



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 21 March 2018

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE
9th Meeting 2018, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

- *Peter Chapman (North East Scotland) (Con)
- *John Finnie (Highlands and Islands) (Green)
- *Jamie Greene (West Scotland) (Con)
- *Richard Lyle (Uddingston and Bellshill) (SNP)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *John Mason (Glasgow Shettleston) (SNP)
- *Mike Rumbles (North East Scotland) (LD)
- *Colin Smyth (South Scotland) (Lab)
- *Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Alex Cole-Hamilton (Edinburgh Western) (LD) (Committee Substitute)
- Liam McArthur (Orkney Islands) (LD)
- Stephen Rees (Scottish Government)
- Tavish Scott (Shetland Islands) (LD)
- Humza Yousaf (Minister for Transport and the Islands)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 21 March 2018

[The Convener opened the meeting at 10:00]

Laser Misuse (Vehicles) Bill

The Convener (Edward Mountain): Good morning and welcome to the ninth meeting in 2018 of the Rural Economy and Connectivity Committee. [Interruption.] I hear a lot of feedback on the speaker system, so I will suspend the meeting briefly until we can sort that out.

10:00

Meeting suspended.

10:01

On resuming—

The Convener: Good morning, again. I remind everyone to ensure that their mobile phones are on silent. No apologies have been received.

Item 1 relates to the committee's consideration of a legislative consent memorandum, which was lodged by Fergus Ewing, the Cabinet Secretary for Rural Economy and Connectivity. The LCM relates to the Laser Misuse (Vehicles) Bill, which is United Kingdom Parliament legislation that is currently being considered in the House of Commons. As the lead committee, we are required to reflect on the memorandum and consider whether we are content with its terms. We will report our findings to the Scottish Parliament.

Scottish Parliament standing orders provide that an LCM should normally be lodged with the Scottish Parliament two weeks after amendments that are relevant to that bill are tabled or agreed to in the UK Parliament. However, in the case of this LCM, the Minister for Parliamentary Business has written to the Presiding Officer to explain why the Scottish Government was unable to meet that requirement. A copy of his letter is included with the committee papers.

From the Scottish Government, I welcome Humza Yousaf, Minister for Transport and the Islands; Bertrand Deiss, head of road safety policy; and Stephen Rees, solicitor.

I invite the minister to make a short opening statement, then we will move to questions from the committee.

The Minister for Transport and the Islands (Humza Yousaf): Thank you, convener. First, I thank the committee and its clerks for showing such responsiveness in allowing the LCM to progress through the Scottish Parliament as quickly as possible, to allow the final stages of the Laser Misuse (Vehicles) Bill to take place in the UK Parliament on 16 April.

The timetable for the LCM has been constrained at both ends of the process. At the first end, the Minister for Parliamentary Business wrote to the convener and the Presiding Officer on 14 March to explain why it was not possible to lodge an LCM in accordance with the timescale in the Scottish Parliament's standing orders.

At the other end of the process, the Department for Transport notified my officials on 14 March about the timing of the final stages of the bill, which means that the LCM will need to be passed by the Scottish Parliament before 16 April. Due to the forthcoming recess, the plenary debate will take place on 29 March at the latest, with the committee report having been issued five working days prior to that.

On the bill, the Scottish Government shares the UK Government's concern about the increased number of reported incidents of the deliberate misuse of laser pointers, with consequences that could have been fatal. The committee might recall that a man was jailed two years ago for shining a laser pen at a police helicopter that was flying over Glasgow in 2013. We support the provisions of the bill and for the UK Government to legislate on a pan-UK basis to address this transport safety issue.

The legislative consent of the Scottish Parliament is required for clause 1 of the amended bill, which is the offence of shining or directing a laser beam towards a vehicle, because the wider definition of vehicle means that laser misuse will be an offence in some contexts where the creation of such an offence is not reserved, such as carriages drawn by horses or other animals, motor vehicles and bicycles that are being used away from a road. I am happy to answer any questions.

The Convener: Thank you, minister. We have several questions.

Richard Lyle (Uddingston and Bellshill) (SNP): I welcome the legislation. The notes suggest that the legislation is principally aimed at addressing the shining of laser pens or pointers at pilots of commercial aircraft and will also criminalise the shining or directing of laser beams towards any vehicle used for travel by land, water or air. What is the range of fines? You mentioned that a chap had been jailed.

Humza Yousaf: The recent case that I referred to was an offence relating to aviation under article

222 of the Air Navigation Order 2009. It is an offence to shine or direct a light at an aircraft that dazzles or distracts the pilot of the aircraft. The penalty for that offence is a fine of up to £2,500. The important point is that the offence does not apply to other modes of transport.

It is a sensible measure by the UK Government. If we do not grant the LCM, the other way to do it would be to unpick the legislation and for the UK Government to legislate for the reserved parts while we legislate for the devolved parts, which would be very messy. That does not really make much sense and a pan-UK approach is sensible here.

On maximum penalties, I mentioned the fine but I should have said that there is also the possibility of an indictment of up to five years imprisonment.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I have a number of small questions and I will ask them all at once to try to shorten the process.

The provision includes carriages drawn by horses or other animals, but is it intended to apply to horses when they are being ridden? A horse is not a vehicle, but the risk is surely similar. I think that I know the answer to that question, but I would like to hear it confirmed.

The bill's title is the Laser Misuse (Vehicles) Bill, but in your answer you referred to a "light" that would distract. Are you indicating that it is not necessary for the light to be produced by a laser for it to be caught by the provisions?

Finally, are any modes of transport excluded and not intended to be caught by the bill?

Humza Yousaf: I always appreciate Mr Stevenson's questions, especially when he already knows the answer—this is no different. *[Laughter.]*

The Convener: I am sure that he will be happy to give you marks out of 10 on your answer, later, minister.

Humza Yousaf: I am not convinced that my marks will be high. I will do my best and then hand over to the legal expert, Stephen Rees.

Mr Stevenson asked whether the provision would apply to horses that are simply being ridden. My understanding is that it applies to vehicles only and therefore, for it to apply, the horse would have to be pulling a carriage.

I will pass the other questions over to my legal experts.

Stephen Rees (Scottish Government): I can confirm that the bill applies only to vehicles. A vehicle is defined as

"any vehicle used for travel by land, water or air".

Therefore the bill would not capture horses being ridden without a carriage.

On the laser beam issue, the bill applies only to the shining of a laser beam towards a vehicle or an air traffic control facility. A laser beam is defined as

"a beam of coherent light produced by a device of any kind".

Stewart Stevenson: So the phrase that is used is "coherent light". In technical terms, such light is generally capable of being produced only by a laser to produce an intense high-energy beam, but other high-energy beams can be produced that are not coherent light. That is really a matter for the UK Government, but I just want to be clear about what the bill says. I suggest that it would be appropriate for the bill to cover other sources of intense light that are not coherent light but which are equally intense under appropriate circumstances, such as arc lights.

Humza Yousaf: That might be one for us to take away. We can reflect on that and perhaps have a conversation with the UK Government about it.

The Convener: If you are going to give us your thoughts after the meeting, you will have to do so fairly quickly if we are to complete our consideration within the timescales. *[Interruption.]* I am told that we may be out of time by the time that you have done that.

John Mason (Glasgow Shettleston) (SNP): I have only one point, which is on the breadth of types of vehicles that are covered. I am not in favour of legislating on things where there is no problem. I totally support the provisions relating to aircraft, motor vehicles and trains, but I wonder how much of a problem we have with lasers and hovercraft, given that we have very few hovercraft, and how much of a problem lasers are for submarines, although I accept that they could be on the surface. Cycling is also covered. Do we need legislation covering all these things?

Humza Yousaf: There is a point about future proofing. I accept that the issues for hovercraft and submarines will be relatively minimal, but there is an issue for cycling. The Scottish Government is committed to an ambitious increase in the rates of cycling. Last year, I took part in the pedal for Scotland event, when thousands of people chose to cycle from Glasgow to Edinburgh and, for the second year in a row, there were attacks on those who were cycling. Tacks were left out on purpose to try to disrupt the event. Many people's tyres were punctured and some crashed and were injured. I actually saw people crashing in front of me because of the tacks that had been put down. There were people out there deliberately trying to cause harm to

cyclists. We might think that that does not happen, but it does. I do not know whether there have been specific incidents in which cyclists have been attacked by lasers, but it could happen in future. If we are to have more such events, which I hope we will, that could absolutely happen. Therefore, it is important that we future proof the legislation.

John Mason: That is a fair point.

The Convener: Jamie Greene has the next question, followed by Fulton MacGregor. I would appreciate focused questions.

Jamie Greene (West Scotland) (Con): No problem, convener. I will ask questions that I do not know the answer to, if that is all right.

Am I correct in thinking that there is already legislation covering the shining of beams into aircraft and that the aim of the bill is basically to cover everything else that has a motor in it?

Humza Yousaf: Yes.

Jamie Greene: Secondly, am I correct that the bill covers only the use of a laser that has a demonstrable negative consequence or inappropriate use and that it does not cover the use of lasers to direct aircraft into docking areas, for instance, or any other technology in which lasers are directed at vehicles?

Humza Yousaf: It covers the intention to dazzle or distract. Stephen Rees can go into more detail.

Stephen Rees: That was the point that I was going to make. There is a requirement that the laser is likely to dazzle or distract, and I presume that legitimate uses will not have that effect. Another aspect is that there are defence provisions in the bill. If a person has a reasonable excuse for shining or directing a laser towards a vehicle or did not intend to shine or direct the laser towards the vehicle and exercised all due diligence and took all reasonable precautions to avoid doing so, there is a defence to the offence. That should capture legitimate uses.

Jamie Greene: If someone can demonstrate a legitimate use, it is unlikely that they will be prosecuted. For example, in sailing, one of the first things that you learn is that in certain circumstances you need to get people's attention any way that you can, and if that involves a laser, so be it. Lasers are more commonly carried these days. I would hate to think that that use might be unintentionally captured.

Stephen Rees: In that example, you would hope that the fiscal would not prosecute in the first instance. If they did, there would be a defence in the legislation that the individual could deploy.

10:15

Fulton MacGregor (Coatbridge and Chryston) (SNP): Has the Scottish Government or the UK Government done any research on how many charges there would have been under the offence if, for example, it had been in place last year?

Humza Yousaf: We have the current law—article 222 of the Air Navigation Order 2009, which I already mentioned. I have just been passed some useful statistics on the convictions that have taken place since 2010: in 2010, there were 26; in 2011, there were 48; then there were 27, 23, 21, 16 and 10. The number is diminishing but, as the statistics show, a number of people have been convicted under that article, which shows that there is a problem.

I have spoken to a number of airlines in my time and they tell me that their pilots report the matter, although not frequently. The smaller airlines—I am thinking of companies such as Loganair—have said to me that their pilots have, unfortunately, been in situations in which they think that somebody has been pointing a laser towards them.

The issue has been raised anecdotally with me and there have been convictions since 2010. I am not sure that there has been any research. I am also looking at records from the British Transport Police, who patrol our railways. Their records show approximately 85 incidents per year between 2011 and 2016, so the British Transport Police also sees this as a problem. I am not convinced that there has been detailed research into how wide an issue it is, but the statistics that we have show that it is a problem.

The Convener: I thank you, minister, and your officials.

Are members content to recommend that Parliament agrees to the motion drafted by the minister and approves the legislative consent motion?

Members indicated agreement.

The Convener: I suspend the meeting briefly to allow the panel of witnesses to change.

10:17

Meeting suspended.

10:19

On resuming—

Islands (Scotland) Bill: Stage 2

The Convener: Item 2 is stage 2 consideration of the Islands (Scotland) Bill. I welcome back the Minister for Transport and the Islands, Humza Yousaf, and his officials from the Scottish Government.

Everyone should have with them a copy of the bill as introduced, the marshalled list of amendments that was published on Friday and the groupings paper, which sets out the amendments in the order in which they will be debated.

It might be helpful if I explain the procedure, albeit briefly. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in the group to speak to and move that amendment and to speak to all the other amendments in the group. I will then call other members who have lodged amendments in the group. Members who have not lodged amendments in the group but who wish to speak should indicate that by catching my attention in the usual way. If the minister has not spoken on the group, I will invite him to contribute to the debate just before I invite the member who moved the first amendment in the group to wind up.

Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press it, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, I will ask whether any other member who is present objects to them doing so. If any other member who is present objects, I will put the question on the amendment.

If any member does not want to move their amendment when it is called, they should say, "Not moved." Please note that any other member who is present may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division will be by raising of hands. I remind members that it is important that they keep their hands clearly raised until the clerks have recorded the vote.

