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Scottish Parliament

Wednesday 13 May 2020

[The Presiding Officer opened the meeting at 12:20]

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon. I remind members that social distancing rules are in place throughout the Parliament and the chamber. I know that you are careful about observing them.

Before we turn to questions, the First Minister will give a brief statement to update us on the latest figures and the Government's response to coronavirus.

The First Minister (Nicola Sturgeon): Thank you, Presiding Officer. I will start with a brief statistical update on Covid-19.

As at 9 o'clock this morning, there have been 13,929 positive cases confirmed, which is an increase of 166 since yesterday. A total of 1,534 patients are in hospital with confirmed or suspected cases of the virus; that is a decrease of 84 from yesterday. A total of 70 people were in intensive care last night with confirmed or suspected Covid-19; that is a decrease of 11 since yesterday. I am afraid that, in the past 24 hours, 61 deaths have been registered of patients who had been confirmed as having the virus.

That takes the total number of deaths in Scotland under that daily measurement to 1,973. However, National Records of Scotland has just published its latest, more detailed weekly report. Unlike the daily figures, its figures include those deaths with a confirmed laboratory diagnosis of Covid-19 and cases where no formal test had been carried out but in which the virus is entered on the death certificate as a suspected cause of death or a contributory factor in the death.

The latest publication covers the period up to Sunday 10 May, which is three days ago. At that point, according to our daily figures, 1,862 deaths had been registered of people who had tested positive for the virus, but today's report shows that by Sunday the total number of registered deaths linked to the virus, confirmed and presumed, was 3,213. Of those deaths, 415 were registered in the seven days up to Sunday; I can report that that is a decrease of 110 from the week before and a decrease of 244 from two weeks previously.

Deaths in care homes made up 57 per cent of all deaths linked to the virus last week. That is a slightly lower proportion than the previous week. Also, the total number of Covid deaths in care

homes, although it is still too high, fell to 238 from 314 the week before.

Finally, the total number of deaths recorded from all causes last week was again higher than the five-year average but was lower than in the week before. The number of what we sometimes refer to as "excess deaths" fell from 600 to 400.

I readily acknowledge that no trend in statistics can ever comfort the many people who have lost a loved one to this virus. My thoughts and sympathies are with each and every one of them.

However, this week's figures offer further and perhaps sustained signs of hope. The number of Covid-related deaths—although it is far too high—has fallen for a second week in a row, the number of deaths in care homes has also reduced for a second week, and the number of excess deaths is less than half the level that it was at three weeks ago.

That does not mean that we can relax yet. There are still too many cases, the reproduction rate of the virus is still higher than we would like, and we continue to learn more about the people who are most vulnerable to the disease. Today's NRS report gives further analysis of deaths by deprivation, age, urban/rural classification and other health conditions, and Health Protection Scotland has just published its second report that breaks down all cases by characteristics such as age, sex and deprivation.

The trends that we are now seeing are positive. If transmission rates continue to fall, we will be able to gradually relax the lockdown restrictions. However, we will continue to err on the side of caution, and so for the moment, as I confirmed on Sunday, the message in Scotland remains the same. Please stay at home except for essential purposes, that is, essential work, exercise or shopping for food and medicine; when you leave home, stay more than 2m from other people and do not meet up with people from households other than your own; wear a face covering if you are in a shop or on public transport, and wash your hands thoroughly and regularly; and finally, if you or someone else in your household has symptoms of the virus, you should stay at home completely.

Sticking with that is making a difference, as today's figures show: we are slowing the spread of the virus, we are protecting our national health service and we are saving lives—we are also bringing forward the time when the restrictions can start to be eased. My thanks therefore go to everyone across the country who is doing exactly that.

The Presiding Officer: Today, First Minister's question time returns to its normal format: questions 5, 6 and 7 will be from back benchers and I will take all supplementary questions after

question 7, including potential supplementary questions on questions 5 and 6. Members also have the option to join us remotely. Any member who is not in the chamber may dial in and ask a question through our screens.

As she did last week, the First Minister has offered to take every question that is put to her. However, business, including a bill, is scheduled for this afternoon, so I intend to allow up to an hour for question time. There will be some flexibility but I do not intend to run much over that. I hope that we will get the balance right between questions from the party leaders and opportunities for all other members to ask questions.

Testing (Highgate Care Home)

1. **Jackson Carlaw (Eastwood) (Con):** Last night, in a harrowing report on Channel 4, we heard from carers at the Highgate care home in Uddingston. Since the start of the outbreak, 22 of its residents have tragically died—one a day, at the peak. Yet those carers said that the majority of them had still not been tested. That is an outrage, is it not?

The First Minister (Nicola Sturgeon): Testing in care homes has been driven by clinical advice. In recent weeks, we have increased testing in care homes, so in care homes where there is an outbreak, we now have testing of all residents and staff, whether or not they are symptomatic of the virus. Those efforts in testing and in infection prevention and control are driven by the leadership of public health directors in each health board area. We now have enhanced surveillance in care homes where there are cases of the virus and surveillance across all care homes. We will look carefully into concerns that are raised about individual care homes and discuss with public health directors, local health protection teams and the Care Inspectorate whether there are issues that require to be addressed, and, if there are, we will address them urgently.

Not just in Scotland but United Kingdom-wide and globally, the situation in care homes has been one of the most distressing factors of a very distressing situation. At every step, whether in relation to infection prevention and control, testing or support through the provision of personal protective equipment that we are giving care home providers, we have taken and will continue to take steps to protect older people in our care homes.

The most distressing thing is that, as statistics that will be published today bear out, there is still no vaccine or treatment for the virus, which is hitting older people particularly hard. Therefore, the obligation on us all to protect older people as well as we can is all the greater. The Government will continue to do that.

Jackson Carlaw: All our thoughts go out to those who are affected. The families and those who care deeply for the residents in their charge feel a deep responsibility, but they want to hear that promises from politicians are being kept.

The issue is simple: on 1 May, the First Minister promised that, at care homes that report cases of Covid-19, her Government would undertake advanced outbreak investigation, involving all residents and staff, regardless of symptoms—in other words, everyone would be tested. However, speaking last night, one carer at the home, Andy Sturgeon, said that he had still not been tested. He fears that he and his colleagues might be bringing the disease into the home. He said:

“As soon as it was a confirmed case, I think we should all have been tested.”

Why was he not tested?

The First Minister: The advanced outbreak investigation, which I referred to in my opening answer, is the policy that is and should be pursued in each care home where there is an outbreak. That approach is being led by public health directors and local health protection teams, in partnership with care home providers.

As I have said all along in respect of every aspect of tackling the virus—whether in relation to testing or the provision of PPE—we will investigate any instance that is reported to us of something that, in policy terms, should be happening but, in practice, does not appear to be happening. We will do that with the issues that Jackson Carlaw raised and we will continue to make sure that the approaches that we say should be taken will be taken.

All along, we have been determined to ensure that older people in care homes are protected in the way that their families and loved ones would expect. I cannot stand here and say other than that, globally, the virus is hitting older people particularly hard and is spreading in institutional settings in particular. Perhaps much more than in other parts of the UK, we are ensuring that all that information is reported fully in the figures that I report on the number of people dying each and every day.

Unfortunately, although we are seeing positive signs—even in care homes, although the situation there remains of huge concern—in relation to case numbers and the numbers of those in hospital and those dying from the virus, we are not through the pandemic yet. The health secretary, the Government and I will continue to focus completely on doing everything that needs to be done to ensure that people get the response that they have a right to expect.

Jackson Carlaw: Advance outbreak investigation did not happen in Uddingston. Is that also true elsewhere? We know that Scotland is lagging far behind other parts of the UK in making good use of total testing capacity. It is also reported today that the ratio of care home deaths in Scotland is double that of the figure elsewhere across the UK. There have been fewer tests for our care homes and more deaths in our care homes. Who is taking responsibility for that?

The First Minister: I take responsibility for all aspects of the Government's response. Although people can and should scrutinise and, where necessary, criticise—that is perfectly legitimate—I do not think that even my sternest critic could say that I have not been standing up, day in and day out, taking responsibility for the Government's handling of this virus epidemic.

I make this point on the rate of deaths in care homes in Scotland compared with that in other parts of the UK. A study that was published this morning by academics at the London School of Economics—in fairness to Jackson Carlaw, I saw it only this morning—suggests that the real care home death toll in England and Wales is double what the official figures show. This is not some kind of competition; any death toll in care homes or anywhere else is too high, and all of us are working to get the figures down. However, I am confident that the figures that we are publishing in Scotland are accurate. I am not sure that that is the case elsewhere in the UK right now, although it is not for me to speak to those figures.

This is also tragic, but the percentages of overall deaths that are happening in care homes in Scotland look to be, unfortunately, in line with those in many other countries that are reporting the figures. That comes back to two points. First, the virus hits older people particularly hard. The vast majority of deaths are in the older population. That applies not only to care homes but overall. Secondly, managing and tackling the virus in care homes is the biggest part of the big responsibility that Government, health protection teams, care home providers and all of us bear in tackling the virus. Every single day that we deal with the virus, ensuring that we are doing everything possible to do that will be my absolute focus.

