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Tuesday 27 June 2017

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Tuesday 27 June 2017

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTIONS	3
<i>Motions moved—[Joe FitzPatrick]—and agreed to.</i>	
TOPICAL QUESTION TIME	4
Royal Bank of Scotland Job Losses (Support for Workers).....	4
Treasury Funding (Devolved Administrations).....	6
In-patient Paediatric Services (St John’s Hospital, Livingston).....	10
EUROPEAN UNION NEGOTIATIONS AND SCOTLAND’S FUTURE	12
<i>Statement—[First Minister].</i>	
The First Minister (Nicola Sturgeon).....	12
NHS Ayrshire and Arran Maternity Services (Review of Management of Adverse Events)	28
<i>Statement—[Shona Robison].</i>	
The Cabinet Secretary for Health and Sport (Shona Robison).....	28
RAILWAY POLICING (SCOTLAND) BILL: STAGE 3	40
RAILWAY POLICING (SCOTLAND) BILL	70
<i>Motion moved—[Humza Yousaf].</i>	
The Minister for Transport and the Islands (Humza Yousaf).....	70
Oliver Mundell (Dumfriesshire) (Con).....	73
Claire Baker (Mid Scotland and Fife) (Lab).....	76
Stewart Stevenson (Banffshire and Buchan Coast) (SNP).....	78
Liam Kerr (North East Scotland) (Con).....	79
Rona Mackay (Strathkelvin and Bearsden) (SNP).....	81
Neil Bibby (West Scotland) (Lab).....	83
Ben Macpherson (Edinburgh Northern and Leith) (SNP).....	85
John Finnie (Highlands and Islands) (Green).....	87
Mike Rumbles (North East Scotland) (LD).....	89
Maurice Corry (West Scotland) (Con).....	90
Fulton MacGregor (Coatbridge and Chryston) (SNP).....	91
Mary Fee (West Scotland) (Lab).....	92
Margaret Mitchell (Central Scotland) (Con).....	93
The Cabinet Secretary for Justice (Michael Matheson).....	95
SCOTTISH INFORMATION COMMISSIONER	98
<i>Motion moved—[Margaret Mitchell].</i>	
Margaret Mitchell (Central Scotland) (Con).....	98
DECISION TIME	100
ONLINE EXPLOITATION AND ABUSE OF CHILDREN	103
<i>Motion debated—[Gillian Martin].</i>	
Gillian Martin (Aberdeenshire East) (SNP).....	103
Gordon Lindhurst (Lothian) (Con).....	106
Kate Forbes (Skye, Lochaber and Badenoch) (SNP).....	107
Ash Denham (Edinburgh Eastern) (SNP).....	108
Rhoda Grant (Highlands and Islands) (Lab).....	110
Rona Mackay (Strathkelvin and Bearsden) (SNP).....	112
Finlay Carson (Galloway and West Dumfries) (Con).....	113
Stewart Stevenson (Banffshire and Buchan Coast) (SNP).....	115
The Minister for Childcare and Early Years (Mark McDonald).....	116

Scottish Parliament

Tuesday 27 June 2017

[The Presiding Officer opened the meeting at 14:00]

Time for Reflection

The Presiding Officer (Ken Macintosh): The first item of business this afternoon is time for reflection. Our time for reflection leader is the Reverend John C Duncan MBE, who is the minister of St Athernase Church of Scotland in Leuchars, and a former Army chaplain.

The Rev John C Duncan MBE (Minister, St Athernase Church of Scotland, Leuchars): When I was an Army chaplain serving in Iraq, I started to be bothered with cramps. I was not accustomed to getting cramps, so with self-diagnosis of the “Dr Finlay’s Casebook” kind, I diagnosed that I was doing too much physical training. I put this brilliant diagnosis to the battalion physical training instructor. Physical training instructors live and breathe the gym and exercise, so suggesting that one is doing too much exercise is either brave or foolhardy. I wish that I had been able to capture on camera his facial expression in response to my diagnosis of “too much exercise”.

It was clear that there was not a meeting of minds. He said, “Padre—too much exercise? Too much physical training?” with a tone of doubt, scepticism and incredulity, which can best be summed up in that wee Scottish phrase, “Oh, aye!” However, with all the certainty of a John Knox sermon, he said, “I know how to cure your cramps.” I thought that I knew what was coming and that it would be more exercise, and not less, but it was not. “There’s a problem and I can solve it,” said he. He added, “We’re in a hot country and drinking more water, but you need to replace the salt you’re losing when you sweat.” He was right, and my cramps were cured with a sprinkling of salt on my food.

We all—and all organisations—experience cramps. As an Army chaplain and now as a parish minister, I like to think that when soldiers and other people experience cramps, by sprinkling a little salt I have been able to ease or even cure their cramps. I am sure that, as members of Parliament, when constituents come to you with their cramps, because you can sprinkle a little salt on the system—the process—you have been able to resolve their cramps.

Jesus told us, “You are the salt of the earth.” Yes, we are the salt of the earth. I have always looked at soldiers as the salt of the earth, as Jesus told me to do. Armed forces day was on Saturday,

and we paid tribute to Her Majesty’s forces. Like us all, they experience cramps. We must be willing to sprinkle a little salt on those who are the salt of the earth.

Amen.

Business Motions

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-06349, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a revised business programme for today.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 27 June 2017—

after

followed by Topical Questions (if selected)

insert

followed by First Minister Statement: EU Negotiations and Scotland's Future

followed by Ministerial Statement: NHS Ayrshire and Arran Maternity Services, Healthcare Improvement Scotland review of adverse events

delete

5.00 pm Decision Time

and insert

6.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S5M-06357, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a timetable for the Railway Policing (Scotland) Bill at stage 3 later this afternoon.

Motion moved,

That the Parliament agrees that, during stage 3 of the Railway Policing (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 2: 35 minutes

Groups 3 to 4: 1 hour 05 minutes—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:04

Royal Bank of Scotland Job Losses (Support for Workers)

1. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government what assistance it will provide to workers in Scotland who might lose their jobs as a result of RBS moving hundreds of jobs to India. (S5T-00613)

The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown): I start by saying how very concerned I am about the news from RBS and, of course, the impact that it will have on staff. I am also extremely disappointed and perturbed by the total lack of action to stop that by the United Kingdom Government, which is the majority shareholder in RBS.

As soon as I heard the news, I asked my officials to speak to RBS to clarify the position and the likely impact in Scotland. We have been informed that RBS will do everything that it can to support those who are affected, and we will look to see positive action being taken, including redeployment into new roles, where that is possible. It is very unhelpful that the UK Government appears to be allowing the job losses to take place and work to be transferred outwith the UK purely to save costs, without any consideration of the financial impact on employees and their families.

The Scottish Government will do everything that we can to provide support and help to those in Scotland who are affected by job losses, through the finance sector jobs task force and, if required, our initiative for responding to redundancy situations, which is the partnership action for continuing employment, or PACE.

Jamie Greene: I thank the cabinet secretary— at least, for some of that response.

It is important to note the context of the job losses. Of the total number of jobs that are being relocated to India, 59 will be lost in Scotland. Given that RBS employs more than 10,500 people in Scotland and is a substantial Scottish employer, and given that it is a part publicly owned bank and has a mandate to reduce its operating costs, what contact has the Scottish Government had with RBS concerning its restructuring in order to help the bank to minimise the redundancies that it has had to make, while helping it to meet its streamlining objectives?

Keith Brown: We have had very good discussions. We have regular meetings through different forums for the financial sector in

Scotland, and we have had specific contact with RBS, which has been very good at advising us in advance of major developments. Of course, there have been some substantial developments in RBS relating to what the bank went through during the recession. However, no contact was made in relation to the current development, which is unfortunate.

The UK Government has majority ownership of the bank. In 2014, we were told that we had to vote no to save such jobs; that was the cry from the Tory party, so I certainly expect Tory members of Parliament to raise the issue with the people in the UK Government who have the big decision to make. However, it may well be that Tory MPs, as well as arguing against Scotland's interests on Scotland getting its fair share in respect of the deal with the Democratic Unionist Party, and not speaking up at all for Scotland, will now make no representations on the RBS issue to the UK Government, which has the major responsibility on the matter. It is not so much a baker's dozen of Tory MPs that we have down at Westminster as a baker's dozen, who do not stand up for Scotland. Perhaps if they did that more than they have a go at the Scottish Government, we could have saved those jobs.

Jamie Greene: It is rather unfortunate that the cabinet secretary has chosen to politicise this very important question about jobs in Scotland. I asked what the Government is doing to help people who are being made redundant, but there is still no answer to that. What is this Government doing to help people who have been made redundant? Absolutely nothing.

This is not the first time that a large company has offshored back-office functions to India and other such places. We have an ever-growing global workplace, and the virtual services market is becoming increasingly international. What is the Scottish Government doing to ensure that our Scottish workforce is adequately skilled to meet the demands of the changing marketplace?

Keith Brown: If Jamie Greene cares to check the *Official Report*, he will see who was the first to politicise the issue. It was Jamie Greene. He also said that I did not answer his question about what we intend to do. If he checks the *Official Report*, he will also see that, in my first answer, I said that we will

"provide support ... to those in Scotland who are affected by job losses, through the finance sector jobs task force and, if required ... the partnership action for continuing employment".

Those responses, in particular PACE, have been extremely effective in ensuring that people who lose their jobs in such circumstances are redeployed or find new continuing employment. That is their purpose.

I have responded twice now to Jamie Greene on what the Scottish Government will do.

It would be good if we had some clarity about what the Tories will do—on whether they will raise the matter in Westminster or sit there meekly and accept what Jamie Greene called the fate of—as he rightly said—59 individual employees and their families? Is not it about time that the Tories started to speak up for such people?

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that, after £45 billion of taxpayers' money has been spent on propping up RBS, it is adding insult to injury that the UK Tory-DUP Government is standing idly by while 443 jobs are shipped to India at a time when Brexit was meant to bring jobs and investment to the UK? Is he also shocked that Tory-DUP member of the Scottish Parliament, Jamie Greene, seems not to care that there will be 59 jobs lost from Scotland? Does the cabinet secretary share my view that every single job that is lost is a job that Scotland should not lose?

The Presiding Officer (Ken Macintosh): Be careful about how you refer to other members in the chamber.

Keith Brown: I very much agree with the point that Kenny Gibson made: every single job is absolutely critical to the individual who holds it and, usually, to the families that depend on it. Their life chances are being jeopardised by the decision. It is, of course, possible for the majority shareholder—the UK Government—to step in, in the circumstances. If, rather than getting involved in Brexit and deals and bungs and whatever else, the UK Government were to concentrate on the day job of keeping people in work, we would have a better employment situation in Scotland.

Treasury Funding (Devolved Administrations)

2. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government what discussions it has had with the Treasury regarding any additional funding for Scotland arising from the agreement between the Conservative and Democratic Unionist parties. (S5T-00626)

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): I spoke with the Chief Secretary to the Treasury on 21 June and raised concerns about the potential financial implications for Scotland of the DUP deal that was being negotiated. I was given no detail of the negotiations and no reassurances whatever from the chief secretary about the potential funding impact. I followed up that conversation with a letter in which I repeated my concerns about the potential implications of the deal, but I have not yet received a response.

Following the announcement yesterday, the Deputy First Minister spoke to the Secretary of State for Scotland, who has agreed to take Mr Swinney's concerns to Her Majesty's Treasury. I have also written today to the chief secretary, seeking an urgent meeting to discuss the situation jointly with the Welsh finance minister. I have highlighted that, if the matter cannot be resolved with HM Treasury, we will invoke formal dispute resolution proceedings to ensure that the matter is resolved.

The United Kingdom Government's deal prioritises expenditure in Northern Ireland at the cost of all other parts of the UK and leaves Scotland almost £3 billion worse off than it would have been if funding had been allocated using the well-established arrangements that are set out in the statement of funding policy.

Lewis Macdonald: The cabinet secretary should, indeed, pursue any reasonable means to improve the position of our public services. It is right to test the basis for that £1 billion bung and its implications for the Scottish budget. It would appear that Theresa May has agreed to bring an end to austerity in Northern Ireland, but only in order to continue imposing it on the rest of the United Kingdom. Does the cabinet secretary agree that the deal demonstrates that austerity is a political choice, not an economic necessity? If he does agree, what new policies can we expect from the Scottish Government to end austerity here, too?

Derek Mackay: I agree with Lewis Macdonald on the position around the alternative to austerity. Over the course of the general election campaign in Scotland, the Scottish National Party put forward an alternative to austerity. The UK Government has overlooked that in its grubby deal with the DUP for Northern Ireland. We do not begrudge Northern Ireland a penny; we just want fairness for every other part of the UK, not least Scotland—[*Interruption.*]

It is remarkable that the Conservatives find ripping off Scotland to the tune of £2.9 billion to be a laughing matter. That is the rip-off at the hands of the Scottish Conservatives, who seem to have lost their voice in the matter. The spending areas for additional funding for Northern Ireland are devolved areas—infrastructure, health including mental health, education, broadband and deprivation are all within the scope of Barnett. It is a clear breach of the statement of funding policy, undermining devolution and the deal that we had across the devolved Administrations. That is why I have taken the issue up in the way that I have, and I will work with the Welsh Administration to pursue the matter.

I have read the Conservative Party's excuse that the deal for Northern Ireland is the equivalent

of the city deals in Scotland, but we know that the new funding package is in addition to city deals for Northern Ireland. Therefore, it is a rip-off for Scotland. It did not take the Tories at Westminster long to settle down to selling out Scotland.

Lewis Macdonald: The Prime Minister has been fond of telling voters in Scotland, England and Wales that there is no magic money tree and that there could be no increase in one budget without a cut in another. That is the sterile politics of austerity. Can the cabinet secretary tell us, from the conversations that he and Mr Swinney have had, whether UK Government ministers have given any indication of which budget will be cut by £1 billion to fund Mrs May's deal with the DUP?

Derek Mackay: The UK Government has given no explanation whatever of how the deal will be funded. It has certainly not responded to my letter, and it gave no explanation when I contacted the Chief Secretary to the Treasury. I find it somewhat difficult to believe that the Chief Secretary to the Treasury was unaware of the details of the negotiation when it was under way. It looks as though the rest of the UK, including Scotland, will pay the price for the UK Government's grubby deal for Northern Ireland. The UK Government promised transparency, so let us see what figures emerge and what explanation is provided.

We did get one piece of transparency—it feels like daylight robbery by Tory MPs, who have admitted that the deal was simply about staying in government.

Ivan McKee (Glasgow Provan) (SNP): Does the cabinet secretary agree that the May-DUP deal raises serious questions for the Secretary of State for Scotland, David Mundell, who said a day before the deal was announced that he would not support funding that

“deliberately sought to subvert the Barnett rules”?

Derek Mackay: I do. Mr Mundell went on to say, in a separate interview:

“I'm not going to agree to anything that could be construed as back-door funding to Northern Ireland.”

As the Secretary of State for Scotland, is he irrelevant, irresponsible or ill informed? At the moment, he is incommunicado—he is failing to explain his position on the matter.

It is important to point out the breach of rules that has taken place. Paragraph 2.15 of the statement of funding policy makes it clear that

“Assessment of whether a programme is unique at a UK level—

and thus outside the Barnett arrangements—

“should be exceptional ... any such assessment should be evidence-based, be undertaken in a timely manner, and be considered by Treasury ministers and their counterparts in

the devolved administrations to ensure all viewpoints are understood before final decisions are taken.”

Scotland and Wales have been overlooked in the UK Government’s grubby deal with the DUP.

Murdo Fraser (Mid Scotland and Fife) (Con): If the cabinet secretary wants to see a grubby deal, all he has to do is look at the Green Party benches behind him.

Given the Scottish Government’s new-found enthusiasm for the Barnett formula, I ask the cabinet secretary to give me a very simple answer—yes or no will suffice—to this question: is it still the policy of the Scottish Government to pursue full fiscal autonomy for Scotland?

Derek Mackay: SNP MSPs and SNP MPs will always try to get the best deal for Scotland. I heard Ross Thomson—the new spokesperson for the Conservative Party in the absence of the secretary of state—on “Good Morning Scotland” this morning. He was delighted with the deal that he got, which was a wee nudge in the ribs of the Chancellor of the Exchequer while Scotland was being sold down the river to the tune of £2.9 billion.

Patrick Harvie (Glasgow) (Green): I am delighted that Murdo Fraser is still annoyed that we reversed cuts to local government services and cancelled the proposed tax cut for high earners.

The Conservative-DUP deal is clearly a breach of trust and of the principle that resources should be allocated according to need. In this case, the need in question is what the Prime Minister needs to cling on to her job. The deal undermines the UK Government’s ability to be an impartial party in the debate between the different sides in Northern Ireland about its devolution future. It also undermines the UK Government’s ability to treat fairly all the devolved Parliaments, Assemblies and Governments in these islands.

Does the Scottish Government agree that the Conservative-DUP deal must not undermine the trust and solidarity between the people of Scotland and the people of Northern Ireland and that, just as the Scottish Government has agreed that same-sex couples are entitled to come here to convert civil partnerships into marriage, we should ensure that women from Northern Ireland who need to access abortion can access the national health service on the same basis as any other citizen?

Derek Mackay: Let me be generous to Patrick Harvie. He is clearly a better negotiator than all 13 Tory MPs put together. I agree with his very sensible point. I happen to think that the peace process is also a serious matter, and that is why I said that we do not begrudge Northern Ireland a penny. We just want fairness and financial justice

for every part of the UK—and, of course for Scotland. We wish the negotiators well in that process and we hope that interventions can be made in the light of constructive engagement. I say again that it is about achieving fairness in applying the rules that we have established, not trying to disadvantage any part of the UK.

In-patient Paediatric Services (St John’s Hospital, Livingston)

3. **Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what action it is taking to ensure that in-patient paediatric services are permanently available at St John’s hospital in Livingston. (S5T-00624)

The Cabinet Secretary for Health and Sport (Shona Robison): Due to concerns over maintaining a safe and sustainable rota for the paediatric service at St John’s hospital, NHS Lothian has reluctantly taken the decision, based on a risk management assessment, to implement a temporary model of service, which means that, from 7 July, the paediatric in-patient ward will open between 8 am and 8 pm Monday to Friday. The board considers that staffing levels are fragile and remain at risk, as there may be no back-up available should a member of medical staff be absent at short notice—for example, if they fall ill. NHS Lothian has engaged with clinicians to build resilience into the rota, but the board’s position is that there is a risk of unplanned closure of the ward at short notice, causing confusion for parents and staff and possible delays to emergency care. The board and chief executive, supported by the medical director, have reiterated that the decision to implement the temporary model was taken in the best interests of children and their families and for their safety, and NHS Lothian has confirmed that its aim is to return to a full service as soon as possible after the summer.

Alison Johnstone: Although NHS Lothian is committed to reinstating the service as soon as possible over the summer, it is not acceptable for patients and their families to face an indefinite period of closure that results in increased accommodation and travel costs and additional stress. What assessment has been made of the needs of those patients and their families? What assessment has been made of the impact on the Royal hospital for sick children in Edinburgh? Around 1,000 paediatric patients are admitted to St John’s every year, and the closure will put pressure on staff in Edinburgh, too.

Shona Robison: Alison Johnstone makes important points. The actions of the board over the coming weeks will include further engagement with the Royal College of Paediatrics and Child Health to ensure that we get the service back into a sustainable model. The involvement of staff at

both St John's and the sick kids hospital will be important as that work is taken forward. The medical director has confirmed that St John's consultants will have a central role in the consideration of possible solutions, and arrangements are in hand to start that dialogue as soon as possible.

The Scottish Government will continue to support NHS Lothian to ensure that the services on offer at the in-patient paediatric ward remain safe and sustainable in the long term, and communication with the public and with parents who are using the service will be a critical part of that work.

Alison Johnstone: I am concerned—as, I am sure, we all are—that we are not seeing increases in the number of whole-time equivalent paediatric consultants. Between March 2016 and March this year, there was a 4.2 per cent decrease in the number of whole-time equivalent paediatric consultants. Can the cabinet secretary tell us when the Scottish Government intends to publish its national health and social care workforce plan? We were promised it and we expected a draft plan by the end of 2016, with subsequent plans published this year. However, so far, all that we have had is a discussion document. The issue is key to progress on the matter.

Shona Robison: The workforce plan will be published tomorrow, and I will be happy to engage further with Alison Johnstone and other members on it. The model that was used was based on the model that was agreed with the Royal College of Paediatrics and Child Health, and a total of six applicants have been accepted to the posts. Five of them are now in post, working between the sick kids hospital and St John's, because they were joint appointments. Progress has been made in moving forward with those appointments, but that does not take away from the fragility of the rotas over the summer, which means that safety must come first in making any decisions.

European Union Negotiations and Scotland's Future

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Nicola Sturgeon on European Union negotiations and Scotland's future. The First Minister will take questions at the end of her statement, so there should be no interventions or interruptions before then.

14:25

The First Minister (Nicola Sturgeon): Like other countries, Scotland faces big challenges. Some of those challenges, such as Brexit, are not of our choosing, but we must always remember that Scotland is one of the richest countries in the world, with resources and talent in abundance. Our task is to make the most of our great potential and build the kind of country we want to be—a fair, prosperous, open and tolerant country.

In working towards that goal, my responsibility as First Minister is to build as much unity and consensus as possible. That is why, after the election—which was, of course, won by the Scottish National Party in Scotland—I said that I would reflect on the outcome and, in particular, on the issue of an independence referendum. I have done so carefully, taking time to listen to a broad spectrum of voices both within and outwith my party, and I want to set out today where those reflections have taken me. Before I do so, though, let me underline two enduring points.

First, it remains my view and indeed the position of this Government that, at the end of the Brexit process, the people of Scotland should have a choice about our future direction as a country. Indeed, the implications of Brexit are so potentially far reaching that, as they become clearer, I think that people will increasingly demand that choice. We face a Brexit that we did not vote for, and in a form more extreme than most would have imagined just one year ago, and now the terms of that Brexit are being negotiated by a United Kingdom Government with no clear mandate, precious little authority and no real idea even within its own ranks of what it is seeking to achieve.

While we must hope for the best, the reality is that, with the UK Government's current approach, even a so-called good deal will be on terms that are substantially inferior to our current EU membership, and of course there is now a real risk that the UK will crash out of the EU with no deal or a very bad deal, with deep and long-lasting consequences for jobs, trade, investment, living standards and the opportunities that are open to future generations.

On top of all that, as we saw so clearly in the deal that was struck with the Democratic Unionist Party yesterday, we now have a UK Government that talks about wanting to strengthen the bonds of the UK but, in reality, is so desperate to cling on to power at any cost that it is prepared to ride roughshod over the very principles of the entire devolution settlement. If Scotland is not simply to be at the mercy of events but, instead, is to be in control of our own future, the ability to choose a different direction must be available to us.

Secondly, there is no doubt that the Scottish Government has a mandate to offer the people of Scotland that choice within this session of Parliament. We have now won not one but two elections with that explicit commitment in our manifesto, and the Scottish Parliament has also endorsed that position. By any normal standard of democracy, that mandate is beyond question. Opposition parties, no matter how strongly they disagree with us on independence, as is their right, should therefore stop trying to turn the basic rules of democracy on their head.

The mandate that we have is beyond doubt, but deciding exactly how and when to exercise it is a matter of judgment, and it is a judgment that must be made in the interests of the country as a whole. That is what I have been thinking carefully about.

Before, during and since the election campaign, I have had hundreds of conversations with people in every part of Scotland about the issues of Brexit and a second independence referendum. There are, of course, some people who do not want another referendum ever, because they oppose independence in all circumstances. I respect that position. It is entirely honourable and just as legitimate as the position of those who support independence in all circumstances and want another referendum tomorrow.

However, many people—probably the majority—fall into neither of those categories. Indeed, having spoken to many people who voted yes in 2014 and to many others who did not but who would be open minded in future, I have been struck by the commonality of their views. They worry about the uncertainty of Brexit and the lack of any clarity whatsoever about what it means. Some just want a break from the pressure of making big political decisions. They agree that our future should not be imposed on us but feel that it is just too soon right now to make a firm decision about the precise timing of a referendum. They want greater clarity about Brexit to emerge first, and they want to be able to measure that up against clarity about the options that Scotland would have for securing a different relationship with Europe.