The committee is required to indicate formally that it has considered and agreed to each section of and schedule to the bill, and I will put a question on each section and schedule at the appropriate point.

I have a note that says that we aim to complete stage 2 today. I doubt that that will be possible, but we will see how we get on.

Before section 1

The Convener: The first group is entitled "Purpose of Act". Amendment 28, in the name of Colin Smyth, is the only amendment in the group.

Colin Smyth (South Scotland) (Lab): I am conscious that we have a number of amendments to get through today, so I will keep my comments relatively brief. As members will know, a purpose clause aims to state and clarify the overall aims of a bill to ensure that its purpose is explicitly stated in law. I believe that underpinning the purpose in law captures the overall spirit of the bill rather than just the letter of the law, and it helps to prevent the misinterpretation of passages and the dilution of ambition over time.

Island economies suffer because of geographical disadvantage and distance from markets. I believe that it must be the overall purpose of the Islands (Scotland) Bill to try to redress that disadvantage. Agreeing to include a purpose clause at this early stage will help us when we consider the detail of the individual provisions throughout stages 2 and 3. There are, of course, examples of purpose clauses in other legislation. I believe that including one in the bill will help to strengthen it, and it will certainly not weaken it.

I move amendment 28.

John Mason: As I said in the chamber yesterday, I am in favour of purpose clauses. I would like the Government and anyone else who intends to introduce a bill to start with a purpose clause and then write the rest of the bill. It is extremely difficult to come in at this stage, when the bill exists, and put in a purpose clause. However, I still fundamentally believe that a purpose clause should be included. Purpose clauses guide the lawyers—although I do not think that they particularly like it—and force them to do what Mr Smyth said and focus on the overall purpose.

I have three specific problems with the wording of the purpose in amendment 28. First, the word "create" suggests that sustainable island communities are not there to start with. In some cases, we want to continue sustainable island communities. Secondly, the amendment focuses purely on island communities but, as will be seen from my amendments, I am also interested in islands that do not have communities. Thirdly, it focuses purely on the economy, whereas we are looking at culture, the natural environment and various other issues as well.

Stewart Stevenson: I understand and have sympathy with what Colin Smyth is trying to do, but his amendment risks diluting the bill's ambition. All it talks about is creating "sustainable island communities", whereas section 3(2), which

would come after the text in this amendment, is drawn more widely in referring to

“improving outcomes for island communities ... by ... carrying out of functions of a public nature.”

In other words, the bill is not simply about creating “sustainable island communities”; it might improve the outcomes for island communities in a way that does not directly address sustainability. That is the risk with the particular formulation that Colin Smyth has proposed and—subject, of course, to what I hear in the discussion—it would lead me not to support his amendment in its present form.

Peter Chapman (North East Scotland) (Con): I am minded not to support amendment 28. Although we discussed the matter at stage 1 and thought that such a provision might be necessary, I do not feel that it is. As with the Forestry and Land Management (Scotland) Bill, which was debated in Parliament yesterday, putting a purpose into a bill can limit it and make it too prescriptive. For that reason, I am not in favour of amendment 28.

Mike Rumbles (North East Scotland) (LD): The Scotland Act 1998 says:

“There shall be a Scottish Parliament.”

As Donald Dewar said, “I like that.” It is really important to set out the purpose of a piece of legislation in order to give us a flavour of what it does, and I commend Colin Smyth for lodging his amendment. It does not matter whether the wording in amendment 28 is the right wording for the purpose of the bill; the advantage of stage 2 is that we can discuss the issue. I hear what John Mason and Stewart Stevenson have said, and I understand that the minister is listening, but if the minister thinks that there is a better way of wording the purpose of the bill, he can lodge an amendment to that effect at stage 3 for the Parliament to consider.

I think that it is important that we start off stage 2 by saying, “Let’s support this amendment and put this in the bill.” I certainly took from the evidence that we gathered at stage 1 that islanders wanted some sort of purpose and felt that there was something missing from the bill. Colin Smyth’s amendment is a good start, and I am inclined to support it.

John Finnie: I am supportive of Colin Smyth’s amendment 28. Although I suspect that you would not want us to do this, convener, we could spend all day discussing every word and every possible interpretation. I think that Colin would confirm that no criticism is intended by the use of the word “create”; after all, we all know that we are far from a situation in which any of our island communities is entirely sustainable. As for the use of the term “sustainable”, I am sure that due regard will be

had to the environment and to cultural and economic matters.

The amendment’s reference to building island economies would not ordinarily win Green support, were it not for its preamble about creating “sustainable communities”. Those economies will be built in no other way than an appropriate way if they are going to be sustainable in the first place. For those reasons, I will support amendment 28.

Jamie Greene: I strongly feel that the bill should have an objective, given the evidence that we have heard and after speaking to islanders at many of the focus groups. Those views are not necessarily our views, but they are the views of those whom we have met during this journey and process.

As for whether the words in amendment 28 are the ones that should be in the bill, I am minded to agree with Peter Chapman. I do not think that this is all-encompassing; however, I think that it is headed in the right direction. As a result, although I will not be supporting this particular amendment, I ask the minister to reflect on the strength of view among committee members that the bill should contain a purpose.

The problem with amendment 28 is that uninhabited islands may not have economies or communities in the same way that inhabited islands do, and I would not like them to be ruled out on that basis. There is nothing to disagree with in the words that Colin Smyth uses. I just feel that they do not entirely encapsulate the essence or the feeling of where the bill is heading, and I think that there is general agreement on where it needs to go. It will be a difficult task to find a wording to encapsulate that, but I hope that the minister will be able to do so by stage 3.

10:30

Humza Yousaf: I will speak to a number of amendments on which, where we, as a Government, can be helpful and reflect, we will, because we want to progress the bill in the spirit in which we started, which was to be as collaborative and consensual as possible.

I thank Mr Smyth for articulating the reasoning behind his amendment 28. I also thank other committee members for their very good and insightful reflections. However, I will ask Mr Smyth to withdraw amendment 28. Although I can appreciate the intent that he and other members spoke about, I cannot agree that his amendment is the best way to achieve the aims and outcomes that he desires. As a minister, I have a responsibility—as we all do—to ensure that the law that we make is good law that is capable of being put into effect. That is not a partisan issue or an ideological position: it is our position as

lawmakers. Although there is a place for a purpose section in some bills, such a section is used for a specific reason and to achieve specific legal effect. The creation of an overall stand-alone purpose for this bill would be problematic. All the sections of a bill must have legal effect and be able to be interpreted by a court. It is not clear how amendment 28 would be interpreted in each part of the bill. I thought that Stewart Stevenson's point to that effect was well made.

It is hard to give specific examples, as the whole process is uncertain and we cannot always anticipate the arguments that others might make. However, I give the example of the proposed marine development licensing regulations, which will allow for appeal of a decision in relation to a licence. That is a sensible and necessary provision. Would the appeal process have to take that purpose into account? How might those who have to consider such an appeal on any decision be expected to interpret the purpose in relation to their duty and responsibilities? Would the requirement to build economies tip the balance in favour of permitting a development even when there were other considerations or concerns, such as the impact on the environment? Therefore, although the intention behind such a purpose is laudable, I believe that including in the bill the purpose that Colin Smyth proposes risks unintended and unknown consequences.

Jamie Greene: Before we move to a vote, I want to clarify the minister's position on that. Minister, are you saying that, at stage 3, you would not consider including a purpose for the bill, or that you would, but you would not use the words that are used in amendment 28? Clarifying that might help us in deciding where we should go with Mr Smyth's amendment.

Humza Yousaf: I will come back to that, as I am just coming to that very point. I have a problem with putting the purpose on the face of the bill, but I think that we can get to where Mr Smyth and other members have articulated that they want to get to through other means.

As I have said, although the intention behind such a purpose is clearly laudable, for me, overall, amendment 28 would import a set of legal risks that we do not need. Of course, I would welcome Mr Smyth's view on that in closing.

After the committee's report and the stage 1 debate, I made it clear that I saw potential for the compromise that the committee wanted to achieve. My amendments 1 and 2, which I will talk about in more detail when we get to the relevant group, provide that the national islands plan will have the specific purpose of setting the objectives and strategy in relation to improving outcomes for island communities. It will include the three underpinning objectives that are listed in

amendment 2: sustainable economic development; health and wellbeing; and community empowerment. That approach encapsulates the spirit of amendment 28, which Jamie Greene referred to in making his point, and it will ensure that, through the delivery of the plan, Colin Smyth's aims are met.

Of course, I am always willing to discuss with Colin Smyth—or, indeed, other committee members—how we can improve the bill. I will be happy to continue this conversation in the lead-up to stage 3. I therefore ask that Colin Smyth withdraws his amendment 28. If he should press it, I ask that members vote against it.

The Convener: Thank you, minister. I ask Colin Smyth to wind up and to press or withdraw amendment 28.

Colin Smyth: I agree with John Mason's point that a purpose clause should be introduced as early a stage as possible. I had no control over the wording of the draft bill. This is the earliest stage at which I, as a committee member, can introduce such a clause, which is why I have lodged amendment 28.

Mike Rumbles made a very good point when he said that we could agree to the amendment today, and if members are unhappy with the specific wording of the purpose clause, it can be amended at stage 3. I do not fully accept the argument that a carefully worded purpose clause cannot complement the rest of the bill; it certainly would not undermine it—it is all in the wording.

I am aware that members might have a sense of déjà vu. I was not on the committee at the time, but we had a similar debate on the Forestry and Land Management (Scotland) Bill, during which a purpose clause was suggested and members expressed concern about the specific wording with a view to amending it at a later stage. I am tempted to go down that route again and not to press my amendment on the basis that members can come together to agree the wording of a purpose clause that could be inserted through an amendment at stage 3.

I will not press my amendment at this point, but I emphasise that I hope that we can work on the wording for an amendment to be lodged at stage 3.

Amendment 28, by agreement, withdrawn.

Section 1 agreed to.

Section 2—Meaning of “island community”

The Convener: Amendment 10, in the name of Liam McArthur, is grouped with amendments 30, 41, 44, 60, 63, 66 to 68, 72, 74 to 77 and 88.

Liam McArthur (Orkney Islands) (LD): I welcome the work of the committee on the bill, and I thank the convener and other committee members for taking the time to come up to Orkney to hear directly from those affected in my constituency and that of Tavish Scott. It is much appreciated.

Members will be delighted to hear that, last summer, I managed to visit Auskerry, which is one of the smallest islands and is up in the north-east of my constituency. There, I met Simon Brogan—he and his partner Teresa Probert are the only inhabitants of the island, now that their sons Rory, Hamish and Owen have left home. That leaves just Gairsay as the only inhabited island in Orkney that I have yet to visit. I intend to rectify that some time later this year, weather permitting.

Although the needs of the island communities—some of which are exceptionally fragile—are the focus of many amendments that we will consider during the course of the morning, we must not lose sight of the importance of our uninhabited islands. Orkney has about 80 islands, of which just under 20 are inhabited, but all of which play a crucial role in making Orkney such a unique place, not least in sustaining bird populations of global significance.

Amendment 10 addresses a weakness in the bill by explicitly recognising our uninhabited islands and their importance in the context of our efforts to promote biodiversity and provide species protection. I hope that it reflects the committee's conclusion at stage 1 that uninhabited islands have a

“cultural, environmental and economic significance”

that deserves to be fully reflected in the bill. I know that the amendments in John Mason's name have much the same objective, and I look forward to hearing what he has to say. I also look forward to hearing from the minister and other members.

I move amendment 10.

John Mason: Some of my thinking is in line with what Liam McArthur has just said. The amendments are part of a package, so they all do the same thing. For example, section 3(2), which is on the islands plan, says:

“Scottish Ministers in relation to improving outcomes for island communities”.

My amendment 30 would add to that, so that it would say:

“improving outcomes for islands and island communities”.

That would suggest that islands have a value in themselves, as well in the people who live on them.

The bill is entitled the Islands (Scotland) Bill, but it deals almost exclusively with island

communities. I agree that the communities are the number 1 and most important thing for any island. However, we have uninhabited islands—we have heard about examples in Orkney—that are of huge importance with regard to wildlife, the environment and our whole history as a country and a culture. The one that I am most interested in is St Kilda, which is officially uninhabited, although the military and the National Trust for Scotland have a presence there. The story of St Kilda and how the population struggled and was evacuated in 1930 is of huge importance. My key point is that uninhabited islands should be referred to in the bill.

Liam McArthur's amendment 10 is gentler than mine—I do not know whether it is common for a Government member to take a more extreme line than the Opposition. It says that an island community

“may include a single uninhabited island”,

which I feel is, if not weak, then gentler, and certainly not compulsory. It also talks about an uninhabited island contributing

“to the natural or cultural heritage or economy of an inhabited island”.

