introduction of Private Bill that seeks to authorise the construction or alteration of works or authorises the compulsory acquisition or use of any land or buildings (see determination, Classes of Works). In general, sufficient maps, plans and sections must be provided to allow for proper consideration and, where these are required, not less than the following will apply.

Maps
These must be based on an Ordnance Survey map at a scale not smaller than 1:50,000, with the general course of direction or boundaries of the proposed work or alteration shown and, where appropriate, show the line of any proposed works. These should be submitted in colour.

Plans, sections
Plans must be drawn to a horizontal scale not smaller than 1:2,500. A key plan, showing the general location of works, must be drawn to a scale not smaller than 1:50,000. They must show clearly the line or situation of the whole of the work and where the construction is, or demolition or alterations are, to take place. Where it is the intention of the promoter to apply for powers to make any deviation from the line of the proposed work, then the limits of any such deviation must be defined on a plan and all land included within those limits must also be defined. A plan must be provided of any building yard, courtyard or land within the curtilage of any building or ground cultivated as a garden, either in the line of the proposed work, or included within the limits of deviation. A plan or plans, showing clearly any land that it is proposed to acquire compulsory, must also be provided.

Sections and cross-sections of works must be drawn to the same horizontal scale as the plans. In respect of the vertical scale, this must be no smaller than 1:500.

Where tunnelling as a substitute for open cutting or a viaduct as a substitute for solid embankment is required then this must be marked on the plan (in the case of tunnelling, by a dotted line). Where a length is stated on the plan, it must be stated in kilometres and metres.

In the case of a Bill that seeks to authorise the construction or alteration of any railway or tramroad, the distances in kilometres and metres from the commencement of the work must be marked on the plan. Details of the radius of every curve not exceeding one kilometre in length must also be noted on the plan. Where the Bill seeks to authorise the construction or alteration of a railway or tramroad so as to form a junction with an existing or authorised line.
of railway or tramroad, the course of the existing or authorised line must be shown on the plan for a distance of 500 metres on each side of the proposed junction, on the same scale as the first-mentioned railway or tramroad.

In the case of a Bill that seeks to authorise the construction or alteration of a tramway, the plan must indicate the proposed position of the tramway, in relation to the road in which it is to be laid and, where not along the centre, the distance from an imaginary line drawn along the centre of the road. If it is proposed that the tramway should be laid so that between any points for a distance of 10 metres or upwards, the space intervening between the outside of the footpath on either side of the road and the nearest rail of the tramway will be less than

- 3 metres; or
- if it is intended to run, on the tramway, carriages or trucks adapted for use upon railways, 4 metres,

the tramway between those points must be indicated on the plan by a thick dotted line on the side or sides where the narrow places occur and the width of the road at those places must also be marked on the plan. Double lines (including passing places) must be indicated on the plan by a double line and the distance between the centre lines of each line of tramway indicated.

The distances in kilometres and metres from one of the termini of the tramway must be marked on the plan. It must also state:

- the total length of the road upon which the tramway is to be laid (i.e. the length of the route of the tramway); and
- the length of each double and single portion of the tramway and the total lengths of double and single portions respectively.

If the Bill relates to more than one tramway, the above details apply severally to each tramway.

In the case of a Bill that proposes to authorise the diversion, widening or narrowing of any road, navigable river, canal, railway or tramroad, the course of the diversion, and the extent of the widening or narrowing, must be marked upon the plan and, if it is intended to divert any public footpath, the course of such diversion must be marked upon the plan.

The information provided on all copies of plans and sections must be accurate. The plans and sections can be submitted in black and white. Key features, such as any limits of deviation of the works and the precise boundaries of each plot of land to be compulsorily acquired, must be clearly delineated on the relevant plans. Plans and sections should be drawn to a larger scale than the minimum prescribed if this is necessary to achieve reasonable clarity and accuracy.

**Book of Reference**

Where a Bill seeks to authorise the compulsory acquisition of land, or the right to use land or to carry out protective works to buildings, or the compulsory extinguishment of servitudes and other private rights over land (and of
navigation over water) the promoter must provide in a Book of Reference a list of the names and addresses of the owners, lessees and occupiers of all lands and buildings that may be compulsorily acquired or used or who have interests in any land or water in or over which rights would be extinguished or in those rights. The promoter is not required to include information about owners or lessees whose identity cannot after reasonable enquiry be ascertained.