In the meantime, whatever their scepticism about the likely outcome of the negotiations, they

want the Scottish Government to focus as hard as we can on securing the best possible outcome for Scotland. Indeed, that view has even more force now that the general election and the weakness of the UK Government has reopened the possibility, however narrow, of averting a hard Brexit and retaining membership of the single market.

I have a duty to listen to those views and I intend to do so. The Scottish Government remains strongly committed to the principle of giving Scotland a choice at the end of the process. However, I reassure people that our proposal is not to have a referendum now or before there is sufficient clarity about the options, but rather to give them a choice at the end of the Brexit process when that clarity has emerged.

I am therefore confirming today that, having listened and reflected, the Scottish Government will reset the plan that I set out on 13 March. We will not seek to introduce the legislation for an independence referendum immediately. Instead, we will, in good faith, redouble our efforts and put our shoulder to the wheel in seeking to influence the Brexit talks in a way that protects Scotland's interests. We will seek to build maximum support around the proposals that are set out in the paper that we published in December—"Scotland's Place in Europe"—to keep us in the single market, with substantial new powers for this Parliament. We will do everything that we can to influence the UK in that direction.

At the end of the period of negotiation with the EU, which is likely to be around next autumn, when the terms of Brexit will be clearer, we will come back to Parliament to set out our judgment on the best way forward at that time, including our view on the precise timescale for offering people a choice over the country's future.

In setting out our position today, I am also issuing a challenge to the other parties. The Scottish Government will stand the best chance of positively influencing the Brexit outcome if we are at the table, with the full backing of our national Parliament, arguing for the sensible option of staying in the single market. So join us now, with no equivocation. Back the demands for the democratically elected Scottish Government to be at the table and able to influence the UK's negotiating strategy, and for Scotland and the UK to stay in the European single market.

The second conclusion that I have reached is this. During the past few months, the focus on the when and how of a referendum has, perhaps inevitably, been at the expense of setting out the many reasons why Scotland should be independent. The fact is that we are talking about another referendum so soon after the last one only because of Brexit. It is certainly the case that independence might well be the only way to

protect Scotland from the impact of Brexit. However, the case for an independent Scotland is not just about Brexit; it goes far beyond that.

Many of us already believe that independence is the right and best answer to the many, complex challenges that we face as a country, and also the best way to seize and fully realise our many opportunities. However, we must persuade the majority in Scotland of that. We have not done that yet, but I have no doubt that we can. The challenge for all of us who believe that Scotland should be independent is to get on with the hard work of making and winning that case—on all its many merits—in a way that is relevant to the changes, the challenges, the hopes and the opportunities that we face now and in the years ahead. That is what we will do.

Of course, we will not do that on our own, because the independence case is bigger than us. My party will engage openly and inclusively with, and work as part of, the wider independence movement. We will seek to support, to engage and to grow that movement and to build the case that having decisions made by us—not for us—offers the best future for our country.

We will make, and seek to win, the case that governing ourselves is the best way to tackle the challenges that we face as a country—from building a better-balanced and more sustainable economy to growing our population, strengthening our democracy and tackling deep-seated problems of poverty and inequality.

My last point today is this. The SNP Government has been in office for 10 years, and I am incredibly proud of our achievements, which have been delivered in the most challenging of circumstances and in the face of unprecedented Westminster cuts. I am also clear about our priorities as we move forward: not just fighting Scotland's corner in the Brexit talks but growing our economy and making sure that the public services that we all rely on are there when we need them, from cradle to grave. That means continuing to work each and every day to improve education, to equip our national health service for the challenges of the future, to lift people out of poverty and to build a social security system with dignity at its heart.

Of course, any Government, after 10 years, needs to take stock and to refresh. Over this summer, as we prepare our next programme for government and our budget for the year ahead, that is exactly what we will do. We will set out afresh our vision for the country that we lead, together with the creative, imaginative, bold and radical policies that, as far as is possible within the current powers that are available to us, will help us to realise that bold, ambitious vision for Scotland.

We look forward to getting on with the job in the best interests of all the people of Scotland. *[Applause.]*

The Presiding Officer: We have about 30 minutes for questions. There is a lot of interest in the statement.

Ruth Davidson (Edinburgh Central) (Con): The glum faces protest too much with extended applause.

Since the 2014 referendum, no one—not me and not anyone else in the chamber—has ever called for members on the SNP benches to revoke their belief in independence. The issue that we have had this past year has been with a First Minister who has tried to use the UK's decision to leave the European Union to impose on Scotland another referendum on independence at the earliest opportunity.

It has been no to a once-in-a-generation referendum and no to the Edinburgh agreement on respecting the result; it has just been a single-vision drive to the line by Nicola Sturgeon to try to secure her place in history. As her own MSPs have accepted, that decision cost her 21 seats and the support of half a million Scottish voters in the general election.

Whether they were yes voters or no voters, most people simply do not want a referendum on Scotland's independence brought back any time soon. Furthermore, none of the questions that are raised by Brexit is answered by ripping Scotland out of our own union of nations, out of our biggest market and away from our closest friends.

I am afraid to say that today's statement will fail to give any assurance to those people that the First Minister is listening to them. She—again—makes virtually no mention of her domestic responsibilities. Instead, she appears to be in denial about her mistakes over the past year and, as a result, is leaking credibility and confidence in her leadership by the hour. Her response has not been to reflect, but simply to lash out at the UK Government at every opportunity and to sing the same old songs in the same old tune.

The First Minister claims to be putting the referendum to one side and says that she will not introduce a referendum bill in this Parliament immediately. Why does she not just give the country certainty and take it off the table for the rest of this session of Parliament?

The First Minister: To use Ruth Davidson's language, the reason why it would be wrong to take a referendum—a choice over our future—"off the table" for the duration of this session of Parliament is this: the Conservative Government at Westminster is taking the entire country down a path towards potentially the most damaging thing

that has happened to us for a generation or more. We do not yet know the destination of that journey, but we know that if the Tories get their way the outcome could be devastating for Scottish jobs, for trade, for living standards and for the opportunities of generations to come.

I do not think that it is right for Scotland to be left at the mercy of wherever the Tories want to take us, regardless of how damaging it is to our present and to our future. That is why I believe that at the end of this process people should be able to have that choice.

Equally, I recognise that people do not feel ready, right now, to say when that choice should happen, because of the uncertainty that has been created not just by Brexit but by the reckless approach to Brexit that the UK Government is pursuing. We will take account of and listen to that, and over the next months we will do everything in our power, with absolute focus, to try to get from Brexit an outcome that best protects Scotland's interests. I repeat my challenge to the other parties: if they also have Scotland's interests at heart, they should get behind this Government in seeking to be at the table influencing the negotiations and getting the best outcome for Scotland.

It used to be that Ruth Davidson thought that being in the EU was best for Scotland, but then she capitulated. It used to be that Ruth Davidson thought that being in the single market was best for Scotland, but then she capitulated. For once, can Ruth Davidson stand firm and back the Scottish Government in getting the best deal for Scotland?

The difference between this Government and the UK Government is this: we will continue to make decisions and judgments that we consider to be in the best interests of the country. That is in stark contrast to the UK Government right now. Having blundered and miscalculated its way into an EU referendum, and then into a hard-Brexit position, and then into a general election, it is now desperate to cling to power at any cost, regardless of the damage that that will do to our economy, to the reputation of the country, to the devolution settlement and even to peace in Northern Ireland. That is a shameful approach to governing.

What is even more shameful is that Ruth Davidson is prepared to be a cheerleader for all of that. Ruth Davidson can continue to be a cheerleader for the Conservatives. I and this Government will continue to take the decisions that we think are in the best interests of Scotland.

Kezia Dugdale (Lothian) (Lab): The First Minister says that she has heard the views of the people and reflected on the result of the general election, and her incredible conclusion is to double

down and continue with her campaign for independence.

The truth is that the threat of an unwanted second independence referendum is dead. That did not happen because Nicola Sturgeon wanted it to happen; the people of Scotland have taken that decision for her. However, the First Minister is digging her heels in, putting her fingers in her ears and pressing on regardless. She is just not listening. Why does she not understand? The people of Scotland sent her a clear message in the general election: get back to governing. When will she listen and get on with the job that really matters—improving our schools, growing our economy and fixing our national health service?

The First Minister: It is clear that Kezia Dugdale scripted that question before she saw or listened to the statement that I have just made. We will not proceed with legislation for an independence referendum immediately. Instead, we will do everything in our power to get the best possible outcome from Brexit and everything in our power to protect Scotland's interests. Then, at the end of that process, we will judge the best way forward, to make sure that Scotland is not at the mercy of the outcome of the process, regardless of how damaging it is going to be.

The difference between my position and Kezia Dugdale's position is quite simple. I want Scotland to be in control of our own future. I do not want us simply to have to accept any decision that is imposed on us by a Tory Government at Westminster, regardless of the damage that it does. I want us to be in control of our own future as a country. Labour, having advised many people in Scotland to vote for the Conservatives, wants to leave the future of our country entirely at mercy of the Conservatives. That is the difference between us, and it will continue to be the difference between our two parties.

Patrick Harvie (Glasgow) (Green): Scotland has not consented to being taken out of the European Union against its will. Scotland has not consented to the social and economic wreckage that we know will result if that is what happens. If the First Minister does not introduce a referendum bill until after autumn next year, how long will it be after we have been dragged out of Europe without having consented to it before the people of Scotland are even entitled to make their choice? After negotiations between the UK Government and EU institutions and decisions made by every other member state in Europe, why should the people of Scotland be the only ones without the right to make a decision on that timescale?

The First Minister: I believe that Scotland should have a choice at the end of the process but I recognise that the uncertainty around that process—which is not of our making but is entirely

down to the incompetent, reckless approach that the UK Government is taking—makes it difficult even for people who want to have a choice at the end of the process to see right now how we can set a firm timescale for it. That is why I said that we are resetting the plan that I outlined on 13 March. We will not introduce legislation right now; we will put our shoulder to the wheel of seeking to get the best deal for Scotland and will make a judgment on the right time for a choice when we have greater clarity. On the timescale that is being followed, I estimate that that will be around the autumn of next year.

That is the sensible and responsible way forward because it does two things. First, it recognises people's desire not to be rushed into having to make a choice before they have the clarity and information to make an informed one. I never wanted people to have to do that; I make that absolutely clear today. Secondly, it ensures that we are able to protect our interests at the end of the process.

I appreciate that many people have not started to feel the real implications and impact of Brexit. I suspect that that is about to start to change, and to change quickly. However, as First Minister, I cannot look anybody in the country in the eye and pretend that I do not have profound concerns about the impact of what is about to happen on people in Scotland, not only now but for many years to come. To choose that would be one thing, but to have it imposed upon us, first through the EU referendum and then through having no choice at the end of the process, would be deeply and profoundly wrong. I am balancing those interests, recognising that people do not want to be rushed and that it is not simply for me to decide the future of the country, but ensuring that it is equally not for a Conservative Government at Westminster to decide the future of the country, regardless of what anybody in Scotland might want.

Willie Rennie (North East Fife) (LD): The First Minister has had a long, hard think about it and the First Minister has concluded that the First Minister should call another independence referendum at a time of the First Minister's choosing—so absolutely nothing has changed. If she wants to prove that she has listened, she should trigger a vote in the chamber that would rule out another independence referendum in this parliamentary session. Will she agree to do that?

The First Minister: As Willie Rennie did not seem to give any respect to what happened when the Scottish Parliament voted on the matter, why would we expect him to respect the vote of the Parliament in future? It seems that he wants to pick and choose when he respects the will of the Parliament.

I do not agree with the positions of the Conservatives or Labour. They want to leave the country at the mercy of whatever happens in Brexit regardless of how damaging it is, but at least their positions have a degree of consistency and logic to them. There is no consistency or logic whatever in the Liberal Democrats' position on the issue. They do not want to give people in Scotland a choice in another referendum, but they want to have a second referendum on EU membership. Willie Rennie's position is ridiculous, which is why so few people across the country take him or the Liberal Democrats seriously.

The Presiding Officer: All the leaders had preambles before their questions. I would appreciate it if all members could get straight to their questions. I ask for straight questions and answers, please.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am obligated to remind the Parliament that I am a parliamentary liaison officer to the First Minister.

As has just been stated, the Parliament democratically voted to seek a section 30 order from the UK Government to enable a referendum to take place. Does the First Minister therefore agree with me that the principle clearly remains that Scotland's future should be for the people of Scotland and this Parliament to decide, and that the section 30 request should remain on the table?

The First Minister: This is an important matter of principle which should unite people, whether they support an independence referendum or oppose it, and whether they support or oppose independence. Surely the decision on if and when there should be an independence referendum should lie with this Parliament. Anybody who says otherwise is, I think, subverting an important principle of democracy and the principle of the sovereignty of the Scottish people and the sovereignty of the Scottish Parliament, which has long been accepted.

On the issue of a section 30 order, I am saying today that we are not immediately introducing an independence bill to the Parliament. Therefore, the urgency of agreeing that section 30 order is not what it was previously. As a matter of principle, however, that power to decide the question of if and when there should be an independence referendum should be transferred from Westminster to the Scottish Parliament, and everybody who cares about the rights of this Parliament to take these decisions should back that.

Jackson Carlaw (Eastwood) (Con): Does the First Minister not acknowledge that, on 8 June, her party lost 500,000 votes—one third of its total support—and achieved the lowest share of the

vote for a leading party in Scotland since 1955? Yet, she has announced no change. Is it not now clear that the only refresh that Scotland needs and the only way to move beyond constitutional turmoil is for an outraged Scotland to be done with this First Minister and done with this failing Scottish Government?

The First Minister: Whatever Jackson Carlaw might say about the election result on 8 June, one thing is beyond any doubt: the SNP won that election and handsomely beat the Conservatives, Labour and the Liberal Democrats.

We should take no lectures right now from a Conservative Government that is reduced to bribing the DUP to keep its hands on power. That is what the Tories are reduced to, completely riding roughshod over the principles of the devolution settlement in order to cling on to power in a tawdry, shoddy deal with the DUP. That should shame the Conservatives.

It is not so long ago—it was 9 June, in fact—that Ruth Davidson's spokesperson was briefing that she was more powerful than the DUP at 10 Downing Street. How is it, then, that the DUP came away with £1 billion for Northern Ireland and the Scottish Tories came away with zero for Scotland? That says it all about the Scottish Conservatives.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Yesterday's grubby cash-for-votes deal between the Tories and that DUP threw into sharp relief the democratic deficit that Scotland faces while our key decisions over our future are at stake, with a Government that we did not vote for propped up by a party that we have no choice in ever voting for. Does that not underline the case for Scotland—yes, Scotland—to be given a choice over our future at the appropriate time?

The First Minister: As I have said, we will not proceed right now with a referendum bill. That is an important change that I am confirming and making clear today. However, people can see what is happening at Westminster and the implications that it has for people across Scotland.

Before the election we knew that we were faced with Brexit and with the likelihood of a hard Brexit, taking Scotland out of the single market, with the potential loss of 80,000 jobs and a hit to our revenues and our gross domestic product for many years to come. Now, we are faced with a UK Government that, as we saw yesterday, is completely dependent on the DUP for staying in power. We have seen the lengths that the Government is prepared to go to in order to cling on to power at any cost.

It is of deep and profound concern that we have a Conservative Government at Westminster that blundered into an EU referendum, blundered into

the hard Brexit position, blundered into a general election and has now left the country in hock to the DUP. It is so desperate to cling to power that it is prepared to sacrifice almost anything: the economy, the reputation of the UK internationally and even the peace process in Northern Ireland. That is shameful, and it underlines the need for this country not to be at the mercy of whatever a Conservative Government decides to do but to be in control of our own future at the right time. That is the position of this Government and I believe that it is the right and proper one.

Lewis Macdonald (North East Scotland) (Lab): The First Minister appears still not to understand that confusing the issues of Britain leaving the European Union and Scotland leaving the United Kingdom is a profoundly unwise course to follow. Perhaps she does so because she believes that she won the election a few weeks ago.

If she really believes that the best chance of positively influencing the Brexit outcome is for the Scottish Government to be at the table as part of the UK's negotiating team and she wants other parties to back her case for that, will she not accept that the way to build a case for joining in a common approach is not to start by saying that the first thing that she will do afterwards is walk away from that common approach altogether?

The First Minister: I am not entirely sure where Lewis Macdonald is coming from on this. I want to build a consensus that says that we stay in the single market. It used to be that other parties in this chamber backed that position. We have an opportunity now to unite this Parliament and unite a majority across the country behind the option of staying in the single market, accepting, however reluctantly, that the UK is coming out of the EU, but refusing to accept that that has to be at the expense of jobs, trade and investment by taking us out of the single market.

I will give members across this chamber the opportunity to decide whether they want to back the Scottish Government in that. We have a period between now and, no doubt, next autumn, when the negotiations will shape this country's future relationship with the European Union. Are we prepared as a Parliament to put our shoulder to the wheel to try to ensure that Scotland gets the best possible outcome of those negotiations? That is what I and this Government are going to do. It remains to be seen whether the other parties in this chamber have the ability to rise above their hostility to the SNP and for once, put Scotland's interests centre stage.

Alex Neil (Airdrie and Shotts) (SNP): I welcome the First Minister's statement. The key issue here is the outcome of the Brexit negotiations. Does the First Minister agree that the

three key demands from Scotland must be, first, that we get a successor trade agreement that is right for Scottish jobs and industry, including access to the single market; secondly, that the powers coming back from Brussels to the UK relating to Scotland come to this Parliament and do not get stuck in London; and thirdly, that the £1.6 billion a year, which is Scotland's share of the EU contributions, comes along with those powers back from Brussels to this Parliament? Does she agree that if, yet again, the UK Government does not deliver for Scotland, the case for an independent Scotland will be unanswerable?

The First Minister: Alex Neil outlines the three broad areas where, over the next year to 18 months, the UK Government has the chance to prove that it is able to act in Scotland's best interests. Yes, we should make sure that our businesses are not ripped out of the single market. I happen to believe strongly that the best trading arrangement for the future of Scotland when the UK leaves the EU, as long as we are part of the UK, is to be in the single market. That is why we will do everything in our powers to secure that.

Secondly, not only should powers that are repatriated from Brussels come unequivocally to Scotland where they are in devolved responsibilities, and not be centralised in a power grab at Westminster; this is also an opportunity for us to argue for and win new powers for this Parliament. No longer is it acceptable—and this is not just Scotland's view—for powers over things such as immigration to be centralised at Westminster, because the Westminster approach to such issues is damaging the interests of our economy.

Thirdly, we want commitments on funding to ensure that Brexit is not used as a cover to take funding away from our farmers, our fishermen and our economy in general.

In those three areas, we have an opportunity to make sure that we get the best outcome for Scotland. Those who do not want Scotland to choose independence in the future have an opportunity to prove that they can deliver. Over the next few months, let us see whether Scotland's interests are protected by the UK Government and the other parties represented in this chamber, and then people in Scotland can make a choice about what their best future might be.

Adam Tomkins (Glasgow) (Con): In March, ScotCen—the National Centre for Social Research—reported that support for Scotland taking a different path in the wake of Brexit is “much lower than ... anticipated”. It said that any second attempt to seek independence because of Brexit is

“unlikely to prove particularly persuasive”.

We knew that at the beginning of March, so why has the First Minister taken four months to admit it?

The First Minister: The member should get his story straight with his leader. She said that I am not changing anything, but he has said the complete opposite. It might be quite hard for the Conservatives to grasp this—looking at their performance just now, I understand that it is very hard for them to do so—but I seek to make judgments that are in what I consider to be the best interests of the country. I accept and understand that not everybody agrees with those judgments, but I seek to be guided, as I have been since the day after the referendum in June last year, by what is in the best interests of the country. That is what I continue to seek to do.

My final point to Adam Tomkins is that if the Conservatives are so sure and certain that people in Scotland do not want independence, why are they so scared of ever putting it to the test?

Bruce Crawford (Stirling) (SNP): In the light of the complete disarray at Westminster, has the UK Government given any indication that it will revisit the timescales for when the terms of the Brexit deal will be clear, as they should be, and has it communicated that to the Governments of Scotland, Wales and Northern Ireland?

The First Minister: That is a good question. In reality, it remains the case—I very much hope, as everyone in Parliament should, that it will change—that there has been very little meaningful communication between the UK Government and the Scottish Government about the Brexit process. I hope that that changes, and that it changes in a substantial way. I know that people in other parties in the chamber find it difficult to agree with the SNP even when they think we are right, but it is not just the SNP and the Scottish Government that are making the case that the devolved Administrations have to be much more centrally and meaningfully engaged; Carwyn Jones, the Welsh First Minister, is also doing that. I hope that there will be a very different approach from the UK Government. If there is, this Government will respond constructively.

On timescales, we have to work on the basis of what is being said publicly. We know that the UK intends to leave the EU in March 2019 and, therefore, that a deal must be reached somewhere around six months before that in order for it to go for ratification by other European countries. That will be around autumn next year, which is when I expect the terms of the future relationship with the EU will start to become a lot clearer than they are now.

However, I am not in control of those timescales; even the UK Government is not

entirely in control of those timescales, which underlines the importance of having as much dialogue and communication as possible between the Governments of the UK, so that we can influence the issues as much as possible.

The Presiding Officer: I will allow another five minutes, but members will need to be quick with their questions.

Neil Findlay (Lothian) (Lab): The First Minister has taken a position on two referendums, and was on the losing side in both. Is it not a bit rich for her to lecture anybody about democracy? She routinely ignores the will of this Parliament on fracking, on NHS closures, on council budgets, on Highlands and Islands Enterprise and on the football act, and she ploughs on regardless. We can have a choice after Brexit: it is called a general election, when we can elect Jeremy Corbyn to lead a Labour Government and to change this country. That day cannot come soon enough for me. Does the First Minister fancy a general election tomorrow, the next day, next week or next year? I do.

The First Minister: If only Neil Findlay could have seen the face of his Scottish party leader at that point. He would, no doubt, have been amused.

I would like to give Neil Findlay a reminder and a little bit of an explanation about democracy. I argued to remain in the EU referendum last year, and 62 per cent of people in Scotland voted to remain. I call that being on the winning side of the EU referendum in Scotland. The problem that we have in Scotland, and which Neil Findlay appears to be quite happy with—inexplicably, to me—is that some people think that Scotland's voice should count for nothing in that, and that we should simply be told what to do by majority opinion across the whole UK.

On Neil Findlay's second point about a future Labour Government, as far as I can tell right now—I hope that this changes—just as Theresa May does, Jeremy Corbyn wants us to leave the single market, thereby putting tens of thousands of Scottish jobs on the line. I know that there are more sensible heads in the Labour Party, and my colleagues in the House of Commons will seek to work with them to get us to a position in which we have as much support as possible for keeping Scotland and the UK in the single market, because that is what makes most sense for jobs and for our economy.

Maree Todd (Highlands and Islands) (SNP): Does the First Minister agree that in assessing the position in which Scotland finds itself, the balance of power between the Scottish Government and the UK Government is an important factor? Does she also agree that any move to re-reserve

powers would further undermine the principles of devolution?

The First Minister: It is important in principle, but also important for practical reasons, that there is no power grab of powers that lie within devolved areas. If powers that lie within devolved areas are repatriated from Brussels, they must come to this Parliament. Again, that is not a view that only I hold; it is also held by the First Minister of Wales. We will consider the issue extremely closely when we eventually see the terms of the great repeal bill—on which we have not, of course, seen any detail.

It was confirmed yesterday that the repeal bill will require the legislative consent of the Scottish Parliament and the other devolved Parliaments across the UK. That means that this entire Parliament—not just the Government—has both the responsibility and an opportunity to scrutinise the bill very closely before we decide whether to give it our legislative consent.

Murdo Fraser (Mid Scotland and Fife) (Con): The First Minister is fond of referring to the 62 per cent of Scots who voted to remain in last year's EU referendum as “an overwhelming majority”. How would she describe the 63 per cent of Scots who voted in this month's general election for parties that stood on a platform that was opposed to a second independence referendum?