I have reservations about that wording, because I think that islands such as St Kilda have a value in themselves and not just in relation to an inhabited island. In addition, some uninhabited islands might have more of a link with the mainland, but they are still important in their own right. This might be a weakness on my part, but I accept that St Kilda would be covered by amendment 10, because its strongest links have traditionally been with the Western Isles and Skye.

I am happy to listen to what other members and the minister have to say. My bottom line is that I would like uninhabited islands to be mentioned somewhere in the bill.

Stewart Stevenson: In 1930, Hirta, which was the only inhabited part of the St Kilda group, was actually part of Inverness-shire rather than the Western Isles—but that is history and does not matter.

Amendment 10, in Liam McArthur's name, captures something quite important. However, if we agree to it now, we may want to revisit the wording a little bit. I am not concerned about its use of the word “may”; my specific issue is the mention of

“uninhabited islands ... and associated ecosystems”

that

“contribute to the ... economy of an inhabited island”.

If I wished to, I could make the argument that Australia or an uninhabited island off the coast of Australia, by virtue of climate change, contributes

“to the natural or cultural heritage or economy of an inhabited island”

in Scotland. I do not think that we are trying to capture that situation in the legislation.

I am content with the generality of where the amendment is trying to take us, but we might have to look at whether that is what we mean—I do not think it is—and perhaps tweak the amendment at stage 3 if Liam McArthur successfully persuades the committee now or brings it back in modified form. That is a matter for him.

Turning to John Mason’s plethora of amendments, all of which address exactly the same point, I have a very simple issue with what he is trying to do with the words that he uses. I do not know what an “outcome” for an island is—I just do not know what that means. I know what an outcome for people on an island can mean, but an island has no personality in a legal sense, so I just do not know what that means. If we include that wording, there is a danger that we dilute our focus on island communities in section 3(2) et alia. We are legislating to make the lives of the people who live on islands better. That is the core purpose of the bill.

We have just discussed an amendment—although we have not agreed to it—that would insert a section entitled “Purpose of Act” and that properly refers to “island communities”.

John Mason: Will the member take an intervention?

Stewart Stevenson: Yes, he will.

John Mason: Does he accept that, for an uninhabited island, having a community on it would be a positive outcome?

Stewart Stevenson: Yes, but I am not sure that that would be an outcome for the island; it would be an outcome for the community on the island.

I am conflicted on the matter, to be straightforward about it. I just do not feel inclined to support the formulation of Mr Mason’s amendments until I am persuaded that I should do so.

Peter Chapman: I agree with amendment 10, as I think that it is important that uninhabited islands are referred to in the key definitions of the bill.

Sections 1 and 2 refer to islands, inhabited islands and island communities, but there is no reference to uninhabited islands. It is important that there should be such a reference, because, as we have heard, although uninhabited islands have no constituents, they have natural and cultural heritage that needs to be respected. Also, some smaller, uninhabited islands might be neighbours to larger, inhabited islands with fishing

interests that require them to be mentioned. Therefore, I support amendment 10.

I also support John Mason’s amendments, which are mainly technical but correct. I support the whole gamut of amendments in the group.

10:45

Richard Lyle: I support amendment 10.

I ask John Mason not to move his amendments in the group and to discuss the issue with the minister. I do not doubt John Mason’s enthusiasm. As he knows, the current definition of an island is land that is

“surrounded on all sides by the sea”.

His amendments would bring in every piece of rock that is above water at high tide, which would be a large expansion. I suggest that he does not move his amendments and discusses the matter with the minister before stage 3.

I will support Liam McArthur’s amendment 10, but I will not support Mr Mason’s amendments.

John Mason: Will the member take an intervention?

Richard Lyle: I have finished. [*Laughter.*]

John Finnie: I support Liam McArthur’s amendment 10, and I support John Mason’s amendments. We can dance around, and I appreciate that lawyers will forever chew over the words, but there can be outcomes for islands that are uninhabited. For instance, there can be positive environmental outcomes that have wider ramifications. I will support John Mason’s amendments, if he moves them.

Humza Yousaf: I welcome the opportunity to speak to this group of amendments on uninhabited islands, which I appreciate is an issue of significance for many. The bill’s focus is on improving outcomes for those who live and work on the 90 inhabited islands in the seas around Scotland—the three inland islands are not covered. However, I have always been keen to stress that that does not exclude other islands that are uninhabited and that are important features of Scotland’s natural and cultural heritage. The two that have often been mentioned are St Kilda, which is an obvious example that has been mentioned today, and Ailsa Craig, whose claim to fame relates to curling stones. There is nothing to prevent the national islands plan from making reference to and provision for uninhabited islands.

There are instances in which a group of islands that are in close proximity, with some inhabited and some not, can have an interdependence or, indeed, a linked interest. That acknowledgement means that amendment 10 is worthy of

consideration and, for that reason, I am happy to support it. Nevertheless, I have a technical concern about the amendment that relates to how easily understood section 2 would be if amendment 10 was inserted in its current form. Stewart Stevenson also referred to some of the issues with the wording. Section 2 has a particular structure, and we would be adding four lines that do not seem to fit. I am happy to work with the member, and perhaps he can work with our legal team, on the wording. Notwithstanding that, I am more than happy to support what I think is a worthy amendment.

Given my support for amendment 10, there should not really be a need for John Mason's amendments in the group, so I hope that he will not move them. I can see what the member is trying to do, but I am concerned that, in his enthusiasm, he would potentially be widening the scope of the bill beyond what the Government and Parliament intend. His amendments would expand the duties in relation to island communities to islands more generally. That would mean that, for every island off the coast of Scotland, no matter where it is or how small it is, each relevant authority would need to consider impacts in relation to the island, notwithstanding the fact that there would be no effect on island inhabitants or communities. A cursory glance suggests that we would be talking about around 800 islands, which would be a significant extension from the 90 islands that the bill currently covers. I am not sure that that is what the member intends, but his amendments would potentially lead to a lot of unnecessary work and cost.

John Mason: Will the minister give way?

Humza Yousaf: Of course.

John Mason: I am willing to concede that Mr Lyle and the minister have made a valid point. I was thinking not of, say, the Bass Rock—there is an issue in that respect in that we have not consulted East Lothian Council—but primarily of the six authorities with islands that we have consulted.

Humza Yousaf: Perhaps, given that concession, I should quit while I am ahead. [*Laughter.*] I will end by noting that other duties, laws and policies relating to, for example, the protection of wildlife, biodiversity, the marine environment and fisheries will apply to uninhabited islands, so their wellbeing is already supported by public bodies in a range of ways. That said, there might be an opportunity to put a reference to uninhabited islands into the national islands plan, and I am happy to work with John Mason in advance of stage 3 to see what can be done in the plan, in particular, to address his concerns.

I am happy to support Liam McArthur's amendment 10, and I ask John Mason not to move the amendments in his name.

Liam McArthur: Perhaps one man's gentle is another man's weak, but it would appear that the gentle approach might be the more appropriate in certain circumstances.

I thank members for contributing to the debate and for their support. I fully recognise that amendment 10, as currently framed, needs some work, but I hope that there will be an opportunity to reflect some of what John Mason was trying to achieve in his amendments. I certainly take on board the point that some islands might be more dependent on the mainland than on the other islands around them. If that can be reflected better in adaptations to the amendment for stage 3, I am more than happy to take that on board.

I am delighted to hear from Stewart Stevenson that, back in the 1930s, Hirta was part of Inverness-shire. Even back then, that would, no doubt, have led to screaming headlines about centralisation gone mad. That said, I am happy to work with the minister and with John Mason on the issue ahead of stage 3.

Amendment 10 agreed to.

Section 2, as amended, agreed to.

After section 2

The Convener: Amendment 29, in the name of Colin Smyth, is grouped with amendments 80, 81, 26 and 27.

Colin Smyth: Amendment 29 seeks to provide a definition of "islands authority" in the list of key definitions, and I lodged it with amendments 80 and 81 on local empowerment and the devolution of powers to clarify who is being referred to. If amendments 80 and 81 are agreed to, the local authorities listed in amendment 29 are those that would have the capacity to request that ministers devolve powers.

Amendment 80 would create a mechanism allowing ministers to devolve specific powers if a case for that could be demonstrated. Under amendment 80, islands authorities could make a request to ministers, arguing their case, and ministers would then have to make a decision and, if they decided to reject the request, would have to explain why. Ministers would be able to issue guidance on how the power should be used. At stage 1, the committee urged the Government to consider such a mechanism, although the Government said at the time that the proposed local democracy bill would be a better vehicle.

The power that is set out in amendment 80 is reasonable and workable. It would empower island communities and allow them to be more proactive

in taking actions to address local problems, and it represents the kind of bold action that the bill currently lacks. If the Government is not opposed to it in principle, there is no reason to wait until the introduction of the local democracy bill to bring such a provision forward.

Amendment 81 seeks to create a process for how retrospective impact assessments would work. Islands authorities would be able to submit a request that ministers amend existing primary or secondary legislation where a detrimental effect on island communities could be demonstrated. As with amendment 80, the islands authorities would have to make their case, ministers would then have to respond and, if they rejected the request, they would have to explain the reasons why. That would not create an unreasonable burden, and it certainly would not require all past legislation to be checked, as some have suggested, but it would ensure that any problems in existing legislation that were highlighted could be addressed. The bill is supposed to be about empowering island communities, but local authorities are not being trusted to use that power responsibly.

I appreciate that amendments 26 and 27, in the name of Tavish Scott, are similar to amendment 80, but the difference is that my amendment sets out a mechanism for requesting additional powers. I am happy to listen to the debate on the amendments.

I move amendment 29.

Tavish Scott (Shetland Islands) (LD): As Colin Smyth rightly says, amendment 26 is broadly similar to amendment 80, although Colin Smyth commendably puts more detail into the mechanism. Amendment 26 would simply create a mechanism to allow local authorities to request additional powers. It is important to note that it says “requests” rather than “demands”, which is a reasonable approach to an issue on which the islands authorities, in particular, have a reasonable case to make, although I respect the fact that we are dealing with more than just the islands authorities in this context.

The bill makes provision for an application to be made for additional powers in the context of marine licensing, which the minister mentioned earlier, and it is a commendable approach. Orkney Islands Council and others have argued that there should be similar provision for a more general power over a range of competences. The process is broadly similar to the process in the Community Empowerment (Scotland) Act 2015, so there is consistency.

I appreciate the Government’s argument that a governance review is under way—which, if I am correct, involves joint working between the Convention of Scottish Local Authorities and the

Government. Although I have the greatest respect for COSLA, there have been times in my lifetime when the islands authorities have been somewhat left out of the discussions, and my amendments simply put the authorities that have island responsibilities centre stage in the argument.

Stewart Stevenson: My first comment is about a drafting issue in amendment 29. It is always unhelpful to repeat a list in a bill. The proposed list that is set out in amendment 29 is already present in exactly the same form in the schedule to the bill—it is always better to put lists in schedules as a matter of drafting; actions that require to be taken should form the body of the bill. The bottom line is that the list should occur only once in the bill, not twice. Indeed, the bill already contains powers for the ministers to amend the lists. If amendment 29 is required, it should just point to the list in the schedule. However, that is a drafting point and not a substantive point that need detain us terribly long.

My more substantive point relates to amendment 80 and, to some extent, Tavish Scott’s amendment 26. Tavish Scott said that amendment 26 would allow local authorities to make requests. It is news to me that they are forbidden from making requests—I merely make that point. I do not think that the amendment would create a new power for local authorities in any way, shape or form. I accept that it would create a structure within which such requests could be made, but I do not think that it would create a new power. The same observation can be made about Colin Smyth’s amendment 80.

There are a lot of real difficulties with the detail of amendment 80. Proposed new subsection (1) talks about making requests to ministers

“to promote legislation devolving functions to the authority”.

The obvious point is that devolution is not simply a legislative process. In relation to the Scottish Parliament’s powers, legislation is passed at Westminster that devolves legislative competence to the Scottish Parliament—which is good. We also have secondary legislation that devolves administrative competence. For example, sections 36 and 37 of the Electricity Act 1989 allow the Scottish ministers to approve requests for generation consent for transmission lines, which is a devolved matter. There is also a lower level of devolution to this Parliament, which relates to ministers and the Parliament—by agreement or by letter—agreeing that powers that lie with ministers will be exercised by people elsewhere.