Jackson Carlaw: Fixing testing must become the Government's overriding focus, and it is clear that it has not been. It is also clear that the Government could have been more transparent about what it was doing for care homes in the early days of the outbreak. Mistakes were made at the start, and they have led to the excess deaths that we see today. In light of the tragedy in Uddingston and elsewhere, does the First Minister agree that when it comes to testing and care

homes, by any standards, there has been a failure?

The First Minister: No, I do not. Speaking not as First Minister but as a human being, I deeply regret every single death from this virus. I think that all of us are in that position. The very first time that I stood in this chamber to talk about what we were dealing with, I said that mistakes would be made. I said that I would make mistakes and that the Government would make mistakes, and I am sure that that is the case. We are dealing with an unprecedented situation. Not a day goes by—probably not an hour goes by right now—when I do not question myself and agonise over the decisions that we are taking, in order to ensure that we learn as we go and that we get decisions as right as possible. I suspect and hope that everybody in a leadership position the world over is going through that same process, as I will continue to do.

We have dramatically increased our testing capacity and we are increasing the number of tests that are being done. However, it is important to understand that, right now, we are in a phase in which testing is clinically driven. The tests are not pleasant, particularly for older people. They are invasive, and therefore there needs to be a degree of clinical judgment about when a test is appropriate and when it is not. The categories that are being tested now are clinically driven.

We are also in the process—as many countries are—of moving into the test, trace, isolate phase, in which the approach to testing is different. The capacity that we are building now is to prepare for that, and the approach to testing then becomes completely different.

Jackson Carlaw spoke about my overriding focus—all those aspects are my focus right now, but let me tell him what my overriding focus is. My overriding focus is to protect the population of this country as best I can against what we know is a potentially deadly virus, and to err on the side of caution and make decisions in a very careful and considered way to ensure that we reduce, as far as possible, the number of people who die from this virus—and certainly the number who die unnecessarily. That is and will absolutely continue to be my focus every waking moment right now.

Covid-19 (Care Homes)

2. Richard Leonard (Central Scotland) (Lab): We all want to see the Government succeed in the fight against this virus. Defeating Covid-19 and saving lives is our top priority, which is why we must again raise the issue of care homes, because that is what people have asked us to do.

The latest figures, which were produced yesterday by independent, professional

statisticians, showed that the proportion of deaths from Covid-19 in Scottish care homes is nearly double the proportion in England. Last week, the former chief medical officer to the Scottish Government, Sir Harry Burns, said in his evidence to the COVID-19 Committee:

“If one of the elderly residents is exposed to the virus, they are much more likely to get it. The nurses might then spread it unwittingly; that is clearly what is happening.”—*[Official Report, COVID-19 Committee, 7 May 2020; c 6]*

Does the First Minister agree with Sir Harry Burns that that is what is happening?

The First Minister (Nicola Sturgeon): We know that this virus is spreading more aggressively in care homes. That is partly because of the nature of the population in care homes, but it is also because they are an institutional setting in which people are together. There are other institutional settings where that is a risk, hospitals being the other obvious example. That is why we take a different approach to managing the outbreak in care homes to the approach that we take more generally around testing and the infection control procedures that have been in place since the early stages of this epidemic. We will continue to learn as we go, to ensure that we are adapting as the evidence shows how we can tackle it best.

The death toll in care homes—not only in Scotland, but globally—is an absolute tragedy, and there is not a day nor a minute that goes by when I do not reflect on that. However, this virus is particularly harmful to older people, which is why we have to ensure that our approaches are properly tailored to that environment.

I said this to Jackson Carlaw and I will say it again: I am really not interested—and I have not been interested since the start of this—in political comparisons. Such comparisons are not relevant to me right now. However, I challenge the assertion that the death toll in care homes in Scotland is double what it is elsewhere in the United Kingdom. I do not believe that that is the case.

Again, I point to the study that was published this morning, which suggests that the disparity is down to underreporting in the rest of the UK and that Scotland's figures—which are more in line with international examples—are accurate. By contrast, according to that study, the number of people dying in care homes in England and Wales is double what the official figures are showing. I caution people against coming to the conclusion, which has now been articulated twice in the chamber, that the number is double in Scotland, because I do not believe that that is true. If there is a disparity, I think that it comes from a problem in reporting elsewhere, not from the reality of the position here, in Scotland.

However, whether there is one death or many hundreds, it is too many, and my focus is on ensuring that we work together with clinical and health protection experts and care home providers—who also have a big responsibility—to reduce the toll that this virus is taking on care homes, in particular, but on our older population in general.

The numbers today—although they are still far too high—are, for the second week, declining. We have a long way to go, but the figures suggest that we are starting to see a tailing off of the impact of the virus in care homes, just as we are hopefully seeing that in the wider community.

Richard Leonard: Irrespective of the international comparisons, we have just been told that 57 per cent of all Covid-19-related deaths in Scotland were in residential care homes for the elderly.

I turn to the moving interview with care worker Andy Sturgeon that was broadcast on Channel 4 last night. He said:

“I can't see how a virus like this can go from one end of the home to the other end of the home when both of these people are in their bed. The only reason I can think of is that it is us. We are the carriers.”

That is exactly the point that Sir Harry Burns was making in his evidence to Parliament last week. I remind the First Minister that Highgate care home in Uddingston was the first to experience a Covid-19 outbreak and that, tragically, 22 residents died.

Every day and night, care home staff are going to work in fear. They fear that they are passing on the virus to their residents—people whom they care for deeply. The anxiety and guilt that they feel are a burden that they should not have to carry. Now, more than ever, they need our support. Will the First Minister guarantee every care home worker in Scotland the right to be tested, and will she make that right a reality by taking testing stations to the workers instead of making the workers go to testing stations?

The First Minister: The final point is a fair one, and it is important that I clarify the position. There are various routes by which people can be tested. Like NHS staff, care home workers who require a test should be tested through their NHS board. They can go to the online portal and book a test at one of the drive-through centres or mobile testing units. They will be referred to wherever is closest, but that may not be very close to them. However, they do not have to do that. The test should be provided through their health board and it should be done locally. That is a fair point to raise.

We have set out our approach to testing in care homes and the differences in access to testing for staff who are symptomatic, as opposed to those who are not symptomatic, where there are

outbreaks. We will continue to work through local health protection teams under the leadership of public health directors to make sure that that policy is being implemented in practice.

I put on record my overwhelming gratitude to those in the care home sector. I understand the anxiety that they feel. They should not feel guilt about any aspect of this. They are doing an extraordinary job in horrendously difficult circumstances. All of us owe them a huge debt of gratitude and we will continue, day in and day out, to do everything that we can to support them in what they are facing.

In some respects, I do not care about international comparisons; I care about what is happening here. The only reason that I refer to those comparisons is that there is an issue that we have to understand. All countries that are dealing with Covid-19 are dealing with the issue of care homes. That is partly down to the nature of the virus, although that does not take away our responsibility to deal with the issue.

The figure of 57 per cent to which Richard Leonard referred—which reflects a slight decline compared to last week but is still far too high—is, from the evidence that I have seen, broadly in line with the figures in other countries. However, that does not mean that we should not be extremely concerned about that figure; it tells us that the issue is not unique to Scotland. The problem is not being caused by our not handling the virus in care homes as other countries are; it is intrinsic to the difficult nature of the virus. That means that, as we learn more about the virus, we must continue to adapt our responses accordingly, and we will continue to do so.

Richard Leonard: I will share another experience from Scotland. Yesterday, I was contacted by Ann, who is concerned about her granddaughter, who works in a care home that has a high staff sickness rate. She told me that the manager is working extremely hard to cover shifts. The staff are very worried, and some have broken down in tears, deeply distressed about the uncertainty of the situation. The residents have all been tested for Covid-19, but the staff have not. That suggests to me that we have simply not learned all the lessons from the Highgate care home tragedy more than eight weeks ago.

Ann said that it should not be up to staff to go to Glasgow airport for testing

“if they feel they need it”

but that testing should be readily available for everyone at the care home, as required. She mentioned that, in New York, under newly introduced rules, care home workers must be tested for coronavirus twice a week. She thinks that we should do the same in Scotland. Given

that so much testing capacity in Scotland is going unused, will the First Minister commit to considering that approach, and will she finally implement routine regular and repeat testing of care home workers as a critical part of the strategy for protecting residents and staff, thereby saving lives?

The First Minister: We will continue to expand our approach to testing on the basis of clinical advice. Testing is one of the tools that we have, although it is not the only tool. As I have said before, although testing is really important, if—particularly in care homes—we focused entirely on testing at the expense of basic infection prevention and control, that would be a mistake.

We will continue to expand our testing in this phase, as we work towards the return to a test, trace and isolate strategy, in a way that is clinically driven.

I repeat what I have said about access to testing for care workers: no care home worker who needs to be tested has to go through Glasgow airport. That is an option for them if they book through the online portal, but care workers, like national health service workers, have access to testing through their local health boards. A care home provider that has an outbreak or that has care home staff who it thinks require testing should be requesting that testing from its local health board.

It is really important that people hear that message: it is not a requirement for health and social care workers to go through the drive-through system, although, if they want to and it suits their purposes, they are allowed to do that.