The names and addresses listed must be extracted from the most recent information available. The source or sources of the information must be shown.
ANNEX N

DETERMINATION BY THE PRESIDING OFFICER ON ENVIRONMENTAL STATEMENT

The Presiding Officer has determined under Rule 9A.2.3(c)(iii) of Standing Orders that the information that requires to be set out in any Environmental Statement that accompanies a Private Bill on introduction is all of the information set out in Schedule 4 to the Environmental Impact Assessment (Scotland) Regulations 1999 (SI 1999/1).
CONFIRMATION OF ENTITLEMENT TO REDUCED FEES

The Scottish Parliamentary Corporate Body (SPCB), for the purpose of Rule 9A.1.8 of its Standing Orders, has determined the fee payable by promoters of a Private Bill on introduction as follows—

(a) if the Private Bill—
   (i) relates to charitable, religious, educational, literary or scientific purposes whereby no private profit or advantage is derived; or
   (ii) is promoted by a person other than a local authority; and is one from which the promoter appears unlikely to derive substantial personal or corporate gain £1,250

(b) in the case of any Private Bill not falling within paragraph (a) above £5,000

If, as a promoter, you are covered by the circumstances in paragraph (a) and wish to pay the introduction fee at the reduced rate, the following certificate must be completed and submitted with the fee:

I/We confirm the Private Bill I am/we are promoting [relates to charitable/religious/educational/literary/scientific* purposes whereby no private profit or advantage is derived]/[is not promoted by a local authority and I am unlikely to derive substantial personal or corporate gain from it].*

Signed ………………………………………………………………………………………………………

Name ………………………………………………………………………………………………………

On behalf of (name of promoter) ………………………………………………………………………

(if signed by agent)

Name of Bill ……………………………………………………………………………………………

Address ………………………………………………………………………………………………

……………………………………………….. Postcode …………………………………………..

Date………………………………………..

*delete as appropriate

Please return this form to: The Non-Executive Bills Unit, The Scottish Parliament, Edinburgh, EH99 1SP.
ANNEX P

DETERMINATION BY THE PRESIDING OFFICER ON MANDATORY CONSULTEES AND CONSULTATION ON ENVIRONMENTAL IMPACT

The Presiding Officer has determined under Rule 9A.1.4B that—

(a) the mandatory consultees are as follows—

- Scottish Natural Heritage;
- the Scottish Environment Protection Agency;
- Historic Scotland; and
- every planning authority in whose area the proposed development or part of it is to be situated (except where the related local authority intends to promote the Bill);

(b) as soon as reasonably practicable and in any event at least two months in advance of the date of the Bill’s introduction, the promoter must consult the mandatory consultees on the following matters, providing sufficient information for that purpose (referred to as the “consultation material”)—

- the nature and purpose of the proposed development;
- the affected land;
- the likely effects of the development on the environment (during both construction and operation);
- the need for appropriate assessment under the Conservation (Natural Habitats &c.) Regulations 1994;
- mitigation; and
- the scoping of the environmental statement prior to its production;

(c) the promoter must invite the mandatory consultees to express their written view on the consultation material within a period of no less than 28 days from the date of receipt of the consultation material by the mandatory consultees; and

(d) when consulting the mandatory consultees, the promoter must also advise the mandatory consultees of their opportunity to lodge with the Scottish Parliament a statement in relation to the promoter’s consultation under Rule 9A.6A of Standing Orders.
ANNEX Q

DETERMINATION BY THE PRESIDING OFFICER ON PROPER FORM OF OBJECTIONS TO PRIVATE BILLS

The Presiding Officer has determined under Rule 9A.6.4 of Standing Orders, the proper form in which objections to a Private Bill must be lodged.

Every objection lodged against a Private Bill must—

• be in English;
• be printed, typed or clearly hand-written;
• set out clearly the name, address and, where available, other contact details of the objector (telephone, fax and e-mail); and
• be signed (where applicable, by a person duly authorised and showing that person’s position or designation) and dated.
MODEL LAYOUT FOR OBJECTION TO PRIVATE BILL

(NAME OF BILL)

I/We [name of individual or body] wish to object to the above Bill being promoted by [name of promoter]. My/our objection(s) is/are set out below.

[State clearly whether the objection is against the whole Bill, to only part(s) of it (in which case this should be clearly stated), or to both. The objection should clearly set out why the objector opposes the Bill (e.g. acquisition of objector’s land, noise and vibration) and should specify how the objector’s interests would be adversely affected by the Bill (e.g. loss of revenue, reduction in property value, loss of amenity)]

Signature(s)
Position(s) (if relevant)
Date

Name and address of objector
Tel no.
Fax no.
e-mail address
DETERMINATION BY THE PRESIDING OFFICER ON PROPER FORM OF AMENDMENTS


The Presiding Officer has determined, under Rules 9.10.1 and 9A.12.1 of the Standing Orders, that the form of amendments to Bills is as follows. (Note: This determination supersedes the determination printed in Bulletin No. 37/1999 and in Annex C to the 1st edition of the Guidance.)