The First Minister: This might be a useful opportunity—it is certainly one that I am going to take—first to remind people that the SNP won the election, and also to remind people, as Murdo Fraser has just done, of the unholy alliance between Labour, the Conservatives and the Liberal Democrats in that election.

Mike Rumbles (North East Scotland) (LD): Hear, hear.

The First Minister: At least one Liberal Democrat is proud of his unholy alliance with the Conservatives, which is always good to see.

We have a tradition, not just in Scotland but in the UK, of deciding constitutional matters by referendum. That is the right thing to do. Of course, during the Scottish independence referendum campaign, it was the Conservatives who told the people of Scotland that the only way to protect our place in the European Union was to vote against Scottish independence. Ruth Davidson said that to the people directly in at least one television appearance. I am not sure how that is working out for her.

As I have said today, we will continue to act in the best interests of the country as a whole by making sure that we do everything that we can to get the best outcome for Scotland from the Brexit talks and not introducing independence

referendum legislation while we are doing that, but also by making sure that Scotland is not in the position of having no control over our own future, regardless of the outcome of those talks. That is the right and responsible position to take, and it would be the right and responsible position for anyone who has Scotland's best interests at heart to take.

Gail Ross (Caithness, Sutherland and Ross) (SNP): No doubt Parliament will be delighted to be reminded that I am parliamentary liaison officer to the First Minister.

Is not it the case that, from the moment that the Scottish Government set out its plans for another referendum, it was clear that that was a means to ensure that Scotland's interests are protected through the Brexit process? How much more can the Scottish Government impress on the UK Government that we cannot and will not sit idly by as jobs, incomes and our economy are wilfully damaged by Tory policies?

The First Minister: That is a good reminder that, for all the political to-ing and fro-ing that we have in this chamber—in which we all take part—what we are talking about here are jobs, the future of our economy, investment, trade and the ability of our companies to export freely. We are also talking about opportunities—not just for this generation, but for those to come—to travel freely across Europe. Those things really matter, and it is not an exaggeration to say that all of them, to a greater or lesser extent, are on the line right now, as the negotiations continue.

It is absolutely essential that we do everything that we can to protect all those things, which is what this Government intends to do. It is also essential that we make sure that, whatever happens, the future of Scotland is always decided by Scotland. Whatever we choose is up to the people of Scotland, but it should be chosen by us and not imposed on us. That is the principle that will continue to govern the decisions that we make.

NHS Ayrshire and Arran Maternity Services (Review of Management of Adverse Events)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Shona Robison on NHS Ayrshire and Arran maternity services: Healthcare Improvement Scotland's review of adverse events. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions during it.

15:12

The Cabinet Secretary for Health and Sport (Shona Robison): Thank you, Presiding Officer, for giving me the opportunity to make this statement.

Members will be aware that, in December 2016, I asked Healthcare Improvement Scotland to undertake an independent review of the management of adverse events in the Ayrshire maternity unit at University hospital Crosshouse in response to concerns that had been raised by families about the management of adverse events in the unit.

I extend my heartfelt condolences and sympathy to the families that were involved with the review—sentiments that, I am sure, everyone in the chamber shares. NHS Ayrshire and Arran has apologised, and I extend my personal and sincere apologies to the families that are affected. I also take this opportunity to thank the many members here who have made representations on behalf of constituents and who took a keen interest in the review and its outcome.

The review followed two previous relevant reviews into the management of adverse events in NHS Ayrshire and Arran that were carried out by HIS in 2012 and 2013.

To ensure that we heard from all the families who wanted to share their stories, I sought assurance from HIS that no families would be excluded and that their views and experiences would be reflected in the final report. In total, 16 families contributed to the HIS review, and HIS has shared the findings of the review with the seven families who wanted feedback, which has delayed the report's publication slightly.

The report makes eight recommendations for improvement. Six of those are for NHS Ayrshire and Arran, and they focus on changes to the adverse event review process to ensure that it meets the national framework and provides simple, useful and practical processes; improved family engagement and communication to ensure that families are provided with the right

information, support and opportunities to be involved in a significant adverse event process; improved support for staff, including dedicated time to be involved in all aspects of adverse event reviews, including protected training time; internal and external promotion of shared learning from improvement work, including the publication of learning summaries of adverse event reviews; revised procedures for the publication of reports so that they preserve patient and family confidentiality and, at the same time, encourage shared learning; and improved identification of and access to training for staff, including the production of a training needs analysis and the ensuring of access to training programmes.

One recommendation directs HIS to ensure that the findings of the review support the further development of the national framework for adverse events and the quality of care review approach. The other recommendation is that NHS Scotland develops and agrees a list of mandatory skills and competencies for maternity services.

In parallel with the HIS review, NHS Ayrshire and Arran commissioned an independent team of experts from the University of Leicester to review the clinical care in recent cases of stillbirth and neonatal death in the maternity unit. The team examined several cases and concluded that it is possible that differences in care may have led to different outcomes for some of those babies. The recommendations in the report focus on the quality of care, staffing and improvement activity in the unit.

Two other reports that were published last week look at stillbirth and neonatal death. On 21 June, the Royal College of Obstetricians and Gynaecologists published a report into the findings of its each baby counts programme. The report made expert recommendations for improvements to the quality of care for mothers and babies to reduce the incidence of stillbirth and early neonatal death. On 22 June, MBRRACE—mothers and babies: reducing risk through audits and confidential enquiries—published its perinatal surveillance report, which provides an indication of the relative rates of stillbirth and neonatal death across the United Kingdom in 2015. It shows that Scotland has the lowest stillbirth and neonatal death rates anywhere in the UK. Those reports are important because they not only highlight incidence across Scotland but show where general improvements can be made to services. We should welcome the fact that fewer families every year are experiencing the loss of a baby.

I return to the reviews by HIS and the University of Leicester. I have spoken today to the vice-chair of NHS Ayrshire and Arran and have made it clear to the board that I view the substandard practices that were uncovered in those reports to be

unacceptable. NHS Ayrshire and Arran has apologised to the families and has offered to meet them in person to discuss their cases. The board has contacted families directly and is working with the stillbirth charity Sands to contact other families. Sands will also offer its full bereavement support to any families who want it.

The board has today published a set of action plans to implement the recommendations and aims to appoint a risk and quality improvement team for maternity services, comprised of senior maternity staff, to support the changes that are required by the action plans. The board has invested £1 million in midwifery staffing since 2014 and has appointed an additional consultant obstetrician and clinical risk midwife. I welcome that response from NHS Ayrshire and Arran and have been clear with the vice-chair that I expect those plans to be implemented and evidence of the improvements to be published. I will meet the board soon to get an update on implementation, and I will be happy to report back to the Parliament on progress.

HIS will monitor progress against the implementation of the recommendations every three months in the first instance, and that information will be fed into the wider quality of care review assessment for the board. Quality of care reviews of NHS boards will commence in the autumn and will include a focus on the leadership and governance issues that have surfaced in the HIS review. The whole-Scotland issues will also be fed into performance reviews with NHS boards across the country.

We will work in partnership with health boards to agree a core mandatory update training programme for maternity staff before the end of the year. It is important that we reassure people, particularly expectant mothers, about the overall safety of our maternity services.

Our rates of stillbirth and neonatal death continue to decline. According to the MBRRACE report, in 2015 we had a record low rate for Scotland, and we are approaching the rates of the best-performing Scandinavian countries. NHS Ayrshire and Arran has seen a 50 per cent reduction in its stillbirth rate over the past three years as a result of the improvement activity that has been undertaken.

In the light of the Kirkup report into services in Morecambe Bay, we instigated our review of maternity and neonatal services in Scotland, and the report “The Best Start: A Five-Year Forward Plan for Maternity and Neonatal Care in Scotland” was published earlier this year. Implementation of its 76 recommendations is under way and will deliver safer and higher-quality maternity care for women and babies.

A range of other activity is focused on learning from adverse events and continuous improvement. The Scottish patient safety programme—in particular, the maternity and children quality improvement collaborative—aims to improve safety in maternity, neonatal and paediatric services. There is greater consistency and improved quality of adverse event investigation and reporting through the adverse events framework. The duty of candour provisions will come into effect on 1 April 2018. The Apologies (Scotland) Act 2016 is now in force. We have a revised NHS complaints procedure, and individuals are able to raise concerns independently through care opinion.

In addition, I have asked my officials to prioritise a programme of work that supports more effective learning systems in NHS services that support people who are affected by adverse events, to conduct rigorous reviews and to share findings. That work will be overseen by the chief medical officer and the national clinical director.

I have also written to all health boards, drawing their attention to the findings and asking those boards with above-average rates of stillbirth and neonatal death to undertake independent reviews of the quality of care and to report back on their plans for improvement.

Later this year, we will launch our standardised perinatal mortality review tool, which will ensure that all cases of stillbirth and neonatal death are systematically investigated and that parents and families are fully engaged in the process so that they get the answers that they need as quickly as possible.

In concluding, I return to the people who matter most: the families who have been part of the review and have bravely shared their experiences with HIS, with me and with some of my colleagues in the chamber. It was thanks to them that the investigation took place and that the resulting improvements to care have happened and will happen. I thank them for the dignity and determination that they have shown. I have offered to meet all those families whose cases were included in the report to discuss the findings and to listen further to their views. Those meetings will be arranged over the next few weeks.

However, in recognition of the role that those families have played in raising awareness, I also offer them the opportunity to be involved in the oversight of improvements. I will establish an oversight group comprising families and representative organisations to undertake scrutiny from the service users' perspective of the changes that are happening not only in NHS Ayrshire and Arran but in maternity and neonatal services throughout Scotland.

I have written to all NHS boards, making it clear that I expect them to be open and proactive in their communications with families who want to discuss any concerns about their care, and I encourage any family who have unanswered questions relating to their maternity care to contact their local board.

I give my personal commitment to the Ayrshire families that action will be taken in the light of the review's findings. I have expressed my sympathies and apologised to the families, but I also record my thanks to them, as I hope to do in person when I meet them. I am sure that the chamber will want to join me in expressing our gratitude.

I am happy to take questions.

The Deputy Presiding Officer: Thank you. The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

Brian Whittle (South Scotland) (Con): I thank the cabinet secretary for early sight of her statement. I also declare an interest in that my daughter is a healthcare professional in the NHS.

Apart from the fact that HIS has had its wings well and truly clipped by the very narrow instruction from the cabinet secretary on what it was permitted to investigate, the report throws up some glaring issues. Red flags that should have been noted have been flying for the best part of a decade. From 2009 to 2012 there were 57 adverse event reviews in NHS Ayrshire and Arran. Following an HIS review that was instigated by the then health secretary, Nicola Sturgeon, the number of such reviews fell to zero in 2013, only one in 2014 and seven in 2015. That is a significant key indicator that should have thrown up a massive red flag and at least been investigated.

When I asked HIS directly about the implications of those numbers, it answered that it does not routinely monitor those figures. The HIS report states:

"The NHS Ayrshire and Arran significant event review process was not used for significant events in the maternity unit".

Given that HIS has categorically stated that it is not its responsibility, I ask the cabinet secretary who is responsible for monitoring the implementation of recommendations from the HIS review, how that will be measured and how the families affected by these tragedies, as well as NHS staff, can have any faith that this review, which is subsequent to the 2012 and 2013 reviews, will change anything?

Shona Robison: I thank Brian Whittle for his questions and his long-term interest in this issue. It

has been important that members have raised issues on behalf of constituents. Doing so has helped to ensure that those reviews have shed a light on many aspects of practices in NHS Ayrshire and Arran that have not been acceptable.

I think that Brian Whittle acknowledged that the HIS report is very thorough. It goes beyond the significant adverse event review process, although it deals with that in some detail, and gets into very important issues such as communication with the families and the way in which boards should engage with families when something goes wrong.

On what happens going forward, I give the member an assurance that, as I laid out in my statement, HIS will monitor NHS Ayrshire and Arran's implementation of the recommendations on a three-monthly basis. I will take a close personal interest in the matter and will meet the board to get a personal reassurance on the implementation. The board has established mechanisms to ensure that oversight is provided at the most senior level. We should recognise that NHS Ayrshire and Arran has already taken many steps to improve the services. The external verification of the quality of services in Ayrshire and Arran shows a very different picture from before.

I hope that Brian Whittle takes some comfort from that. I am happy to keep him and other members closely informed on progress as we take forward that work.

Anas Sarwar (Glasgow) (Lab): I join the cabinet secretary in sending heartfelt condolences to all the individuals and families who have been affected by these tragedies.

Although the report covers NHS Ayrshire and Arran, there is clearly a wider issue, with adverse events having taken place in other maternity units in Scotland. It is believed that there are between two and three preventable deaths of babies in Scotland each week. Therefore, although I welcome the recommendations on how to deal with adverse events, it is unfortunate that the report did not investigate the quality of care or give recommendations on how to prevent adverse events. The HIS report, a recent Bliss Scotland report and the maternity and neonatal services review all point towards a workforce crisis, with understaffed wards, high vacancy rates and high use of agency staff, which are having an impact on patient care and safety.

The recommendations of the maternity and neonatal services review are now being implemented, but when will the reduction in neonatal intensive care units commence and when will it be completed? Given that families are at the heart of the situation, has the cabinet secretary considered having an independent public inquiry

that would give confidence to the families? When will the cabinet secretary come back to Parliament to give us an update on how the HIS review is being implemented and which recommendations have been taken forward?

Shona Robison: On that last point, I will be happy to give regular updates to Parliament on the local implementation in Ayrshire and Arran and the wider changes that are being made.

Anas Sarwar makes an important point about the prevention of adverse events. The reviews are very important and the actions that they set out and the implementation of the changes will ensure that our services are as safe as they can be. As we know, events happen in our NHS that are difficult to predict and are sometimes unavoidable. However, we are talking about trying to prevent avoidable adverse events.

One of the key elements in the recommendations is on mandatory cardiotocography—CTG—training, which relates to foetal heart rate monitoring. The chief medical officer will ensure through medical directors that that happens. That is important. Mr Morton raised the issue very directly as a key weakness in the sad case of the death of his son, Lucas. I say to Mr Morton that I hope that the recommendation gives him personal reassurance on that important issue of the training of midwives in interpreting CTG. It will be mandatory for midwives to attend a minimum of two sessions per annum, and the CMO will have oversight of that.

We have had a number of inquiries and reviews. The HIS review and the Leicester review have identified a number of issues that now have to be resolved. Many of those important changes and improvements have already been made, and these recommendations lay out what more has to be done. The most important thing is that we get on and do that. The actions that have already been taken and those that will be taken will give us the best chance of avoiding future unnecessary and avoidable deaths in our units.

The Deputy Presiding Officer: I have 10 members wishing to ask questions. I ask you to be disciplined and go straight to your questions to allow all members in on this very important and sensitive issue.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Having just received the report and spoken to the chief medical officer, I think that it is clear that NHS Ayrshire and Arran did not fully implement the recommendations that were made to it in 2012 and 2013 with respect to training for staff and openness and transparency in how it supported affected families. What action does the cabinet secretary propose to take on this review to improve safety and to ensure and verify that any

new recommendations are carried out? How can NHS Ayrshire and Arran regain the trust of all the families affected by these tragic events?

Shona Robison: I recognise that Willie Coffey has also raised cases with me directly. I am glad that he met the chief medical officer, as, I think, did Brian Whittle. The chief medical officer went through some of the detail on what is a set of very complex issues and complex reports that go into quite some detail.

The question that Willie Coffey asked is a simple one: how can we be assured that these recommendations—which, if implemented, will make a difference and, importantly, make our services safer—will be implemented? First, I will make sure that, through the oversight that the Scottish Government provides through the chief medical officer and our clinical director, we keep a very close eye on the implementation of the recommendations not just by NHS Ayrshire and Arran but by the rest of our health boards. As I said in my statement, I have written to the boards setting out my expectations on that.

There will be mandatory training. That will be monitored to make sure that midwives are getting the opportunity to have that critical training. We also expect HIS to get a very close three-monthly update on how the recommendations are being implemented, as it is doing with NHS Ayrshire and Arran. I hope that all of that taken together will give Willie Coffey—and, importantly, the families—reassurance that the recommendations will be taken forward. It is important to recognise the improvements that have already been made in Ayrshire and Arran, including the 50 per cent reduction in the rate of stillbirths since 2013. That should be acknowledged.

Jamie Greene (West Scotland) (Con): There was an HIS review in 2012 and another in 2013. Today we are looking at the recommendations of another review in 2017, with an unfortunate sense of déjà vu on some of the points that it makes. As Brian Whittle pointed out, HIS is not a regulatory body and it does not have the power to instruct health boards to comply with its conclusions. What measures are available to the cabinet secretary, in addition to the measures that she laid out in her answer to the previous question, if health boards do not comply with the recommendations of the various reports?

Shona Robison: Ultimately, I have ministerial powers of direction over health boards. However, I hope that the measures that I have set out will be taken forward by health boards of their own accord. At the end of the day the health boards should be, and I am sure will be, motivated to want to provide the best possible and safest services to babies and their mums.

It is important to note that when HIS undertakes an independent review, it brings in people from outside. For example, the recent review was chaired by Dr Tracey Johnston, who is a consultant obstetrician at Birmingham women's hospital and brought that external independent view of the service. It is fair to say that that has shone a light on areas of practice that need to improve.

I also point out that HIS has the same independent legal status as the Care Quality Commission in England. Ministers appoint to each body in the same way north and south of the border. HIS also has powers of intervention that can, for example, close wards. HIS has extensive powers, as do I. I hope that boards will get on with implementing the changes that have been recommended, and there will be strong and close oversight to ensure that that happens.

Kenneth Gibson (Cunninghame North) (SNP): The halving of stillbirths and neonatal deaths in NHS Ayrshire and Arran over three years is very welcome progress. Nevertheless, does the cabinet secretary accept that many bereaved parents in Ayrshire feel that some of their questions remain unanswered or have been answered only after intensive lobbying by MSPs, patient groups and others on their behalf?

Will all the recommendations be implemented by other health boards? What further steps will be taken to minimise the number of stillbirths and neonatal deaths not just in NHS Ayrshire and Arran, but across Scotland?

Shona Robison: I recognise how much of an interest Kenny Gibson has taken and continues to take in these issues. He makes some extremely important points about the bereaved families and their questions, some of which they might feel remain unanswered. I will meet the families who want to meet me. We will talk about whether they feel that there remain unanswered questions, and we will look at how we can ensure that they get answers to any such questions.

We expect all health boards to implement the recommendations. For understandable reasons, the focus has, of course, been on NHS Ayrshire and Arran, but we expect all health boards to implement the recommendations.

As far as external assurance is concerned, as Kenny Gibson will, I hope, be aware, MBRRACE-UK was established as a UK surveillance team to shine a light every year on those units that are above the average for stillbirths and neonatal deaths. That work is very important. Through it, we can see that Scotland's units performed very well indeed in 2015. Scotland had the lowest rates of stillbirths and neonatal deaths across the UK, but we are absolutely not complacent. There is more

work to be done to ensure that that improvement continues, and I am determined to make sure that that happens.

Colin Smyth (South Scotland) (Lab): The review praises maternity staff at Crosshouse hospital for their professionalism but highlights the impact of staff shortages. It reveals that, in March 2017, a senior manager in NHS Ayrshire and Arran said that staff shortages were

“contributing to our ability to deal effectively with day to day workload and provide effective and safe care for women, children and neonate.”

They went on to say that that meant that staff could not be released for training and that, as a result,

“staff will not be trained to the standard to provide assurance of the quality of care being delivered.”

Although NHS Ayrshire and Arran has now increased the level of staffing, can the cabinet secretary give a personal assurance to families across Scotland that all our maternity units are adequately staffed and that those staff have the training that they need?

Shona Robison: It is absolutely critical that all units apply the workload planning tool. As part of our work going forward, we will want to make sure that all units are doing that.

The member rightly pointed to the staffing increase in the Ayrshire maternity unit. That increase has been significant—between 2014-15 and 2016-17, the number of whole-time equivalents rose from 181.34 to 196.77. Since April 2016, additional funding for 6.6 whole-time equivalent midwives has been agreed, and at the end of June 2017 an additional 14 whole-time equivalent midwives are in the process of being recruited. That is because of the application of the midwifery workload planning tool. We expect that tool to be applied to all units to make sure not only that each unit has the right number of staff, but that the staff resource reflects the needs of the patient cohort and can be adjusted depending on the needs of the patients in the unit.

Emma Harper (South Scotland) (SNP): I remind members that I have a licence to practise as a registered nurse.

What financial support will be provided to help NHS Ayrshire and Arran implement the recommendations that are outlined in the report?

Shona Robison: We should recognise that NHS Ayrshire and Arran has invested more than £1 million in additional staffing, particularly in expanding its midwifery workforce.

In terms of additional resources, we are ensuring that we support NHS Ayrshire and Arran with Scottish Government people and expertise.

Healthcare Improvement Scotland will be doing likewise, and NHS Ayrshire and Arran has established an oversight team, which it has resourced to ensure that it can have confidence that the recommendations are taken forward. We will continue to speak to Ayrshire and Arran about any other support that it may require.

Alison Johnstone (Lothian) (Green): I am glad that the cabinet secretary has highlighted the valuable role that Sands plays. I would appreciate it if she could tell us how the Scottish Government is drawing on Sands’s expertise to improve support for bereaved parents. There has been some discussion of a national bereavement strategy. Can the cabinet secretary offer any updates on that strategy and how it might reflect the psychological and emotional support that parents need in these most devastating circumstances?

Shona Robison: I thank Alison Johnstone for her question and I thank Sands for the support that it has provided, and has offered to provide, to families, and which it will continue to provide in any further meetings that families want to undertake with the board, with me or with others. Sands provides a very important service. Work is on-going on the national bereavement strategy, and I would be happy to write to Alison Johnstone to update her on that. It is important that families that want that support—not all will—are offered it as quickly as possible.

Alex Cole-Hamilton (Edinburgh Western) (LD): Does the cabinet secretary recognise that the emotional support referred to by Alison Johnstone, which is available to families affected by stillbirth, is not universally available across Scotland? What additional support will her Government extend to charities such as Sands, and what will she do to extend NHS support to those families who are dealing with the long-term emotional trauma of adverse events and who live in health board areas not currently served by specialist perinatal mental health teams?

Shona Robison: We expect boards to ensure that families get the support that they require no matter where they live in Scotland. Sands is a key organisation providing that support and we will have an on-going dialogue with it about how we can ensure that it is supported in order to continue doing that work. We will ensure that, when families come forward, boards listen to what they have to say and that there is an open culture of hearing and listening and of acting on concerns raised by families. Changes will be made by legislation to require boards to have a more open and transparent culture in terms of the duty of candour, and that will help to create a culture in which people can come forward and that, when they do, they will get the support that they need.

The Deputy Presiding Officer: I apologise to Clare Haughey, Donald Cameron and Fulton MacGregor, who were not called, but I thought it best on this topic to allow longer questions and longer answers. That concludes questions to the cabinet secretary.

Railway Policing (Scotland) Bill: Stage 3

15:45

The Deputy Presiding Officer (Linda Fabiani): The next item of business is stage 3 proceedings on the Railway Policing (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 2A; the marshalled list and the supplement to the marshalled list; and the list of groupings.

I advise members that, although the supplement to the marshalled list states that amendments 8 and 9 will be called immediately after amendment 4, that is not the case. Amendment 8 will be called immediately after amendment 3, and amendment 9 will be called immediately after amendment 4. Now, did everybody get that? [*Laughter.*] It is all right—I will keep you right.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on a group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

Section 1—Provision for policing of railways and railway property

The Deputy Presiding Officer: Group 1 is on engagement with trade unions. Amendment 1, in the name of Neil Bibby, is grouped with amendments 3, 8, 4 and 9.

Neil Bibby (West Scotland) (Lab): I declare an interest as a member of the National Union of Rail, Maritime and Transport Workers parliamentary group.

Members will recall that Scottish Labour voted against the general principles of the Railway Policing (Scotland) Bill at stage 1. We have consistently opposed the integration of the British Transport Police into Police Scotland, and our position has not changed. The purpose of my amendments in the group is to ensure that, if the bill is passed later today, there will be proper engagement and consultation with trade unions.