11:00

I think that the whole issue of devolution is oversimplified in the drafting of Colin Smyth’s amendment, which carries the danger that we

might think that it is about only one way of dealing with the matter. I am anxious that we ensure that island communities have the greatest opportunity to maximise their individual and specific opportunities.

Amendment 80 is also quite lax, in a sense, and I do not understand what it means. Proposed new subsection (3) states that an islands authority

“must submit a business case”

that provides

“evidence of community support (including the support of island communities)”.

I am not quite sure how that could be done. Would it be done in the same way as community buyouts have been done—by a ballot of people in particular postal areas? Particularly in the three islands authority areas, would the whole of the islands authority have to demonstrate support or only the community that was directly affected by the devolution that was sought? I am unclear about that, and the amendment is simply not in a form that I can support.

The coup de grâce for amendment 80 is the timescale of “within three months”. Any of us who have been ministers—two of us, Tavish Scott and I, have sat before the committee—will know that that is very ambitious. I admire the ambition, but I must gently advise the committee against it. I have taken five bills through Parliament, and I advise the committee that there is not the faintest chance of such a timescale being achieved. The timescale in Tavish Scott’s amendment is a year, which is a wee bit more satisfactory. Nevertheless, in broad terms, I cannot persuade myself that I should support this set of amendments, however worthy the intention behind them is. I am as anxious as any other committee member—or any island dweller—to make sure that we maximise the opportunities that come from the bill.

John Finnie: We are making law here, and we all want to make very good law, so it is important that we discuss what our intentions are and perhaps refine the wording.

I will get a negative point about amendment 81 out of the way first. Any organisation should review all its policies and principles on an on-going basis. If there is a deficiency—whether it relates to a policy’s application to islands, cities or rural communities—that should be addressed, but I hope that that would not be a huge administrative exercise. When the bill is passed—as, inevitably, it will be—that will perhaps focus the minds of all the people who are listed in the schedule on looking at what, if anything, they can do. The issue of retrospection must be discussed and addressed, but I do not think that that will be a huge process.

I turn to substantive amendment 80, in the name of Colin Smyth, and amendment 26, in the name of Tavish Scott. Taking a different approach does not fragment things; in fact, if we get that approach right, it binds people together. In both amendments 26 and 80, there is an opportunity to look at what we should be planning to do here, which is to devolve as much as we can reasonably devolve. Whether that is functions or powers, it is important that we take the opportunity that the legislation provides to do that. I will support both amendment 26 and amendment 80.

Gail Ross (Caithness, Sutherland and Ross) (SNP): To start off with Colin Smyth’s amendment 80, although I agree that it is good to have deadlines for these sorts of things because they focus minds, I disagree with Stewart Stevenson. I do not think that you have to be a minister to realise that a requirement to do something “within three months” or “within six months” could be quite constraining. I wonder whether Colin Smyth can explain how he came up with the three and six-month deadlines. Was there a legal reason behind it?

The Convener: I am sure that Colin Smyth will intervene if he feels that he needs to.

Gail Ross: As for amendment 81, we heard from island communities about looking retrospectively at existing legislation. Indeed, when we were in Orkney, people from Orkney and Shetland came up with several examples that we could be looking at right now. I have great sympathy for the proposals in amendment 81, but I do not know whether the bill is the right place to lay them out in such detail. Again, as with amendment 80, there is the issue of the three and six-month deadlines. I am interested in hearing what the minister has to say on that point.

Moving on to Tavish Scott’s amendment 26, I have a couple of points to make about the wording in subsection (3) of the new section that it proposes to introduce, which includes the phrases “must demonstrate reasonable cause” and “must not unreasonably refuse”. Those phrases seem to be quite subjective and I wonder whether the wording is quite right.

With respect to amendment 80 and amendment 26, in all the island communities that we visited and spoke to, the communities did not just want the local authorities to be consulted—they also wanted the islanders themselves to be consulted. I do not see anything in those amendments about consulting at lower than local authority level.

The Convener: Colin Smyth can respond to those comments when he sums up at the end.

Peter Chapman: I agree with amendment 29, in Colin Smyth’s name. It makes pragmatic sense that we understand what the islands authorities

are. They are listed in amendment 29 and we can just refer to them as “islands authorities” from there on, so I support that amendment.

Stewart Stevenson: Will the member take an intervention to explain why we need to have a second list of islands authorities, when the list is already present in the schedule to the bill as drafted?

The Convener: When a member asks for an intervention, they should not leap straight into the question, because the member who is speaking might not wish to take the intervention. I am sure that now he has heard the question, Mr Chapman will want to answer it.

Peter Chapman: I take the point that the authorities may already be listed, but it does no harm to clarify who they are again. I support Colin Smyth’s amendment 29 on that basis.

I agree with the sentiment of amendment 80, but we have recognised throughout that this is a community empowerment bill. We want to empower everyone in the island communities and not simply hand over increasing powers to councils with islands or island authorities. I think that Gail Ross was making a similar point, and I agree with that.

We have to recognise that many councils are already stretched thin by budget cuts and I do not know whether they have the resources to manage the devolution of more functions. I am also not sure that that is what the bill sets out to do. I have sympathy with the amendment, but I do not think that I can support it in its current form. The same argument is relevant for amendment 81.

To a large extent, I have similar thoughts on Tavish Scott’s amendment 26. I appreciate the sentiment, but I am not sure that what it proposes is for the bill to decide. I think that imbalances of local government would be caused if local authorities requested different powers. Each island will have its own experience, and therefore we could end up with a bit of a mess.

John Finnie: Will the member take an intervention on that point?

Peter Chapman: Yes.

John Finnie: Will the member accept that quite often we hear from members on a number of different party benches, not only from members on his own party’s benches, that one size does not fit all and that it is important to have responses, policies and practices that apply to the different areas across Scotland?

Peter Chapman: I understand John Finnie’s argument. I have some sympathy with amendment 26 but it perhaps goes too far and is a step further than I am able to support. Amendment 27 follows

on from that so, for the same reason, I will say no to it.

Mike Rumbles: It is curious that John Finnie just used the phrase “one size does not fit all” because I just wrote that down in response to what Peter Chapman said. I often hear Peter Chapman saying that, so I am surprised to find that he takes the view that he does in this instance.

All the amendments in the group are good but, if I have to make a choice between Colin Smyth’s amendments 80 and 81 and Tavish Scott’s amendment 26, I think that Tavish Scott’s amendment is much better in as much as it does not include the timescales that are in amendments 80 and 81. I listened to what Gail Ross said and I agree that the timescales in Colin Smyth’s amendments are difficult.

The good thing about having stage 2 and stage 3 is that we could choose either set of amendments. However, my preference would be Tavish Scott’s amendment simply because amendment 26 says:

“a relevant local authority must demonstrate reasonable cause for making a request”

and

“the Scottish Ministers must not unreasonably refuse to grant the request.”

Those are legal terms, so people know what they mean. Therefore, they are reasonable and I am sure that a reasonable person—nearly everybody around the table is a reasonable person—would accept that Tavish Scott has made a better stab at the matter than Colin Smyth at the moment. However, we can of course change that at stage 3.

Richard Lyle: Unfortunately, I cannot support Colin Smyth’s amendments 29, 80 and 81 or Tavish Scott’s amendments 26 and 27. I agree with Stewart Stevenson’s earlier point.

With the greatest respect, I say to Peter Chapman that I was a councillor for decades—I will not mention how many years—and I found that the 32 councils in COSLA had 32 different ways of doing things. It is commonly called local democracy.

Humza Yousaf: I ask Colin Smyth not to press amendment 29 and I ask Tavish Scott not to move his amendments. However, Tavish Scott’s amendments have more appeal to them and I will see whether I can work with him before stage 3 to give effect to what he is trying to achieve.

I will speak first to the Government’s policy. We are committed to the principle of subsidiarity, which means that decisions should be democratically accountable and taken as closely as possible to the people whom they affect. We

recently took an important step on the community empowerment journey when the Scottish Government stood with COSLA at the launch of the local governance review last December, which a couple of members referenced.

Tavish Scott said that island communities and authorities do not always feel as though their views are at the forefront. We can reflect on that in relation to the local governance review and the legislative measures that we are introducing. The review seeks to reform the way that Scotland is governed at a local level. Our approach is being shaped by listening carefully to the development of ideas on the issue from, for example, the COSLA-backed commission on strengthening local democracy.

The key element of the review will be for the Scottish Government to invite individual local authorities, community planning partnerships, regional partnerships and other public sector organisations to propose place-specific alternative approaches to governance. One-size-fits-all solutions risk failing to recognise the huge diversity of Scotland. That is why we are interested in new local decision-making arrangements that have been designed with particular places firmly in mind. Extensive engagement with communities will also begin shortly in order to surface the best ideas on how to transform local democracy in Scotland. Again, island communities will have a stake, and a role to play, in that.

As members mentioned, we are committed to introducing a local democracy bill in this session of the Parliament. That will provide a more appropriate legislative option to make new place-specific governance arrangements—including, potentially, those that include, or are specifically for, island authorities. That would be a good example of island proofing in action. Those changes would sit alongside and complement legislative provisions to decentralise more powers to local communities more generally.

In last year's programme for government, we made a commitment to support island authorities that want to establish a single authority model of delivering local services. Island authorities are already actively working with local partners to develop some concrete proposals. Those will be considered as part of the review process and we look forward to supporting new local governance arrangements that can help our island communities to thrive.

11:15

The amendments in the group would pre-empt that work and could lead to a missed opportunity for the islands or result in a lack of coherence in

relation to new decision-making arrangements that are introduced later. The Government certainly agrees with the spirit of the amendments, but we believe that something as fundamental as a transfer of powers needs to go through a proper and rigorous engagement and consultation process, not just with the local authority but with local communities. That has not happened on the matter in the context of the bill, and it would best be achieved through the local governance review process. I therefore cannot support the amendments.

Tavish Scott's amendments have more appeal to me. They propose that regulations be used to set out the process, and there might be something in that as long as we are mindful of the local governance review. I am willing to work with the member on the matter before stage 3 and, if he is willing not to move his amendments today but to work with us, we can take that conversation forward.

Colin Smyth's amendment 81 contains another interesting proposal. It would create a duty on Scottish ministers

"to have regard to requests from islands authorities in respect of improving or mitigating"

existing primary or secondary legislation for island communities. It sets out a process and timescales, and there has been a lot of good conversation among ministers and back benchers about the timescales that are involved.

I understand the thinking behind the amendment, but I do not think that the amendment is necessary. As things stand, any island authority can come forward to ministers with any concerns regarding pieces of legislation. They can set out their concerns in the ways that are described in the amendment, and we will respond. In my dealings with the six relevant local authorities since I took up my post, I have proactively encouraged them to do just that and to let me know of any difficulties that they are encountering.

Gail Ross: As I said earlier, we have heard about existing legislation that is possibly having a negative effect on some of the islands. Have any of the island authorities come forward with any requests?

Humza Yousaf: It is a good question. A number of local authorities have said that they are working on concrete plans, although they are not always to do with legislation; sometimes they are to do with guidance. House-building regulations, insulation guidance and a few other issues that members touch on in later amendments have often been raised with me.

The most recent discussion that I had on the matter with local authorities was in Millport at the

meeting of the convention of the Highlands and Islands. I met the six authorities and reiterated that offer, and a couple of them indicated that they would come forward. Nobody really agreed with the blanket approach to looking at legislation, but they said that they would come forward, and also that they would look at opportunities for further devolution where they thought that there could be some proactive movement on that. That is in train.

I understand that we are short of time, but I want to reiterate a point that I think members have made. I know from past experience that, sometimes, where one island authority indicates that it has difficulties with the requirements of a particular piece of legislation, other island authorities have no issue with it, so the problem might be more to do with local implementation.

With provisions such as the one in amendment 81, there is a risk that we will create a system that could lead to endless requests to change legislation before it has been properly embedded or indeed implemented. I am satisfied that the powers on island proofing that are already in the bill will give practical effect to what Mr Smyth is trying to achieve with his amendment.

On the timescales, the requirement in amendment 80 that legislation must be introduced within six months is not practical. In order to introduce a bill, we need time to consult—a standard period is three months—and then time to instruct and to draft, and that is assuming that no tricky legal issues come up during the consultation. Working with the proposed timescale would risk the creation of bad and ineffectual legislation or, worse, legislation that could be outwith the Parliament's competence.

Even if ministers initially support a proposal, there may be constraints on our introducing legislation. There are long-established processes for introducing legislation—including, of course, members' bills. I fear that, if the amendment was agreed to, the provision could become the default starting position for island authorities if they did not like a particular piece of legislation, rather than their engaging proactively through the means that we already have.