Each amendment shall propose only one change to the text of the Bill; and each amendment to an amendment shall propose only one change to the text of that amendment.

No amendment shall leave out or insert more than one section of, or schedule to, the Bill.

Amendments to leave out sections of, or schedules to, the Bill shall be in the form “Leave out section/schedule x”; and amendments to substitute new such sections or schedules for existing ones shall be in the form “Leave out section/schedule x and insert— [text of new section/schedule]”.

Amendments to insert new sections or schedules in the Bill shall normally be in the form “Before/After section/schedule x, insert— [text of new section/schedule]”.

Amendments to existing sections of, or schedules to, the Bill shall normally begin “In section/schedule x, page y, line z, …” and shall be to “leave out”, “leave out and insert” or “insert” blocks of text or words.

In all amendments, words in the Bill referred to and text to be included in the Bill shall be framed with angle brackets (e.g. after <word> insert <words>).

Amendments to leave out whole subsections of, or paragraphs of schedules to, the Bill shall do so by reference to those subsections or paragraphs, but amendments to leave out other defined blocks of text shall do so by reference to lines. Amendments to leave out words shall do so by reference to those words or, where appropriate, by reference to the first and last words to be left out.

In amendments to leave out words and insert new words, the first or last words to be inserted shall not normally be the same as the first or last words to be left out.

No amendment shall leave out or insert any item of text smaller than a word.

Amendments to insert blocks of text into the Bill shall set out those blocks of text in the form in which they would appear in the Bill, except that blocks of text that would, if part of the Bill, be numbered shall either be un-numbered in...
the amendment or numbered so as not to require re-numbering of existing provisions of the Bill.

Amendments to the long title shall begin “In the long title, page x, line y, …”.

Amendments to amendments shall begin “As an amendment to amendment x, …” and shall, where appropriate, refer to the text to be amended by reference to subsection, schedule paragraph or line.
Revisions to the Guidance on Private Bills

Paragraphs 2.5 and 2.6

Details of Consultation
One of the Bill’s accompanying documents, the Promoter’s Memorandum, must detail the consultation that was undertaken on the policy objectives of the Bill; the ways of meeting them, and on the detail contained in the Bill together with a summary of the outcome of that consultation. Previous Private Bill Committees have paid particularly close attention to such matters and to how promoters have sought to engage and communicate effectively and constructively with directly affected parties. For example, how, when, where and what did the promoter communicate to local residents who may be directly affected by a project as a way of resolving their concerns thereby reducing the likelihood of these residents lodging objections to the Bill.

Proper, balanced, committed and participative engagement and communication with local communities can not only reduce the likelihood of objections being lodged but also create a more open and constructive relationship between the promoter and local residents.

Paragraph 2.16

Code of Construction Practice and Noise and Vibration policies
While not required under Rule 9A.2.3, promoters will wish to give careful consideration to submitting, at the time of the Bill’s introduction, a draft Code of Construction Practice and a draft Noise and Vibration Policy relevant to the particular works scheme. Whilst it is accepted that these documents may not be appropriate for all Private Bills (e.g. non-works Bills) they have proved particularly useful to previous Private Bill Committees who have attached great importance to them to the extent that they, as a matter of course, have amended particular Bills to ensure and provide for the statutory and mandatory compliance of each document. Their provision may therefore be considered particularly helpful to a Committee in its consideration of the environmental impact of the scheme proposed under the Bill, of how such impacts will be mitigated and in resolving any objections to the Bill (or, indeed, reducing the potential for objections being lodged in the first place).

Paragraphs 2.52-2.58

Draft Code of Construction Practice
This is not an accompanying document required under Rule 9A.2.3 but, as highlighted in paragraph above, promoters will wish to give serious consideration to the provision of a draft Code of Construction Practice (CoCP)
at the time the Bill is introduced. The document has proved particularly helpful to Private Bill Committees.

The purpose of the CoCP is to identify the actions the promoter will require contractors and sub-contractors to take during the construction phase of the project to minimise the environmental and other impacts e.g. construction noise, dust pollution, disposal of waste material. It defines the minimum standards of construction practice required of contractors, informs those affected e.g local communities of how the promoter will mitigate such impacts and on how they will be consulted and engaged over such mitigation and of the timetable for the construction works.

Although there is no statutory requirement for a CoCP, best practice has established that these are extremely useful in terms of identifying the means by which contractors will be required to carry out the works in a manner that seeks to minimise their environmental and other impacts. In accordance with such best practice, the CoCP can be incorporated into the contracts for the construction of the works proposed under the Bill. This ensures that all contractors and sub-contractors are required to fully comply with the terms of the document.