The absence of trade unions from the bill is a glaring omission, and my amendments address that. Amendment 1 adds “relevant trade unions” to the list of bodies that will be involved in the membership of the railway policing management forum. The forum should not just be made up of

rail operators. It should be a place where the interests of workers are represented.

Amendments 3 and 4 amend section 1 to ensure that there is engagement between the relevant trade unions and the Scottish Police Authority. The bill already requires the SPA to obtain the views of interested parties. Trade unions must be counted as interested parties along with the rail operators, passengers and the other persons and bodies that are identified in the bill.

The Minister for Transport and the Islands has lodged manuscript amendments in the group that relate to section 1. I agree with his amendments in principle, but I know that trade unions have some concerns about the way in which amendment 9 is drafted. It would allow the Scottish Police Authority to judge what the relevant trade unions would be, but we do not know the criteria on which that judgment would be made.

I therefore seek an assurance from the minister that trade unions that organise in the rail sector—the Transport Salaried Staffs Association, the Associated Society of Locomotive Engineers and Firemen and the RMT—along with police staff organisations will be included in the scope of his amendment, before I make a decision on whether to move my amendment 4.

We believe that transport unions must be included in the development of any new railway policing agreement in Scotland, that they must be represented at the railway policing management forum and that their views must be obtained as appropriate alongside those of other interested persons and bodies. My amendments in the group would achieve that.

I move amendment 1.

The Minister for Transport and the Islands (Humza Yousaf): I am grateful to Neil Bibby for raising the issue of engagement with trade unions in railway policing matters through amendments 1, 3 and 4. Unions that represent railway employees of Network Rail or train operating companies clearly have a significant interest in railway policing, and indeed often rely on it for their own safety and security in their places of work. As I have made clear on several occasions, our key priority is to maintain and indeed to enhance the high standards of safety and security for railway users and staff in Scotland.

I am supportive of the aims of amendments 1, 3 and 4 to provide unions that represent railway staff with additional reassurances in the bill that their interests will be directly represented in mechanisms for engagement as set out in the bill. Engagement with trade unions is already covered in the bill as it stands, but I recognise the value of making that explicit in the bill as a more direct

recognition of their significant interest. At the same time, we should also explicitly recognise the interests of the trade unions that represent police staff and the organisations that represent police officers, given that officers are not represented by traditional trade unions.

Amendment 4 defines the “relevant trade unions” for the purposes of amendments 1 and 3, but it does so in a way that would not cover bodies representing constables, who cannot be represented by trade unions—or by police staff. Although I am supportive of the principle behind amendment 4, I have had a brief discussion with Neil Bibby about the issue and have proposed an alternative approach in amendments 8 and 9. My amendments put beyond any doubt the fact that the representative groups that the Scottish Police Authority must consult with include trade unions that represent railway operator employees, such as the RMT and ASLEF, as well as organisations that represent police officers and unions such as the TSSA, which represents the BTP staff.

The Scottish Government supports amendments 1 and 3 and I ask Parliament to support them, too. I also ask Neil Bibby not to move amendment 4. I am happy to give him the assurance that he sought. As I explained, the working of amendment 4 excludes unions that represent police staff, such as the TSSA, and police officers’ representative organisations. The Scottish Government’s amendments 8 and 9 address that issue and will broaden out union engagement and ensure that the intentions in amendments 1, 3 and 4 are met. I therefore ask Parliament to support amendments 8 and 9 in my name.

The Deputy Presiding Officer: A few members wish to speak on this group, so please be succinct.

Margaret Mitchell (Central Scotland) (Con): Amendment 1, in Neil Bibby’s name, seeks to ensure that trade unions join railway operators as members of a railway policing management forum to be established under the bill. Amendments 3 and 4 also seek to ensure that unions are consulted more generally on the policing of railways and railway property. They define “relevant trade unions” for the purposes of the bill.

My understanding is that manuscript amendments 8 and 9, which were lodged by the minister, Humza Yousaf, seek to clarify an error in amendments 3 and 4. Neil Bibby refers to engagement with “relevant trade unions”, but his amendments would not allow for the inclusion of the Scottish Police Federation, the Association of Scottish Police Superintendents and senior police officers’ staff associations. It is important that the views of such organisations on railway policing in Scotland are taken into account. The Scottish

Conservatives will therefore support amendments 8 and 9.

The unions and the railway staff associations have made important contributions to the scrutiny of the bill. The points that they raised were valid and should have been taken on board by the Scottish Government. Sadly, the Scottish Government has remained totally intransigent, merely brushing aside concerns during the scrutiny process. In view of what any reasonable person would consider to be a totally unacceptable stance from the Scottish Government, it is not just right but absolutely essential that extraordinary provision is included in the bill to ensure that railway operators and the relevant trade unions are members of the policing management forum.

I therefore confirm that the Scottish Conservatives will support amendments 1, 8 and 9.

Mike Rumbles (North East Scotland) (LD): As far as British Transport Police officers and staff, unions and the wider railway industry are concerned, the speed with which the Government has brought forward the bill has come as a major surprise. While discussions have been taking place since the bill was introduced, that has not made up for the lack of prior engagement with those who are most directly involved in and have the greatest understanding of the issues.

The fact that Scottish National Party ministers chose to consult on a single option—the dismantling of the BTP and merging it into Police Scotland—has only compounded the unease and, indeed, the anger felt. It is undoubtedly late in the day, but the amendments from Neil Bibby go some way in trying at least to redress the balance, and the Scottish Liberal Democrats will support them.

I accept the rationale behind the minister's amendments. Although they do not address the bill's fundamental shortcomings, they at least represent improvements to it. On that basis, we will support amendments 8 and 9.

We will support all the amendments, if they are all moved.

Mary Fee (West Scotland) (Lab): I rise to speak in support of amendments 1, 3 and 4, in the name of Neil Bibby. The amendments are important because they would place trade unions on the face of the bill. In its present form, the bill makes no mention at all of the rail unions or collective bargaining. The amendments would require the membership of the proposed railway policing management forum to be expanded to include the rail unions. They would also add trade unions to the list of interested "persons and bodies" to be consulted by the Scottish Police Authority.

The amendments recognise the importance of consulting trade unions on the way forward for railway policing, so they have my support.

John Finnie (Highlands and Islands) (Green): I, too, declare an interest as a member of the RMT parliamentary group.

Neil Bibby and the minister have mentioned what has been omitted from the bill and what should be explicitly mentioned in it. Neil Bibby rightly talked about safety in that regard.

The Greens will support amendments 1, 3 and 4, and we will listen to what Mr Bibby says about accepting the Government's amendments.

If the bill is passed, it is important that the trade unions and staff associations are involved right from the beginning in the railway policing management forum. I take a different view from that of Margaret Mitchell: that involvement should not be an extraordinary position, but the default position if we are to have a positive workforce.

We will support the amendments, not least because of the need for those bodies to be engaged on the safety issue, which has been a recurring theme throughout the debate on railway policing.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I rise to support Neil Bibby's amendments 1 and 3 and the minister's amendments 8 and 9.

Like the minister, I support in principle Neil Bibby's amendment 4, but the drafting of the Government's amendments 8 and 9 is more inclusive and comprehensive in broadening engagement and the representation of officers, especially given the inclusion of the Police Federation for Scotland in amendment 8 and of police staff in amendment 9. The explicit recognition of trade unions' place on the railway policing management forum and the engagement of railway users and other interested persons have my support. I encourage others to support those amendments, too.

The Deputy Presiding Officer: I call Neil Bibby to wind up, and to press or withdraw amendment 1.

Neil Bibby: As I have said, there is no requirement in the bill for trade unions or staff associations in the rail sector to be consulted. The purpose of the amendments in group 1 is to address that situation. Therefore, I will press amendments 1 and 3 in my name.

I have listened to what the minister has had to say and I am happy to support amendments 8 and 9 and to not move amendment 4, on the understanding that the effect of amendments 8 and 9 will be to require the Scottish Police

Authority to consult the relevant trade unions. I hope that the chamber will support that position today.

Amendment 1 agreed to.

The Deputy Presiding Officer: Group 2 is on training in relation to the policing of railways and railway property. Amendment 2, in the name of Neil Bibby, is grouped with amendment 5.

16:00

Neil Bibby: The amendments in this group concern training in relation to the policing of railways and railway property. Amendment 2 requires that any agreement reached under section 85K(1)

“include arrangements for constables, who are assigned duties that relate to the policing of railways and railway property, to have completed personal track safety training.”

The purpose is not to put constraints on constables, but to ensure that skilled railway policing specialism is predicted.

Amendment 5 requires the chief constable to ensure that any

“constables assigned duties that relate to the policing of railways or railway property”

have to undergo “the necessary training.” That should include personal track safety training.

The approach in amendments 2 and 5 refines that of the similar amendments that the Justice Committee considered at stage 2. The purpose is not to place constraints on constables or interfere with operational matters but to guarantee that railway policing skills are protected. We cannot do that without amending the Police and Fire Reform (Scotland) Act 2012.

Amendment 5 would require the Scottish Government to make regulations setting out the level of training required. Throughout the bill process, major concerns have been raised about the level of training that would be provided to police officers who police the railways and about the dilution of the specialism of railway policing, but the bill makes no mention of training. My amendments seek to address that.

There is also a lack of clarity about the cost of new training requirements and the numbers involved. Currently there are 200 transport police officers in D division who have personal track safety certificates. There are more than 17,000 police officers in Police Scotland, so there would be significant cost implications if they were all required to undergo personal track safety training, although Police Scotland seems to have suggested that that will happen.

Police Scotland gave an undertaking to the Justice Committee to return at stage 2 with details of its training needs analysis and details on cost. We do not consider that the information that was eventually provided is detailed; it does not properly address needs or cost. Amendments 2 and 5 provide that the Government would make regulations setting out the level of training required. There would be transparency for the public, for the police and for the rail operators, who might ultimately have to meet training costs through the railway policing agreements.

I move amendment 2.

The Deputy Presiding Officer: People might have noticed a buzzing in the background in the chamber. I am afraid that nothing can be done about it. There are a lot of puzzled looks; ah, I see that members who had not noticed it are noticing it now. [*Laughter.*] We must just persevere. I ask speakers to speak a little louder, as some folk are finding it quite hard to hear.

Margaret Mitchell: Amendments 2 and 5 are similar to the ones that Douglas Ross and I lodged at stage 2 but pick up on criticism at stage 2 and seek to clarify when the requirement for a personal track safety certificate will apply. Amendment 2 clearly provides that that will be when police constables are assigned duties that relate to the policing of railways. Amendment 5 includes trade unions among the bodies that must be consulted in relation to personal track safety training.

At stage 1, the British Transport Police Federation told the committee:

“Every officer in Police Scotland who intends to police the railway—or go anywhere near the railway—will have to have the personal track safety certificate.”

The National Union of Rail, Maritime and Transport Workers agreed and said:

“Police Scotland would not have access to our railways if there was a derailment or a collision or any trespass on a railway. If Police Scotland officers do not have a PTS certificate, they cannot go on or near the running line.”— [*Official Report, Justice Committee, 14 March 2017; c 40, 59.*]

The rail operators all agreed with those statements. It would therefore be irresponsible not to address training adequately by ensuring that the necessary provisions in relation to PTS certificates are included in the bill. Amendments 2 and 5 achieve that objective; the Scottish Conservatives will therefore support them.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Mr Bibby's amendments 2 and 5 are a modest improvement on the amendments that were considered at stage 2, in that they would apply only to

“constables, who are assigned duties that relate to the policing of railways and railway property”,

whereas the previous amendments covered all police officers.

However, let us consider what the amendments mean, because there are difficulties with how they are constructed. Via the addition of proposed new section 85M(1) of the Police and Fire Reform (Scotland) Act 2012, there is a definition of “railway property”, which includes “a station” and “a train used on a network”.

Proposed new section 85M(3) cross-refers to section 83 of the Railways Act 1993, which says:

“‘station’ means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes”.

The bottom line is that the areas to which the amendment would apply—trains on the network and stations—are very extensive indeed.

Therein lies the genuine difficulty. Amendment 2, of course, relates to police

“who are assigned duties that relate to the policing of railways and railway property”,

so let us consider a practical issue. With the heightened security situation that we had, Police Scotland armed police were deployed on the concourse at Waverley station. I was not at other stations; I dare say that armed police were. That falls within the definition in amendment 2. Under that amendment, it would not be possible for those Police Scotland armed officers to be deployed at Waverley station and other stations unless they had personal track safety certificates.

I accept 100 per cent that, if an officer is going on the track and is close to operational trains, there are particular issues but that is not what amendment 2 actually relates to. Under the amendment, we are saying that constables who are deployed to an urgent shout cannot be deployed to station car parks, booking offices or even waiting rooms without special training. Those are areas that I, without any special training, am allowed to access at any time, as any other member of the public is.

Pauline McNeill (Glasgow) (Lab): Will Stewart Stevenson give way?

The Deputy Presiding Officer: I am sorry, the member is just closing.

Stewart Stevenson: There is also the overall point that, to be blunt, training is a matter for the chief constable. He or she will know how the police network has to operate and must make the appropriate decisions. We shall not second-guess what we need now or in future.

John Finnie: I absolutely understand that concerns about safety prompt amendments 2 and 5. However, I wonder whether training provision should be in any bill, to be honest.

The railway industry is rightly a heavily regulated industry. Mr Stevenson rightly highlights one of the difficulties with amendment 2. I was going to cite a similar situation in Inverness, whereby the armed police who were deployed on the concourse of the station could not have been deployed there under the amendment. We need to draw a clear distinction between deployments to property and the very significant concerns about track-side deployment.

Health and safety is an important role for trade unions and staff associations. I assure members absolutely that my former colleagues in the Scottish Police Federation will be vigilant on the issue. The matter is a deployment issue and an operational one. I absolutely support the highest standards of safety but we do not need this in the bill.

Stewart Stevenson: Presiding Officer, forgive me, can I make a declaration before we move on?

The Deputy Presiding Officer: Excuse me, Mr Stevenson?

Stewart Stevenson: I have a declaration of interests that I forgot to make.

The Deputy Presiding Officer: I will bring you in at the end of this group if you feel obliged to do so.

Mary Fee: I raised concerns earlier about the omission of trade unions from the bill and I will also raise concerns about the omission of training.

In its stage 1 report, the Justice Committee stated clearly:

“There are areas of the railways that police officers should not enter without a Personal Track Safety Certificate.”

It was a specific recommendation of the committee that Police Scotland should provide more information about the consequent costs of training. Police Scotland provided an update that was so generic in nature that it has not satisfied me or many others that there is sufficient clarity about the bill’s implications for officer training. Amendments 2 and 5 seek to provide a greater level of clarity and transparency and, crucially, would ensure that constables who are assigned duties to police railways and railway property are properly trained. For that reason, I will vote to support them.

Mike Rumbles: Throughout Parliament’s consideration of the bill, questions have been raised about how the expertise within the British Transport Police can be maintained and

safeguarded. The minister and Police Scotland have made bold promises about how the bill will help to expand massively the capacity of officers with expertise in railway policing. In truth, it is hard to see how the figures stack up on that and I welcome the fact that Neil Bibby is pressing the issue, as I welcomed its being pressed at stage 2.

I am not convinced by Stewart Stevenson's contribution. It was a red herring. The police officers are to be assigned duties and, if they are to be assigned duties to the locations mentioned, they need to be properly trained.

Neil Bibby's amendments 2 and 5 appear to address concerns that were raised about similar amendments that were lodged at stage 2. On that basis, although I will listen to what the minister has to say, the Scottish Liberal Democrats are inclined to support the changes proposed in the amendments.

Pauline McNeill: I wish to press this point. I wanted to clarify what Stewart Stevenson was saying. Listening to the debate so far, I have understood him to be saying that any police officer who has a firearm and does not have a training certificate could not attend. I have to ask the question: what happens just now? It is being suggested that there is a deficiency.

Stewart Stevenson: Would the member take a brief intervention?

Pauline McNeill: Members listening to the debate who will be voting against the bill this evening, as I will be, note the concern that, in a complete integration of the system, we must ensure that the police officers who are assigned to transport duties are appropriate. That is a big concern among many members when it comes to voting for the bill this evening.

If Mr Stevenson is correct, if those police officers cannot attend, that suggests that there is a deficiency at the moment.

The Deputy Presiding Officer: Are you finished, Ms McNeill, or are you allowing an intervention?

Pauline McNeill: I will allow an intervention from Stewart Stevenson if he wants to clarify that point.

Stewart Stevenson: It is a very technical point. It is just that the definition of a station includes areas where Police Scotland should have free access without track certificates—but, of course, officers should not go on or near the active railway without them. It is a purely definitional issue, not a policy issue.

Pauline McNeill: Well, there you have it. It may be a technical issue, but I do not really think that firearms officers cannot attend a security breach

anywhere on our railways. It sounds to me like Stewart Stevenson's point is a wee bit of a red herring.

Elaine Smith (Central Scotland) (Lab): I put it on record that I am convener of the RMT's parliamentary group.

I wish to raise a point that is relevant to the training issue. The RMT is currently working with Network Rail and the British Transport Police on the new emergency intervention units, which will respond to incidents in order to improve safety, reduce disruptions and prevent and detect crime. The RMT is concerned about the status of the EIUs if the bill is passed. I would be keen to hear the minister's comments on that.

I support amendments 2 and 5, as their provisions could help to address such concerns.

The Deputy Presiding Officer: This is quite irregular, but I am happy to let Mr Stevenson in for a very quick statement.

Stewart Stevenson: I draw attention to my entry in the register of interests, which shows that I am honorary president of the Scottish Association for Public Transport and honorary vice-president of Railfuture UK. Thank you, Presiding Officer.

Humza Yousaf: Although they take slightly different routes to doing so, Neil Bibby's amendments 2 and 5 both seek to apply statutory requirements to the nature and level of training that officers should have in a particular operational policing area. Similar amendments were lodged by the Conservatives at stage 2. As I explained to the Justice Committee at the time, neither the Scottish Parliament nor the Scottish Government should attempt to intervene in operational policing by dictating fixed training requirements for police officers. Neil Bibby said that it was not his intention to do that, but his amendments would in effect be doing just that. We are aware of no precedent for Parliament prescribing requirements on the chief constable in that way, and the Scottish Government cannot support either of Neil Bibby's amendments.

John Finnie has made a number of pertinent remarks on the issue, both just now and during stage 2 committee consideration. He highlighted the point that the work of Police Scotland covers a wide range of specialist areas of expertise, all of which come with their own distinct skills, requirements, risks and specialist training. At stage 2 he mentioned firearms, dog handling, detecting explosives and vehicle examinations as just some of those areas. As he pointed out, health and safety legislation applies to all of those.

Of course, we do not attempt to determine what firearms qualifications, driving qualifications and so on police officers should have. Those are

operational policing matters. Once again, to borrow John Finnie's words, we should not be micromanaging the police. It is the chief constable who is responsible for operational policing. His responsibilities include ensuring that officers across Police Scotland have the specialist training that they need to carry out their duties. That is continually kept under review to meet operational requirements.

Police Scotland has written three times to the Justice Committee, providing details on the work that it is doing on training requirements for specialist railway policing. I refer interested members to that correspondence, which sets out how differing levels of requirements for specialist railway police training will be met. It is available on the Justice Committee's web pages. Police Scotland is currently working with the BTP on a detailed training needs analysis, and we should allow those with the expertise to continue with that work.

The Scottish Government opposes the amendments and I ask Neil Bibby not to press them. If they are pressed, I ask Parliament to reject them.

16:15

The Deputy Presiding Officer: I call Neil Bibby to wind up and press or withdraw amendment 2.

Neil Bibby: The bill in its present form makes no mention of training, yet the post-integration needs of Police Scotland and the associated costs have been a major concern of the British Transport Police Federation, the trade unions and members of the Justice Committee. I assure Stewart Stevenson and other members that I am not seeking a departure from current practice. However, without making specific provisions in the bill, the transport policing specialism could be diluted and specialist skills could be lost. We cannot allow that to happen.

There is not enough clarity or transparency about training in the bill, which is what my amendments, which are a refinement on stage 2 amendments, aim to address. As Stewart Stevenson said, my amendments are an improvement. They are about assigned duties, which is why I intend to press the amendments in my name.

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division at this stage, I suspend proceedings for five minutes.

16:16

Meeting suspended.

16:21

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 2.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 66, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Neil Bibby]—and agreed to.

Amendment 8 moved—[Humza Yousaf]—and agreed to.

Amendment 4 not moved.

Amendment 9 moved—[Humza Yousaf]—and agreed to.

After section 2

Amendment 5 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 66, Abstentions 0.

Amendment 5 disagreed to.

After section 6

The Deputy Presiding Officer: Group 3 is on review. Amendment 6, in the name of Neil Bibby, is the only amendment in the group.

Neil Bibby: Amendment 6 would create a review period that would begin on the day on which section 4 of the act comes into force and end no later than 12 months afterwards. Section 4 relates to the functions that will no longer be exercisable in Scotland—specifically the functions of the British Transport Police Authority. The amendment would require an independent review of the act, following a review period of no more than 12 months. The review body would be appointed by Parliament and should conclude its work no later than six months after the end of the review period. The Scottish Government should issue a response no later than six months after that. The Scottish Government may then, through regulation, modify the act in line with the recommendations of that independent review. Any regulations that are made under section 4 would be subject to affirmative procedure. In effect, 12 months after any new railway policing arrangements are put in place, Parliament could revisit the issue.

Not one of the principal stakeholders that are involved with the British Transport Police—the Transport Salaried Staffs Association, the National Union of Rail, Maritime and Transport Workers, the Associated Society of Locomotive Engineers and Firemen, the Scottish Trades Union Congress, the British Transport Police Federation, Abellio ScotRail, Virgin East Coast, Virgin West Coast and Arriva CrossCountry, to name just a few—supports the bill. The majority of respondents to the Scottish Government's consultation and the Justice Committee's call for evidence opposed the bill. Today, many of the critical issues that arose from the consultation and the committee's evidence sessions remain unresolved. Trade unions tell us that they believe that agreements on terms and conditions and pre-legislative scrutiny have been sacrificed for the sake of political expediency.

Amendment 6 is a safeguard against a rushed, reckless and irresponsible piece of legislation. It would guarantee that Parliament would revisit integration of the British Transport Police with Police Scotland. I believe that we will, if we pass

the bill today, be making a big mistake. If the Government will not listen, it should at least agree to revisit the legislation. That is why a review is necessary—an independent review on which Parliament would have a formal say.

I move amendment 6.

Margaret Mitchell: Amendment 6 seeks to strengthen scrutiny of the bill, should it be passed today at decision time. Given the lack of information that has been provided by the Scottish Government regarding the costs of implementation and regarding the legal structure by which British Transport Police officers will be transferred into Police Scotland, the setting up of an independent body to report on the operation of the act is not only an eminently sensible suggestion, but a necessary one.

Amendment 6 would also require that the report from the independent body be responded to by Scottish ministers in consultation with Parliament. Should the Scottish Government vote against the amendment today, it will merely confirm the lengths that it has been willing to go to in order to avoid thorough scrutiny of its decisions throughout this process and beyond.

In the interests of accountability and transparency, amendment 6 should be passed, which is why it has the full support of the Scottish Conservatives.

Mike Rumbles: Given the seriousness of the concerns that have been raised in relation to the bill, and the likelihood that the bill will, despite them, be passed into law later today, and given the slavish support that the SNP Government receives from its Green Party MSP partners—*[Interruption.]*

Well, they are its partners, are they not? *[Interruption.]* Look—we have a minority Government, do we not?

I certainly urge the Parliament—*[Interruption.]* Gosh! I certainly seem to have stirred some boxes.

John Finnie: Will the member take an intervention?

Mike Rumbles: No. I think that I would like to proceed.

I certainly urge Parliament to take steps to keep ministers on their toes.

Tom Arthur (Renfrewshire South) (SNP): Play the man, why don't you?

Mike Rumbles: It is interesting that, given all the negativity about the bill, SNP members can only heckle.

The lack of prior consultation and the determination of ministers—*[Interruption.]*

The Deputy Presiding Officer: Order. Can we have a bit of quiet please? It is difficult enough for us to proceed because we have a difficulty with the system without making it worse.