On that basis, I urge Colin Smyth not to move amendment 81. If he moves it, I urge other members not to support it.

Colin Smyth: I believe strongly that amendments 29, 80 and 81 implement clear recommendations from the committee. I do not agree with Stewart Stevenson and the minister that there are existing mechanisms. If the existing mechanisms were satisfactory, we would not be having a discussion about future legislation on local democracy.

A number of valid points have been made on the detail of the amendments. They can be tidied up at stage 3. I refer, for example, to the comments on timescales. One thing that I discovered early on as an MSP is that, when the Government promises to do something, unless there is a clear timescale, you cannot hold your breath. For the Scottish Government, spring can sometimes last about a year and a half. I got commitments to do something in spring last year and I am still—[*Interruption.*] It can last even longer, as Stewart Stevenson has just told me, speaking from clear experience, I am sure.

I take on board the points that were made about timescales but they can be amended at stage 3 and the Government can put in what it regards as a realistic timescale. Timescales are important for focusing people's minds.

Peter Chapman made the point that my amendments put burdens on local authorities. It is important to point out that the request for the powers comes from the island authorities themselves. The committee should not tell those authorities what is good for them but should listen to what they want. That is why they have requested that the matter be dealt with as part of the Islands (Scotland) Bill.

I am happy to press amendment 29.

The Convener: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Finnie, John (Highlands and Islands) (Green)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)
Smyth, Colin (South Scotland) (Lab)

Against

Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 29 agreed to.

The Convener: I will suspend the meeting. I ask members to be back promptly in five minutes ready to reconvene.

11:22

Meeting suspended.

11:28

*On resuming—***Section 3—National islands plan**

The Convener: Amendment 1, in the name of the minister, is grouped with amendments 2, 2A, 11 to 16, 31 and 32.

Humza Yousaf: This group is about the content of the national islands plan and there is a large number of amendments in it. If they are all agreed to, section 3 will go from having two subsections to having 15. Therefore, it is fair to say in relation to this group—and others—that we will need to take stock of how the bill ends up after stage 2 consideration and see what needs to be revisited at stage 3 to ensure that the amended bill becomes the most effective legislation that it can be and reflects appropriately our shared ambition for the national islands plan and what it can achieve.

11:30

I will discuss the other amendments in the group after explaining amendments 1 and 2 in my name.

We addressed some of the issues around the high-level objectives when we discussed the purpose of the bill as we dealt with the first group of amendments. As I set out again today, the national islands plan is a more meaningful place to deliver the committee's aims for high-level objectives to be incorporated into the bill.

Amendment 1 seeks to adjust the language in section 3 to make the purpose of the plan clear. It amends section 3(2) to state:

"The purpose of preparing a national islands plan is to set out the main objectives and strategy of the Scottish Ministers in relation to improving outcomes for island communities".

Amendment 2 expands the term "improving outcomes" for island communities to include the three underpinning objectives listed in the amendment: sustainable economic development; health and wellbeing; and community empowerment.

Those high-level objectives encapsulate the evidence that the committee heard during stage 1 and go to the heart of what we are attempting to do to improve the lives of those who live and work on our islands. They would not limit what can be included in the plan, but would help to provide strategic direction, focusing resources and, where necessary, targets for key areas of activity.

I hope that members will support amendments 1 and 2 today, although I recognise that members may have a view on omissions and what might usefully be added to the strategic objectives. I am, of course, willing to engage and work with and listen to any member who considers that section 3 could be further improved before stage 3.

I also recognise that, in your evidence gathering, you heard a wide variety of opinion on how prescriptive we should be in the bill about the areas that the plan should cover. Although I recognise that there are specific issues on which members might want to put more detail in the bill, I urge caution. The committee's stage 1 report recommended that

"consultation should be undertaken as widely as possible"

and stated that

"When the Committee scrutinises the draft Plan laid before the Parliament, it will wish to be assured that the priority areas featured in the Plan reflect the actual priorities of islanders."

Therefore, to place specific detailed points in the bill at this stage would be to go against the spirit of the committee's stage 1 recommendations and would prejudice the views of island communities.

That is not to say that ferries, broadband and the other topics will not appear in the plan—I am in no doubt that they absolutely will—but it would be unfair to island communities and other stakeholders to present a prepopulated plan for them to tinker with around the edges. That is not my aim, and I am certain that that is not the aim of any members around the table. As well as Parliament having a role in setting the parameters and aspirations of the plan, we need to allow appropriate time and external input.

Amendment 2A, in the name of Colin Smyth, seeks to add to the high-level objective list by including

"taking steps to increase the population of islands".

The goal of achieving population growth and the long-term future sustainability of our island communities are matters on which I think that we would all be in agreement with and I am therefore happy to support amendment 2A.

Before I go on to the other members' amendments, I highlight that it is the form of amendment as lodged by Colin Smyth where we can perhaps find common ground. It adds to the objectives but does not prescribe what the solution would necessarily be.

On amendment 11 from Tavish Scott, I am aware of the member's keen interest in the Crown Estate through a variety of conversations that we have had. He will be aware of the on-going dialogue that the Scottish Government and Crown

Estate Scotland (Interim Management) have been having with the island authorities and others on the issue of transferring or delegating the function of managing the Scottish Crown Estate to local authorities.

I understand the reasoning for the member's amendment, but Scottish ministers have shown their commitment to further reform of the Scottish Crown Estate. We consulted on proposals for reform before the devolution from the UK level was completed on 1 April 2017 and we laid a bill before Parliament in January. The consultation promoted the prospect of a phased approach, with further devolution of assets in the islands being considered under a first phase of reforms.

The member's amendment seeks to include in the Islands (Scotland) Bill legal requirements relating to the process of planning for delegation of management of the Scottish Crown Estate. Unfortunately, that would lead to a confusing position as the requirements for planning reforms to management would be split across two pieces of legislation—this bill and the Scottish Crown Estate Bill—which could interfere with planning under the Scottish Crown Estate Bill. Amendment 11 is not necessary and, as it stands, presents technical problems.

Section 20 of the Scottish Crown Estate Bill would require a national strategic plan to be prepared and section 21 requires that plan to be reviewed at least every five years. That being the case, the appropriate place for planning the future of the Scottish Crown Estate is in the plans of its managers, and the islands plan should not predetermine the content of the national strategic plan. Requiring the intentions over the next five years to be set out could frustrate the policy foundations of part 2 of the Scottish Crown Estate Bill. I am happy to explore with Tavish Scott and Roseanna Cunningham, the lead minister on the Scottish Crown Estate Bill, how we might better address the effect that he is trying to achieve. Therefore, I invite Mr Scott not to move his amendment 11.

On amendment 12, in the name of Liam McArthur, I understand fully Mr McArthur's desire to see ferries referenced specifically in the plan, given the importance of those services not only to Orkney but to island communities right across Scotland. There is no doubt that ferries and wider transport issues will be covered in detail in the national islands plan, and I give that undertaking. Reliable and efficient transport connections, whether by ferries or planes, are hugely important to our island communities and, in many instances, are regarded as lifeline services. Therefore, without question, I am happy to give a commitment that they will be prominent in any future national islands plan.

On the specific detail of Mr McArthur's amendment 12, I suspect that he will not be surprised to discover that I do not think that it is necessary, at least in the level of detail that has been put forward. In 2012, the Scottish Government produced the first ever Scottish ferries plan, which covered the period 2013 to 2022 and which was the result of extensive analytical and consultation work. I have signalled recently that we will renew that plan and produce a new one in good time for the expiry of the current plan. Again, that will involve engagement with stakeholders, extensive analytical and consultation work and so on. The new plan will, of course, be island proofed, given the statutory duties in the Islands (Scotland) Bill.

I also want the new ferries plan to sit within the context of the national transport strategy and the strategic transport projects review. However, the timescales of the new ferries plan will not be deliverable ahead of, for example, the first national islands plan.

For all those reasons I am not able to support amendment 12 today but, again, I am happy to work with Mr McArthur to explore how we might better address the effect that he is trying to achieve. I urge him not to move his amendment 12.

On amendment 13, which again is in the name of Liam McArthur, everyone recognises the huge challenge that fuel poverty presents to communities across Scotland. I credit Liam McArthur because he has raised that issue—which is particularly acute in Orkney—on a number of occasions in Parliament both in committee and in the chamber.

The member is aware that the Scottish Government has recently concluded a consultation on a new fuel poverty strategy. Responses are currently being considered and they will help inform the development of the draft strategy, which is to be published in May, as well as inform the warm homes bill, which is due to be introduced to Parliament before the summer.

As members will be aware, fuel poverty is not just an islands issue. Our aim is to ensure that we direct help to anyone who is suffering from the impacts of fuel poverty. We have consulted on rural and island issues and we will seek to island proof the warm homes bill ahead of its introduction. Mr McArthur's amendment 13 would predetermine how elements of the warm homes bill, the strategy and the delivery priorities are set out before Parliament has had the chance to fully examine them, which would potentially limit its options and hinder the parliamentary scrutiny process.

For those reasons, I cannot support amendment 13 but, again, I am happy to work with Mr McArthur and to arrange a meeting with the Minister for Local Government and Housing to explore how we ensure that the particular needs of islands communities in relation to fuel poverty are reflected in the legislation. I invite Mr McArthur not to move his amendment 13, on the basis of that guarantee.

I turn to amendment 14, in the name of Tavish Scott. As he knows, the Scottish Government is committed to extending superfast broadband across Scotland by the end of 2021. The procurement is well under way and we have embarked on a competitive dialogue phase with our shortlisted bidders. We expect to have suppliers in place and ready to start delivering in early 2019.

The current digital Scotland superfast broadband programme has transformed broadband access for our islands. Thanks to our investment and that of our partners, new sub-sea fibre cables have been deployed and there is now extensive fibre coverage on Orkney, Shetland and the Western Isles. The coverage footprint that is to be delivered by the successful R100 bidders and a detailed deployment plan will be confirmed only at the end of the procurement process, at the turn of the year. We are absolutely committed.

The member will acknowledge that the procurement and deliverability of projects of that scale require many months of proper investigation before timescales and targets can be identified. I caution against suggesting that the targets can be brought forward by nine months, as suggested by the member's amendment 14. If the target can be met sooner, of course that would be welcomed by everybody, including the Government.

I cannot support amendment 14 as drafted but, as I have indicated previously in relation to other amendments in the grouping, I am more than happy to explore with the member an alternative form of wording to ensure that the importance of digital connectivity to our island communities is recognised in the plan. With those reassurances, I urge Mr Scott not to move amendment 14.

Amendment 15, also from Tavish Scott, relates to the continuing discussions between the Scottish Government, the UK Government and the three wholly island councils about the possibility of a future islands deal. I completely understand the intention of the amendment and appreciate that the member has a clear constituency interest.

I reassure all members that the Scottish Government is committed to 100 per cent coverage of Scotland with growth deals. That includes all Scottish islands. In line with the recommendations that the Local Government and

Communities Committee made following its inquiry into city region deals, we have asked the UK Government to make a clear commitment to join us in that common purpose and agree a timetable for doing so. Government officials are in dialogue with local government and other colleagues leading the development of an islands deal and I have discussed the matter with island local authorities.

Amendment 15 is not the best way to ensure progress on that. Indeed, in seeking to oblige the UK Government to be part of an islands deal through primary legislation, it might arguably not even be competent. The Scottish Government has already successfully delivered three city region deals with the UK Government and more are in the pipeline. We do not need primary legislation to deliver those deals or to work hard towards our focus on 100 per cent coverage of Scotland with growth deals. Therefore, I ask Tavish Scott to not move amendment 15. However, as always, I am happy to have a discussion about how we can best make progress towards an islands deal.

Amendment 16, in the name of John Finnie, calls on the Scottish ministers to set out in the plan a

“strategy for the maintenance of biosecurity on Scotland's islands”

to protect their unique natural heritage, cultural heritage and economy. I have discovered in recent days that biosecurity is a broad term that encompasses many aspects of disease and harm prevention. Good biosecurity has the potential to protect wildlife, fragile ecosystems and animal and public health. The Scottish Government is fully supportive of good biosecurity measures. Biosecurity is collaborative and we recognise the essential roles that stakeholders, the wider industry and local councils play in maintaining good biosecurity. That is demonstrated in the biosecurity codes and plans that the Scottish Government has already agreed with a number of sectors.

Although I appreciate amendment 16, as with other amendments in the group, the bill is not the right place for the level of detail that it seeks and the requirements that it places on ministers and other authorities. However, it is an interesting and commendable proposal and I am willing to explore with John Finnie an alternative form of words ahead of stage 3 to ensure that that important issue is recognised within the national islands plan.