Richard Leonard mentioned sickness absence levels in care homes. As we rightly test more care home workers, that might lead to more of them being off work. Obviously, if they have the virus, they should be off work. We have a pool of staff who have come from the returners, the students who have stepped up to do clinical practice and NHS workers, who can be deployed in care homes to make sure that, if there are staffing issues, those can be dealt with and to reduce and take away the risk that comes from staff moving from care home to care home. We encourage care home providers to make full and appropriate use of that resource.

Testing (Health and Care Staff)

3. **Alison Johnstone (Lothian) (Green):** The Scottish Greens have long been calling for the regular testing of front-line national health service staff and carers, and I very much welcome the growing recognition of the importance of the issue and our focus on it today.

Research that has been published this week shows that the blanket testing of workers in a

hospital in Cambridge found a significant number had the virus without even knowing it, despite personal protective equipment being used. The research suggests that, United Kingdom-wide, 15,000 workers may have been on duty while infected.

It is beyond doubt that regular testing is needed to protect front-line staff and to get control of the virus. A growing list of experts, and organisations including the Royal College of Nursing and the Royal College of Emergency Medicine, are asking for that to happen. The First Minister has reiterated today that the Government will do everything possible to save lives, and that she will err on the side of caution. Does she agree that regular testing for front-line NHS staff and carers should be introduced now?

The First Minister (Nicola Sturgeon): If that is the clinical advice, we will accept it.

We have been increasing the categories of people who are being tested to include categories of those who are working in our health and care system. We are starting point prevalence testing in hospitals—a surveillance approach—to see whether the virus is there. In all those different aspects, we are expanding our capacity to test and the categories of people who are being tested.

I am the last person from whom complacency will ever be heard about the progress that we are making against the virus, as I think that that is still fragile, but I remind people that we are seeing signs that the impact of the virus is reducing. We are seeing that in care homes, although we have a long way to go. More generally, we are seeing it in case numbers, in admissions to hospital and intensive care units, and in the numbers of people who are dying.

The approach to testing is a part of the progress that has been made but, overwhelmingly, that progress has been made by people complying with the lockdown restrictions. As we start to lift the lockdown restrictions, the approach to testing in order to keep control of outbreaks as and when they arise becomes more important and takes on a different focus.

Alison Johnstone is right about that approach. Some of the approaches that she is talking about are part of the consideration about that form of testing, and about the approach, once we have suppressed the virus, to keeping it suppressed—not just in the community but in the institutions in which we know that it spreads most aggressively.

Alison Johnstone: Regular testing is needed for the protection of front-line workers, but we need to take action to protect everyone. Covid-19 attacks people's lungs, so the last thing that we should be doing is dropping public health measures that protect people's lungs. Dirty air was

killing thousands of people in Scotland before the pandemic, and there is now strong evidence that it results in more deaths among those people who catch Covid-19.

Low-emission zones are the Scottish Government's flagship policy to tackle air pollution. They were about to be rolled out but, suddenly, they have been put on hold. Will the First Minister reverse the dangerous decision to ditch an important public health intervention amid the public health emergency?

The First Minister: I want low-emission zones to be rolled out as quickly as possible in our cities and then, over time, beyond them. However, we have a practical consideration, in which we are far from alone. The work that is required to introduce those things right now simply cannot be done in the way that is needed.

In general, we are telling people to stay at home. Not just in central Government but in our councils and health protection teams, people rightly have to focus on the immediate and urgent priority of tackling the virus. It is a matter of regret and irritation to us all, and is true across a range of work, that other strands of work are being impacted because of that. As we get closer to restoring some kind of normality to our lives, we will bring those strands back into progress. Low-emission zones will certainly be a priority for us as we do that. Unfortunately, with the best will in the world, we cannot escape the impact of dealing with the virus on a range of other practical pieces of work that have been under way; the low-emission zones initiative falls into that category.

I agree with Alison Johnstone on the general point. If anything, what we are dealing with right now makes it more important that we not only continue the progress towards a net zero economy and society but take initiatives to make our air and environments cleaner and healthier. If there is one thing that we have all been brutally reminded of in these past couple of months, it is how important health is to us all. The focus of that right now is very much on the virus, but it has more general and fundamental lessons for us as we start to come out of the immediate response phase and think about the kind of society that we want to build in the months and years to come.

Covid-19 (Scientific Advice)

4. **Willie Rennie (North East Fife) (LD):** We have benefited from a United Kingdom-wide unity behind the message so far, but I have always been prepared to support doing things differently in Scotland if need be. However, I am nervous about England and Scotland diverging from each other, because that may compromise the clarity that has so far saved lives. To justify a significantly

different message, the scientific consensus needs to be significantly different too.

To settle my nerves and to provide us all with the reassurance that I think we need, will the First Minister get her advisers to set out the details of the scientific differences between Scotland and England?

The First Minister (Nicola Sturgeon): I will come on to that point and I hope that I can offer something helpful in that regard. Again, I do not say this in any pejorative or judgmental way, because it is simply a statement of fact, but, of the four UK nations, three of us—Scotland, Wales and Northern Ireland—have decided to stick with the current stay at home message. One nation—England—has decided to move out of lockdown a bit more quickly. That is entirely legitimate. It is absolutely entitled to do that and I am not criticising that decision. However, it is simply not the case that Scotland has somehow broken away from a four nations approach. I am not suggesting that Willie Rennie said that, but I have heard others suggest it. It is really important to be clear on that.

On the data that drives these decisions, we publish data daily on case numbers, hospital admissions, intensive care unit admissions and death numbers. In the documents that we have put into the public domain in recent weeks, we have shown the trends in all that data.

The data is then used to estimate the reproduction rate—the R number. We use modelling output from a number of academic sources to validate the R number estimates. As the UK Government does for England, we give that number in a range. The advice is that that is a more reliable way to do it because of the confidence intervals, although I am as anxious as anybody to get more definition of that number.

The helpful thing that I could offer, if people are interested and if Opposition members want me to, is a technical briefing from the Government statisticians to explain in a bit more depth how the R number is calculated. It is a very technical exercise. However, it is basically done in the same way in every country—we do not do it differently here.

The fundamental point is this one: we can look at all that data, and I am happy for Opposition members to look at the data, just as I do, but ultimately, as a leader, I still have to apply my judgment to it and I have to make decisions because that is what people have elected me to do.

These judgments weigh heavily right now but, although the science will inform those judgments, it cannot make the decisions for me. My judgment right now is that the data is saying to me that the

progress that we have made is real, but it is still too fragile and the risk is that if we lift restrictions too soon the virus could quickly run out of control again.

Therefore, I am making the judgment—and I will stand accountable for it—that it is better to err on the side of caution. If I get that judgment wrong, because these things are not certain, I would rather that the price of getting it wrong is that people stay in lockdown for a few more days; I do not want the price to be measured in unnecessary deaths. That is the judgment that I am making and I think that it is the right one. However, anybody is entitled to say that a different judgment—such as coming out of lockdown more quickly and getting people back to work more quickly—should be made. We can have that debate. However, ultimately, political leadership, particularly at a time of crisis, is about exercising your judgment and making decisions that are designed to keep people as safe as possible, and that is what I will continue to do.

Willie Rennie: That is a helpful response and I think that seeing some of that data and getting access to the scientists and their judgment about whether the situation is significantly different here will help to inform the debate.

If the Prime Minister was here, I would ask him exactly the same question, because he also has to be held to account for the judgments that he is making around that divergence.

Part of the difficulty is that there is a lack of testing in Scotland, so the confidence in that R number is less and the margin of error—as ministers have quite rightly highlighted—is still quite significant. To have confidence in that number, we need to be able to see the data and hear the analysis.

The First Minister wants people to continue to stay at home. We will support her in amplifying that message, but we also need to know what is next. I assume that we will have to ease the lockdown before we have a vaccine or a cure. The calculation of how much to ease it, when, and at what level of risk, will need to be made by the First Minister and her ministers. When will the Government set out that plan with the level of detail that has been set out by Governments across the globe? When will the testing and tracing capacity be ready for that? What will the new slogan be? What will follow the stay at home message?

The First Minister: There was a lot in there, but I will be as brief as I can be.

On the R number, I am anxious to get to a position in which we can publish estimates of the number more regularly and narrow the range as much as possible. As time goes on, we will be

able to do that. The R number is really important, but the situation will be influenced by the number of people in the population who have immunity. An R number that is close to 1 will always be a worry, but it is less of a worry if the incidence or the number of new cases every day is lower, because then the higher R number will not result in as quick an increase in the number of cases. If the incidence is higher, an R number closer to 1 is a bigger worry. Our judgment is that, given the case numbers and the R number, there is a risk in moving too quickly right now. However, that judgment moves and develops on a daily basis.

On Willie Rennie's point about setting out the plans, he is right that we cannot stay as we are forever, although, as I have said repeatedly, it will probably not be possible to get back to complete normality until there is a vaccine or treatment, so we will be living with aspects of the current situation for a significant time to come. However, we will start to have to ease things to get back to a semblance of normality. Over the course of next week, I hope to set out what we think the phasing of that will be.

I say openly that all that will be subject to a degree of uncertainty, because we will have to continue to consider the issues very carefully. If we look at other countries, we find that Germany has seen an increase in its R number as it starts to ease restrictions, there are new outbreaks in South Korea and new cases have been seen in Wuhan for the first time in quite a while. We have to monitor the situation carefully. We will set out the potential phasing of our approach as soon as we can and we will try to get back to normality as much as possible.