16:30

Mike Rumbles: As I was saying, given the lack of prior consultation and the determination of ministers to proceed with the dismantling of the BTP and its merger with Scotland's centralised police force, the least that we should do at this stage is place an obligation on the Government to review the legislation. That does not seem unreasonable to me, and it is as is proposed by Neil Bibby in amendment 6.

As the minister knows from amendments that were lodged by my colleague Liam McArthur at stage 2, Scottish Liberal Democrats believe that a more fundamental safeguard is required. As we will come to shortly in the context of the final amendment, we believe that implementation of the ill-judged proposals should be delayed until some of the significant flaws can be addressed—if, indeed, that is possible. For now, however, we are happy to support Mr Bibby's reasonable call for a review in the terms that are set out in amendment 6.

Humza Yousaf: I recognise the desire that is shown by amendment 6 from Neil Bibby for on-going parliamentary scrutiny of railway policing, following integration of the BTP in Scotland into Police Scotland. However, I do not believe that the approach that is set out in the amendment is the right one, and the Scottish Government cannot support it.

Well-developed mechanisms are already in place for parliamentary scrutiny of policing and policing legislation. I am sure that Neil Bibby does not intend to cast doubt on the effectiveness of those. Let me provide a reminder of what they involve.

Section 124 of the Police and Fire Reform (Scotland) Act 2012 already obliges Parliament to keep that act under review. It is in that very act that the majority of the Railway Policing (Scotland) Bill will make insertions. That means that a clear mechanism for review is already very much in place—via the Justice Sub-Committee on Policing—under which Parliament is obliged to review and report. Of course, it is also open to Parliament to conduct post-legislative scrutiny at any time.

The Justice Committee's stage 1 report also asked the Scottish Government to provide six-monthly progress reports to Parliament on the

work of the joint programme board. In responding to that report, I confirmed that we will do that. That will ensure that Parliament is kept up to date with progress on the board's work throughout the period of integration. I am happy to give an undertaking today that the Scottish Government will continue to provide progress reports for at least the first year following integration, in order to provide the opportunity for parliamentary scrutiny through the period to which Neil Bibby's amendment refers. I welcome Parliament's keen interest in ensuring that the newly devolved railway policing powers will be used effectively. Indeed, it is a fundamental premise of the bill that Parliament should scrutinise how policing of the railways is carried out in Scotland. The bill is about ensuring that railway policing is accountable to Parliament.

I was surprised to hear in Margaret Mitchell's contribution that she does not think that the bill has been scrutinised particularly well; she is convener of the committee that scrutinised it. Following Mike Rumbles's contribution for the Liberal Democrats, I remind him that his party also supported the bill at stage 1.

I do not believe that we need an independent reporting body and provision for yet more regulations when strong and effective scrutiny powers and processes are already in place. Amendment 6 would create duplication and, potentially, confusion. I ask Neil Bibby not to press the amendment, and I ask Parliament to reject it if he does.

Neil Bibby: Trade unions and staff associations have described the Scottish Government's approach to the bill as being "ideologically driven". Despite being presented with different options for devolution by the BTPA, it has been focused on one outcome, and one outcome only: breaking up the BTP. The weight of evidence is against it, the workforce is against it and police officers are warning that the break-up will be unsafe, yet the Scottish Government has carried on regardless. That is why it is important that we ensure and guarantee an independent review if the bill is passed. I welcome the support of the Conservatives and the Liberal Democrats, and I hope that the Greens will also support my reasonable request.

I will press amendment 6.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)

Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 65, Abstentions 0.

Amendment 6 disagreed to.

Section 7—Commencement

The Deputy Presiding Officer: Group 4 is on commencement. Amendment 7, in the name of Liam McArthur, is the only amendment in the group.

Mike Rumbles: In a sense, this is the last chance saloon for Parliament when it comes to dealing with the bill—a bill that has been rushed

through with inadequate consultation and despite overwhelming opposition among those who responded to the Government and those who responded to the Justice Committee's call for evidence. We supported the bill at stage 1 to see whether we could improve it, but it is proving impossible to do so. As my colleague Liam McArthur made clear at stage 1, Parliament has repeatedly heard concerns about the impact that the bill is likely to have on BTP officers and staff, on the availability of specialist expertise around the policing of our railways and even, potentially, on the ability of the railway operators to provide a safe and efficient service to the travelling public.

Since the stage 1 debate, we have been informed that Her Majesty's inspectorate of constabulary in Scotland was committed to producing a piece of work on the BTP this spring. The inspectorate's phase 1 work, involving an inspection of the efficiency, leadership and legitimacy of the British Transport Police, was to be followed in the autumn by phase 2, involving a joint inspection with the inspectorate south of the border into the effectiveness of the BTP. The inspectorate was to use its inspection activity

"to identify strategic issues relating to the devolution of railway policing in Scotland and the transfer of functions from BTP and the British Transport Police Authority to Police Scotland and the Scottish Police Authority",

yet the phase 1 report has not yet been made available. Perhaps the minister can shed light on that. What he cannot do, however, is persuade me and my colleagues that that delay will do anything to allay concerns among stakeholders and the wider public about the gung-ho fashion in which the SNP Government is blundering on with this latest policing merger.

Concerns have also been expressed about the ability of Police Scotland to accommodate yet more structural change. Audit Scotland has highlighted serious shortcomings in Police Scotland's financial management, many of the savings that were promised by ministers at the time of centralisation—a centralisation that we opposed—have not materialised and ministers are about to embark upon a wholesale review as part of policing 2026. In those circumstances, even Police Scotland's severest critics would not wish this latest merger on it. Add to that a Scottish Police Authority that cannot seem to keep out of the headlines at the moment and is on the hunt for a new chair after the resignation this month of Andrew Flanagan, and this looks like the wrong move, at the wrong time, for the wrong reasons.

If the Government is intent on pressing ahead, there is a compelling case for delaying implementation of the bill's provisions. Amendment 7, in Liam McArthur's name, proposes a delay of 10 years. I am grateful to

Stewart Stevenson, this time, for his helpful suggestion at stage 2 that the amendment should stipulate “no sooner than 2027”, which has been taken fully on board. Thank you, Stewart. I firmly believe that such a delay is in the interests not only of policing in Scotland, both on our railways and more widely, but of the travelling public and this Parliament, by allowing more time for the ground to be better prepared, even if the direction of travel remains the same.

I move amendment 7.

Margaret Mitchell: Amendment 7 delays the commencement of the bill to 1 April 2027. The delay would allow the Scottish Government to take into account the vocal opposition to the bill that has been heard in Parliament today and from almost every stakeholder who would be affected. From consultation through to stage 3, the Scottish Government’s intransigence and refusal to accept any measure to improve the bill has been nothing if not consistent.

A delay in the commencement of the bill would allow the Scottish Government to take on board the many valid and serious criticisms of the bill. In addition, it would provide a much needed opportunity for the other two options set out by the British Transport Police to be considered. Given the recent terrorist attacks and the fact that the United Kingdom is still on serious alert, this is not the time to rush through potentially dangerous legislation that puts the safety of staff and passengers on our railways at risk. I urge other members not to blindly adhere to the party whip and to join the Scottish Conservatives in supporting amendment 7.

Mairi Evans (Angus North and Mearns) (SNP): It will be no surprise that I completely disagree with the sentiments expressed by Margaret Mitchell and Mike Rumbles. I cannot support amendment 7, in the name of Liam McArthur, which is effectively a wrecking amendment and would introduce a delay for another decade.

What would happen in Scotland in the interim, particularly if the Tories’ plans in England go ahead? We have to bear that in mind when we consider the amendment. Let us not forget what the Conservative 2017 manifesto says:

“We will create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.”

Why is it one rule down there and another up here? I get the feeling that the Tories are against it because it is an SNP proposal.

There are a number of reasons why I support the bill as it stands. The map of the rail network in

Scotland shows that there is a vast area north of Perth towards the Highlands and north of Dundee towards Aberdeen that is serviced by secondary and rural lines. That area is currently covered by 28 officers, located at Perth, Dundee, Aberdeen and Inverness. That means that dozens of rural stations are covered 24 hours a day by only 28 full-time officers on a rotational shift basis. The area covers approximately a third of the entire rail network in Scotland, which is just over 2,800 km in total.

The cabinet secretary already informed the Justice Committee that policing of railway incidents that occur beyond the central belt is

“largely delivered by Police Scotland”.—[*Official Report, Justice Committee, 28 March 2017; c 13.*]

I know that from experience in my constituency, and it happens because of the length of time that it takes British Transport Police officers to respond.

By agreeing to the amendment, we would limit—to use Liam McArthur’s phrase—the “availability of specialist expertise” until April 2027. We received written evidence from Assistant Chief Constable Higgins, who saw the bill as

“an opportunity to weave railway legislation ... and other associated elements into the curriculum for probationer training. This will allow every officer joining Police Scotland to operate safely in the railway environment.”

He said that that will

“ensure that all officers have an understanding of the requirements of working on the railways, including legislative inputs, policing powers, safe systems of working, line disruption and track safety.”

The Deputy Presiding Officer: You must come to a close, Ms Evans.

Mairi Evans: I am just coming to a close, Presiding Officer.

It seems to me that having well-trained Police Scotland officers and a specialist railway division within Police Scotland benefiting from working alongside experienced British Transport Police officers can only lead to an improvement of the service, not just for rural communities, but across the whole railway network. That will—

The Deputy Presiding Officer: You must close, Ms Evans.

Mairi Evans: It will bolster the services that we have instead of diminishing them.

The Deputy Presiding Officer: I remind all members that there will be a debate following our stage 3 deliberations and that stage 3 deliberations are time limited. When I say that a member must come to a close, they really must do so.

16:45

Claire Baker (Mid Scotland and Fife) (Lab):

There are serious concerns about the timing of the bill and the significant challenges that are facing Police Scotland and the SPA. Audit Scotland has identified a financial black hole that Police Scotland is struggling to fill; Her Majesty's inspectorate of constabulary in Scotland has recently identified a lack of leadership and poor financial management at the SPA; and we can all point to difficulties arising from the handling of the police merger. The 2026 police strategy has just been published and our focus must be on building confidence in Police Scotland and delivering a modern police force.

Breaking up the British Transport Police has been identified as the most expensive and high-risk option for the devolution of the functions of the British Transport Police. I agree that now is not the right time to push forward with the merger.

Humza Yousaf: During the Justice Committee's stage 2 consideration, we debated a similar amendment to Liam McArthur's amendment 7, which Mike Rumbles has moved. No one in the chamber will be surprised to hear that I strongly opposed the stage 2 amendment, and that I will oppose amendment 7.

Amendment 7 would delay commencement of the bill to

"no sooner than 1 April 2027",

which would potentially mean an even longer delay than would have been the case under Liam McArthur's stage 2 amendment, under which the provisions would have commenced on the exact date of 1 April 2027.

As Mike Rumbles has explained, Liam McArthur's reason for proposing such a delay is to give more time for the SPA, Police Scotland and others to prepare. However, in the Justice Committee's evidence sessions, the chief executive of the SPA and ACC Bernie Higgins of Police Scotland both gave their view that the target date for integration of 1 April 2019 is achievable. ACC Higgins went further and described it as "a luxury".

In the stage 1 debate, I referred to the work of the joint programme board that is overseeing the overall programme of work to integrate the BTP in Scotland into Police Scotland for that date. Through the board, the Scottish Government is working closely with the UK Government, the SPA, the British Transport Police Authority, Police Scotland and of course the BTP. In that debate, I gave an undertaking that we will provide six-monthly progress reports to Parliament on the work of the joint programme board, in line with a recommendation in the Justice Committee's stage

1 report. Those progress reports will provide regular opportunities to scrutinise progress.

Our readiness is one part of the picture, but another crucial question is what would happen to railway policing in Scotland in the meantime if we decided to sit back and wait, as amendment 7 suggests. Mairi Evans made the point well that, as I am sure members are now very aware, the Conservative manifesto for the recent UK elections set out an alternative path for the BTP. Mairi Evans was slightly wrong when she said that it was in the UK Tory manifesto, as in fact the Scottish Conservative manifesto also sets out that the BTP is to be integrated with the Civil Nuclear Constabulary and the MOD Police into a new national infrastructure police force. If the Conservatives have their way, it is likely that there will no longer be a British Transport Police by 1 April 2027. I therefore believe that we should continue on the timescales that we and our partners are currently working to.

In relation to the points that have been made—

The Deputy Presiding Officer: You must close please, minister.

Humza Yousaf: It would be remiss of any member to suggest that integration will somehow compromise safety. The response to recent attacks has shown that Police Scotland can provide an armed response at transport hubs.

I ask Mike Rumbles not to press amendment 7 but, if it is pressed, I ask Parliament to reject it.

Mike Rumbles: In response to the minister, I point out that ACC Higgins's reference to the timeframe being generous only underscores the other difficulties that ACC Higgins and his colleagues are grappling with. It should not be taken as enthusiasm on his part for taking on that increased workload and further structural change.

I am not surprised that the minister opposes amendment 7, and I am sure that it will be disagreed to, with the help of his Green friends and partners on the other side of the chamber, who seem to support everything that the SNP Government does. [*Interruption.*] I have obviously struck a chord there, because there seems to be dissonance on the SNP back benches. I will press the amendment.

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No!

The Deputy Presiding Officer: Clearly, there will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Con)

Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 66, Abstentions 0.

Amendment 7 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments to the Railway Policing (Scotland) Bill.

As members will be aware, at this point in the proceedings the Presiding Officer is now required under standing orders to decide whether the motion to pass the bill will require support from a supermajority of members: that is, a two-thirds majority, which is 86 members. In this case, the Presiding Officer has decided that, in his view, no provision in the Railway Policing (Scotland) Bill relates to a protected subject matter. Therefore,

the bill does not require a supermajority to be passed at stage 3.

Railway Policing (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): Time is tight as we have run slightly over. The next item of business is a debate on motion S5M-06356, in the name of Humza Yousaf, on the Railway Policing (Scotland) Bill.

16:52

The Minister for Transport and the Islands (Humza Yousaf): I am pleased to open this stage 3 debate on the Railway Policing (Scotland) Bill. I thank all those who have contributed in different ways to parliamentary consideration of the bill. I am grateful to members of the Justice Committee and the Delegated Powers and Law Reform Committee for their detailed scrutiny of the bill, and the constructive and helpful recommendations that were set out in their reports. I also thank members for their contributions during the stage 1 debate, as well as today.

I am particularly grateful to all those who took the time to contribute oral and written evidence to the Justice Committee. That input is vital to effective parliamentary scrutiny and it is important that there is an opportunity for all perspectives to be heard. The committee's report has done an excellent job of summarising those perspectives and setting out for us how they should be taken into account. We have responded positively to many of those recommendations.

This Parliament is now accountable for railway policing in Scotland. I believe that the process of parliamentary scrutiny of the bill demonstrates a clear appetite to take those responsibilities seriously on behalf of the people of Scotland. Scotland's railways are a vital component of our national infrastructure, and the specialist railway policing function that the British Transport Police provides is highly valued by the Scottish Government, the rail industry, railway staff and, of course, passengers.

In taking forward the bill, our primary objective is to maintain and enhance the high standards of safety and security for railway users and staff in Scotland. Police Scotland has confirmed to the Justice Committee that its intention is to maintain a specialist railway policing function within its broader structure. Assistant Chief Constable Higgins of Police Scotland gave an assurance that Police Scotland would respect the right of any member of the British Transport Police who transfers to police the railway environment until they retire.

Elaine Smith (Central Scotland) (Lab): During the consideration of amendments, I raised an issue that was not addressed, and I would like the minister to address it now. What will happen to the

emergency intervention units? What will their status be if the bill is passed?

Humza Yousaf: As was mentioned during the consideration of amendments, the operation of the emergency intervention units will continue to be an operational matter for the chief constable; it would not be for the Parliament or the Government to intervene on that. It would be fair to say that, for all of us—the chief constable of Police Scotland, the Government and Opposition members—the safety of those who travel on or work on our railways is of paramount importance.

It is extremely important that we preserve the existing specialist railway policing expertise. We have said that we want that to continue post-integration, and ACC Higgins has said that that will be the case. I welcome the amendment that John Finnie lodged at stage 2—which was agreed to—to include that guarantee in the bill.

The integration of the BTP in Scotland into Police Scotland will deliver an integrated approach to transport infrastructure policing in Scotland and will bring railway policing alongside the policing of roads, seaports, airports and border policing. Integration is about providing a single command structure for policing in Scotland so that there is access to wider support facilities and specialist resources. Crucially, those include Police Scotland's counter-terrorism capabilities. The size and nature of a single police service in Police Scotland enables it to flex rapidly to deal with dynamic situations. In response to recent events, we have seen an increase in armed police response, for example at transport hubs. That is a response that is not provided by the BTP—it is provided by Police Scotland.

Another key benefit that the bill provides is that of directly improving the accountability of railway policing in Scotland to those who depend most upon it. It establishes a mechanism for railway operators to agree with the Scottish Police Authority and Police Scotland on the service, performance and costs of railway policing in Scotland. As we heard earlier when we considered the amendments, the bill places the SPA under an obligation to seek the views on railway policing matters of passengers, railway employees, police constables and staff, and others.

I am aware that members have received correspondence from the British Transport Police Federation expressing some doubt about the guarantees that we have set out on terms and conditions for officers and staff who transfer to Police Scotland. I would like to repeat those assurances so that members can be clear that there is no such doubt. I remain absolutely committed to our triple-lock guarantee to secure the jobs, pay and pensions of railway policing officers and staff in Scotland.

Just this morning, I launched the hate crime charter, which the City of Edinburgh Council, alongside a number of transport providers, has developed to stamp out all forms of hatred on our transport networks. I spoke to BTP officers, who told me that they had received reassurances—they were almost quoting them verbatim—on the triple-lock guarantee. Of course, the devil will be in the detail. The discussions of the joint programme board will be extremely important in taking forward the commitment that we have given in that regard.

On 9 May, I gave a clear assurance that the terms and conditions, pay and pensions of officers and staff who transfer will be the same as they are currently, or that an equivalent level of benefit will be provided to ensure that transfer takes place on a no-detriment basis. On pensions, the Cabinet Secretary for Justice is on record as saying that our starting point is that officers and staff who transfer will retain access to their current pension scheme. Passage of the bill will enable the steps to deliver those commitments to proceed, including secondary legislation in the United Kingdom Parliament. Although considerable work on the detail must follow, our commitment to those guarantees is absolutely clear.

I would like to address again the suggestion that some members have previously made that there are alternative ways of using the powers over railway policing that have been devolved to the Scottish Parliament. The Scottish Tories said during the stage 1 debate on the bill that their favoured alternative was

“to enable the BTP to continue in Scotland and across the UK”,

and that

“devolution offers the chance to keep the single British Transport Police force”.—[*Official Report*, 9 May 2017; c 42, 77.]

It was with some surprise, then, that when I opened the Scottish Conservative Party manifesto for the recent UK elections I read the following:

“We will create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.”

Oliver Mundell (Dumfriesshire) (Con): Will the minister accept an intervention on that point?

Humza Yousaf: Yes.

Oliver Mundell: I thank the minister for taking an intervention. Does he recognise, although it might not be convenient to the political point that he is trying to make, that there is a big difference between consolidating specialist policing across the UK and amalgamating specialist policing into a single police force that deals with all aspects of policing?

Humza Yousaf: The member highlights why there is one rule for Westminster and another for Scotland. One of the reasons why we are doing this is accountability, but the other reason is to ensure that there is integration between railway policing and other transport modes, whether that is seaports or airports. If the member can accept that that is the case for what he claims is happening in England and Wales, why does he not accept that that is what we are trying to do up here in Scotland, too—to integrate railway policing with the policing of seaports, airports and so on and so forth?

Given the Conservatives' manifesto commitment to merge the BTP south of the border into a bigger national infrastructure force, I would have expected that we could count on Conservative support for the bill. However, given Oliver Mundell's intervention, that will probably not be the case.

Members can now be in no doubt whatever what the Conservatives would do if we left the decision on railway policing in Scotland to the UK Government. Railway policing in Scotland would still be integrated, but not with the policing of the rest of Scotland's transport infrastructure, which is what we want. Instead, railway policing would be integrated, bizarrely, with the strategic road network of England and Wales and with the policing of nuclear and Ministry of Defence sites. There is no synergy in that, no logic, and indeed no comprehension. I hope that no one in the chamber today considers that to be a valid alternative to the one that we have set out in the bill.

The Deputy Presiding Officer: Minister, time is tight. Could you conclude your remarks and move the motion, please?

Humza Yousaf: The Tories have effectively called in their manifesto for the abolition of the BTP. I urge members to support the Railway Policing (Scotland) Bill, to ensure that specialist railway policing in Scotland is accountable, through the chief constable of Police Scotland and the SPA, to the people of Scotland.

I move,

That the Parliament agrees that the Railway Policing (Scotland) Bill be passed.

The Deputy Presiding Officer: I call Oliver Mundell. You have a tight six minutes, Mr Mundell.

17:02

Oliver Mundell (Dumfriesshire) (Con): When it comes to a bill such as the Railway Policing (Scotland) Bill, it is easy to get caught up in debating the detail. After all, in most cases, that would be a prudent use of our time. However, this

proposition is not about the facts, the evidence or what works. We know that for certain because, if it was, the proposed integration would never be before us. Instead, this ill-judged and ill-thought-out idea is before us for one reason and one reason only: the Scottish National Party Government's constitutional and ideological obsession with control.

It gets right to the heart of everything that has gone wrong on the SNP's watch. To many watching at home, it will seem absurd that we are spending our time debating the break-up of the only division of policing that is working well in Scotland at the moment.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the member give way?

Oliver Mundell: No, I will not give way at this time.

Arguably, never in the history of legislation has such anger and ill feeling been invoked to deliver so little.

The Cabinet Secretary for Justice (Michael Matheson): Will the member give way?

Oliver Mundell: No, I will not give way.

Michael Matheson: That is an appalling thing to say.

Oliver Mundell: I will not give way.

The Deputy Presiding Officer: Cabinet secretary, be careful.

Oliver Mundell: Under this Government we have seen ministers prioritise change for change's sake rather than addressing the on-going chaos at Police Scotland and the Scottish Police Authority. At a time when accountability, scrutiny and transparency are absent in the line of duty, ministers have, with no hint of irony, had the brass neck to come to the chamber and knowingly ask us to make those problems worse.

Humza Yousaf: Will the member take an intervention?

Oliver Mundell: I will not take an intervention.

Humza Yousaf: I took an intervention from the member.

Oliver Mundell: That was the minister's choice.

The problems, lest we forget, have been created and have festered on the SNP's watch. It is therefore unsurprising that I, for one, take all the Government's promises on the integration of the British Transport Police with a pinch of salt. Throughout this process, ministers have sought to plough ahead with a single option. They have ignored the proposals for a different model that were put forward by the British Transport Police

Authority and they have discounted the many voices of those who raised real concerns about their dangerous plan.

The Minister for Transport and the Islands has admitted—

John Finnie (Highlands and Islands) (Green): Will the member take an intervention on that point?

Oliver Mundell: I will not take an intervention.

The minister has admitted in the past that he is no expert on transport matters. Perhaps that is forgivable in SNP land, but what is unacceptable in this case is to ignore the experts.

Humza Yousaf: Will the member take an intervention?

Oliver Mundell: I am not taking interventions, Presiding Officer, because the Scottish Government, throughout the scrutiny of the bill, has chosen to ignore the voices of the witnesses whom we have heard from. Countless organisations, which I will name, have raised concerns.

It is unacceptable for the Scottish Government to dismiss those who work at the coal face and to suggest that, after the failings in police policy that have occurred on its watch, it is somehow still remotely credible to suggest that it knows better. No one is buying it this time. Indeed, the list of those with concerns is almost as long as the Scottish Government's list of excuses when it comes to policing matters. The BTP, the Rail Delivery Group, the BTP Superintendents Association Branch, the National Union of Rail, Maritime and Transport Workers, the Associated Society of Locomotive Engineers and Firemen, the Transport Salaried Staffs Association, ScotRail, CrossCountry, Virgin Trains East Coast, TransPennine Express and even the Samaritans, to name but a few, have all expressed varying degrees of concern, but do not worry, folks—the Scottish Government has everything in hand. It will all be fine—until it is not, at which point it will not be its fault, and it will be too late to go back to how things used to be.

