

PARLIAMENTARY BUREAU

PROPOSED EMERGENCY BILL: TIMETABLE AND PARLIAMENTARY PROCEDURE

Introduction

1. The First Minister during the Programme for Government on the 6 September 2022, indicated that the Scottish Government intends to introduce emergency legislation, the purpose of which is to have a moratorium on evictions and deliver a rent freeze.¹ The business papers circulated for today include that legislation in week commencing 3 October.

Parliamentary procedure

2. The Scottish Government has confirmed that it intends to propose that the Parliament agrees to treat the Bill as an Emergency Bill.

3. If so, the Bureau will be required to schedule time for the Parliament to debate a motion to this effect (which can be in the name of any Cabinet Secretary or Minister).

4. If the Parliament agrees to treat the Bill as an Emergency Bill, the default position set out in Rule 9.21 of Standing Orders is that it is referred straight to the Chamber for a debate and decision on the general principles, without any requirement for committee consideration of and report on the general principles. The default position is also that all three stages are dealt with on the same day, with Stage 2 being considered by a Committee of the Whole Parliament.

5. The default procedure would mean that the lead committee, any secondary committee and the Delegated Powers and Law Reform Committee (if relevant) are not required to consider and report on the Bill.

Timetable for consideration

6. Under Rule 9.21.2, the Bureau can propose by motion that the Parliament agree an alternative to the default timescale (i.e. to take the three Stages more quickly than the normal legislative process would allow, but allowing more time for scrutiny than taking all three stages on the same day would allow).

7. Subject to the Parliament's agreement to treat the Bill as an Emergency Bill, it is understood that the Scottish Government is proposing the following timetable—

- Introduction and publication of the Bill on Tuesday 4 October;
- The Stage 1 debate on the afternoon of Wednesday 5 October;

¹<https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-06-09-2022?meeting=13873&iob=125761>

- Stage 2 being taken as a Committee of the whole Parliament on Thursday 6 October;
- Stage 3 (amendment proceedings and debate) on the afternoon of Thursday 6 October.

8. Points to note on the proposed timetable—

- Given the subject matter of the Bill and anticipated number of amendments and to allow sufficient time for debate, Stage 2 would need to take place the morning of Thursday 6 October.
- Depending on the time at which Stage 2 proceedings begin, committees meeting on Thursday morning may only have a short amount of time to consider limited business. Views of committees meeting on Thursday mornings have been sought and a verbal update can be provided.
- The proposed timetable would move First Ministers Question Time to Wednesday 5 October.

Deadlines for lodging amendments at Stages 2 and 3

9. Rule 9.21.7 provides for the Presiding Officer to determine the deadlines that should apply for lodging amendments to an Emergency Bill. If the Presiding Officer does not make such a determination, the standard lodging deadlines for a Bill apply.

10. The timetable proposed for considering the stages of the Bill means that the standard lodging deadlines are not suitable. We would expect the amendment deadlines to be as follows—

- Stage 2 deadline 7pm Wednesday 5 October;
- Stage 3 deadline approximately 1pm Thursday 6 October.

11. In proposing these deadlines, what is being sought is to balance the need to allow for some time after the end of the preceding Stage for amendments to be lodged with the need to ensure that any amendments lodged are published in time for all Members to be able to consider them prior to relevant proceedings.

12. A Stage 3 deadline could be confirmed as long as following factors are known—

- i. Allocated start and finish time for Stage 2;
- ii. FMQs time safeguarded and moved to another day;
- iii. Sufficient time between Stage 2 concluding and Stage 3 commencing for members to consider Stage 3 amendments;
- iv. The possibility to quickly and easily notify members if Stage 3 amendments need to be pushed back if Stage 2 overruns.

13. The determination of the Presiding Officer will be announced in the Business Bulletin and communicated to all Members by email.

Other procedural matters

14. Rules 9.7.8A and 9.7.8B require the member in charge of a Bill to produce, in certain circumstances, revised or supplementary Explanatory Notes and Financial Memorandum where the Bill is amended at Stage 2. Where, as in the case of this Bill, there is a very short gap between Stages 2 and 3, there is no time to produce such revised or supplementary documents or for the Parliament to consider them. It is, therefore, proposed that these rules be suspended for the purposes of consideration of this Bill. These rules were suspended for the purposes of consideration of the Coronavirus (Scotland) Bill.

Parliamentary Business Team
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