Understandably, there is a focus on the economy and getting people back to work. I am as anxious to do that as anybody, for obvious reasons, but we also have to think about the social and family aspects. I am conscious that, if we put all our focus on getting people back to work but say that every other aspect of life has to stay in lockdown, we are making difficult decisions that will affect people's quality of life. I am anxious about the economy, but I also want to think about how we start to get back some quality of family and community life for people.

You are probably getting irritated about the length of this answer, Presiding Officer, but I have one last point. The test, trace, isolate approach is key, but the capacity that we are building up rapidly for TTI will always have to be able to be flexed, because the need for it will depend a lot on the incidence and prevalence of the infection. If we suddenly have lots of outbreaks, we will need more TTI capacity than is the case if the number of outbreaks is lower. Members should of course scrutinise what we are doing on testing and

contact tracing capacity, but I caution against the idea that we will get to X date and will then just have the capacity that we need on a fixed basis. We will always have to be prepared to flex that as we go.

I apologise for the length of that answer, Presiding Officer.

Front-line Workers (Personal Protective Equipment)

5. Gillian Martin (Aberdeenshire East) (SNP): To ask the First Minister whether she will provide an update on how the Scottish Government is ensuring the security of supply of PPE for all front-line workers responding to the Covid-19 outbreak. (S5F-04107)

The First Minister (Nicola Sturgeon): The Scottish Government is working with a range of partners in Scotland, across the United Kingdom and globally to ensure continued supply and distribution of PPE to essential front-line workforces. Since 1 March, more than 125 million PPE items have been delivered to hospitals across Scotland, over 38 million have been delivered to social care organisations and 9 million have been delivered to community care.

We have been building a manufactured-in-Scotland PPE supply chain to provide security of supply for the future, which is overseen by Ivan McKee. We are constantly looking to improve operations. The changes that have been made to distribution routes for PPE in health and social care are enabling supplies to be delivered where needed. We are working with health boards and NHS National Services Scotland to monitor PPE usage on an on-going basis and to plan future stock replenishment based on that.

Gillian Martin: I want to get some detail on the new manufacturing in Scotland. What plans are there to manufacture more of the PPE that we need and that currently has to be imported from elsewhere in the world? What is being done to assist companies to adapt their processes to that type of manufacturing and to ensure that they meet the highest standards?

The First Minister: We have worked with a range of Scottish businesses, and will continue to do so, to boost production of PPE to address critical shortages and, more fundamentally, to build future resilience and ensure that the highest quality standards are maintained.

Scottish businesses are of course benefiting from a pipeline of national health service orders and investment in capacity. For example, PPE manufacturer Alpha Solway, which is based in Annan, is currently producing 20,000 face visors every day for NHS Scotland as part of an order for 1.1 million visors. Scottish Enterprise has provided

a £3.6 million repayable grant to Forfar-based textiles company Don & Low to allow it to invest in machinery to produce the material that is used in high-grade face masks, and Berry BPI, which has factories in Greenock and Dumfries, has invested in new machinery so that it can produce aprons and apron-style gowns for the NHS. It is important now to make sure that we have that pipeline of supply, but we are also ensuring greater domestic resilience for those essential items in the future. I thank Ivan McKee and the team that he has been working with for their very good work to secure all that.

National Health Service (Non-Covid-19 Conditions)

6. Brian Whittle (South Scotland) (Con): To ask the First Minister what the Scottish Government is doing to ensure that the national health service remains open for treating conditions other than Covid-19. (S5F-04126)

The First Minister (Nicola Sturgeon): We have been very clear throughout the epidemic that the NHS is still there for the people who need it, and it is very important that people seek help through their general practitioner practice, just as they would have done before. We launched the NHS is open campaign on 24 April and urged people to contact their GP or local hospital if they have urgent health worries. Since then, we have seen attendance numbers rise each week. In addition, the latest data shows that there has been an increase in the number of urgent suspected cancer referrals. We are also beginning to consider how NHS boards will restart services, including screening and elective procedures. It will be done on a phased basis; over the coming weeks, we will develop a clinical priorities framework that will help to inform how the health and care system will be aligned and managed during the next phase of the Covid-19 response and beyond.

Brian Whittle: I recognise that messaging has gone out saying that the NHS is open for business, but different things are coming through on the ground. We know that there is a 70 per cent reduction in cancer referrals, which will inevitably have an effect long past Covid-19, and there are continuing reports of cancelled clinics, such that the cross-party group on chronic pain that Miles Briggs convened last Monday heard harrowing stories of patients having to take a 10-hour round trip to England to get essential medicines because of cancelled clinics. We even heard a sufferer openly discussing suicide. When the First Minister and her Government are contemplating the incredibly difficult decisions that Governments are making, what consideration is being given to the longer-term impacts on the physical and mental health of the nation during an extended lockdown?

The First Minister: Those are really important questions. I give a general assurance that they are very much at the centre of our thinking about how we will start to recover from this phase of dealing with Covid-19.

It is a concern that we have seen the reduction in urgent cancer referrals. The figure of 70 per cent that Brian Whittle cited is what it was; that figure has reduced and referrals are now about 50 per cent down, which is still too much, but it aligns with what I said earlier that we are starting to see referrals go up again, and we want to accelerate that.

Some horrendous judgments have had to be made, driven by the overall consideration of patient safety. Judgements have had to be made that it is safer to postpone an operation than potentially have somebody who may have a compromised immune system come out of their home to get treatment where they may be exposed to the virus.

As we move into the next phase, bringing those procedures back in a phased and safe way is our priority, and we hope to see that start very soon, although it will be phased over a number of weeks. In those decisions, we will again be driven by clear considerations of clinical priority—obviously, cancer is one of those clinical priorities. The health secretary, as part of the phasing of getting life back to as much normality as possible, will keep Parliament updated on the details of that work as it progresses.

Workers' Safety (Easing of Lockdown Restrictions)

7. Rhoda Grant (Highlands and Islands) (Lab): To ask the First Minister whether the Scottish Government will follow the Scottish Trades Union Congress's suggested red lines when easing lockdown restrictions to ensure the safety of workers. (S5F-04109)

The First Minister (Nicola Sturgeon): The approach and the principles to guide us out of the current lockdown restrictions are set out in our framework for decision making, and decisions will very much be made in partnership with trade unions and businesses and in line with our fair work principles. We are working with the STUC and its affiliated unions and with employers, regulators and others to create the conditions for safe workplaces. That includes developing sector-specific guidance, which will provide assurance and confidence to workers, employers, customers and businesses when the time is right to return to work.

We are also working closely with the key enforcement agencies—the Health and Safety Executive, local authorities and the police—to

ensure a joined-up approach to the enforcement and monitoring of workplace public health measures.

Rhoda Grant: Does the First Minister share my concerns and those of a number of my constituents who are being forced back to work and who are faced with a choice between their safety and their livelihood? Most of them are unaware of the statutory protections that section 44 of the Employment Rights Act 1996 gives them. Section 44 stipulates that all workers have a legal right to stay away from their workplace if it is unsafe.

Will the First Minister make a public statement setting out that statutory protection and to reiterate the duty that is placed on employers to ensure that workplaces are safe before employees are asked to return? Will she also set out clear guidance to employers on protecting workers, with sanctions in cases where employers do not follow it?

The First Minister: I very much agree with the sentiment and detail of Rhoda Grant's question. I made such a public statement when I gave the daily update yesterday. I was very clear that no employer should be forcing anybody back to work, and I made the point that Rhoda Grant has rightly made just now, which is that there are statutory protections for workers. I also encouraged workers to seek help and advice from their trade union where that is necessary and appropriate. I will take all opportunities to do that again, as it is important that everybody hears that message. Indeed, I will do so just now: I am not encouraging anybody who is not working right now to go back to work, or any business that is not open right now to be open. We will set out our phasing in due course.

The "stay at home" message is the overriding public health message that I want to give people across Scotland, and I say to employers, particularly those that operate in different parts of the UK, that they should follow the public health guidance in each area—the UK Government has helpfully made that point. If they employ people in Scotland, they should follow and respect the public health guidance in Scotland, rather than forcing or seeking to force workers back to work.

We will produce guidance, and we will be very clear in it. I have mentioned sector-specific guidance. We have 14 workstreams, covering a number of sectors, producing that guidance in partnership with business and trade unions.

A fundamental part of our approach is that, when we start to encourage people to go back into workplaces—I hope that that will happen sooner rather than later, although the guidance for those who can work at home will continue to be that they should do that for the foreseeable future—or when we encourage parents to send their children back

to school, we must be satisfied that it is as safe as possible and we must be able to assure workers and parents that that is the case. It is really important that we get these things the right way round and that we do not encourage people to go back to work before we have given that assurance. We will continue to take those steps in a careful, measured way, guided by the best evidence at every step.

Social Care Workers (Death-in-service Benefit)

Angela Constance (Almond Valley) (SNP): My constituent Mick Gallagher was a 34-year-old agency care worker who tragically lost his life to coronavirus. His grieving partner, mother and family are understandably asking why there is no death-in-service benefit payable to social care workers in Scotland, akin to either what was announced for social care workers in England or what was introduced by the Scottish Government for national health service workers.