Today, we have a chance to say, “No more.” We have a chance to draw a line under the mistakes of the past and to learn from them. We have a chance to tell ministers to focus on getting their own house in order; to demand that they divert their efforts to steadying the ship at Police Scotland and the Scottish Police Authority; to leave our British Transport Police intact until we see the 2026 vision for our police service successfully delivered; and to see the accountability, scrutiny and transparency in action before we commit to more upheaval.

If recent experience is anything to go by, sometimes we are better with the devil we know. The seemingly insurmountable and never-ending state of crisis that has engulfed the single police force tells us that integration and institutional transformation can be more expensive and less efficient and deliver a poorer service than just leaving those who are doing a good job to get on with it.

To ignore the warnings of the past seems foolish, but to ignore the warnings of the present is unforgivable. This is so plainly the wrong time for integration, and the wrong model. That is why the Scottish Conservatives remain fundamentally opposed to the integration of the British Transport Police into Police Scotland. The bill is not fit for purpose. We believe that, under the SNP Government, the risks of a botched job far outweigh any of the supposed benefits. What is more, we believe that the reckless way in which the SNP Government has bulldozed its preferred option through this Parliament will put public safety at risk on our railways.

We believe that, much like a runaway train, the bill needs to be halted in its tracks. I therefore urge members to vote it down at decision time and send this out-of-touch Government back to the drawing board.

17:08

Claire Baker (Mid Scotland and Fife) (Lab): I thank the Justice Committee for all the work that it has undertaken during the passage of the bill. Unfortunately, many of the concerns that have been raised are still unanswered. That has led us to the position that we find ourselves in today. We have attempted to strengthen the bill and address some of those concerns through my colleague Neil Bibby's amendments this afternoon. Although we do not agree with the direction of the bill, the amendments that were agreed to represent a step in the right direction. They will help to reassure workers and the unions about the importance of representation in the new organisation. There is, however, still a job to be done to address the training concerns and the concerns about potential loss of expertise.

From the first consultation exercise, industry experts have resisted the Government's plans to integrate the British Transport Police into Police Scotland, yet the Scottish Government has pushed on regardless, ignoring calls for reflection and fuller consultation. It has been determined to push the bill through Parliament without fully looking at all the options available to it. It has chosen to ignore the concerns of staff and unions. That is regrettable.

A number of serious concerns have been raised throughout the process, and serious operational and financial questions remain unanswered. The bill is an expensive plan to fix something that is not broken. That is why we ask the Scottish Government not to pass the bill today but to pause and use the summer recess to engage with the trade unions, the industry at large and the British Transport Police to look at all the options that are open to achieve devolution. We know that there are at least three options, of which the bill is only one.

I make it clear that we are not saying that there should be no change. Scottish Labour agreed to the Smith commission report and we accept the principles that were agreed to, including the one that stated that the functions of the British Transport Police should be devolved. However, we do not agree with the conclusion that the Scottish Government has come to. We believe that we could have positive change and we must be confident that what is proposed is the right option. I remain unconvinced that the bill is the right option.

The bill will impact on cross-border rail services. According to evidence heard at committee, that could mean a reduction in the effectiveness of tackling major UK-wide issues, such as terrorism. The bill could mean a loss of expertise in our force.

John Finnie: Does the member recognise that the assistant chief constable gave the examples of the arrangements of the British Transport Police through the tunnel and into France? He did not see a challenge.

Claire Baker: Serious concerns were raised at committee by the British Transport Police Federation and other trade unions about effectiveness in tackling major incidents, and about the break-up of the British Transport Police. Notwithstanding John Finnie's comments, I do not think that those concerns have been adequately addressed through the bill process. They certainly have not been addressed enough to satisfy the British Transport Police Federation.

The bill could mean a loss of expertise in the force and there are real concerns that such integration could lead to increased costs for rail operators and the general public either through increased fares or a reduction in the quality of service as operators' funds are diverted to the increased costs of a merger. We have also heard many times that continuing with the bill would impact on the terms and conditions of service for current BTP officers and staff, and that future staff will not receive the same terms. None of those concerns has yet been fully addressed by the Government and no agreement on moving forward is in place.

The D division of the British Transport Police works for us here in Scotland, and we should be thanking those officers for their dedicated hard work, not threatening the organisation's existence. The legislation has been rushed. There is more than one option for the future of the British Transport Police that would meet the objectives of the Smith commission but the options have not been given the proper scrutiny or consultation that they deserve. There is the option of a non-statutory devolved model of governance and accountability that could be achieved through administrative rather than legislative means. There is also the option for a statutory devolved model.

We believe that all options should be properly explored, but instead we have a Government that is determined to put legislation through Parliament that cannot command consensus. The rush to integrate D division into Police Scotland with overview from the SPA—an organisation that faces significant financial and governance difficulties—introduces a level of risk to transport policing that is not in the best interests of passengers. The bill has no manifesto mandate, no public support and very little industry support. It has operational concerns and serious financial unknowns. Scottish Labour cannot therefore support the bill this afternoon.

17:13

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I was disappointed to hear Oliver Mundell attacking many of my constituents who work for the Ministry of Defence Police and look after the St Fergus oil and gas terminal. They are effective, as policing across Scotland in all our forces is effective. The police are part of the reason why offending in Scotland is at a 42-year low.

Let us talk about borders. Claire Baker raised the issue of cross-border policing. We might have slightly forgotten that the British Transport Police is not a UK-wide force but a Great Britain police force. The Police Service Northern Ireland shares responsibility with An Garda Síochána for the policing of the railway system in Ireland. That involves a border between two states and the performance of policing there is no worse, being broadly similar to the performance of policing here. There are organisational models that we can choose and, when we look at that as an example, there is absolutely no reason to believe that we will have any difficulty.

Claire Baker also reminded us of the Smith commission, which was the genesis of the discussion that we are having today, and the unanimity of the view that the powers should be transferred to Scotland.

If a member of the public sees someone in a police uniform, they do not ask what police service they work for; indeed, they will not be aware of which service they work for. They simply recognise that they are a policeman or a policewoman and they will go to them for succour, information or assistance or to report problems, regardless of which police force they are with. A unified system that looks after Scotland has significant advantages, removing difficulties at interfaces.

There is not a huge amount of crime on the railway. The British Transport Police deal with about 10 offences a day in Scotland, which equates to 5.5 crimes a day—I am not sure why the figures are different.

The point has been made that, if we are to take on responsibility for railway policing, we should not do it now. However, I am reminded of the old saying that one should repair the roof of one's house when the sun is out. In other words, we would be under the most immense criticism if we were to look at reorganising this facet of our policing in response to a crisis. Frankly, it is far better that we do it in a measured way that has taken place over several years.

Railway policing is not new. The Metropolitan Police opened for business on 29 September 1829 and the railway police started three years earlier. They have been around for a long time indeed.

I congratulate Neil Bibby on what has been a positive engagement. He has done something that Opposition members do not always get to do: he has managed to amend a Government bill. It took me about four years to succeed in doing that, despite my considerable efforts. He has done a good and useful thing.

We have had a great debate about personal track safety certificates. Whenever a police officer is close to an operational railway, it is important that they have the proper training. I have complete confidence that the chief constable will ensure that such training is provided to officers who have to be close to operational railways.

The bill is an excellent step forward, and I will be happy to support the Government come decision time tonight.

17:17

Liam Kerr (North East Scotland) (Con): During the stage 1 debate, Douglas Ross, who was then an MSP for the Highlands and Islands, said of the proposals:

“To forge ahead regardless, ignoring the advice of so many experts and professionals, would be the wrong thing to do.”—[*Official Report*, 9 May 2017; c 44.]

As we debate the bill at stage 3, it gives me no pleasure to note that his words are being ignored.

Stakeholders remain overwhelmingly opposed to the proposals. The Rail Delivery Group has stated that integrating the service is not in passengers' interests. The BTP warns that

“a deep and clear understanding of the unique requirements of the railway”

will be lost. The unions have expressed concerns about the safety of railway staff and passengers, and the RMT, ASLEF, the TSSA and the Scottish Trades Union Congress explicitly state that they oppose the bill. CrossCountry has said that the plans present a

“massive risk to network resilience”.

Just last week, we all received an open letter from the British Transport Police Federation, in which it stated that

“the security of passengers and rail staff is being risked in pursuit of rushed and ill-considered legislation”.

Virtually an entire industry is saying that the proposals will lead to increased delays for passengers, to compromised safety of passengers and staff, to lost expertise and to the dilution of the unrivalled specialism of existing railway policing. Yet, like Oliver Mundell's runaway train, the Government barrels on, ignoring the danger signals and all desperate attempts to apply the brakes.

The BTP Federation and the commission on parliamentary reform have expressed grave concerns about the speed at which the bill has progressed through the Parliament, and they are right to do so. The bill was introduced on 8 December 2016 and was debated at stage 1 last month. However, according to the BTP Federation,

“right from the outset, there has been no acknowledgement of our views or those of the police officers ... because a simple decision has been taken that there is only one option—that of full integration.”—[*Official Report, Justice Committee*, 14 March 2017; c 36-37.]

Michael Matheson: Will the member take an intervention?

Liam Kerr: There is no time—I am sorry.

The people have had no time to grasp fully and unreservedly the consequences and the challenges of the legislation. If only we could be confident that the Scottish Government was working off a template that worked. If only there were a seamless police merger that had delivered major benefits for the public; reduced costs; developed and integrated a cost-effective, functioning information technology system; increased public confidence in the police; reduced stress absence among those who deliver vital

services, enabling them better to serve the public; and created a force that was operating so well that it was crying out for additional major responsibilities. If only there were such a merger, like the Police Scotland merger—or perhaps not.

It does not make sense to pursue this merger when the rail operators, the rail unions, the travelling public, the BTP Federation and the BTP itself do not want it, and when Deputy Chief Constable Hanstock has remarked that the plans have no “operational or economic benefits”.

Humza Yousaf: Will the member take an intervention?

Liam Kerr: I have four minutes; I cannot take interventions. I am sorry. There are important points to be made.

It does not make sense to pursue the merger when the bill appears to go against public safety—*[Interruption.]* The whole problem with this debate is that we are rushing—

The Deputy Presiding Officer: I do not want discussions to take place across the chamber. The minister can deal with some of the points when he sums up.

Liam Kerr: Thank you, Presiding Officer.

Lord Chesterfield said:

“Advice is seldom welcome, and those who need it the most, like it the least”.

SNP back benchers will care little for my advice, but this is the opportunity for the Scottish Government to listen to the evidence, to members across the Parliament who, having considered the evidence, refuse to support this misguided bill, and—most important—to industry experts, who have been resolute in their opposition.

If there is any doubt about whether passing the bill could prejudice safety, the precautionary principle mandates that members vote against it. That doubt exists. Members must decide, when voting tonight, whether they will follow the experts, the evidence and the industry and vote against the bill or herd behind Michael Matheson and Humza Yousaf. If the bill is passed today, and if, in the future, any of the warnings that have been expressed during this extraordinarily truncated process turn out to have been prescient—God forbid—the members who voted for the bill against the expert advice should remember that the voting record does not change. I know which column I want my name in.

17:21

Rona Mackay (Strathkelvin and Bearsden) (SNP): The Railway Policing (Scotland) Bill is an extremely important piece of legislation that will

strengthen and complement the work of Police Scotland.

Amendments in the names of Neil Bibby and Liam McArthur would have altered and delayed an essential piece of legislation that is crucial to the policing of Scotland. Recent events have demonstrated how important it is to have a co-ordinated, single-force approach to public safety. Even the naysayers of a Scotland-wide police force now agree that the force is working well and that eight legacy forces could not have achieved such an effective response to the recent heightened threat level.

As Mairi Evans said, the irony of the situation is that the 2017 Tory manifesto proposes the creation of a national police force, integrating the MOD Police, the BTP and the Civil Nuclear Constabulary. The inference is that it is okay for that to happen in England but not in Scotland. There is no logic to that, and the Tory position is rank hypocrisy. Oliver Mundell’s comments were outrageous, disrespectful to Police Scotland and inaccurate—his speech was simply, “SNP bad”.

The integration of the BTP with Police Scotland will make the service fully accountable to the people of Scotland and the Scottish Parliament, which is entirely as it should be. Railway policing is currently accountable to the British Transport Police Authority, the Department for Transport and the Secretary of State for Transport in England and Wales. That is simply undemocratic.

More than 93 million rail journeys are made in Scotland each year, and there are another 8 million cross-border rail journeys, so it makes sense to upskill all police officers to ensure greater public safety and the security of our country. Should the bill proceed, after 2019 every Police Scotland officer will be trained in policing the railways. Officers will get exactly the same three-week training as is currently received only by BTP officers.

The specialism of transport policing will be retained, and Police Scotland has confirmed to the Scottish Parliament that a bespoke railway policing unit will be established for Scotland, to recognise and keep that specialism. The unit will sit alongside the specialist road policing unit that already exists and the ethos and specialism of railway policing will be enhanced, not diminished. In addition, as Mairi Evans said, rural areas that are currently not served by the BTP will benefit from having specially trained officers on hand to deal with incidents.

In amendment 5, Neil Bibby proposed that the Scottish ministers should specify the required level of personal track safety training. Does he really want to hand over operational duties to politicians?

Does he not trust the knowledge and expertise of the chief constable?

Liam McArthur's amendment 7 would have delayed integration until 2027. It might have been more honest of the Lib Dems just to say that they do not want integration. There are currently 285 full-time-equivalent BTP officers in Scotland and more than 17,000 regular police officers, so integration can only improve the service to the rail network throughout Scotland.

There was concern over the transfer of BTP staff and their pay and conditions through the course of integration. However, in December 2016, in a letter to the BTPF, the Cabinet Secretary for Justice gave a triple-lock guarantee to secure the jobs, pay and pensions of railway police officers and staff in Scotland. The minister confirmed that today. There will be no detriment to pay or pensions and no redundancies—it could not be clearer than that.

Contrary to the comments from the BTPF's Nigel Goodband, Assistant Chief Constable Higgins described the timescale for the negotiations as a luxury and said that the engagement between the Scottish Government and the railway industry had been praised by both sides.

The Deputy Presiding Officer: You have nine seconds.

Rona Mackay: Everyone agrees that the British Transport Police do, and have consistently done, a superbly professional job of keeping the rail-travelling public safe. The integration of railway policing—

The Deputy Presiding Officer: And that, I am afraid, Ms Mackay, is it. You should look at me rather than just plough on. I waved my pen. Please sit down.

17:25

Neil Bibby (West Scotland) (Lab): From the outset, Scottish Labour has been clear that it supports the devolution of the British Transport Police in Scotland but cannot support the force's dissolution in Scotland. The path that the Government has chosen is the wrong one. Members should make no mistake: it is a political choice, not a necessity. Labour will oppose the SNP's attack on the British Transport Police and will also oppose in the House of Commons any attempt by the Conservative Government to attack the force.

There are alternatives to the dismantling of the British Transport Police as we know it and its integration into Police Scotland—alternatives that were set out by the British Transport Police Authority and that many people in the rail industry

believe were never given serious consideration. I remind members what the Rail Delivery Group has said about the integration:

“the reason behind undertaking the integration is because it can be done as opposed to there being a well set out argument as to why it should be done.”

The British Transport Police Federation said:

“there has been no acknowledgement of our views or those of the police officers whom we represent, because a simple decision has been taken that there is only one option—that of full integration.”—[*Official Report, Justice Committee*, 14 March 2017; c 36-37.]

It is shocking that the Government is ignoring the fundamental views and concerns of our police officers. The TSSA, which represents BTP staff, has also said that

“the idea of integration is first and foremost that of a political agenda that overrides the implications for policing”.

We have before us a bill that will break up a police service that has been subject to more reviews by Her Majesty's inspectorate of constabulary than any other in the country. It has consistently been found to be efficient, to be cost effective and to carry the confidence of the travelling public. Not one of the principal stakeholders involved with the British Transport Police believes that integration is necessary, and not one believes that it will make the policing of our railways any better or make passengers any safer—not the officers, the staff, the train operators or the rail unions. If the train operators and the rail unions agree, surely we should listen.

Humza Yousaf: Claire Baker said that the status quo is not an option. She is correct. Neil Bibby has had since 2014, when the Smith commission conversations took place, to decide what the alternative should be. In his last minute and a half, will he at least give an indication of what model he proposes for the British Transport Police?

Neil Bibby: We must listen to the concerns of officers, staff, train operators and rail unions. We have to go back to the drawing board and look at the matter again. The Government is making a big mistake.

When the Justice Committee took evidence at stage 1, the majority of respondents raised concerns about the terms, conditions and pension rights of BTP officers and staff. The First Minister said in the chamber last week that assurances would be given to the workforce, and those assurances have been reiterated today. However, no agreement has yet been reached. I hear what the minister says but, as recently as last Tuesday, the BTP Federation wrote to MSPs to say that staff associations were yet to be included in any discussions. Our police officers are saying that the

Scottish Government and civil servants are paying lip service to that crucial aspect of the process.

Despite the amendments that were agreed to today, which are welcome, the rail unions will still strongly oppose the bill and the merger. They have warned that, because of what they call the Scottish Government's intransigence, there could be industrial action on our railways. That would be action not just to protect jobs and conditions but to protect a service that makes an invaluable contribution to public safety.

Nigel Goodband, the chairman of the British Transport Police Federation, wrote to the transport minister, personally warning that it would be "imprudent" to go ahead with the integration when the terrorist threat is severe and transport hubs are a target. He said:

"BTP Federation firmly believes that the travelling public and the railway staff in Scotland will be safer if they continue to be policed by officers of the BTP ... in the face of such a threat."

Those are grave and serious warnings. It would be unthinkable that those warnings should be ignored. Police officers should be focused on protecting the public and doing their job, not implementing a merger that nobody wants.

The Deputy Presiding Officer: Please stop there. I am letting you stop at that point—I am sorry, but we are very short of time.

17:30

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I, too, will be supporting the bill at stage 3 and the integration of railway policing into the overall structure of Police Scotland. I will be doing so for two main reasons.

The proposal is not change for change's sake, as has been alleged from the Opposition benches; it is about enhancing the provision of policing on our railways while maintaining the specialism of BTP and making it part of Police Scotland's holistic service.

Integrating BTP with Police Scotland is an opportunity to improve railway policing in Scotland. Integration will enhance railway policing by allowing direct access to the specialist operational resources of Police Scotland.

As Assistant Chief Constable Higgins told the committee:

"It is a sensible move ... Police Scotland currently looks after the entire transport network in Scotland ... so it is sensible for it to look after the rail network as well."

He also spoke about the extra capacity that will be available, stating:

"the reality is that Police Scotland is the second-largest force in the United Kingdom, with some 17,000 officers and

assets that are simply not available to the British Transport Police D division. Although at present we will deploy those assets on request, they will be routinely deployed should integration take place. That will lead to greater effectiveness and efficiency and, in my view, a greater ability to deploy more resource to locations that currently do not receive"

such support. Furthermore, Chief Constable Crowther from the British Transport Police stated that, operationally,

"Police Scotland has the full range of specialist capabilities available to it"

and added:

"Police Scotland has everything that it needs"—[*Official Report, Justice Committee, 7 March 2017; c 4 and 6.*]

to police the railway in Scotland.

The Opposition has alleged in the debate that the operators oppose the proposed legislation. Graham Meiklejohn of TransPennine Express said:

"There is an opportunity for things to improve in Scotland and for the force in England and Wales then to up its game and improve, as well."

He also said:

"There is an opportunity for improved efficiency."

Darren Horley from Virgin Trains said of the bill:

"From a Virgin Trains point of view, it is an opportunity."—[*Official Report, Justice Committee, 21 March 2017; c 21, 26 and 9.*]

Therefore, it is not correct to state that operators are solely against the proposed legislation—that is simply not true if one refers to the evidence that the committee received.

The bill provides for an integrated approach to transport infrastructure policing, bringing railway policing alongside the policing of roads, seaports, airports and border policing. It is right to integrate it in that way.

In the time that remains, I will focus on maintaining the specialism of railway policing under the bill. At committee, it was said that it was important to maintain and enhance the specialist unit through the service that is envisaged, and also to maintain the ethos. I was assured by the cabinet secretary that

"the current ethos"

is

"to be recognised and maintained and taken forward in how railway policing is delivered."—[*Official Report, Justice Committee, 28 March 2017; c 20.*]

Assistant Chief Constable Higgins also assured us that

"there is a very strong ethos in the BTP, which we would want to retain ... One of Police Scotland's strengths is not necessarily our single ethos or aim of keeping people safe,

but the multiple cultures that we have within the organisation.”

He stated further that it is

“our intention to have a bespoke transport unit within Police Scotland”,

which he would view as

“sitting alongside ... road policing”,

and there

“would be two separate entities under that overarching command.”—[*Official Report, Justice Committee, 7 March 2017; c 10-11, 32.*]

That reassures me that the specialist railway policing function will be maintained within the broader Police Scotland structure.

The minister also assured us on issues of abstraction during the stage 1 debate, and I am grateful and reassured by that, too.

On that point, I conclude—on time.

The Deputy Presiding Officer: Thank you very much for your co-operation, Mr Macpherson.

17:34

John Finnie (Highlands and Islands) (Green):

I am a former police officer and a long-time supporter of the BTP being integrated with the police in Scotland. As my colleague Stewart Stevenson said, the public do not differentiate in a way that some of us might imagine they do.

I accept that people on both sides of the argument hold very strong views. Many members have expressed such views and recounted the views of other people. I must say that I thought that the speech by the Conservative spokesperson, Oliver Mundell, was shocking. He seems fair chuffed with himself and was probably on social media professing his good work, but this is a debating chamber, and the idea is that we debate the issues. I am very happy to concede time for Mr Mundell to stand up and apologise to the police officers that he slighted during his speech.

Language is important. I have heard words such as “dangerous” being used, but there is nothing dangerous about Police Scotland. Of course there are challenges in any part of the public sector, but there are no dangerous practices being followed in Police Scotland. People talk about the legislation being “bulldozed through”—that has been said repeatedly, and it is unhelpful. If anyone has a complaint about the agreed parliamentary process not being followed, I would expect an objection to go, quite rightly, to the Presiding Officer.

We want to have an informed debate. There are members who have views that strongly oppose mine who have contributed to the debate in an

inoffensive way. I ask Mr Mundell to reflect on many of his comments.

When I started in the police, the ethos was guard, watch and patrol to protect life and property. In 1976, I was at the same college as officers from the British Transport Police. We all went back to our respective forces and had our local procedures. As I was an officer in Leith, those were in the Edinburgh Corporation Order, whereas for many others it was the Burgh Police (Scotland) Act 1892—yes, I am that old. For transport officers, the legislation was very much the same as they work under now, and there was additional training.

There were differences in the funding models and, more importantly, there were differences in the accountability models. What has changed significantly since 1976 is the accountability of police in Scotland. I do not see how anyone could take offence at the idea that in Scotland there should be parliamentary scrutiny of those who could deny a citizen their liberty. Indeed, I say to the cabinet secretary and the minister that I would like to see that scrutiny extended. As they know, I have concerns about some of the United Kingdom forces and their accountability in Scotland. I do not think that there should be an issue about accountability.

I accept that BTP officers genuinely have a heartfelt view about the ethos that they follow, which is about safety and keeping the system moving—I absolutely get that. A cash imperative is being introduced, and it will be with Police Scotland to ensure that the contract is met, but no one in their right mind is going to suggest that that will alter the working model. Indeed, as I have suggested, perhaps Police Scotland can learn something from the very fine way in which BTP officers and their support staff deal with tragic fatalities on the line. They can turn things around very quickly, whereas, as we know, our major trunk roads are sometimes held up for a considerable time.

There are challenges with terms and conditions—of course there are. My and my party’s support were absolutely conditional on there being no detriment to terms and conditions. I must say that the contribution from the British Transport Police Federation last week was not particularly helpful, never mind that it contained some inaccuracies—actuarial projections around pensions and the changed status are very challenging. I have taken reassurance, and I encourage others to take reassurance, on that; and I encourage people to be supportive of police officers as they move forward in an integrated service.