On amendment 31 from Jamie Greene, as indicated in our response to the committee's stage 1 report, we anticipate that the plan will include a series of outcomes, targets and measurable indicators across the full range of Government

activities to allow for monitoring and assessment of its progress. That said, I am sure that the member will acknowledge that those will vary and, therefore, it is not always possible to guarantee that every objective covered by the plan—especially high-level objectives—can realistically be measured.

On that basis, the Government cannot support amendment 31. However, if Jamie Greene is willing, following stage 2, I am happy to explore with him an alternative wording that will deliver on the spirit of the amendment and that the Government could support at stage 3. Therefore, I urge him to not move amendment 31.

Amendment 32, which is also from Jamie Greene, is the final amendment in this group and seeks to ensure that the plan lists the public authorities that have duties under the bill. In principle, I have no objections to supporting the amendment but I wonder if it is necessary. It would be helpful to hear the thinking behind the amendment before I agree to accept it.

The schedule that accompanies the bill already lists all relevant authorities that have duties in relation to island communities. At my appearance on 8 November, Jamie Greene had questions about whether the reference to “Scottish Ministers” in the schedule included all Scottish Government agencies. I am told that it is normal for an act to refer to the Scottish ministers, which is the relevant legal person under the Scotland Act 1998 and, therefore, covers all agencies without naming them. That is desirable, as ministerial agencies can be created and change over time.

If that is the reason behind Jamie Greene’s amendment 32, perhaps he would consider not moving it at this stage with a view to exploring with me the best way of achieving the clarity that he seeks.

I move amendment 1.

11:45

Colin Smyth: Amendment 2A seeks to amend Amendment 2 in the minister’s name to include action on depopulation. That is one of the key challenges facing island communities and it is important that it is included in the plan’s aims. I welcome the minister’s support for that.

I have a great deal of sympathy for the aims of the other amendments, and will listen to what members have to say about them.

Tavish Scott: I appreciate the tone of the minister’s remarks. It is always difficult to issue a great rant in response to a minister who is entirely reasonable when knocking amendments into touch. I will do my best.

I have three points to make on amendments 11, 14 and 15. On the Crown Estate powers, the minister made a fair point at the start of his remarks about the priorities of islanders. I am sure that he would take the observation that the devolution of the sea bed to the islands is unfinished business for the islands and is a priority for islanders. Amendment 11 seeks to address that. The matter was a commitment of the Smith commission, and I am grateful for the cross-party support of members of the commission, including the Deputy First Minister, which resulted in the clear language that is used on this issue. There is a difference between that and the wider aspects relating to the Crown Estate in the national strategic plan, which the minister mentioned, fairly, in his remarks. I would ask the minister to reflect on that in winding up. I take what he said in relation to the Scottish Crown Estate Bill, which his colleague Roseanna Cunningham is taking through Parliament.

On amendment 14, on broadband, I take the minister’s remarks. I entirely support what Government policy on broadband seeks to achieve. I could argue, although perhaps not successfully, that the amendment is entirely complementary to the Government’s work. The broadband roll-out is fundamental to all of the islands, and that is the reason for amendment 14.

On amendment 15, there simply should be an islands deal. I thought that the minister might rather like my suggestion that he should tell the UK Government what to do, in the spirit of what we will be dealing with later this afternoon on the UK Withdrawal from the European Union (Legal Continuity) Bill. However, I am possibly the least best person to make that argument, given what I will be arguing in a couple of hours’ time.

There is an important role for an islands deal. Amendment 15 was designed to bring that in front of the committee as an important next stage in the development of the islands, and in that sense it is consistent with the bill.

Liam McArthur: I, too, thank the minister for the tone and content of much of what he had to say.

Amendments 12 and 13 follow a similar theme to the amendments of Tavish Scott. There is an opportunity through this bill, specifically the islands plan, to ensure that safeguards and commitments are put in place so that the provision of services to island communities meets certain standards as a minimum and that the needs of island communities are not an afterthought, as so often appears to be the case.

Amendment 12 deals with ferry services, which I am pleased to say that Tavish Scott and I have managed to get the Parliament to speak rather a lot about over the last three or four months. As the

minister rightly acknowledged, the 2012 ferries plan sets out minimum standards for levels of service. Sadly, however, those are not always met. The lifeline internal services in Orkney are a case in point.

That cannot continue. The agreement on the budget paves the way for resolving the issue. Before deciding whether to move amendment 12, I seek assurances from the minister that he will instil a degree of urgency to the negotiations with Orkney Islands Council on identifying a longer-term solution, commit to updating Parliament before the summer recess on progress and agree to help towards the funding of the business case on which the longer-term solution will be based.

On amendment 13, colleagues will be aware that Orkney has the dubious honour of being the area with the highest proportion of fuel-poor households anywhere in the country. The Government previously recognised the specific nature of fuel poverty in rural and island areas and the challenges in tackling it through the work of the rural fuel poverty task force. The revised definition of fuel poverty announced by ministers drives a coach and horses through that and risks artificially deflating fuel poverty levels in island and rural communities generally by as much as 20 per cent. All the indications are that, if that definition stands, the warm homes bill will fall far short of the needs of communities that desperately need a tailored approach to be taken.

Those concerns have been raised by those active in fuel poverty measures in Orkney and across the Highlands and Islands more widely. I welcome Humza Yousaf's recognition not just of my efforts but of those wider efforts, and I also welcome his commitment to work with me and with the housing minister, ahead of stage 3, to ensure that the concerns that have been raised will be properly picked up in the warm homes bill, which will follow once the Islands (Scotland) Bill has been dealt with. On that basis, I am happy not to move amendment 13.

John Finnie: My amendment 16, as has been said, would insert into section 3 a requirement for a reference to biosecurity in the national islands plan. I hear what the minister said about pre-populating the plan, and we have the ever-present debate about what should and should not be in the bill. I will greatly curtail what I was going to say, but invasive species are a major driver of biodiversity loss, and islands are particularly vulnerable. Putting in place the sort of system that I propose would not only protect the natural environment but safeguard economic and agricultural interests. Experience suggests that having that in place would significantly reduce the risk of new incursions. The sort of thing that we are talking about is the eradication of mink in the

Western Isles and the positive impact that that had for poultry, the clearing of rats from the Shiant islands, and the invasive species of stoats that are now an issue in Orkney. Techniques are involved in such efforts, and my amendment seeks explicit reference to them in the bill, but I hear what the minister says, and if he is minded to be supportive of that approach I would be happy to discuss those provisions appearing in the plan rather than in the bill.

I would like to touch briefly on some of the other amendments in the group. I will support some of the amendments with tidying-up language, including Mr Smyth's amendment on island populations. Tavish Scott's comments about the devolution of the sea bed are very important, and his amendments offer a fundamental opportunity that should not be lost. Ferry services are very important, and the minister acknowledges the huge challenge around fuel poverty, which is also important. I hope that my colleagues will take the approach that I have taken and will not press their amendments. It is important that those issues are highlighted, but I concede that we need to promote them rather than necessarily have them in the bill.

Jamie Greene: In the interests of time, I will shrink many of my comments, as this is a long group. I will deal first with amendments 31 and 32, and with the minister's comments. The intention behind amendment 31 is to ensure that the objectives that are referred to in the islands plan are measurable. That is important for two reasons. First, a later amendment of mine, amendment 40, is about review of the act and of its success, and if objectives are not measurable in some way it will be difficult for ministers and for us to see whether those objectives have been met or not. I have purposely been light on wording. I have not said how they should be measured, whether there should be targets, or what forms of measurement the minister may choose to assess whether the objectives have been met, but it is important that we have some wording to ensure that the objectives are not just vague concepts, but can be targeted in some ways, as the minister sees fit when he produces his plan. For that reason, I would be minded to move amendment 31 to ensure that there is language around the fact that objectives must be measurable, unless the minister can persuade me otherwise when he sums up.

On amendment 32, I see the point that the minister makes, but let me explain why I have lodged the amendment. When the minister produces his islands plan, it is inevitable that it will be public authorities and bodies that will have to deliver much of the plan. The schedule as it currently stands, with the listed public authorities, relates only to part 3, on the duties in relation to having regard to island communities, and not to

part 2, which is about the delivery of the islands plan.

For that reason, I felt that there was a gap. I have specifically stated that the list of public authorities does not need to be in the bill; it just needs to be in the plan. I am not asking the minister to include in the bill all the public authorities under the jurisdiction of ministers; I am asking for them to be listed in the plan, so that when the plan is produced there will be no ambiguity about which authorities have to deliver the objectives that are set in it. I have intentionally left it so that the list will be in the islands plan, which addresses the technical issue that the list in the schedule does not relate to the implementation of the plan. I hope that clarifies why I have lodged amendments 31 and 32, and that the minister will be supportive of the rationale behind them.

We are happy to accept that the minister's amendments 1 and 2 follow on nicely from the discussion that we had about the purpose of the bill. The amendments have a very helpful purpose, which is to home in on some of the objectives that the plan should cover in relation to sustainable economic development, health and wellbeing, and community empowerment. Those are all very welcome additions at stage 2, although there may be room to tighten the purpose further at stage 3.

I have listened to the arguments from Liam MacArthur and Tavish Scott, who made some valid points. We had a long conversation about their amendments, which raise some valid issues on broadband, ferry access to islands, and fuel poverty. There is no doubt that those things should be included in the plan, but the committee also had a long conversation about the problem of being specific in the bill and creating lists, which are not exhaustive. The question arises as to where to stop; there are half a dozen other areas that I think should be in the plan.

Throughout this process, my worry has been that we should not create lists as such, but I do not want to detract from the amendments and the reasons why they have been discussed today. The issues are important, but I am unable to support the amendments, because I am nervous about being specific in the bill about what should be in the plan.

Mike Rumbles: There is a certain nervousness about the whole process. There is the legislation that we are looking at now and the minister will introduce the plan at a later date. Because of that process, MSPs will not be able to alter the plan that the minister produces, which is a bit like subordinate legislation. The only opportunity that MSPs have to get something included in the plan is to put it in the legislation.

I hear the minister and do not doubt his sincerity when he says that ferries will be prominent in the national islands plan—I am certain that they will be. The minister is an honourable man and my comments are not focused on an individual minister. However, there are two ex-transport ministers in the room, so I am not sure how long an individual will be in post.

Humza Yousaf: Oh!

Mike Rumbles: I put on record that I have a very good relationship with the minister. He does a good job and my comments are not meant to be personal. What I am trying to get across is that the problem is with process. Because the national plan can be reviewed—and is to be reviewed quite regularly—the current minister may well not be the minister who produces the next plan. The problem is that the only opportunity that MSPs have to influence what is in the plan is to put it in the bill.

Stewart Stevenson: Will the member take an intervention?

Mike Rumbles: I had finished, but—

The Convener: As the member has finished, we should move on. Stewart Stevenson has a chance to say something now, anyway. Before he does, I record the fact that Mike Rumbles will have to leave for a prior engagement with the Presiding Officer, so his substitute, Alex Cole-Hamilton, will be taking over.

12:00

Stewart Stevenson: I have a brief point to make in response to what Mike Rumbles said. When his political colleague Ross Finnie was a Government minister, it was only when he brought forward the third version of the outdoor access code that came from the Land Reform (Scotland) Act 2003 that we finally consented to agreeing to it. There is, therefore, a process and it does work. However, we will stick that to the wall, because it is not really what I want to talk about.

I am going to talk briefly about two of the amendments, and my observations are designed to be helpful rather than obstructive. First, on Liam MacArthur's amendment 12, I am a bit concerned about any strategy that defines

"the level and standard of ferry services".

If we had prescribed things in a particular way previously, I wonder whether we would have seen the innovation that Andrew Banks brought with Pentland Ferries operating across the Pentland Firth or, indeed, the innovation that Gordon Ross brought with Western Ferries at Gourrock. In addition, in addressing only the needs of island communities, I do not see, as I think that it would be proper to see in a ferries strategy, provision for

ferries that might go to Campbeltown, which is definitely not on an island but faces many of the same fundamental accessibility problems that islands face. Consequently, I do not think that the bill is the right place for what amendment 12 seeks.

Examples of possible innovations that might not naturally be included in the islands plan would be the use of hydrofoils—we do not currently have any hydrofoils in Scotland, but they are very successful in Norway as effective, high-speed transport—and hovercraft. Notwithstanding that Maurice Corry told us earlier this month that aviation would be coming to the Scottish Parliament, a hovercraft is actually a form of sea transport that requires a commercial pilot to operate it rather than someone with maritime qualifications.