I know that Cabinet Secretary for Health and Sport wants to work with and has reached out to care sector employers in the public, private and voluntary sectors, so I would be grateful if the First Minister could outline what the Scottish Government can and will do to ensure that the debt of gratitude that we owe to all carers is paid in kind and that there is parity for social care workers in Scotland.

The First Minister (Nicola Sturgeon): Angela Constance raises a really important issue. Let me be very clear: it is our intention that there will be parity for social care workers with what those who work in the NHS currently have. The health secretary has written formally to local authorities and care home providers asking for discussion about how we practically make that happen. We will be following that up and we will keep not just Angela Constance but the whole Parliament advised on it.

In basic terms, we have been able to do that directly for the NHS because the Scottish Government, via health boards, is the employer of NHS staff. We are not the employer of social care staff directly, so we cannot simply take the same approach there. However, we absolutely intend that social care staff will not be in a disadvantageous situation should they die from the virus, with their families left in a worse position than those of NHS staff. The health secretary is taking that forward as a matter of priority, and we will continue to keep the Parliament updated.

Small Charities (Funding)

Liam Kerr (North East Scotland) (Con): Hourglass Scotland, which was formerly Action on Elder Abuse Scotland, tells me that it is the only charity in Scotland that works exclusively to

support and protect older victims of abuse. Recently, it learned that its funding application to the third sector resilience fund had been rejected, and its application to the communities fund yielded only £12,000, which was £60,000 less than is required. Hourglass suggests that smaller charities may not be receiving the funds that they require to deliver the services that Scotland needs at this time.

Will the First Minister investigate both the Hourglass situation and the funding of smaller charities more generally to ensure that whatever can be done is done?

The First Minister (Nicola Sturgeon): Yes. I am happy to look into that situation further. As Liam Kerr alluded to in his question, we have made additional funding available for the charitable sector. That funding is still finite, so processes have to be in place for its allocation. It is important that there is a bit of independence in that regard and that it is not done simply at the whim of ministers. That is important whenever we allocate funding. However, it is also really important that there is fairness about that, and that smaller organisations are able to benefit as well as larger ones.

Without straying into the particular details of the specific charity that Liam Kerr has raised, I will certainly ask the communities secretary to have a look at that to see whether there is more that we can do for smaller organisations in particular.

Employment Regulations

Colin Smyth (South Scotland) (Lab): The First Minister has reiterated her message that people should stay at home and should travel to work only if it is essential. What message does she have for my constituents who work at Prestwick Aircraft Maintenance? They have been told by their bosses right from the start of the Covid-19 outbreak that they must keep going to work to service aeroplanes that, to be frank, will not be flying anywhere anytime soon. Rather than furloughing staff, the company is cutting their wages by 50 per cent and sacking those who do not sign up to the cut.

One reason why the company gets away with making people carry out that work, which is clearly not essential, is that it knows that the Government guidance—the message from the First Minister—is currently not legally enforceable. Does the First Minister agree that we need regulations to tackle such abuse, in the same way that the Government implemented regulations to prevent some businesses such as restaurants from opening, in order to ensure that we do not continue to have such abuse by employers as we move towards exit?

The First Minister (Nicola Sturgeon): I am very happy to look into the particular issue at Prestwick and understand a bit more about the reasons why that is being seen as essential work. However, let me be very clear that my message applies to all employers. We issued guidance to businesses that are not in the “legally closed” category but, equally, are not at the other end of the spectrum where people are doing essential work to keep the country going. The guidance to those companies in that middle category says, “You have to judge whether what you are doing is essential. Can you allow staff to work at home? If not, can you ensure there is safe social distancing?” That guidance has not changed, but I am happy to look into the specific example.

The member raises a valid point about regulations. The regulations that are in place have to be reviewed every three weeks, and the next review date is 28 May. Easing some of the restrictions will necessitate changes to the regulations, but it may well be that other things that we are asking people to do will become even more important, such as social distancing while people are at work, so we may well look to amend the regulations for that purpose as well. Whether and to what extent we have requirements for employers within regulations will be part of that ongoing consideration. I will certainly give further thought to the points that the member has raised.

Furlough Scheme

Richard Lyle (Uddingston and Bellshill) (SNP): Does the First Minister believe that the Chancellor of the Exchequer’s announcement yesterday that the Westminster Government is extending the furlough scheme provides enough reassurance for Scottish workers and their families?

The First Minister (Nicola Sturgeon): Yesterday’s announcement was very welcome, because it took away the immediate potential cliff edge where companies would have had no choice but to look at redundancy procedures. An issue has been raised—I know that Alison Thewliss raised it yesterday—about the amount of subsidy and the fact that at, at a later stage, the Government will be looking to employers to pay some of that. Instead of 80 per cent coming from the Government, perhaps only 60 per cent will. Those are details that we are still keen to understand. We need to make sure that the scheme is doing what it needs to do, which is to avert the need for companies to make workers redundant.

In general terms, of course we welcome the scheme, and we welcome every extension of it, because we must keep in place support for

businesses for as long as Government advice is stopping businesses operating as normal.

Highlands and Islands Airports

Liam McArthur (Orkney Islands) (LD): As the First Minister will be aware, Covid-19 has brought air travel to a standstill. Airlines and airports across the globe face an uncertain future and are busy reviewing their business models. Why, then, has the Scottish Government not asked Highlands and Islands Airports to do likewise in relation to its controversial plan to centralise air traffic services across the region? Why did ministers give HIA the go-ahead to launch an £8.5 million procurement exercise last week on an option that HIA's own advisers have said is the most risky and most costly? Why are those decisions being taken at the same time as an island communities impact assessment is being carried out, rather than after it has been concluded?

The First Minister (Nicola Sturgeon): It is good to have Liam McArthur join us from afar today. I will discuss thoroughly with the transport secretary the points that he has made.

Obviously, this is an issue that predates the coronavirus outbreak but, as with everything else, we have to be prepared to look at things in the light of the virus's impact. There will be significant implications for aviation, not just domestically but globally. What Liam McArthur is talking about has been part of HIA's normal modernisation programme, and we have had exchanges in the chamber about that before. In the light of his question, I will have further discussions with the transport secretary, who will be very happy to talk in detail with Liam McArthur about what the impact of coronavirus might mean for those plans.

Covid-19 Infection Rate (Most Deprived Areas)

Stuart McMillan (Greenock and Inverclyde) (SNP): Today's report by the Joseph Rowntree Foundation indicates that, according to national health service figures, 22.7 per cent of confirmed Covid-19 infections come from the 20 per cent most deprived areas. Although I accept that the immediate task is to save lives and increase testing, I ask the First Minister to ensure that, when we transition from lockdown, social justice is firmly at the heart of any decision making, which should include working with and listening to people from the 20 per cent most deprived areas.

The First Minister (Nicola Sturgeon): I can give the assurance that social justice will be at the heart of everything that we do as we come out of this phase and look at what we have to do to repair the damage that has been done to the economy and society by the virus.

I understand that the health secretary is going to meet the chief executive of Inverclyde Council to talk about the particular impact on Inverclyde. However, as we go through the pandemic, we will see different areas impacted in different ways. What looks like a disproportionate impact now may or may not look like that in a few months' time.

As I said earlier, social justice has to be at the heart of how we come out of lockdown, so that we do that in a way that is not just about the economy but pays attention to how people live their lives and their quality of life. We have to think about the harms that have been done by what we have had to do to tackle the virus and how we repair them, as well as get back on track with the priorities that we had before the virus struck, not least tackling poverty, and child poverty in particular.

Deaths by Overdose

Graham Simpson (Central Scotland) (Con): In the past few days, I have seen figures for North Lanarkshire and South Lanarkshire that show that the monthly rate of death from suspected overdoses is currently more than twice what it was last year. [*Graham Simpson has corrected this contribution. See end of report.*] That suggests that there could be a link to lockdown. Can the First Minister say what the figure is across the country? If she does not have the figure at her fingertips, perhaps she can find out.

The First Minister (Nicola Sturgeon): I do not have that figure to hand. If we are able to give that national figure, I will provide it to Graham Simpson and make it available to all members. Joe FitzPatrick convenes the task force on drug deaths and misuse, which met this morning, I think. Obviously, these issues are very much to the fore in those considerations, as well.

Generally, the point about overdoses has rightly been raised. We are acutely aware of the fact that what we are doing to tackle the virus is creating harm in other ways, and we have to balance that as we move forward to reduce harm overall. The mental health impact, the wider health impacts, the stress and the isolation that are caused by the virus are very much in our thinking.

When we reviewed the regulations last week, we published an analysis of the other harms, which is available for members to look at. That analysis will continue to sit alongside the work that we are doing to assess the suppression of the virus and where we will move from that. However, if there is more information on the specific point that I can provide, I will ensure that we provide it as soon as possible.

National Trust for Scotland (Jobs)

Kenneth Gibson (Cunninghame North) (SNP): Some 429 of 751 National Trust for Scotland jobs, including 16 at Brodick castle, which is in my constituency, are at immediate risk as the charity struggles during the pandemic. Following the lockdown, income has plummeted across the National Trust for Scotland's iconic attractions, which account for 54 per cent of visits to Ayrshire and Arran. Although the NTS has acted urgently to sell non-heritage land and property while seeking support from grant-giving bodies, the total losses could run to £74 million this year.