It is accepted that for some types of Private Bill (e.g. those which seek to change the name or status of an organisation) a draft CoCP would not be required.

*Draft Noise and Vibration Policy*

Again, this is not an accompanying document as required under Rule 9A.2.3 but a document that promoters will wish to consider lodging anyway. The purpose of the Noise and Vibration Policy (NVP) is to set out the approach the promoter will adopt to mitigate noise and vibration impact from the operation of the works conferred under the Bill (the CoCP addresses the mitigation of construction noise and vibration).

The NVP may build on commitments made during the Environmental Impact Assessment as reported in the Environmental Statement. The NVP can be made binding on relevant contractors by being incorporated into the appropriate contracts for the construction and operation of the works.

Again it is recognised that the provision of a draft NVP may not be relevant to all Private Bills.

**Paragraphs 3.12-3.17**

**Data Protection**

The lodging of objections is a public process and the Scottish Parliament operates within the Data Protection Act 1998. In accordance with this Act the Parliament has an obligation to advise objectors (the clerks do this) how the information contained in an objection and any subsequent evidence an objector may submit regarding their objection will be dealt with by the Parliament under the Act.
Each objection will be copied in full to the members of the Committee and any assessor appointed to conduct proceedings at Consideration Stage. The clerks will arrange for each objection to be published on the Committee’s home page on the Parliament’s website at the conclusion of the objection period, subject to the removal of any of the following information—

- the objector’s address, email address, telephone number, signature
- any sensitive personal data such as the objector’s medical or family history
- statements regarding a third party which constitute sensitive personal data about that person or which may identify a third party

The objector’s name will remain on the objection posted on the website.

Copies of each objection will also be placed in the Parliament’s Information Centre, which is accessible to MSPs, their staff and parliamentary staff. These copies will be the same as those published on the website. They will also be made available for inspection at the each of the public libraries at which copies of the Bill and its accompanying documents were lodged.

Each objection will also be copied to the promoter of the Bill, but subject to the removal of the objector’s email address, telephone number and signature, if provided.

Should an objection go forward for detailed scrutiny at Consideration Stage, the objection may be grouped with other objections that raise the same or similar issues. In that event, it is likely that an objector’s address will be given to fellow group members to enable all objectors within that group to enter into dialogue with each other and collectively present their concerns. If an objection contains sensitive personal data it may also be necessary for the clerks to share that information with other objectors within the group and to seek consent from any third party referred to, prior to the sharing of any information about them.

Paragraph 4.29

Assessor

In the case of oral evidence at Consideration Stage Phase One being heard by an assessor appointed by the Committee, generally the Clerk to the Committee would assist the assessor in the administrative and procedural arrangements for the hearings and would attend each hearing.

---

18 Sensitive personal data is data which describes racial origin, political opinion, religious belief, trade union membership, physical or mental health, sexual life, or the commission or alleged commission of an offence or proceedings carried out in relation to an offence.
Paragraph 5.11

Approach to Preliminary Stage
Previous Private Bill Committees have, at a very early point in its proceedings (eg at the first meeting), considered and agreed what the Committee’s approach to Preliminary Stage will be. This has included decisions on which organisations, bodies, individuals other than the promoter it wishes to invite to submit written and/or give oral evidence and on what particular issues. Committees have also considered and agreed provisional timetables to which it will work for the purposes of inviting written evidence, holding oral evidence meetings and publishing its Preliminary Stage report. Agreeing and publishing such details allows all affected parties, promoter, objectors, to be aware of how and when the Bill will be taken forward.

Paragraphs 5.36-5.41

Approach to gathering written evidence
The following is an example only of an approach to gathering written evidence where the Committee agrees the grouping of objections and lead objectors of such groups (it is for each Committee to consider and agree on what approach it will take)—

Step 1
A letter is issued to all objectors and the promoter informing them of the outcome of the meeting at which the Committee considers and agrees its approach to Consideration Stage (decisions on groupings, lead objectors). The letter might invite the submission from each objector group of—

- written evidence on each outstanding issue identified in each objection within the group that the group wishes to pursue;
- provisional witness lists i.e. the witnesses each group will put forward on each topic of evidence; and
- invite each group to provisionally indicate how long it will take to present its oral evidence and cross examine witnesses.