Secondly, Tavish Scott's amendment 14 refers to "30 megabits per second", which is presumably meant to refer to download speed, but issues exist about latency and upload speeds. However, I think that, in a very short space of time, we will consider 30Mbps to be rather unambitious and we will be moving towards 300Mbps and, indeed, gigabit delivery. I do not want to embed the current target too firmly in our minds when, in fact, we should be moving on to much more ambitious ones.

John Mason: I agree with the minister's argument, which Stewart Stevenson has reiterated to an extent. Given the nature of the bill, I do not think that we want to go into incredible detail. Some of the amendments go into too much detail on issues that will certainly be in the islands plan. For example, this committee has looked considerably at the issue of megabits per second, and its inclusion in the bill would cut across what we have been doing on the issue. John Finnie's amendment 16 is the exception, in that it does not go into a huge amount of detail but addresses a big, overarching theme. I do not know whether John Finnie is going to move amendment 16, but I would be minded to support it.

Fulton MacGregor: I will pick up on some points. Jamie Greene made the point well that it might not be helpful to go into lists at this stage. I do not know whether Liam McArthur intends not to move amendment 16, but I would be interested in any further discussions with the minister about ferries. I have perhaps been influenced by a constituent coming to a surgery and giving me the book "Who Pays the Ferryman? The Great Scottish Ferries Swindle". Before anybody asks me questions about it, I have to say that I have not read it in full yet. However, I think that the ferries issue is relevant to the islands plan. I hope that Liam McArthur will not move amendment 16, but I will certainly be interested to see whether at stage

3 something on ferries could be included in the bill or the islands plan.

The amendments by John Finnie and others have a lot of merit, but, given our time constraints, I just want to highlight the ferries issue.

The Convener: Does the minister wish to press or withdraw amendment 1?

Humza Yousaf: I will press amendment 1, which is in my name. If I can, I will be brief.

The contributions on the group of amendments have been insightful. Tavish Scott raised three points. I absolutely take his point about the importance to communities of the Crown estate and the devolution of control of the sea bed, which I hear about when I go to those communities. I have conversations not only with local authorities but with communities on the islands, so I appreciate that the issue is important to them.

I agree with Tavish Scott that broadband access is fundamental to island communities; some might argue that it is even more important to island and rural communities than it is to urban conurbations, but I will not get into that argument.

As I have said, the tricky part in relation to the islands deal is compelling the UK Government to do something through legislation. I am not sure whether such a provision would even be competent but, nonetheless, good conversations are taking place between the Scottish Government and the islands local authorities about a potential islands deal. The draft proposals for that are incredibly ambitious and I have no doubt that the conversations will continue. Wherever I and my colleagues can influence the UK Government to be involved in those discussions, we will be happy to provide that weight.

I undertake to give Liam McArthur, before the summer recess, the update that he asked for on the long-term ferries solution. I do not know how much progress will have been made by then, but we will try to make progress and put our shoulder to the wheel. I give him the assurances that he sought. The issue is more acute on Orkney than on Shetland, given the age of some of the vessels for the internal services. We will try to work towards progress and give him the assurances that he looked for.

Mike Rumbles made an important point about future proofing, although he seemed to have insight into my future political career that I do not have. That point is precisely why we should not put such issues in the bill. As we all know, changing primary legislation is not an easy task, so dealing with the issue through the national islands plan is the most appropriate approach.

Liam McArthur made a point about fuel poverty. I will attempt to arrange a meeting with him, Kevin

Stewart and me before stage 3, as Liam McArthur requested, which would be sensible.

John Finnie's point about invasive species was well made, and I have had conversations with local authorities about them. However, I hope that he sees my point that the bill is probably not the best place to deal with that. Perhaps we can have a conversation before stage 3 about how we can incorporate such matters into the national islands plan, so that he is reassured that the issue will be given the prominence that is due to it.

I urge those colleagues not to move their amendments but to work with me before stage 3 to see whether I can give them the reassurances that they require.

I am happy to accept Jamie Greene's amendment 32, which requires the plan to list public authorities. I do not think that such a list is necessary and I am not convinced that it will have the effect that he wishes it to have, but I do not have too much concern about the amendment.

Amendment 31 is unnecessary. I believe absolutely in measuring, monitoring and assessing outcomes, and I am happy to work with Jamie Greene before stage 3 on how we can do that, but some high-level objectives are difficult to measure empirically, so I ask Jamie Greene not to move the amendment and to work with me before stage 3.

That was as quick as I could go, convener.

Amendment 1 agreed to.

Amendment 30 not moved.

The Convener: Does any member object to the amendment being withdrawn? [*Interruption.*] I am sorry; I have got the procedure wrong in my rush to move forward. I thank Mr Stevenson; it is always nice to be corrected by him.

Amendment 2 moved—[Humza Yousaf].

Amendment 2A moved—[Colin Smyth]—and agreed to.

Amendment 2, as amended, agreed to.

Amendments 11 to 16 not moved.

Amendment 31 not moved.

Amendment 32 moved—[Jamie Greene]—and agreed to.

Section 3, as amended, agreed to.

Section 4—Preparation and scrutiny of plan

The Convener: Amendment 17, in the name of Gail Ross, is grouped with the amendments shown in the groupings paper.

Gail Ross: During the committee's evidence sessions, six local authorities with island interests

made a strong case to be included as statutory consultees for the preparation of the national islands plan. My amendment is straightforward: in line with the committee's recommendation, it requires Scottish ministers to consult the six local authorities that are listed in the schedule of the bill in the preparation of the national islands plan.

At a meeting on 8 March, Highland Council, which covers my constituency, showed support for, among other things, the inclusion of the six local authorities with island interests as statutory consultees to the plan. If other local authorities were to be added to the schedule in future, amendment 17 would also mean that they would have to be consulted as well. The amendment therefore allows for future proofing in a way that Peter Chapman's amendment 33 does not.

I also believe that my amendment works better than amendments 34 and 35 in the name of Jamie Greene, which seem to include all authorities rather than just the island ones. I will wait to hear what Jamie Greene has to say on the rationale for that approach.

As a consequence of amendment 17, I have also lodged amendment 18, a technical amendment that adjusts section 4(1)(a)(i) to make it clear that persons other than those from local authorities that represent island communities must also be consulted.

I will be supporting amendment 19, in the name of John Mason, which adds "island communities" to those who should be consulted on the national islands plan. I will also support John Mason's amendment 36, which seeks to include "natural heritage" in the matters that ministers must have regard to in preparing the plan. I feel that that is a welcome addition.

I also support amendment 3, in the name of the minister, which seeks to ensure that the linguistic heritage of our island communities is considered in the plan.

I am generally supportive of Jamie Greene's amendment 40, which concerns the provision of information in the annual report on the actions that ministers are taking on the outcomes. I will listen to what Mr Greene has to say about his other amendments, but at the moment I do not think that they are necessary.

Finally, I will support amendment 4, in the name of Fulton MacGregor, which would require ministers to produce the annual report within three months of the end of the reporting year. It is a reasonable proposal.

I move amendment 17.

12:15

Peter Chapman: Much of what I had to say has already been said. My amendment sets out another list; I suspect that Stewart Stevenson will not be overly enthralled by that, because he did not like the list the last time around. However, it provides clarity. After all, it is important that the six island authorities are statutory consultees, and that is what I am trying to achieve with amendment 33.

I will leave Jamie Greene to speak to his amendments, which I will support. I can also support John Mason's amendment 19 and the minister's amendment 3. However, I cannot support amendment 37 in the name of John Mason, although I cannot for the life of me remember why. [*Laughter.*]

Richard Lyle: He has lost the will to live.

Peter Chapman: I have been helped out by the member next to me, and he is not even a member of the committee.

I would question the use of the phrase "including inhabited islands". Should it not be "uninhabited islands", as the bill generally refers to inhabited islands? I am not sure whether I have made things any clearer, so I will move on.

Amendment 38, in the name of Colin Smyth, is similar to John Mason's amendment 37, so we are not happy with that one either. I can support Fulton MacGregor's amendment 4.

The Convener: I am pleased to say, Mr Chapman, that John Mason actually understood your question, so I am sure that he will address that point.

Jamie Greene: I support amendment 33 in the name of my colleague Peter Chapman. It is important to list the island authorities as statutory consultees.

As for my amendments, I take Gail Ross's point about amendments 34 and 35, the purpose of which is to include local authorities as part of the consultation process. There is a variety of ways of wording the bill to achieve that, as is reflected in the conflicting amendments on the issue, but there is a general sense among members that not just local authorities but island communities should be part of the process. Indeed, that reflects the feedback we received on our visits to islands.

Gail Ross: Will the member take an intervention?

Jamie Greene: Yes.

Gail Ross: No one here would argue with the inclusion of island communities, but amendments 34 and 35 refer to "local authorities", which would

encompass all local authorities, not just island local authorities or local authorities with islands.

Jamie Greene: I take the point. The wording could have been tighter, but we were up against the wire with amendment deadlines. There is a purpose to the amendments, though, and I am happy to reflect on how we can strengthen the wording to include the relevant island authorities.

We support amendment 19. It is important to point out that it is not just local authorities that are the voices of islands; the voices of members of island communities must be heard, too. For that reason, I think that amendment 19 is an excellent addition to the bill.

Amendment 39 is a technical, tidying-up amendment, which says:

"The plan must be laid before the Scottish Parliament on a day on which the Parliament is sitting."

The bill does not state that explicitly at the moment. It is important that the plan is not published the day after the summer recess begins—not that the minister would ever dream of doing such a thing, of course. Ensuring that the plan is delivered to Parliament on a sitting day gives the opportunity for urgent questions to be raised in the chamber or for scrutinising the plan as we see fit. The amendment is not being prescriptive about how we should scrutinise the plan, but it ensures that we get the plan on a day when Parliament can discuss it appropriately.

I welcome Gail Ross's comments on amendment 40. The bill says only that the report will talk about the extent to which outcomes have improved since the previous reporting year. That is wonderful, and I hope that outcomes do improve, but the Government should also be accountable by laying before Parliament the details of where outcomes have not improved. That is what is required under amendment 40. I do not imagine that Government would ever want to avoid publishing negative news about or regression in any of its outcomes, but I hope that the amendment strengthens the minister's ability to be forthcoming and frank about objectives that have not been met or which have not improved since the previous year. That is the rationale behind amendment 40, and I hope that it has the committee's support.

On amendment 42, which relates to the reference on page 3 of the bill to

"any other matters which the Scottish Ministers consider appropriate",

its inserting into the bill the phrase

"any financial implications arising as a result of this Act"

is important. We might find that, after a year, there has been a significant effect on the ability of local

and public authorities to deliver the objectives of the plan financially or the mitigation requirements to help local authorities make decisions with due regard to island communities, and it is important that the minister is honest with Parliament about the potential financial consequences. That is not explicit in the bill as drafted.

John Mason: I will focus my attention on amendments 19, 36 and 37 in my name.

I am picking up positive vibes about amendment 19. The reason for lodging it came out of the committee report. Under section 4(1)(a)(ii), ministers are required to consult

“such persons as they consider likely to be affected by the proposals contained in the plan”.

The general feeling was that that was a bit too vague, and amendment 19 is intended to beef up the requirement by adding the phrase

“including members of island communities and other persons”.

I hope that that will not be contentious.

Amendment 36 adds the phrase “natural heritage” to section 4(1)(b), which talks about having

“regard to the distinctive geographical and cultural characteristics”

of each of the islands. By adding “natural heritage” after the word “geographical”, we will ensure that Scottish ministers have regard to everything to do with that matter, too. The term “natural heritage” is defined in statute under the Natural Heritage (Scotland) Act 1991 as

“the flora and fauna of Scotland, its geological and physiographical features, its natural beauty and amenity”.

The future plan should cover all that as well as aspects that have already been mentioned such as invasive non-native species. We also know about the links between natural heritage and the economy; for example, the sea eagles on Mull are thought to bring in £5 million per year to the local economy. As for Colin Smyth’s amendment 38, I know that it is very similar to mine. We do not need both, but we certainly need one of them.

Amendment 37 deals with the public interest in consultations. At present, the bill refers to Scottish ministers considering

“the interests of island communities”

and

“such persons as they consider likely to be affected”,

and then having

“regard to the ... characteristics of each of the areas inhabited by island communities.”

All of that is absolutely correct, but there is an issue of principle here, and we should add

something specific about the public interest to make it clear that it is not just any public interest and to ensure that the term itself is not left totally vague. As a result, amendment 37 seeks to add to the provision the following wording:

“have regard to the public interest in the environmental, economic and social characteristics of islands (including inhabited islands)”.