What will the Scottish Government do to ensure that the NTS survives along with the often beautiful and historic heritage that it protects, which ranges from the haunting island of St Kilda to Bannockburn and the birthplace of Robert Burns, and thereby save jobs and the NTS's historic legacy for future generations?

The First Minister (Nicola Sturgeon): We all want the National Trust for Scotland, which is such an important part of who we are as a country, not just to survive but to thrive, to ensure that we showcase our national assets not just to a domestic audience but to a global audience. Therefore, we will certainly have discussions with the NTS to see what the Scottish Government can do to help it through a difficult period.

I am not saying anything now that people do not know. The impact of the virus, particularly on our tourism sector, is significant, and it will continue to be felt. All organisations and businesses that depend on visitors—not just the NTS—are having a really difficult time right now. Some of that impact will take a while for us to work through as we recover from the virus, but we will work as closely as possible with the NTS or any other organisation and continue to provide as much support as is reasonably possible for us to provide.

Older People (Human Rights)

Pauline McNeill (Glasgow) (Lab): Will the First Minister assure me that she will apply the basic human rights of older people in all Covid-19 policies and, in particular, that she will consider the United Nations guidance, which says:

“Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for ... the right to make decisions about their care and the quality of their lives”?

When the First Minister is considering how she wants to ease the lockdown restrictions, will she consider the fact that doctors' leaders have said that any restrictions should be based on individual

risk instead of an arbitrary age, because applying an arbitrary age could potentially cost more lives as a result of the risk of depression and anxiety from people being so disconnected from society? I know that those decisions are difficult, but I hope that the First Minister will consider the advice of doctors' leaders when she comes to make that decision.

The First Minister (Nicola Sturgeon): Pauline McNeill has raised a really important issue. That will undoubtedly be among the most difficult of a number of really difficult judgments.

As we said very clearly in “COVID-19—A Framework for Decision Making”, which we published a few weeks ago, the principles of human rights, equity and fairness have to run right through every decision that we take. That is true generally, but it is particularly true in respect of older people.

One of the discussions that we will have over the next period, as we try to evolve out of where we are right now, which will be very much clinically informed and driven, will be about how we can best protect and care for those with significant health conditions in the current shielded group and in the older population. There is a real need to protect those people.

The exchanges that we have had today about care homes highlight that, but we need to protect older people not just in care homes. Nine out of 10 deaths from the virus—possibly even more than that on the basis of today's figures—have been in the over-65 age group. The virus is particularly deadly for older people who get it, although the majority of people will not suffer serious illness or die from it.

Some of the judgments that we need to make are difficult. Right now, I can see—or rather hear, when I talk to them on the phone—the impact on my own parents and on my much more elderly mother-in-law of their not seeing their grandchildren. Judgments will absolutely have to be made about protecting and preserving the quality of life of older people as much as possible while not having them exposed to the virus—and at the heart of their quality of life is individual choice and autonomy of decision making.

Much of what I end up saying just now is that those decisions are really difficult—because they are—and the principles and judgments that Pauline McNeill has spoken about have to be at the heart of those decisions. If we asked older people, particularly those who are in the age group that my mother-in-law is in—she is 90, and she will not appreciate my talking about her in the chamber, so I will stop that right now—whether they wanted us to protect them in a way that would preserve their life for X number of years or

whether they wanted us to allow them to see their grandkids, many of them may come to different decisions from those that we would come to on their behalf.

I do not know what the right and the wrong of that is, but I do know that those are some of the most difficult decisions that we will have to make, given that we will be living with the virus for quite some time to come.

Emergency Welfare Support

Andy Wightman (Lothian) (Green): The First Minister was sent a letter this morning from over 100 charities, faith groups, academics and trade unions, arguing that much more needs to be done to get emergency welfare support to struggling families. Does she agree that that is the case and that that can be done with existing devolved social security powers?

The First Minister (Nicola Sturgeon): I have not seen that letter yet, although I have seen reports of it, and I will, of course, pay very close attention to it. I do not mean in any way to underplay the importance of the content of that letter, because it is exceptionally important, but my view is that much more needs to be done.

We are dealing with the most difficult and impactful situation that any of us have faced in our lifetimes. The implications and the consequences of what we have lived through in the past couple of months are profound, and real damage has been done. As we come out of this period, we are going to have to repair the damage and get back to pursuing the priorities that we have set ourselves. There are lots of positive opportunities in that, but making sure that we take decisions in the right way and the right order with the right priority will be essential. Within the powers that we have, there are certain social security powers—the Scottish child payment is an example of what we are already planning to do with those powers—but resources are not infinite, and we have to make judgments about those.

I can say to Andy Wightman that tackling poverty and child poverty and making sure that we deal with the social and economic impacts of the crisis on people's lives will absolutely be at the top of the Scottish Government's list of considerations when we are mapping and navigating our way forward.

The Presiding Officer: On that note, we conclude First Minister's questions. I urge members to be careful when leaving the chamber and to maintain social distance.

13:33

Meeting suspended.

14:15

On resuming—

Covid-19 (Update)

The Deputy Presiding Officer (Linda Fabiani): Good afternoon, everyone. Before we begin, I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask that members take care to observe those measures, including when entering and exiting the chamber.

The first item of business is a statement by the Lord Advocate, James Wolffe QC, on Covid-19 update. The Lord Advocate will take questions at the end of his statement, so there should be no interventions or interruptions.

The Lord Advocate (Rt Hon James Wolffe QC): As Lord Advocate, I am constitutionally responsible for the investigation of sudden, unexpected and unexplained deaths in Scotland. Although I exercise that function independently of any other person, I want to take this opportunity to advise Parliament of the approach that I am taking to that responsibility, in relation to deaths attributable to Covid-19.

At the outset of the pandemic, I issued a direction that Covid-19 or presumed Covid-19 deaths do not require to be reported to the Crown unless there is some other substantive reason for reporting the death. That direction was consistent with the approach that has been taken in relation to other significant outbreaks of infectious disease. That approach helps to reduce the demands on the medical profession while maintaining the overall integrity of the system for reporting and investigating deaths.

In that system, a death falls to be reported to the Crown if the circumstances are such as to give rise to public anxiety. My officials have been keeping the situation under review, and I have concluded that two categories of Covid-19 or presumed Covid-19 deaths meet that criterion, and should accordingly be reported to the Crown.

The first of those categories is all Covid-19 or presumed Covid-19 deaths where the deceased might have contracted the virus in the course of their employment or occupation. Although not exhaustive, that might include the deaths of care home workers, front-line national health service staff, public transport employees and emergency services personnel. The second category is all Covid-19 or presumed Covid-19 deaths where the deceased was resident in a care home when the virus was contracted.

My officials have been working closely with the office of the chief medical officer, and others, on the practical arrangements to implement those

principles. Once that work is concluded, a letter will be issued from the office of the CMO and the Crown Office and Procurator Fiscal Service to medical practitioners, to advise them that from the date of that letter they should report any death that falls in either of those two categories to the Crown.

My decision also applies to deaths in those two categories that have already occurred. However, arrangements are being made so that the Crown can obtain the information that it requires to identify and register those deaths without imposing any burden of retrospective reporting on medical practitioners.

Those steps will ensure that all deaths within the two categories that I have described will be registered within the Crown system of death investigation, and that each of those deaths can be investigated. The nature and extent of the investigation that is required in relation to any particular death or group of deaths will depend on the particular circumstances. In some cases, the investigation required might be quite limited, and in others it might be more extensive. That will depend on the particular circumstances.

In that regard, it would be premature for me to speculate at this stage on whether a fatal accident inquiry into any particular death or category of death from Covid-19 would or would not be appropriate. Those are decisions that will fall to be made on the basis of the circumstances of each particular case, once it has been investigated.

In discharging my responsibilities for the investigation of deaths, I am acutely conscious of the interests of bereaved relatives who face sudden loss. The Crown will be sensitive to the needs of bereaved relatives, and will keep them informed about any investigation in accordance with the family liaison charter, which I laid before Parliament in 2016.

The Crown will take a multi-agency approach, working with other agencies that have relevant responsibilities: the Health and Safety Executive, local authorities, the Care Inspectorate, the police, and others. That will ensure first that the right investigations are undertaken by the right agency or agencies in each case. Secondly, it will ensure that the Crown, in fulfilment of its independent responsibilities, can make the right decisions about whether further investigation, or any further process of inquiry, is required in each particular case. The approach to the reporting of deaths that I have outlined is the first stage in enabling those steps to be taken.

I am confident that the process will help to make sure that, in due course, we as a society will better understand the circumstances of those deaths. It will also ensure that, where we can, society will learn lessons for the future. We do that knowing

that every one of those deaths is an individual tragedy that calls for profound sorrow, compassion and respect from each of us.

The Deputy Presiding Officer: The Lord Advocate will now take questions on the issues raised in his statement. I can allow only 10 minutes for questions, so it would be helpful if those members who wish to ask a question would press their request-to-speak buttons. I am pleased to say that two members will ask questions remotely. To avoid any potential hold-ups, I note that John Finnie will be called after the two front-bench speakers.