Step 2
Upon receipt of the written evidence from each group, a copy would be forwarded to the promoter inviting it to—

- respond to the written evidence received on each outstanding issue raised by each group;
- submit provisional witness lists i.e. the witnesses the promoter will put forward on each topic of evidence within each group should the Committee wish to hear oral evidence on the issues raised; and
- provisionally indicate how long it expects to take to present its oral evidence and cross examine witnesses for each group.
Step 3
Upon receipt of the promoter’s written evidence response, a copy would be forwarded to each group inviting it submit a further written response on each outstanding issue.

Step 4
Upon receipt of each group’s response evidence, the Committee would expect to be in a position to invite its assessor to proceed to oral evidence hearings.

The intention of such an approach is to filter down to the outstanding issues to be pursued through oral evidence. At this point, each group and the promoter could be invited to finalise their respective witness lists and firm up on how long they expect to take in cross-examining witnesses. This assists in finalising the timetable for oral evidence hearings. It should however be noted that the Committee has discretion as regards who to call for oral evidence and how much evidence to hear. For example, the Committee may refuse to hear evidence which in its opinion is irrelevant or repetitious or on an issue not raised in the original objections.

**Paragraphs 5.47-5.57**

**Assessor**
At Preliminary Stage, the Committee can decide to direct the Scottish Parliamentary Corporate Body (SPCB) (subject to the Bill proceeding to Consideration Stage) to appoint an assessor to consider and report to the Committee at Consideration Stage (Rule 9A.8.2A).

The Procedures Committee report, *Private Bill Committee Assessors*[^19] recommended that the Private Bill procedures to be changed. In essence, the report proposed that Private Bill Committees should have the option of appointing an independent assessor to hear and consider objections during the first phase of Consideration Stage. The primary benefit of the proposal was described as its capacity to ‘reduce the burden on MSPs in dealing with what are at times highly complex and technical matters’, while also enabling the process to be conducted more efficiently.

The Parliament agreed to the changes and Chapter 9A of Standing Orders has been amended to include provision for the appointment of an assessor (and related procedures).

While an assessor could report to the Committee in the ways highlighted above, it remains the sole duty of the Committee to decide and report on any outstanding objections at Consideration Stage. Standing Orders are clear that the Committee can accept in whole or in part, or reject, any report by an assessor. Furthermore, after an assessor reports, the Committee could take

[^19]: Procedures Committee’s 1st Report, 2006 (Session 2) (SP Paper 481)
such other steps as it thinks fit, for example, referring further matters to the assessor for consideration and report, or itself taking further evidence.

Should the Committee decide to appoint an assessor, then under Rule 9A.8.2A the Committee may, during Preliminary Stage, direct such an assessor to report to it in one or both of the following options—

**Option 1: Grouping, invitations and evidence**

The assessor would recommend to the Committee in a report—

- the objections that are the same or similar and which should be grouped under rule 9A.9.4;
- which objectors should be chosen to give evidence in relation to the objections so grouped; and
- whether the invitations to give evidence should be invitations to give evidence orally or in writing;
- to consider the evidence given to the assessor and report with such recommendations on the basis of that evidence as the assessor considers appropriate.

**Option 2: Evidence only**

The assessor would report on the evidence given and report with such recommendations on the basis of that evidence as the assessor considers appropriate. The other functions of grouping objections and then inviting written and oral evidence would be undertaken by the Committee (as expanded on below).

**Data Protection**

As previously referred to the Parliament must process all written evidence under the terms of the Data Protection Act 1998. All written evidence submitted will be seen in full by the assessor, the promoter and the Committee, i.e. without deletion of personal data or sensitive personal data concerning objectors.

However, any personal data concerning a third party who is not an objector will not be forwarded to the promoter unless the clerks receive the clear written consent of the person whom the data concerns. If the clerks do not have that consent they will forward the written evidence to the promoter with this third party data deleted and no further evidence will be taken on that specific matter.

---

20 Personal data means data that affects the privacy of a living, identifiable individual who can be identified from the data. The mere mention of someone's name is not necessarily personal data – there must be some biographical element that has the individual as its focus and affects their privacy. For example, a person's name along with their home address is personal data.

21 Sensitive personal data is data which describes racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life, the commission or alleged commission of an offence, or proceedings carried out in relation to an offence.
In submitting written evidence objectors should therefore avoid the inclusion of personal or sensitive personal data unless this is necessary to make a particular point. For example, written evidence must include the names and titles of witnesses, but there is no need to include their phone numbers, addresses and other contact.

**Paragraph 5.58**

**Committee report following Assessor's report**
In the event of an assessor being appointed by the Committee, the Committee's report will take into consideration the conclusions and recommendations made in the assessor's report. It is likely that the Committee would append this report to its own. The report will be published in hard and electronic formats. Affected parties will be notified of when the report is to be published.