

VISITOR LEVY (AMENDMENT) (SCOTLAND) BILL

AMENDMENTS TO BE MOVED AT STAGE 3

Section 6, page 7, line 25

at end, insert—

<75B Power to make further provision about the operation of Parts 2 and 3: pre-laying procedure

(1) This section applies where the Scottish Ministers propose to lay before the Scottish Parliament a draft of a statutory instrument containing regulations made under section 75A that add to, replace or omit any part of the text of an Act.

(2) The Scottish Ministers must, before doing so, lay before the Parliament—

(a) a copy of the proposed regulations,

(b) a statement setting out their reasons for proposing to make those regulations.

(3) The Scottish Ministers must, when laying such a copy, specify a period (the “representation period”) during which representations on the proposed regulations may be made to them.

(4) The representation period must be at least 90 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.

(5) The Scottish Ministers must, as soon as reasonably practicable after laying a copy of the proposed regulations, publicise them in such manner as they consider appropriate.

(6) The Scottish Ministers must, before laying the proposed regulations before the Parliament, have regard to—

(a) any representations on the proposed regulations made to them,

(b) any resolution relating to those regulations passed by the Parliament, and

(c) any report relating to those regulations published by any committee of the Parliament for the time being appointed by virtue of standing orders, before the expiry of the representation period.

(7) The Scottish Ministers must, when laying such proposed regulations, lay a statement setting out—

(a) details of any representations, resolutions or reports mentioned in subsection (6),

(b) the changes (if any) they have made to the proposed regulations in response to such representations, resolutions or reports and the reasons for those changes,

(8) In this section, “proposed regulations” means a draft of a statutory instrument to which subsection (1) applies.>

Effect

This amendment inserts a new provision into section 6 of the Bill to add a proposed new section 75B to the Visitor Levy (Scotland) 2024 Act. This new section would require a pre-laying procedure for all secondary legislation that adds to, replaces or omits any part of the text of an Act under the proposed section 75A of the 2024 Act.

Reason

This allows Parliament further time to consider the provisions of secondary legislation laid under the proposed section 75A. We consider this vital given the expedited manner in which this Bill was introduced and the fact that the regulations will be amending primary legislation. We have significant concerns about the degree of consideration that the Scottish Parliament will be able to give these provisions. We further note from the Policy Memorandum that these powers were not subject to formal consultation.