Liam Kerr (North East Scotland) (Con): I thank the Lord Advocate for advance sight of his statement. On behalf of the Scottish Conservatives, I welcome the investigation of deaths in care homes and of those of key workers. Those people are on the front line and we must ensure that their families get the answers that they deserve.

I have three questions. What steps will be taken on quality assurance, to ensure that every death in those categories is reported to the Crown? Who in the health service will take overall responsibility for accurate reporting? Finally—as we know that unacceptable delays are not unheard of at the Crown Office—how long can families expect to wait for an investigation to conclude after the death of a loved one?

The Lord Advocate: I am grateful to Liam Kerr for his endorsement of the principles that I have outlined.

There are well-established processes for the reporting of sudden, unexpected and unexplained deaths. Those are well understood across the medical profession. The letter that I mentioned in my statement will issue guidance to medical practitioners about the principles that are to be applied. The Crown Office is establishing a dedicated unit to undertake the work, with a view to making the process as smooth as possible.

In relation to deaths that have occurred already, my officials have been working closely with the other agencies that have an interest and to which deaths in these contexts are reported: the Health and Safety Executive, the Care Inspectorate, local authorities and others. I am confident that the Crown will be able to obtain the information that it requires without imposing a burden on the medical profession.

Regarding the length of investigations, as I said in my statement, I am acutely conscious of the impact of a sudden death and of the process of its investigation on bereaved relatives. The Crown Office is establishing a dedicated unit to undertake the work.

Every investigation will be different and will take a different amount of time before it can be concluded; therefore, I cannot give a commitment about the precise time that any investigation will take. I can say that, in non-pandemic cases, the great majority of death investigations are concluded in a very short time, the case is closed and answers are provided to the family. I do not expect that situation to be different in the context of pandemic deaths. Some deaths will require a more extensive investigation, but it is anticipated that most death investigations will be concluded relatively quickly.

James Kelly (Glasgow) (Lab): No one should lose their life as a result of going into the workplace, and it is particularly tragic that workers in the NHS, the care sector and other public services have lost their lives to Covid-19 in trying to protect others. Does the Lord Advocate accept that, as a matter of public interest, those who have lost their lives in the NHS, care homes and other public service roles should be considered for a fatal accident inquiry as a matter of priority? What avenues will be open to the relatives and workplace trade union representatives to make their views known and to make representations for a fatal accident inquiry?

The Lord Advocate: James Kelly is right to express the tragedy of each one of those deaths. As he knows, the system for investigating deaths in Scotland includes, but does not require, a fatal accident inquiry into every death that is reported to the Crown. In most cases, the Crown's investigation establishes the cause and circumstances of the death.

It would not be appropriate for me at this stage, before investigations have been carried out, to speculate about what those investigations might lead to or about the circumstances in which a fatal accident inquiry will be held. However, where the law requires a fatal accident inquiry, one will be held. Where the Crown concludes, following investigation, that a fatal accident inquiry should, in the public interest, be held, one will be instructed.

On James Kelly's question about the opportunity for relatives and others to make known their views, the family liaison charter that I laid before Parliament in 2016 committed the Crown to listening to and taking account of the views of relatives on the question whether an FAI should be held. If a decision in any individual case is made not to hold an FAI, the Crown should be prepared to review the decision, should the next of kin wish such a review to be undertaken.

The Deputy Presiding Officer: We come to the open questions.

John Finnie (Highlands and Islands) (Green): I thank the Lord Advocate for early sight of his statement and its content. The Lord Advocate will be aware that, with regard to the multi-agency approach, the Inspectorate of Prosecution in Scotland recommended in its report that there should be a memorandum of understanding with all investigative agencies. Can the Lord Advocate update us on that? Has he had discussions with the other agencies, particularly with the Health and Safety Executive? Can he provide an assurance of their full co-operation with the change of approach?

The Lord Advocate: I will focus in particular on the issues that I addressed in my statement. My officials have been engaging closely with the Health and Safety Executive, the Care Inspectorate, the police, and other agencies, including, as I mentioned, the office of the chief medical officer and the death certification review service.

A number of bodies have an interest and responsibilities in this area. The Crown's approach in this context is very much to view the exercise as a multi-agency one, in which it plays a key role, given its independent responsibility for the investigation of each death. I am confident that, from the information that I have been given, there will be good co-operation and strong working and partnership with the key agencies.

Rona Mackay (Strathkelvin and Bearsden) (SNP): This is clearly a distressing time for families who have sadly lost loved ones. Will the Lord Advocate provide additional details on the impact that the changes will have on bereaved families? Does he anticipate, for example, that there will be a delay for relatives in arranging a funeral as a result?

The Lord Advocate: I and the professional and experienced staff in the Scottish fatalities investigation unit, which undertakes this work on my behalf, are acutely conscious of the impact on bereaved families of a sudden death and a subsequent investigation.

I set out the Crown's commitment to bereaved families in the family liaison charter that I have already mentioned. I will make two additional points. As I have already observed, in the great majority of cases, the Crown does not anticipate that the steps that I have announced will delay the ability of families to make funeral arrangements. In the small number of cases in which there is a delay, it will be kept to the absolute minimum.

My second point is that, while every investigation is different, most investigations in a non-pandemic context are capable, as I observed to Liam Kerr, of being closed within a relatively short period, and I do not anticipate that the

position will be materially different in the present context.

If a more substantial, lengthy investigation is required, the Crown will keep the family informed and will take its views into account in accordance with the family liaison charter.

Liam McArthur (Orkney Islands) (LD): I thank the Lord Advocate for early sight of his statement and welcome much of its substance.

The process that the Lord Advocate has outlined will be alien to the vast majority of people. Will he set out in a little more detail what families should expect by way of updates? Will there be a straightforward process for seeking information if they have questions? Is he confident that the Crown Office has the capacity to deal with the additional enquiries that will inevitably result from the process?

The Lord Advocate: The charter that I have mentioned gives clear commitments to early engagement with families, to keeping families informed on a regular basis, and to taking their views into account; those processes will be followed.

As I mentioned, the Crown Office is establishing a dedicated unit to undertake the work. I and the service are mindful of its importance in the current context, and of the need to keep the interests of bereaved families at the forefront of our minds. The resourcing of the unit will be kept under review as events unfold. The service is already making arrangements to ensure that it is staffed to deal with the cases that are anticipated.

The Deputy Presiding Officer: That concludes questions on the Lord Advocate's statement.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer—with apologies for making it.

The Lord Advocate is here to discuss hugely important issues. I know that the parliamentary timetable is not for you to determine, but I must place on record that I feel that it is completely unacceptable for members to have only 10 minutes on such a hugely important issue.

The Deputy Presiding Officer: Neil Findlay has quite rightly pointed out that it is not for me to decide on parliamentary business; it is a matter for the Parliamentary Bureau. All that I can suggest is that Mr Findlay raises it with his group's representative.

I apologise to the members whom I was not able to call for questions: Fulton MacGregor, Shona Robison and Mr Findlay himself.

Coronavirus (Scotland) (No 2) Bill: Stage 1

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a stage 1 debate on motion S5M-21712, in the name of Michael Russell, on the Coronavirus (Scotland) (No 2) Bill.

Three ministers will contribute at the start of the debate, within the Government's allotted time.

14:34

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): On 24 March, the Parliament considered and gave legislative consent to the United Kingdom Coronavirus Bill. That bill contained the first part of the emergency legislative response to the coronavirus outbreak, empowering the making of public health regulations to control the transmission of the disease and making necessary changes to reserved law in Scotland to enable the so-called lockdown regulations.

At the start of April, the Parliament considered, amended and passed the Coronavirus (Scotland) Bill, which addressed the major challenges of coronavirus that relate to our legislative responsibilities. It protected tenants and those who might be suffering from financial distress as a result of the outbreak. It also made changes that allowed our system of justice to continue, and it provided flexibility and relief to public services on the front line of the fight against the outbreak.

I was clear at the time that, as I said to members in the chamber, the Government was considering further primary legislation on the subject of the coronavirus. It is that further primary legislation, the Coronavirus (Scotland) (No 2) Bill, that we are considering today. It will supplement and complement those first two pieces of primary legislation.

The bill has arisen as a result of two processes. First, there has been a thorough process of consideration and testing across all Scottish Government portfolios of any remaining measures that are required as a result of the pandemic. Secondly, there has been a process of engagement across the parties in the Parliament and with stakeholders to see what further ideas there were for urgent or necessary measures that could be delivered only through primary legislation. That process is in keeping with the frank and transparent approach that the Scottish Government has tried to take to all aspects of the legislative response.

However, legislation is only a small part of the effort to control the virus and adapt to the

extraordinary steps that, as a society, we have to take. A range of secondary legislation is also part of the response. Recent Scottish statutory instruments considered by the Parliament include those that have adapted the system of school placing requests, provided relief for certain non-domestic rates and provided much of the system of electricity consent applications online.

With emergency legislation, we believe that bills—that is, primary legislation—should contain only provisions that are urgent, necessary and unavoidable. Where a policy can be achieved outwith a bill, through an SSI or through a change to guidance, that is what we will do and have been doing.

With emergency legislation, we believe that giving Parliament a proper and full role in post-legislative scrutiny is essential, and the same applies to scrutiny of all secondary legislation. We agree with the Delegated Powers and Law Reform Committee on that point, but it is up to the Parliament to decide how that should be done.