17:38

Mike Rumbles (North East Scotland) (LD): Clearly the bill has not had its critics to seek. The majority of respondents to the Government's initial consultation ranged from sceptical to hostile. The committee's call for evidence attracted responses that were similarly if not more sceptical and hostile. However, listening to Ben Macpherson and John Finnie just now, one would think that the centralisation of the police service in Scotland over the past few years had been a marvellous success. Given John Finnie's experience, I am very surprised—

John Finnie: Will the member take an intervention?

Mike Rumbles: I am 30 seconds into a four-minute speech; I do not have time, I am afraid.

Although Scottish Liberal Democrats were prepared to see whether concerns could be addressed at stages 2 and 3, it became abundantly obvious that that would not happen. Ministers and others made up their minds long ago—John Finnie said it again—that they were right and the majority of those in the sector, including British Transport Police officers, staff and the railway operators, were all wrong. That is neither sensible nor healthy, although it is characteristic.

From the outset, ministers have argued that the bill simply implements the will of the Smith commission, but that is nonsense; it reflects the SNP's interpretation of the Smith commission. Merger was only one of three options that the BTP working group identified, and it was the one with the highest degree of risk and the one that was opposed by most stakeholders. Sadly, no attempt was made by the Government or others to seek views on the options that would have minimised disruption to a service that is operating efficiently, effectively and in a highly professional manner across the UK, as the committee heard time and again.

The failure to consider or consult on other options undermines the ministers' case, as do concerns about how the specialist expertise of the British Transport Police can be maintained and developed post merger; about how railway policing agreements are likely to operate, how costs will be assigned and how potential disputes will be resolved; and about Police Scotland's ability to take on the additional functions and responsibilities while still facing very serious challenges as a result of the botched centralisation that this Government has driven through. All along, ministers' response to those concerns has been to minimise or reject, rather than to address and allay.

In fairness, given the ill-conceived nature of the proposals, both in content and timing, the ministers might have made the best of a bad job; but it remains the case that it is a bad job of their own making. In large part, that goes to the heart of the amendment that I sought to get accepted earlier this afternoon. If the flaws in the approach that the Government is taking cannot be addressed in the time that is available for Parliament to consider the bill, the only responsible thing to do is to delay its implementation. The case for such a delay is strengthened by what now appear to be delays in the work of the inspectorate in respect of the British Transport Police.

If this minority Government and its Green partners still choose to reject such a delay, as they have; if they prefer instead to plough on with the dismantling of the British Transport Police and its merger into Police Scotland, based on political ideology rather than practical insight; and if they refuse to accept the serious misgivings that continue to exist in the sector and among the wider public, there is only one sensible course of action for this Parliament: to reject the bill. That is what Scottish Liberal Democrats will do at decision time today.

The Deputy Presiding Officer: I thank Maurice Corry and Fulton MacGregor for accepting a time cut to two minutes each to enable both gentlemen to speak.

17:42

Maurice Corry (West Scotland) (Con): I oppose the Railway Policing (Scotland) Bill that the Scottish Government has introduced. The SNP has decided to tear up the British Transport Police, an established British specialist policing unit, despite the fact that the model is successful. The deputy chief constable of the British Transport Police stated:

"We have not been able to identify any operational or economic benefits"

in merging with Police Scotland. If it ain't broke, why fix it?

Why did the Scottish Government go down the road of what the British Transport Police Authority has described as the "most complex" option? Why did it not follow the simpler option, as set out in the Scottish Conservatives' manifesto, which would save time and money and lead to an improved level of accountability to Parliament?

I urge members to reject the merger. Clear operational issues will arise, as our late colleague Alex Johnstone first highlighted in 2015. We face the ridiculous possibility of BTP officers having to get off a train before Scotland to be replaced by officers from the single Scottish force. If we reject

the merger, we can avoid the security risks that the SNP plan threatens to cause. The chief executive of the BTPA stated that the authority has identified “several hundred” security risks that the merger will cause, so it is not a very sensible thing to do in these times of security uncertainties.

The experience of the Dutch railways also shows that

“the withdrawal of a dedicated railway police service and integration with the national police force can lead to a loss of specialism”,

leading to less effective policing and increased danger for commuters.

The lack of support for the bill from the public, the police and the railway operators is clear. We in this chamber should listen to them and reject the bill.

17:45

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am pleased to be able to speak in this debate today, and I thank you for allowing me to speak at all, Presiding Officer, even though my time has been cut.

As a member of the Justice Committee, I pay tribute to all of my fellow committee members and those who gave evidence during our scrutiny of the bill. Like my colleagues, I will be pleased to support the bill at stage 3 today.

It is always worth remembering that the devolution of the BTP was agreed by all parties through the Smith commission. It has also been Scottish Government policy for some time, and I believe that the integration of the British Transport Police into Police Scotland will provide a more integrated and effective approach to infrastructure policing in Scotland and will ensure accountability to the people of Scotland.

My time has been cut, so I will not stick to what I had originally planned to say, but I would like to talk about Oliver Mundell’s comments. Most people who have mentioned them have said that they were surprised by them, as was I. That is because, during committee meetings, Mr Mundell has always worked hard to gain consensus. His outburst today was rather surprising and was more akin to the approach taken by his colleagues who sat on the committee previously. For him to say that the SNP is carrying on with the policy for constitutional reasons is totally absurd. Indeed, given what Mairi Evans and the minister told us today about Conservative policy down south, on the contrary, it is Mr Mundell’s party that has based its position—which is that the bill should not go ahead—on constitutional lines. I was disappointed by Mr Mundell’s contribution today,

but I am sure that he will seek to work with us going forward.

I have only two minutes in which to speak, so I will simply say that I support the motion.

17:47

Mary Fee (West Scotland) (Lab): The Railway Policing (Scotland) Bill is unnecessary and unwanted. Along with colleagues on these benches, I warned that the bill is an example of the Scottish Government attempting to fix something that is not broken. There is little support for this bill from those who are involved in the operation of our rail industry or the officers on the ground who protect passengers on a daily basis.

Due to the limited time available to speak today, I will not be able to cover points that were made by my colleagues Neil Bibby and Claire Baker or by others across the chamber. The lack of time is possibly indicative of the rushed nature of the bill, which the British Transport Police Federation has expressed concerns about. It is worth repeating the many concerns that have been raised during the passage of the legislation.

Scottish Labour does not support the principles of this bill. The integration of the British Transport Police was not part of the Smith commission. We agreed to devolving the function of railway policing through the Smith commission, but there was no agreement about what that devolution would look like, and no party had a manifesto commitment to integrate the British Transport Police into Police Scotland.

We lodged amendments during stage 3 proceedings in order to enhance parts of the bill that unions wanted to be improved, because it is crucial that the real concerns that unions raised be dealt with in the bill. However, we will still vote against the bill at decision time, regardless of what the final bill looks like, as it is not in the interests of rail passengers, rail workers, rail operators or the skilled and experienced staff of the British Transport Police.

Last week, Nigel Goodband, chair of the British Transport Police Federation, sent MSPs a stark and important letter highlighting serious concerns about the bill’s process to date and its knock-on effect on rail safety. We know that the SNP does not like to listen to Opposition parties, but it should listen to those who know more about the safety and security of rail transport—they are the transport and policing experts, not Humza Yousaf, as he himself rightly conceded last year.

During the committee’s evidence sessions with stakeholders, we heard that the potential for skilled and experienced BTP officers to leave the service was real. Now we have Mr Goodband

writing to MSPs to tell us that some have already sought transfers and that more plan to do so if BTP is integrated with Police Scotland. The uncertainty attributed to this bill is directly the responsibility of the Scottish Government, which has produced an unnecessary bill.

The Scottish Government is making the wrong choice by progressing the merger. The TSSA, the RMT, ASLEF and the British Transport Police Federation all oppose it—as I warned at stage 1, for serious and justifiable reasons, as Claire Baker and Neil Bibby have also pointed out already today. The TSSA believes that the merger is being pushed by a political agenda—not one for the safety and security of our rail network.

This is the last chance to stop and think about the wider range of options that were—and still are—available to the Government. That is why we call on the Scottish Government to pause its plans for Parliament, and to reject the bill. Let us use the summer recess to consult fully on all options for the devolution of the functions of the BTP. Let us work with the industry, the staff and the public and reach a consensus on the future of railway policing.

I urge members across the chamber to vote against the bill, as Scottish Labour will do at decision time tonight.

17:51

Margaret Mitchell (Central Scotland) (Con): It affords me no pleasure to speak in the stage 3 debate on the Railway Policing (Scotland) Bill, given that it is self-evident that, at the conclusion of the debate, the SNP, with the support of the Greens, will vote the bill through.

That is despite warnings from stakeholders that the merging of the BTP into Police Scotland will pose risks to security. To quote the chairman of the British Transport Police Federation:

“The railway network can ill afford to have a lower standard of security and protection at a time when the threat from terrorism remains severe.”

Those warnings have fallen on deaf ears. Why?

By way of background, it is true, as Fulton MacGregor said, that the bill stems from an agreement by all parties represented on the Smith commission that

“The functions of the British Transport Police in Scotland will be a devolved matter.”

In response to that agreement, the BTP and the BTPA then set out a paper with three options for the proposal to be accomplished. They were: first, administrative devolution only; secondly, a statutorily devolved model of governance and accountability, with the BTPA retaining

responsibility for railway policing in Scotland; and, thirdly, full integration of the BTP into Police Scotland.

The Scottish Government has considered only the last option. Just as it did with the ill-conceived named person legislation, it has dogmatically stuck to that option as a consequence of an SNP manifesto pledge. In doing so, it has totally ignored evidence from stakeholders about the potentially dangerous consequences of full integration. That has started with the expertise lost with the exodus, which is already beginning, of experienced BTP Scotland officers as a result of the complete failure of the Scottish Government to give those officers guarantees regarding jobs, pensions and pay.

Both Liam Kerr and Mary Fee referred to the open letter to all members of the Scottish Parliament that was sent last week, in which the British Transport Police Federation stated that

“officers are already seeking transfers or leaving policing altogether”

and that

“we believe the Scottish Government and civil servants are paying lip service to this crucial aspect of the process.”

The letter plainly states that the British Transport Police Federation

“still has no confirmation even on the legal mechanism the Scottish Government intends to use to transfer BTP officers into Police Scotland ... our questions have gone unanswered by the Scottish Government.”

That is an indefensible situation to be at during stage 3 of the legislative process.

Added to those concerns are issues highlighted by the rail operators, which fund the BTP in Scotland and include ScotRail, Virgin Trains and CrossCountry. The concerns include the cost of training Police Scotland officers, which the committee recommended should not be borne by the rail operators; the loss of BTP specialisms, such as reducing cable theft and assessing bomb threats, which help to minimise the impact of incidents on a UK-wide rail network; and the fact that Police Scotland officers will require personal track safety certificates, which both Douglas Ross and I addressed at stage 2 and Neil Bibby’s amendment sought to address at stage 3.

Let me put that in perspective. According to BTP’s written submission, over a 10-year period, 2.5 million unattended items were assessed by BTP officers using carefully developed procedures. Furthermore, our rail network is UK-wide, with 8 million passenger journeys and 2 million tonnes of freight crossing the border each year. The BTP Superintendents Association Branch told the committee that

“the introduction of dual controls at the border with different bomb threat categorisation arrangements”

would introduce “an element of risk”.

The bill is the product of the increasingly discredited scrutiny process—those who police and run the railways have concluded that the security of passengers and rail staff is being put at risk in pursuit of rushed and ill-considered legislation. That is why the Scottish Conservatives did not support the general principles of the bill at stage 1 and will be voting against the bill this evening.

17:56

The Cabinet Secretary for Justice (Michael Matheson): I am grateful for the contributions to the stage 3 debate on the Railway Policing (Scotland) Bill. Like some other members, I will pick up on points that were made by Oliver Mundell. Not only were his remarks ill-considered, but the way in which he attacked Police Scotland officers was shameful, given the sterling work those officers do for us day in, day out, right across the country.

Debate is important, and I accept that Oliver Mundell might not agree with the Scottish Government’s approach to railway policing, but Mr Mundell tried to make his case by slagging off Police Scotland officers for the work that they are doing. They deserve an apology, and I hope that Oliver Mundell will reflect on that after the debate. There are police officers who have just been stood down, following the threat level being changed to critical, whose rest days had been cancelled. They have to keep our communities and major transport hubs safe—they do that to keep people like Oliver Mundell safe. To slag them off, when they carry out that work, ill befits someone on the Conservatives’ front bench.

What has amazed me in the debate is the sheer hypocrisy of the Conservative Party. It lists what it sees as concerns about the integration of British Transport Police into Police Scotland but will not acknowledge that it plans to abolish BTP by creating an infrastructure police force in the UK, which would bring together the Civil Nuclear Constabulary, the Ministry of Defence Police and BTP. That was not just in the UK Conservatives’ manifesto; it was in the Scottish Conservatives’ manifesto, too.

Members: Oh!

Michael Matheson: This is a party that is quite happy to stand here and lecture us about the approach that we should take in Scotland but is not prepared to stand up and defend its approach in England and Wales. That demonstrates the hypocrisy at the heart of the Conservative Party. The reality is that the Scottish Conservatives take

their orders on such issues from London, and certainly not from Scotland.

The Conservative Party wants to lecture us on policing and the associated dangers. One party that I will not take such a lecture from is a party that cut 20,000 police officers in England and Wales, which resulted in the military having to go on to the streets when the threat level was critical, because there were too few armed police officers. The Conservatives should not come here and lecture us on policing, given their track record in England and Wales.

I turn to issues raised by other members. Some constructive contributions have been made, in contrast to the childish point scoring that we have had from the Conservative Party. Claire Baker raised the issue of the timeframe for taking forward the legislation. Let us keep it in mind that the Scottish Government set out its position on the integration of the BTP into Police Scotland back in 2011. We set it out again in 2013 and in 2014, so it should come as no surprise. In our submission to the Smith commission, we set out that integration was the approach that we wanted to take.

Members have raised concerns about the parliamentary process and how quickly the bill has moved through Parliament. Surprisingly, the convener of the Justice Committee—the committee that scrutinised the bill—described it as a “discredited scrutiny process”. The timeframe for that process is a matter for Parliament; it is not set by us. We introduced the bill to Parliament and it was for the parliamentary committee and the parliamentary process to consider those issues. We have not rushed anything through and, as a minority, we have had to build support for the bill among other parties. Therefore, the idea that we have railroaded through the bill is simply not correct and, given that we have accepted amendments from the Labour Party today, nor is the idea that we are not listening to anyone.

Neil Bibby: The British Transport Police Federation said:

“there has been no acknowledgement of our views or those of the police officers whom we represent, because a simple decision has been taken that there is only one option—that of full integration.”—[*Official Report, Justice Committee*, 14 March 2017; c 36-7.]

I will tell the cabinet secretary who he is not listening to—he is not listening to British Transport Police officers, who think that the bill is a huge mistake that will come back to bite the Government.

Michael Matheson: We have set out our policy clearly on the integration of railway policing into Police Scotland, and we have offered a triple lock

to staff in the BTP to give them assurance about the future.

One of the key reasons for integrating railway policing into Police Scotland is to create a single command structure. Members have raised issues about how we will deal with counterterrorism matters. Who provided the armed policing at our transport hubs over the past couple of weeks? It was Police Scotland. Who provides the specialist counterterrorism policing in Scotland on our railways? It is Police Scotland, alongside the specialist road policing, airport policing, armed policing, border policing, underwater policing and counterterrorism policing more generally. All of that is delivered in Scotland by Police Scotland. The benefit that we get from an integrated force in Scotland is that we have a single command structure in dealing with such matters. If anything, recent events have demonstrated the benefits of having a single command structure, which gives the ability to respond much more effectively should further such events occur. That is one of the key benefits that will come from delivering integrated policing through the integration of BTP.

The bill will deliver a level of scrutiny and accountability in relation to railway policing that we have never had previously in this country. Now that a cross-party decision has been made to devolve the responsibility, we are creating provisions that will ensure not only that trade unions and others have a say in how railway policing is delivered in Scotland but that the Parliament will have oversight in a way that simply has never happened in the past. That will ensure that railway policing is delivered in a way that we consider to be appropriate for our railways in Scotland.

The bill will deliver more effective and better policing in Scotland and will create a safer Scotland, and I call on all members to support it.

Scottish Information Commissioner

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-06278, in the name of Margaret Mitchell, on behalf of the selection panel, on the appointment of the Scottish Information Commissioner.

18:03

Margaret Mitchell (Central Scotland) (Con): As a member of the cross-party selection panel that was established under our standing orders, I will move the motion in my name, which invites members to nominate Daren Fitzhenry to Her Majesty the Queen for appointment as the Scottish Information Commissioner.

The selection panel was chaired by the Presiding Officer, and the other members were Clare Adamson, David Stewart and Andy Wightman. Louise Rose, the independent assessor, oversaw the process and has provided the Parliament with a validation certificate confirming that the process complied with good practice and that the nomination is made on merit after a fair, open and transparent process.

As members will be aware, the role of the Scottish Information Commissioner is to enforce and promote Scotland's freedom of information regime, which gives people anywhere in the world access to information that is held by more than 10,000 public authorities in Scotland. The commissioner's role is important, as it supports the openness, transparency and accountability of public bodies.

I turn now to our nominee, Daren Fitzhenry, who was the unanimous choice of the panel from a strong field of candidates called to interview. Daren is currently a senior legal officer in the Royal Air Force legal branch, and he heads up its legal advisory team. He is an LLM graduate of the University of Glasgow and has worked as a solicitor in private practice and public service. His experience in the development, implementation and application of regulatory systems, legislation and international arrangements is extensive, and his wide portfolio of legal practice has included the application of a freedom of information regime.

I believe that Daren will be an enthusiastic and effective commissioner, who will ensure that Scotland remains a respected world leader in openness and transparency. I am sure that the Parliament will want to wish Daren every success in his new role.

I move,

That the Parliament nominates Daren Fitzhenry to Her Majesty The Queen for appointment as the Scottish

Decision Time

The Presiding Officer (Ken Macintosh): There are two questions to be put as a result of today's business. The first question is, that motion S5M-06356, in the name of Humza Yousaf, on the Railway Policing (Scotland) Bill at stage 3, be agreed to. I will move straight to a division. Members may cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 68, Against 53, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Railway Policing (Scotland) Bill be passed.

The Presiding Officer: The final question is, that motion S5M-06278, in the name of Margaret Mitchell, on the appointment of the Scottish Information Commissioner, be agreed to.

Motion agreed to,

That the Parliament nominates Daren Fitzhenry to Her Majesty The Queen for appointment as the Scottish Information Commissioner under section 42 of the Freedom of Information (Scotland) Act 2002.

Online Exploitation and Abuse of Children

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-05389, in the name of Gillian Martin, on not on my screen. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the concerns raised by people in Aberdeenshire East and around Scotland regarding the online exploitation and abuse of children; commends the efforts of the International Justice Mission (IJM) in highlighting child slavery and exploitation overseas; understands that this abuse is supported and enabled by online purchasers in western countries, including Scotland; commends Police Scotland and the National Crime Agency on their work with the IJM to identify and prosecute the buyers and enablers of online child abuse and cybersex trafficking, and further commends them for raising awareness of the problem at a national and international level in order to stop this abuse of children.

18:09

Gillian Martin (Aberdeenshire East) (SNP): The book, "The Locust Effect", has been sitting on my table for about two months. I knew that I had to read it, but I kept putting it off. I bought it the day after going to an event in Parliament about cybersex trafficking, which was run by the International Justice Mission. The book details how violence and injustice perpetuate poverty, and it is a tough but essential read. It is also a window into the incredible work of the International Justice Mission because it is written by the organisation's founder, Gary Haugen.

Hearing about children in developing countries being subjected to abuse and rape on live internet streaming that is paid for by the west's paedophiles makes me so angry—angry but powerless. I knew that "The Locust Effect" contained reports of cybersex trafficking and many other types of violence against the world's poorest people. Those people get no justice from the courts and they get no protection from the police.

The first case that we read about details the horrific rape and murder of an eight-year-old Peruvian girl by a landlord who did not even bother to hide the evidence, because he knew that his lawyer would bribe the police to destroy it. In the end, the police pinned the child's murder on another poor person—a boy with learning difficulties. They needed no evidence, because their word was enough. The real murderer was not even troubled by the police. Such things are endemic in developing countries.

I read the first chapter, but could not read any further for weeks. The scale of the injustice makes

me feel impotent: the task of helping those people seems too great. But read on I did, and I emerged with hope, because the IJM is working hard to tackle such injustice.

Today's members' business debate cannot cover everything that the International Justice Mission does to help the poor of the world to combat violence and injustice—we would need a debate every evening for at least two weeks to do that—so it focuses on just one of its campaigns, which deals with one element of its fight against violent crime: the not on my screen campaign highlights cybersex trafficking of children.

I was able to walk away from that evening in Parliament of hearing about such crimes knowing that my kids are shielded from such horror. The poor children of the Philippines do not have that luxury—they are born into a life of violence and injustice. Children anywhere between the ages of one and 16 years old are subjected to abuse live on the internet for paying customers. Paedophiles in our country, in wider Europe, in the United States and beyond are perpetrating child abuse with credit cards. The Philippines authorities receive upwards of 6,000 reports of such crimes a month. That is just in one country; this is big business throughout Asia. As other developing countries get online, the problem is set to get far worse.

Those of us who attended the event in Parliament heard how kids are taken from villages, kept prisoner in flats in urban areas and forced by their captors to do the most upsetting things imaginable. Other kids are used by their families and family friends in their own homes to earn money from gangmasters. All that is needed is a mobile phone or a webcam and a frightened and coerced child. Even home is not a safe place for many children.

There is one thing that I cannot forget. Andrew Bevan, the International Justice Mission's regional development executive in Scotland, told us that evening in Parliament that kids come in from playing in the streets at a time in their day when they know that Europe logs on of an evening. That is when demand arises. I cannot get that out of my mind: Europe logs on and the abuse starts thousands of miles away. That is where the power to end the practice lies: if we stop the purchase, we stop the practice.

The information is very hard to hear—believe me, I am having a great deal of difficulty talking about it—but there are people who are doing something about it, and it is their work to which I want to draw attention. The International Justice Mission works to rescue such children from their lives of abuse, and in this country it works with our law enforcement agencies to prosecute those who pay for that abuse and who, in doing so,

commission acts that are so distressing that decent people can barely imagine them.

Although we in the United Kingdom have agencies such as the Internet Watch Foundation that are working terrifically hard with police forces across Scotland and Europe to take down websites with stored images, live streams are harder to detect, and the people who arrange them and those who pay for them operate in ways that make apprehending them extremely challenging.

Some members might mention some case studies of children who have been rescued by the International Justice Mission working with partners in various countries. The IJM's success in helping children to escape such slavery—that is what it is—gives me hope. It is making a difference.

I also want to point out that not only children in developing countries are subjected to such abuse; it happens in Scotland, too. Last year, operation Latisse gathered over a six-week period evidence of more than 30 million indecent images of Scottish children, and the police have said that that is only the tip of the iceberg. As MSPs, that is something that we cannot ignore. No constituency in Scotland is free from it: every constituency has someone who is paying for abuse to happen to a child, either thousands of miles across the world or right on our doorstep. Anyway, it does not matter where the abuse is happening; it is happening because there is a market right here in Scotland, in the UK and in Europe.

The fight against child sex abuse is at the front of the Scottish Government's national action plan on child sexual exploitation, and is happening through the national internet safety action plan that was launched in April 2017, but what more can we members do? To put it simply, we cannot shy away from talking about this dreadful phenomenon, as hard as it is for us all to talk about and listen to these terrible things. That is why I proposed the debate: we must continue to speak out and ask questions of our internet providers, some of whom do not do enough to shut down the streams. What about the payment exchange organisations? What are they doing to help the police to identify the criminals? We need to be asking them those questions.

We also need to empower and encourage our constituents to tell the police if they suspect that anyone they know is accessing such images or live streams, and we need to know enough to give them guidance on how they can do that anonymously. We must ask our Governments what they are doing to assist law enforcement agencies in tracking down those who perpetrate the trade and, therefore, the abuse.

I urge members to pick up “The Locust Effect” and not to leave the issue behind them as they leave an event or sit down after a chamber debate. Let us keep attention on the issue and support the work of the International Justice Mission, and let us say very firmly, “Not on my screen.”

