

PARLIAMENTARY BUREAU

CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) AT STAGE 2

Introduction

1. The Coronavirus (Recovery and Reform) (Scotland) Bill was introduced by the Cabinet Secretary for Covid Recovery, John Swinney MSP, on 25 January 2022.
2. The Parliament will debate the general principles of the Bill at Stage 1 on 12 May 2022 and as such and subject to the Bill passing Stage 1, the Bureau is invited to consider the referral of the Bill at Stage 2.
3. At Stage 1, on the recommendation of the Bureau, the Parliament agreed to refer the Bill to the Covid-19 Recovery Committee as lead committee and the Criminal Justice Committee and Local Government, Housing and Planning Committee as secondary committees. The Education, Children and Young People Committee also had an interest in the Bill, but did not seek formal referral for Stage 1.
4. At Stage 1, the Criminal Justice Committee scrutinised the provisions in the Bill which relate to both criminal and civil justice matters, predominantly found in Part 5 (with the other provisions found in Part 3). The Local Government, Housing and Planning Committee scrutinised Part 4 of the Bill which pertains to tenancies. The Education, Children and Young People Committee considered the provisions in Part 2 relating to the use of public health measures in educational settings. The Covid-19 Recovery Committee considered the remaining provisions of the Bill, in particular Part 1 which pertains to public health provisions.
5. After their Stage 1 consideration, the Local Government, Housing and Planning Committee and the Education, Children and Young People Committee indicated that they would be content for the Covid-19 Recovery Committee to consider the provisions in Part 4 and Part 2 respectively for Stage 2 proceedings.
6. As such, it is proposed that consideration of the Bill at Stage 2 be divided between the two remaining committees; Covid-19 Recovery Committee and Criminal Justice Committee following a similar division of responsibility as at Stage 1.
7. Rule 9.7.1(b) of Standing Orders provides for such a division to be agreed to by the Parliament, on a Parliamentary Bureau motion. There has been recent precedent for such an approach in relation to the Victims and Witnesses (Scotland) Bill, the Community Empowerment (Scotland) Bill (in session 4) and most recently the UK Withdrawal from the European Union (Continuity) (Scotland) Bill 2020 (in Session 5).

Procedural issues

8. It is considered that the effect of a motion under Rule 9.7.1(b) being agreed to is that there are, for most practical purposes, two separate Stage 2 processes being followed for the same Bill. As a consequence—
 - each Convener will be responsible for determining disputes about the admissibility of amendments to those parts of the Bill being considered by that Convener's Committee;

- a motion under Rule 9.7.4 to set out a revised order of consideration is necessary due to practical constraints on timetable, discussed further below;
- separate Daily Lists and Marshalled Lists will be produced for each Committee, containing only the amendments to be considered by that committee (and, as a consequence, a different number sequence will be used in relation to each Committee's amendments).

9. It is proposed that at Stage 2, scrutiny of the Bill is divided as follows: the Covid-19 Recovery Committee would consider Part 1, Part 2, Part 3 of the Bill (other than sections 26, 30, 31, 32), Part 4, Part 6 and the long title, and the Criminal Justice Committee would consider sections 26, 30, 31, 32 in Part 3 and Part 5 with the schedule being considered immediately after the section that introduces it.

10. Similarly, it is proposed that amendments that insert new provision, such as a new Part or section, which relate to the subject matter being considered by the Covid-19 Recovery Committee would be debated and disposed of by that Committee so far as it does not specifically relate to criminal or civil justice matters.

11. It is understood that both Committees are content with the proposed approach.

Proposed Timetable

12. Part 5 of the Bill pertains to justice measures, which have been put in place by various emergency coronavirus legislation to respond to the pandemic and ensure the courts are able to address the backlog of court cases. These measures currently apply until September 2022 under the terms of the Coronavirus (Extension and Expiry) (Scotland) Act 2021.

13. The Bill seeks to further extend these provisions until 30 November 2023, with regulation-making powers to extend again but no later than 30 November 2025.

14. In order to ensure the Bill receives Royal Assent before the current expiry point of September 2022, the legislative scrutiny of the Bill would need to be completed by the end of June 2022.

15. Subject to the Parliament's agreement, the following timetable is proposed:

- a. Stage 2 to be taken by Criminal Justice Committee on the morning of 8 June,
- b. Stage 2 to be taken by Covid-19 Recovery Committee on the morning of 9 June, with the morning of Monday 13 June available should it be needed,
- c. Stage 3 on the afternoon of Wednesday 29 June 2022.

16. At the moment, it is not anticipated that there will be a requirement to vary or suspend Standing Order Rules in order to accommodate this timetable. There is a possibility that Rules 9.7.8A, 9.7.8B and 9.7.9, all pertaining to revised accompanying documents, may need to be varied in order to accommodate the tight turnaround between Stage 2 concluding and Stage 3. If this is the case, a further paper with a draft motion, will be brought to the Bureau for consideration.

17. Due to the June bank holidays in 2022 (2 and 3 June), the earliest the Covid-19 Recovery Committee can begin Stage 2 proceedings is 9 June. In order to ensure the minimum gap of 10 sitting days between Stage 2 and Stage 3, Covid-19 Recovery Committee is unable to hold Stage 2 proceedings on 16 June. Therefore, provisional plans are in place for the Committee to meet on Monday 13 June in order to accommodate their second day of Stage 2 proceedings, should they need it.

Recommendation

18. The Bureau is invited, subject to the Bill passing Stage 1 on Thursday 12 May, to:

- consider recommending to the Parliament by motion that it agrees, under Rule 9.7.1(b), that stage 2 consideration of the Coronavirus (Recovery and Reform) (Scotland) Bill be divided between the Covid-19 Recovery Committee and the Criminal Justice Committee, in line with the recommendations above, as implemented by the draft motion attached as Annex A.
- note the proposed timetable for consideration of this Bill. Relevant motions will be brought forward for the Bureau's consideration in due course.

**Parliamentary Business Team
May 2022**

ANNEX A**Stage 2 consideration of the Coronavirus (Recovery and Reform) (Scotland) Bill:**

That the Parliament agrees under Rule 9.7.1(b) and 9.7.4 that stage 2 of the Coronavirus (Recovery and Reform) (Scotland) Bill be taken as follows—

- (a) the following committees will consider the Bill in the following order:
 - (i) the Criminal Justice Committee to consider sections 26, 30, 31, 32 in Part 3 and Part 5 with the schedule being considered immediately after the section that introduces it,
 - (iv) the Covid-19 Recovery Committee to consider Part 1, Part 2, Part 3 of the Bill (other than sections 26, 30, 31, 32), Part 4, Part 6 and the long title,
- (b) the Criminal Justice Committee to consider (in the order set out in paragraph (a))—
 - (i) Sections 26, 30, 31, 32 in Part 3,
 - (ii) Part 5, including the schedule being considered immediately after the section that introduces it,
 - (iii) any amendment to provisions in sections 26, 30, 31, 32 and Part 5,
 - (iv) any other amendments specifically on matters relating to justice, including civil and criminal justice,
- (c) the Covid-19 Recovery Committee to consider (in the order set out in paragraph (a)) all amendments other than those that are to be considered by the Criminal Justice Committee in accordance with paragraph (b).