This brings me to Mr Chapman’s point about whether the amendment should refer to inhabited and uninhabited islands. Given the assumption in the bill that most of its provisions relate to inhabited islands, I am using the term “islands” to include all islands, specifically inhabited islands. I accept, though, that the amendment could be worded differently.

Islands are important not just to island communities but to us as a nation. I am a city dweller and I like living in the city, but I love our islands and I love visiting them. Amendment 37 would bring in a wider public interest that is specifically about environmental, economic and social characteristics, and that would help to emphasise that we as a nation—not just the people who live on the islands—have a commitment to them.

Humza Yousaf: I will speak to amendment 3 first and then comment on the other amendments in the group.

In its stage 1 report, the committee called on the Scottish Government to consider an extension to the provisions of the bill so that, in addition to its having regard to the distinctive geographical and cultural characteristics of the islands, it would also have regard to their linguistic heritage.

We recognise the importance of the linguistic heritage of Scotland’s island communities. The bill already uses the expression “cultural characteristics”, which covers a range of matters including the Gaelic cultural traditions of the Hebrides and the Scandinavian heritage of Orkney and Shetland. However, I accept the committee’s suggestion that some clarification might be helpful. To that end, I have lodged amendment 3 to make it clear that, in preparing the national islands plan, the Scottish ministers must have regard to linguistic heritage.

I am happy to support amendments 17 and 18 in the name of Gail Ross. Through the ministerial islands strategic group, I have developed a strong and constructive partnership with the six island local authorities and the local authorities with islands. As I stated in my response to the committee’s stage 1 report, the six local authorities assisted us with the development of the bill ahead of its introduction. I always envisaged their continuing to play an active role in helping us deliver the provisions in the bill and guidance

through their participation in the islands strategic group. Amendments 17 and 18 will ensure that all six local authorities are listed as statutory consultees for the national islands plan, and I welcome that.

Given the support for Gail Ross's amendments 17 and 18, I, like others, see no need for amendment 33 in the name of Peter Chapman or amendments 34 and 35 in the name of Jamie Greene. Amendment 33 is not future proofed in the same way that amendments 17 and 18 are, and I ask Peter Chapman not to move it.

Amendments 34 and 35 in the name of Jamie Greene seek to provide that consultation will take place with all local authorities that represent island communities or which are affected by a proposal. Although it is useful to identify the six islands authorities in the schedule, we do not require to add in all the local authorities. If the member has concerns about other local authorities, I would note that they are already covered under section 4(1)(a), as, under the normal rules of statutory interpretation, a local authority is a type of legal "person". I therefore ask Mr Greene not to move amendments 34 and 35.

I am happy to support amendment 19 in the name of John Mason. The amendment highlights simply and effectively that island communities must be consulted in the preparation of the plan. I am also happy to support Mr Mason's amendment 36. Some of our island landscapes and habitats are truly world class, and it is therefore right that the national islands plan has regard to our islands' natural heritage.

I am intrigued by Mr Mason's amendment 37, and I listened carefully to what he had to say about it, but I am still not entirely convinced that it works as intended, not least because it includes uninhabited islands, which is an issue that we discussed in an earlier group. That said, I understand what he is trying to do. As a result, in an attempt to be helpful, I ask him not to move amendment 37 today but to work with me and my officials to see what can be done to give effect to his aim. If he is satisfied with that work, we will lodge another amendment; if he is not, he can lodge his amendment again at stage 3. I make that offer, because I am not entirely clear about his intention and I fear that amendment 37 and its particular reference to "public interest" might have unintended consequences.

12:30

Amendment 38 in the name of Colin Smyth is not required if we support amendment 36 in the name of John Mason. As they essentially do the same thing, I ask members to support amendment

36 and ask Colin Smyth not to move amendment 38.

Amendment 39 in the name of Jamie Greene requires the final national islands plan to be laid before the Scottish Parliament

"on a day on which the Parliament is sitting"—

which, in effect, means not during recess. I assume that the member is worried that we will attempt to sneak out the plan during the recess when members are not looking.

Unfortunately, amendment 39 could mean our having to delay laying the plan until Parliament comes back from whatever recess got in the way. Indeed, under section 4(4), we would still have an obligation to publish the plan

"As soon as reasonably practicable".

Whenever we lay and publish the final plan, it will be there for members to consider and debate as they wish. Section 4 builds in a 40-day parliamentary period after the draft proposed plan is laid and before the final plan is made. After that, I would not want to delay the final plan's laying and publication any longer.

Jamie Greene: Will the minister take an intervention?

Humza Yousaf: I will finish this point and then take the intervention.

I completely understand where Jamie Greene is coming from. We have talked a lot about future proofing; as reasonable as a particular minister or Government might be at the time, we need to future proof the provision, and I am therefore more than happy to discuss the matter with the Minister for Parliamentary Business. It would be for the Scottish Parliamentary Corporate Body to have a conversation about an appropriate debate on the national islands plan when the Parliament is sitting. I also point out that the collaborative approach that we seek to take with the plan will mean that its contents will hold no surprises for members.

I am now happy to take Jamie Greene's intervention.

Jamie Greene: Theoretically, as the bill stands, the minister could lay the plan at the beginning of, say, the summer recess, in which case Parliament would not be able to address it fully until it came back from recess. Will he clarify the timeline for the draft plan versus the final plan? By saying that the plan must at least be submitted on a parliamentary sitting day, I am trying to ensure that it is formally presented to Parliament while it is sitting. That would, for example, give MSPs the summer recess to review it. Could a draft be issued at that point? Would the 40-day deadline

occur during the recess? I am a bit confused about the timeline as drafted.

Humza Yousaf: I can confirm that the 40-day period starts with the day on which the plan is laid before the Scottish Parliament. My understanding is that it is 40 sitting days, but I am happy to work with Jamie Greene to provide further clarification. Indeed, I can clarify it in writing to the committee. However, members of the Opposition, if no one else, would rightly be the first to pull us up if we attempted to sneak out something as important and as high up our agenda as the national islands plan without its getting the appropriate scrutiny.

As I have said, I do not expect there to be any surprises in the plan, given that we have discussed and know some of the main issues that will be in it and that we hear regularly from the island communities on those issues. Theoretically speaking, a draft could be laid just before summer recess and not get any scrutiny until we came back. However, I am happy to work with Jamie Greene ahead of stage 3 to try to prevent that from being the case and to devise a timetable that takes into account parliamentary recesses and appropriate levels of scrutiny.

Amendment 40 in the name of Jamie Greene asks Scottish ministers to set out the steps that they will take where an outcome identified in the plan has not improved. I am not sure whether it works with his amendment 31, which refers to the objectives—and not outcomes—being measurable; however, I understand what Mr Greene is seeking to achieve here, and it has some merit. After all, where an outcome or objective is not being met, the Scottish ministers should consider what they should do to seek to change that situation. I ask Mr Greene not to move amendment 40 at this stage on the basis that I will ask officials to consider the matter more fully and liaise with him before stage 3 to ensure that, if it is considered appropriate, a suitably worded amendment in the same vein can be drafted.

As for amendment 42, which is also in the name of Jamie Greene, I think that it is far too broad in asking the Scottish ministers to report on

“any financial implications arising as a result of this Act”.

As the legislation would apply to a very broad range of organisations, I do not think that such a requirement for information would be realistic.

Finally, amendment 4, in the name of Fulton MacGregor, seeks to require the annual report to be laid within three months after the end of the reporting year. As I am conscious of the Parliament’s focus on the desirability of transparency, clarity and accountability, I am happy to support the amendment. The Scottish Government always expected the annual report on the plan’s progress to be published and laid before

Parliament in a timely fashion following the end of the reporting year.

I will conclude there, convener.

Colin Smyth: Amendment 38 is very similar to John Mason’s amendment 36 in that it seeks to add the phrase “natural heritage” to the bill. I feel passionately about the issue—indeed, I raised it during the stage 1 debate—but if amendment 36 is agreed to, I will not move my own amendment.

Fulton MacGregor: I will speak to amendment 4 as briefly as I can.

Section 5 places a duty on ministers to prepare and publish an annual progress report that provides information on the improvement of outcomes in island communities that has occurred over the previous year as well as information on how ministers have complied with the island-proofing duty in section 7. The bill currently provides that the report must be produced

“As soon as reasonably practicable”,

but to assist with tracking progress on the report, the committee recommended a time limit for its publication by Scottish ministers.

Amendment 4 ensures that the Scottish ministers must publish and lay before Parliament the annual report within three months after the end of the reporting year. I believe that three months is an appropriate length of time for the ministers to produce the information. Anything shorter would come with the risk of the information not being available, while anything longer would mean that the information could be out of date.

I support amendments 17 and 18 in the name of Gail Ross. Like the minister, I, too, support John Mason’s amendment 36 on natural heritage.

Like other members, I am not sure of the need for amendments 39 and 42 in the name of Jamie Greene. However, I see the benefits in his amendment 40, although I note the minister’s call for further work to be done on it before stage 3.

Richard Lyle: Because of the time factor, I will be brief. Amendments 34 and 35 by Jamie Greene have been slightly badly drafted, and with the greatest respect, I ask him not to move them. There is no island in my constituency, unless it is one in the middle of a lake.

As for the other amendments in the group, I take on board the points that the minister made when he asked members to reflect on them.

Stewart Stevenson: I want to make a brief comment on amendment 39 in the name of Jamie Greene. What it proposes is in conflict with rule 14.1.3 of the Parliament’s standing orders, which states:

“A report or other document may be laid before the Parliament at any time when the office of the Clerk is open.”

In order to agree to the amendment, we would have to look at what the standing orders say, and I do not know how we would change standing orders to conform to it. That is a procedural point.

In any case, I think that the best day for laying this particular material is the last day before the summer recess. That would allow us all to go and consult our constituents on the plan’s contents over the recess—a three-month period—before the period of 40 parliamentary sitting days started to operate. In short, and contrary to the argument that has been put forward, the best day to lay the plan is the last day before recess starts—or the day after, for that matter.

John Finnie: I would like to speak briefly on amendment 3, in the name of the minister. I am grateful that it reflects the committee’s stage 1 report recommendation. I have a deep interest in our linguistic heritage, and I am particularly grateful that the minister mentioned the Norse heritage of the north isles.

Clearly the islands plan must have regard to the one plan that is in place regarding our linguistic heritage—the national Gaelic language plan. In that respect, I have had various representations made to me, and the minister might be in a position to allay some concerns. Can he confirm, for instance, that Bòrd na Gàidhlig will be consulted on the preparation of the islands plan and play some role in the subsequent assessment of it?

Humza Yousaf: Yes.

John Finnie: Thank you very much indeed. Mòran taing.

Gail Ross: We have had a really thorough discussion of all the amendments and there are many points to consider. On amendment 39, in the name of Jamie Greene, we should note that, if the plan were to be laid on the last day before recess, that would still be a sitting day of the Parliament. That is an interesting point.

On my own amendments, I feel that amendment 17, in my name, is stronger than amendment 33, in the name of Peter Chapman. Because it provides for the list of statutory local authorities to be set out in the schedule, it allows for future proofing, as the minister has acknowledged. I therefore ask Peter Chapman not to move amendment 33, but I intend to press mine.

Amendment 17 agreed to.

Amendment 33 not moved.

Amendment 18 moved—[Gail Ross]—and agreed to.

Amendment 34 not moved.

Amendment 19 moved—[John Mason]—and agreed to.

Amendment 35 not moved.

Amendment 36 moved—[John Mason]—and agreed to.

Amendment 3 moved—[Humza Yousaf]—and agreed to.

Amendment 37 moved—[John Mason].

The Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Mason, John (Glasgow Shettleston) (SNP)
Smyth, Colin (South Scotland) (Lab)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Cole-Hamilton, Alex (Edinburgh Western) (LD)

The Convener: The result of the division is: For 3, Against 7, Abstentions 1.

Amendment 37 disagreed to.

Amendments 38 and 39 not moved.

Section 4, as amended, agreed to.

Section 5—Report on plan

Amendment 40 moved—[Jamie Greene]—and agreed to.

Amendment 41 not moved.

Amendment 42 moved—[Jamie Greene].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Smyth, Colin (South Scotland) (Lab)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Cole-Hamilton, Alex (Edinburgh Western) (LD)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 42 disagreed to.

*Amendment 4 moved—[Fulton MacGregor]—
and agreed to.*

Section 5, as amended, agreed to.

Section 6 agreed to.

The Convener: I am afraid that that is as far as we are able to go today, but we will pick up next week where we have left off today. Amendments to the remaining sections of the bill can still be lodged, and the deadline for doing so is 12 noon tomorrow.

That concludes today's business, and I close the meeting.

Meeting closed at 12:46.

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