18:16

Gordon Lindhurst (Lothian) (Con): Let me begin by thanking Gillian Martin for bringing the debate to the chamber. She has expressed very eloquently something that is a difficult topic for any of us to speak about at all—let alone to do so in any detail. I also want to thank the International Justice Mission for the good work that it does worldwide in protecting vulnerable people and bringing criminals to justice.

The not on my screen campaign has been set up to try to counter a growing problem that spans today's globalised technology-driven world. The expansion of access to the internet undoubtedly brings benefits to younger people that I would not even have been able to dream of when I was young. We should welcome the benefits that the internet brings, and we should do what we can to make sure that children across the world can share those benefits, but the internet also has a terrible dark side with which Governments are very much still learning how to deal.

The internet spans borders, which means that any action that is taken to tackle the more unfortunate consequences of internet access requires true global co-operation across borders. In the UK, although we have no reason for complacency, we have a reasonably good track record on identifying illegal content, shutting it down and pursuing justice for those who have suffered at the hands of that sort of terrible crime. The Internet Watch Foundation has reduced the prevalence of child sexual abuse content that is hosted in the UK from 18 per cent in 1996 to less than 1 per cent since 2003. It has a number of operational partnerships with police forces and Government agencies across the world, and it helps countries with lesser capability to remove unacceptable content.

However, as long as there continues to be demand—including, unfortunately, in this country—criminals will continue to be attracted to carrying out these horrific crimes. As the International Justice Mission's briefing for today's debate says, it can often be seen as a low-risk crime that is easy to carry out and with a potentially high financial reward. The not on my screen campaign contributes to an all-encompassing approach to tackling those crimes by tackling in the first place the demand for child abuse images. The keeping children safe online

debate concluded that everyone has a role to play in keeping children safe online; the not on my screen campaign reaffirms that principle and encourages individuals to think about how their online behaviour and that of the people around them can have such devastating consequences for children, and calls on individuals to take a stand against the crime.

I hope that today's debate will help to spread that message so that we can seek to use the tools that are available—tools such as the stop it now! Scotland project, which can provide help to people who are worried about their online behaviour before it becomes even more of a problem, as well as giving their friends, their families and the families of children who are at risk of abuse a mechanism through which to express their concerns to authorities. The scheme should continue to be fully funded and publicised as widely as possible so that concerning behaviour can be stopped early.

I would also like briefly to mention important work that is being funded by the National Society for the Prevention of Cruelty to Children and which is being undertaken by the University of Edinburgh to carry out research on deterrents to viewing indecent images of children.

To conclude, I say that I hope that we will all support the International Justice Mission campaign in the fight against online child sexual abuse. The internet is full of opportunities, but it must be kept safe for us all—especially for children.

18:21

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Across the world today, there are individual children with names and faces who are entirely in the hands of merciless abusers, and markets and demand here in Scotland are driving that trafficking across the world. Those who access such material online, through the internet, bear the responsibility for what they do.

Last week, we discussed the Scottish Government's trafficking and exploitation strategy. Today, I thank Gillian Martin for bringing this debate to the Scottish Parliament. Today's debate almost pushes it into an even darker place, if that is possible. Today, paedophiles and abusers anywhere in the world can exploit children, most of whom are under the age of 10. Those perpetrators of the abuse, who drive the market, are not people who stand out when we walk by them on the street, yet they are condoning abuse and facilitating and driving demand across the world.

On its website, the International Justice Mission has individual cases and stories of children who have been deceived and trafficked—for example, in the Philippines—and enslaved in apartments

and exploited for a western audience. The traffickers are often local. They are often family members or friends, who benefit enormously from allowing those who are in their charge to be abused. Some 54 per cent of victims who are rescued by the IJM are between one and 12 years old. Last week, I spoke to the Internet Watch Foundation, which said that 2 per cent of the children in the child abuse cases that it has assessed were under two years old.

As Gillian Martin sketched out, the problem is violence. According to the United Nations, 4 billion people live outside the protection of the law. That means that they live outside the protection of public justice systems and that the police, the courts and the law do not protect them from violence. There is a lot of talk about poverty, but violence is the hidden crisis that is undermining our best global efforts to help the poor. We can all imagine what it would be like if we called the police at a time of need but no one responded, and if there was no way to get justice and we knew that violent criminals had no fear of retribution. That is captured very well in the book that Gillian Martin mentioned.

However, there is hope. The International Justice Mission is an organisation that brings hope, because it does not do what most of us do, which is just to discuss the issues. It actually goes into situations, searching day and night for individuals who are in need of rescue. The IJM supports teams of lawyers, investigators, social workers and community activists who work full time to rescue victims and bring perpetrators to justice.

The internet facilitates and lifts the hand of restriction on some of the worst excesses of human evil. It is important for us to get behind the IJM's not on my screen campaign in order to educate individuals like ourselves about the level of abuse that is being generated by the western market and by Scotland. We need to encourage individuals to take a direct stand against such abuse and question the public's behaviour and internet activities. Right now, there are children with faces and names who are at the mercy of the western market.

18:25

Ash Denham (Edinburgh Eastern) (SNP): I thank Gillian Martin for leading today's members' business debate on the not on my screen campaign, which brings to light the hard and daunting truth of cybersex trafficking, an epidemic that has enslaved countless children in developing countries to predators in the west, including here in the UK.

Whether it be on a computer screen or in a brothel, through a webcam or in person, sexual violence fuels human trafficking of all kinds, and we must remain aware and supportive of causes like not on my screen that are fighting for children who, in most cases, have no one else to fight for them, not even the law. That lawlessness is really the crux of the issue at hand. According to the United Nations, 4 billion people live outside the protection of the law.

The idea of living in a place where the justice system is broken is often lost on us. International Justice Mission founder Gary Haugen focuses on that in his important book "The Locust Effect", which I have read; I encourage others to do the same. He says:

"Imagine what life would be like if you woke up every day with nothing shielding you from violence."

Children are sexually abused, and westerners pay to see it on their computer screens, because those who control the children live where there are laws that are not enforced. Sexual violence wreaks havoc on what Haugen calls a plague against the global poor because they live where court systems are known not for justice, but corruption. Some of the poorest men, women and children in the world are abused, exploited and enslaved in plain view of police forces that perpetuate rather than prevent violence and crime.

As Haugen states in "The Locust Effect":

"The most fundamental systems of law and order ... have been so useless for so long in much of the developing world that violent criminals preying upon the poor don't give it a second thought".

Indeed, the book features many disturbing accounts of victims of violence and crime who seek justice but are faced with barrier after barrier. In one example, victims of forced labour, violent beatings and rape in an Indian brick factory waited a very long six and a half years for a full trial. When the trial was finally held, with victims providing corroborating testimony about the crimes, the judge who heard the case was suddenly reassigned. Although he had time, he did not rule on the case. Instead, it was passed to a new judge who acquitted the defendants without listening to testimony or hearing any evidence. The victims were robbed of legal justice. The perpetrators walked free.

Unfortunately, such stories are all too common. In fact, many crimes never even make it in front of a judge. Haugen says that

"violence against women and girls in the developing world ... is against the law in nearly all the countries where it occurs. These laws, however, are simply not enforced"

and that

"Most acts of violence against women are never investigated, and perpetrators commit their crimes safe in

the knowledge they will never face arrest, prosecution or punishment."

International leaders agree that sexual violence is an epidemic that targets the poor. Haugen says in his book that

"Its threatening presence seems to be everywhere, all the time, showing no mercy",

but there must be mercy through justice.

The scale of lawlessness in the world touches nearly half the global population, but through the work of organisations such as the International Justice Mission, which has a global team to rescue and protect millions across the world, progress is being made.

Projects such as the not on my screen campaign are highly successful. It has rescued almost 1,300 people from trafficking, and it has made a huge 75 per cent reduction in the number of children available for sex across three cities in the Philippines. With investment and training, it is entirely possible to turn criminal justice systems round. That work brings not only mercy and justice but, most important, hope.

If we want to fight poverty and we want development work to have real impact, we must recognise the devastation that the locusts of violence bring on societies. If we work together we can build the capacity that is needed to create and to run functioning criminal justice systems in order to give people the protection and the hope that they so desperately need.

18:30

Rhoda Grant (Highlands and Islands) (Lab):

I, too, congratulate Gillian Martin on securing the debate and bringing this important topic to the chamber. Those of us who attended the International Justice Mission's briefing on child sexual exploitation, not on my screen, could be nothing other than horrified at the extent of the terrible abuse.

Sexual exploitation in any guise is simply wrong. We are all human and we need to respect each other. Slavery was supposed to be outlawed more than 200 years ago yet, if anything, it is growing, with both adults and children being exploited.

The International Justice Mission told us how exploitation happens live over the internet, rather than through the distribution of images and films. Both involve the abuse of children, but some images are easier to find than a live broadcast. With live online abuse, the authorities know that a connection was made, but if the exploitation was not recorded, it is difficult to prove that and to prosecute users.

Last week, I met the Internet Watch Foundation, which traces and tracks child sexual exploitation. It reports websites from many countries, including our own, to the authorities in order that they can prosecute them and have that content removed. It is able to trace the use of images—some images are used over and over again—by tagging them. It knows who has viewed them—the foundation can prove it. It has those images removed from the internet using the same tagging system.

Children who have been exploited have had their lives damaged by the abuse, but it is so much more difficult for them to recover from that when they know that the images of their abuse are still circulating and being viewed by abusers the world over. The ability to tag images, to find them and to remove them helps to end that continuing abuse; it also ensures that all those who view those images are held accountable.

The Internet Watch Foundation, like the International Justice Mission, is alarmed at the use of Skype, FaceTime and other such apps and video-calling technology for the purpose of child sexual exploitation. That is horrific, and abusers cannot salve their consciences by telling themselves that the abuse was carried out by someone else and that they had simply tripped over the images as they surfed the net. Those acts of abuse are being carried out at the direct instigation of the viewer and the facilitator is usually a family member or friend or someone known to them who has groomed the children and coerced them. They, too, are guilty of that abuse.

Abusers believe that they are safe and that there is no record of the abuse. However, it is possible to prove that a connection was made if not the content of the call. They believe themselves to be safe from prosecution, because the content cannot be screened. They forget that there will always be a record of the call, that the child knows what happened on that call and that, most likely, so do many other people. Some will be involved in the exploitation, but it is likely that other children, who are also facing abuse, will be present and party to that event. Therefore, evidence for a prosecution can be gathered. Only by taking a zero-tolerance approach can we tackle that abuse.

We must recognise the link between child sexual exploitation and adult sexual exploitation. It was not a great shock to me that a disproportionately high number of paedophilia websites were hosted in the Netherlands, where adult sexual exploitation has been legalised. The exploitation of any human being is simply wrong, and where it is tolerated for adults it becomes less of a stretch for it to be tolerated for children. Therefore, countries that allow the exploitation of

adults inadvertently become havens for those who would exploit children.

We need to ensure that no sexual exploitation is ever tolerated and, more than that, that it is tackled in all its forms in order to create a safe and equal society for all of us, most especially for our children.

18:34

Rona Mackay (Strathkelvin and Bearsden) (SNP): I thank Gillian Martin for bringing this debate to the Parliament.

Like all my colleagues in the Parliament, I have attended many events since I was elected, all of which have been interesting and enlightening. The event that I attended earlier this year, which was hosted by Jenny Marra MSP, who I understand has done admirable work in the field of child sexual exploitation and cybersex trafficking, had a lasting effect on me. I found it powerful and disturbing, as I know that my colleagues did.

I came away thinking two things. First, I was shocked that this could be happening to children throughout the world, including in Scotland. Secondly, I was in awe of the amazing work that is being done by the International Justice Mission and by the specialist police officers in Police Scotland and the National Crime Agency who are dedicated to eradicating this horrible scourge. The officers who protect our children see things every day that no individual should ever have to witness, because this truly is the darker side of the internet and human nature.

Cybersex trafficking of children is a growing and devastating form of modern-day slavery, which was unimaginable before the digital age and involves the live streaming of sexual abuse of children, which is viewed over the internet. As Gillian Martin said in her powerful speech, the majority of victims who are abused and exploited are the poorest and most vulnerable.

The IJM partners with justice systems throughout the developing world to bring criminals to justice, restore survivors and strengthen justice systems. Its work is essential in preventing violence against vulnerable individuals throughout the world who have no other access to justice. In an effort to raise awareness, the IJM launched the not on my screen campaign.

This is not just an international issue. Scottish children are becoming the subjects of online abuse in increasing numbers. Last year, more than 30 million indecent images of Scottish children were uncovered online over a six-week period. I repeat that 30 million images were found—members should think about that—and that could be just the tip of the iceberg. Five

hundred and twenty three children were identified as potential victims of abuse, and some victims were as young as three. Police crime statistics show that there is not one constituency in this Parliament where online child sexual exploitation is not an issue. It is here, on our doorsteps.

The not on my screen campaign aims to educate individuals about the alarming levels of abuse and encourage everyone to take a stand against it. The IJM is the largest anti-slavery organisation in the world. As internet access increases globally, victims can be exploited anywhere, including by someone with just a mobile phone.

In the Philippines, cybersex trafficking of children is growing exponentially, and Philippine authorities are receiving in excess of 6,000 referrals every month, many of which have connections to the UK. The trafficking is being driven by online users in western countries, including Scotland. IJM programmes around the world are currently protecting more than 21 million people from violence and slavery, 54 per cent of whom are aged between one and 12 years old.

It is important to remember that the perpetrators are often individuals that we would not pick out on the street. They could be sitting next to us on a train. They do not have “I am an abuser” tattooed on their foreheads. That is why we need public engagement to tackle the problem, through awareness and reporting in communities. Some of the most effective information that the police gather in online child sexual exploitation cases comes from reporting by friends and family, so it is vital that the public are engaged with the issue and that we all share the responsibility to fight abuse.

The IJM has recommended the establishment of a working group to consider what action to take regarding online CSE. The resourcing of a data fusion centre to address online CSE would be a step forward.

I urge members to add their voices to the campaign: they can tweet, using #NotOnMyScreen, to help to bring awareness to the issue.

We must protect innocent children from this horrific exploitation. That is our duty and responsibility, in the name of humanity.

18:38

Finlay Carson (Galloway and West Dumfries) (Con): I congratulate Gillian Martin on securing this important debate.

I thought that it might be useful to set out what cybersex trafficking is, but I am sure that members here know that it is the live-streaming of exploitation of children, viewed over the internet.

Paedophiles and predators anywhere in the world can search online and wire a secure payment to an adult who sets up the show. Boys and girls, some of whom are under two years old, are abused and forced to perform sexual acts in front of a webcam. The more abusive the show, the more the customer pays.

Bars and brothels have a permanent address, but cybersex trafficking victims can be moved and abused in any location where there is an internet connection and a webcam—or indeed a mobile phone, as we have heard.

Cybersex trafficking has become a terrifying cottage industry with high profit margins. It should go without saying that children should be able to grow up free from the horrors of sexual abuse, exploitation and trafficking but, sadly, that is not the case. As we become more digitised as a society and more of our day-to-day life is spent online, it is more important than ever that our Governments have the right safeguards in place to protect our children, young people and the most vulnerable in society from online exploitation.

Cybersex trafficking and the online abuse of children must be among the most abhorrent crimes imaginable. The IJM not on my screen campaign is vital in highlighting those dreadful crimes. As MSPs, we must recognise that they are going on, and we must ensure that our police and intelligence services do everything possible to shut down the websites involved. We have the tools to do so and to bring the full weight of the law against the people who take part in those disgusting crimes.

Governments in the UK and Scotland are taking action on that important issue. In February, the Home Secretary announced the delivery of a £40 million package of Government measures to protect children and young people from sexual abuse, exploitation and trafficking and to crack down on offenders. It includes the launch of a new centre of expertise on child sexual abuse, an extra £20 million for the National Crime Agency to tackle online child sexual exploitation, £2.2 million for organisations that work to protect children who are at risk of trafficking and the launch of independent child trafficking advocates.

The internet is a wonderful resource but, sadly, it has its dark side. IJM highlights the crimes that are committed against children. It is not easy reading but we must not shy away from it. Cybersex trafficking is a rapidly growing problem as internet access increases worldwide. It is not an easy crime to tackle, and it is often seen as low risk and easy to do. I totally support the IJM’s aim of educating individuals on the alarming levels of abuse that are being generated by the western market, including in Scotland, and encourage

people to take a direct stand against this disgusting abuse.

It is incumbent on us to work together as legislators to ensure that every step is taken to protect our young children online. When Governments suggest that there should be more access to people's internet logs, there is often an outcry about breaching human rights. Perhaps, in demanding human rights, we are abusing the rights of children who get abused. We need to consider carefully how privacy and encryption methods are now used and can make it more difficult for the perpetrators to be caught.

I and my Conservative colleagues commit to doing as much as we can to ensure that the internet can be harnessed by everybody for the incredible tool that it is and not abused by a few in the sickening crimes that are highlighted by the not on my screen campaign.

18:43

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I congratulate Gillian Martin on bringing this important topic to us today.

I thank the people who helped to brief me. Barrister Annabelle Turner came to see me yesterday and briefed me on behalf of the International Justice Mission. It is worth having a wee think about what the IJM is about. Ms Turner is one of many professionally qualified people who work for the organisation and provide services to it entirely pro bono—without any financial benefit accruing to them. It is indicative of a caring society that people are prepared to do that, but the subject is one that properly motivates people to do their very best to deal with it.

Cybersex trafficking is not an easy subject to discuss. The people who are involved are very nasty people indeed. Until comparatively recent times, I had in my constituency Peterhead prison, which was Scotland's serious sex offenders prison. Sex offenders who were sentenced to four years or more in prison were sent there. There were 300 or so of them and they were, in essence, cut off from friends, family and people elsewhere.

It is worth having a little think about the people who are in that prison. They are quite a different kind of criminal from the one that we would meet if we went to Saughton or Barlinnie. They are much cleverer, much more socially competent and much more convincing. They are able to use their social skills, knowledge and expertise to perpetrate their foul crimes. They are able to suck in other people to protect them and to create a cocoon around their offending behaviours. I know of one sex offender who was in Peterhead prison whose parents were so convinced of their son's innocence that, before the police arrived at a

particular locus, they were cleaning the blood off the walls and repainting rooms. We would have thought of those parents as being the most upright members of society, but they had been caught by the duplicity of a criminal who was involved in sexual abuse—albeit that it was not online in that particular case.

We have heard references, most recently from Finlay Carson, to technical measures that we might take, such as getting ISPs—all our traffic goes through internet service providers—to look at the traffic that is going through and to detect what is happening. The honest and unfortunate truth, however, is that that would simply not work. If someone encrypts what is going through, we do not know what is in the encrypted package. Yet encryption is an important part of protecting certain kinds of data on the internet, so we cannot ban it on the internet. That is simply not possible.

I suspect that we will go back to the Al Capone approach. Al Capone was a gangster in Chicago, which was a very corrupt city, for some seven years until, in 1931, it was concluded that the only way to get him was through the fact that he had not been paying his tax bills on his ill-gotten gains. The one way in which we might be able to make some progress is by tracking the money and where it is going, because it is difficult to transmit money without a mechanism for doing so. There is not time to go into the issue of bitcoin and the chains that go with it, but, even there, it should be possible.

I, too, very much respect what is being done by the Internet Watch Foundation in taking down sites, but we must go right back to the genesis of the sites and make it economically unviable for people to run them. Last week, I met Kristof Claesen from the IWF, as did others, and I was very interested in what he had to say.

I have no magic solution. None of us here does. However, having a debate such as this at least alerts us to the problem, and that is a good start. I commend Gillian Martin for bringing the issue to our attention and allowing us to explore this important topic.

18:47

The Minister for Childcare and Early Years (Mark McDonald): As others have done, I congratulate my friend Gillian Martin on bringing this important debate to the chamber. Gillian struck a note of caution in her speech when she said that this was a very hard issue for her to discuss in the chamber. I do not think that any of us should ever feel in any way apologetic for that. The fact that we find this subject difficult is essentially a reaffirmation of our humanity, in that it creates that sense of revulsion that makes it

difficult for us to speak about these issues. However, speak about them we must, and therefore bringing the debate to the chamber is exceptionally important.

As a number of members have pointed out this evening, speaking about this issue—the mere fact of talking about it—is not, in and of itself, enough. We have to take appropriate actions where and when we can. I will try to touch on some of the areas in which the Scottish Government is taking action within the powers and remit that we have available to us.

We stand supportive of the work of the International Justice Mission and the Internet Watch Foundation, which have been mentioned, to try and eradicate child sexual exploitation and the abuse of children that is often perpetrated and perpetuated as a consequence of the digital world in which we now live.

Many members touched on the challenges that are faced as a consequence of the internet, and on the balance between the positive impact that the internet has had in making it much easier for us to experience connectivity across the world—Gordon Lindhurst touched on that point—and the dark side that is often created as a consequence. The internet makes it much easier for those with bad intention to make those connections, too, without ever having to come into physical contact with one another.

As almost all members said, although individuals may feel that the crime that they are committing does not have a victim because of the lack of physical proximity, there are victims. Rhoda Grant made the important point that the crime is not without evidence. Stewart Stevenson rightly touched on some of the challenges that can be faced in tracking internet use and the connections that are made, but he also made the important point that if one follows the money, often that can be the means by which to catch those who perpetrate these offences.

Here in Scotland we take a very strong approach to trying to support individuals who find themselves being exploited. Gillian Martin made the important point that although much of what has been spoken about by the International Justice Mission and members in the debate focused on children in other parts of the world who find themselves being abused for the gratification of a western audience, we must not forget that there are examples—such as those that were highlighted by operation Latisse—of children in our midst who are being abused over the internet. That abuse must be cracked down on, which is why I was grateful to see Police Scotland's operation Latisse targeting individuals who are responsible for sharing those images online and creating some of that material here in Scotland.

Our approach to human trafficking and exploitation is based on the Human Trafficking and Exploitation (Scotland) Act 2015, which introduced a single offence that covers the trafficking of adults and children for all forms of exploitation. In March 2016, we published an update of the “National Action Plan to Prevent and Tackle Child Sexual Exploitation”, which set out a range of actions to meet agreed outcomes to tackle that form of sexual abuse.

As has been highlighted, on 30 May we published the first human trafficking and exploitation strategy, setting out how we can get better at identifying and supporting victims, identifying perpetrators and disrupting their activity, and raising awareness across the board. The strategy makes clear that support and protection for child victims of trafficking in Scotland should be provided within the context of Scotland's child protection system and the national getting it right for every child approach to improving outcomes for children and young people.

The Scottish Government has funded the stop it now! Scotland project to develop and test a prevention toolkit that can be used to help people to prevent child sexual abuse before it occurs. We are also providing Sacro with funding for its challenging harmful online images and child exploitation—CHOICE—programme, which is a pilot programme suitable for those downloading illegal images of children from the internet where there is a low risk of sexual harm and the offences are non-contact in nature. The programme is aimed at males aged 18 and over who may be considered suitable to be diverted from prosecution, or who are subject to a structured deferred sentence, community payback order or other community order or licence. We will engage with the University of Edinburgh and stop it now! Scotland as they undertake research on deterrents to viewing online indecent images of children. That is one of the important points that we need to focus on.

We absolutely want to ensure that the individuals who perpetrate the offences are caught and brought to justice. Ash Denham highlighted some of the challenges that we face in doing that and in relation to the way in which justice can be delivered in other countries. It is not for me to talk about how other countries should run their justice systems, but there is a concern about children who are subject to this exploitation. Kate Forbes highlighted some of the numbers of those who are identified as living outside the protection of the law. We need to take a very strong line that those children should, first, be believed, and, secondly, have access to justice.

However, I recognise that that in itself will not be enough. We must ensure that we also do

everything that we can to restrict and reduce the demand that exists for such images. If we turn off the demand, we restrict the supply and we make it less likely that children will be abused, because the demand for the images will simply not be there.

I recognise that, in Scotland, we are talking about only a small number of the global total of individuals who download and access those images, but we have a part to play. Alongside our partners, the Scottish Government stands ready to do all that we can to ensure that the demand and the supply of the images are tackled at source.

Meeting closed at 18:55.

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