The second coronavirus bill follows exactly the scheme of the first in all regards. It will expire at the end of September unless it is renewed by the Parliament, and it can be renewed only twice. The reporting obligations in the bill follow exactly the same timetable as those in the first bill. That means that the Parliament will receive a single report on the provisions of the United Kingdom act—the Coronavirus Act 2020—the Coronavirus (Scotland) Act 2020 and the bill, keeping Parliament and the public informed about the use of the powers and ensuring that none of them lasts a moment longer than is proportionate or necessary. I will shortly make proposals to the Parliament about the structure and nature of that reporting, first approaching the Presiding Officer, the Parliamentary Bureau and the convener of the COVID-19 Committee.

The bill also has the same equality and non-discrimination duty that was put into the first bill—that duty is reproduced on the face of the bill.

My colleagues the Minister for Local Government, Housing and Planning and the Cabinet Secretary for Social Security and Older People will shortly cover two major policies in the bill. The outbreak is, however, causing financial difficulty to many, so I will outline some other proposals in the bill.

The bill contains temporary changes to the system of bankruptcy to make it easier and cheaper to access. It also contains a power allowing non-domestic rates relief, which already includes 100 per cent relief for 2020-21, to help support businesses in the retail, hospitality and leisure sectors, applying retrospectively, where necessary, in 2021.

The bill makes some amendments to the justice system to complement those made by the Coronavirus (Scotland) Act 2020. For example, it will temporarily allow adjournments in summary cases to last for longer than 28 days. It will extend the time limits by which people have to pay confiscation orders under the Proceeds of Crime Act 2002. It will allow electronic registration in the register of inhibitions and the register of judgments, and it moves the courts from a system of advertising court actions on the walls of the court to advertising them online.

All the measures are temporary; that is written on the face of the bill. It is not impossible that we may, as a Government, as a Parliament and as a society, learn a great deal about what is possible from how we have adapted to this crisis, but that is for later.

The bill also makes a number of changes to statutory deadlines, reflecting the reality that the effects of the outbreak on our society will continue for some time yet. However, the absolute priority of the Government at all levels remains the protection of human life.

Minor changes include amendments delaying the 2020 Union of European Football Associations European championship until 2021; allowing more flexibility about when the citizens assembly on climate change can be held; giving registered social landlords more time to file their audited accounts; and giving ministers more time to make a statement on local connection under the Housing (Scotland) Act 1987.

I want to mention one other thing, which reflects the cross-party process that the bill has been part of. Earlier this week, Mr Fraser raised with me the question of marriage and the fact that, for many people, it appears impossible to get married during the current period. Mr Tomkins raised the same issue with me yesterday at the COVID-19 Committee. We recognise that there has been an immense burden on registrars and that it would not be possible under the social distancing legislation to provide wider permission for marriage than exists at present. However, it is an important issue. Marriages are sometimes sought for intensely personal, unavoidable and sad reasons, which can include a terminal diagnosis, a need to leave the country—for example, for military service—or a need to get married to maintain status under immigration and asylum law.

I am satisfied that no change to the current law is needed. Under normal circumstances, there must be at least 28 clear days of notice before a marriage takes place, but it is possible for the registrar general to waive that rule. However, yesterday at the COVID-19 Committee, Mr Tomkins raised important points about public understanding of that, how to access the facility

and the consistency of approach across Scotland. I thank Mr Tomkins, Mr Fraser and others for raising those issues.

I can announce today that the Scottish Government is urgently preparing guidance on the matter in conjunction with the National Records of Scotland. The guidance, which will be published and publicised shortly, will set out how and who to ask for an emergency marriage and where to find the information that people need. In the meantime, anybody who needs a marriage urgently should contact their religious belief body and the National Records of Scotland at the email address marriage@nrscotland.gov.uk.

The measures in the bill might seem like a miscellany of technical and temporary fixes, but the bill cannot be seen alone; it should be read alongside the Coronavirus (Scotland) Act 2020, the UK Coronavirus Act 2020, the public health regulations, the programme of SSIs and the range of action and advice by Government, industry and society. Taken together, those are our collective response to the greatest challenge of our times. Not everything can be fixed by legislation, but there are some very important protections in the bill for those who most need them.

I will pass over to my colleague Mr Stewart to set out some of those protections.

I move,

That the Parliament agrees to the general principles of the Coronavirus (Scotland) (No.2) Bill.

14:41

The Minister for Local Government, Housing and Planning (Kevin Stewart): During consideration of the Coronavirus (Scotland) Bill, I committed to bringing to Parliament a proposal to deal with the invidious situation that is still facing some students who live in purpose-built student accommodation. Although students who live in the mainstream private rented sector have been able to end their tenancies early by giving their landlord 28 days' notice under the Private Housing (Tenancies) (Scotland) Act 2016, that has not been the case for those in purpose-built accommodation.

Many providers have behaved fairly and reasonably in these extraordinary circumstances. I am pleased that all universities and colleges and a number of the larger providers have allowed their tenants to end their contracts early. However, some students have not been allowed to do so, which has led to the provisions that are proposed in the bill.

We are talking about student tenancies the only purpose of which is to facilitate the accommodation of students while they are at

university or college. The coronavirus outbreak and the need to observe the lockdown and stay safe have led to universities and colleges closing down and moving their students online where possible. Of course, many students have chosen to move home to be with their family rather than stay in accommodation in a place where their course is no longer being provided. Clearly, the purpose of those tenancies can no longer be fulfilled and, in these unprecedented times, students must be able to end them.

That demands a response. As a result, the bill introduces a seven-day notice-to-leave period for those who are currently tied into a student accommodation contract, and a 28-day notice-to-leave period for agreements that are entered into while the provisions are in force. The seven-day period provides an effective out for those who are currently tied into such contracts yet cannot benefit from them. The 28-day period will give students who are seeking accommodation for the next academic year reassurance that, should the uncertainty about the operation of universities continue, an appropriate notice period will exist in respect of their tenancy.

The Scottish Government regards such provisions as a fair and balanced solution that reflects the fact that, in many cases, we are dealing with contracts with a fundamental purpose that can no longer be delivered. They will bring welcome relief to those who are bound into such contracts currently and those who are contemplating entering such a contract in the near future.

I now pass on to the Cabinet Secretary for Social Security and Older People.

The Deputy Presiding Officer: I call Shirley-Anne Somerville. If you could use up less time than four minutes, that would be useful, cabinet secretary.

14:45

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Scotland's unpaid carers are a vital lifeline for the people for whom they care. It is clear that the coronavirus pandemic has put an additional pressure on them. Many now face higher costs and extra caring responsibilities as a result of the changes that we have all had to make to stop the spread of the virus and save lives.

This Government values hugely the support that Scotland's carers provide to their friends, family and neighbours. The first devolved benefit that Scotland introduced was the carers allowance supplement as an additional payment to the carers allowance. The twice-yearly payment has helped tens of thousands of carers over the past two

years with support of around £460 a year that is not available outside Scotland.

Now, we need to do more. Therefore, I am introducing a one-off coronavirus carers allowance supplement to give carers the extra support that they need at this time. I propose, through the bill, to make an additional payment of £230.10 alongside their normal supplement payment in June. That payment will be made automatically by Social Security Scotland, which means that carers do not need to do anything to get that extra financial support. Provisions that are already in place for the supplement mean that this financial support will not be taken from elsewhere in the benefits system. Around 83,000 eligible carers in Scotland will get £690.30 this year in addition to their carers allowance—an additional investment of £19 million from this one additional supplement.

The people who are in receipt of carers allowance are some of our lowest-income carers with some of the most intensive caring roles, and I hope that the additional payment will reduce the financial pressures that they are experiencing, particularly as the majority do not benefit from the UK Government's increase to universal credit.

In addition, we have already made changes, through the Coronavirus (Scotland) Act 2020 and through regulations, to protect carers' access to carers allowance, carers allowance supplement and the young carers grant. Those changes mean that carers can still be eligible for support in many circumstances where the pandemic has affected their ability to apply on time or changed the nature of their caring role.

We continue to build on a wide range of support and guidance that we have already put in place for all Scotland's unpaid carers, young and adult. We are working alongside carers' organisations to make sure that carers can get the right support to help to protect them and their loved ones, including short breaks from caring, access to personal protective equipment and testing, and financial support.

Much of that information, advice and support is provided by local carer and young carer services. Recognising that those services are a lifeline for carers in our communities, we have made available a £500,000 fund to support them to move to remote working, ensuring that carers can get the most up-to-date information and support over the phone or online.

We have heard from many carers about the difference that our carers allowance supplement payments have already made to their lives. I hope that members will support the bill, which will ensure that eligible carers receive a double supplement in June.

The Deputy Presiding Officer: Before we move on, I gently remind ministers that it is for the chair to call speakers, not for them to pass on. Thank you very much. I call Murdo Fraser, on behalf of the COVID-19 Committee—up to 10 minutes, please.

14:48

Murdo Fraser (Mid Scotland and Fife) (Con): I am in the slightly unusual role of being the convener of a committee that no one wanted, and which no one wants to exist for any longer than is necessary. The COVID-19 Committee was created to scrutinise the wide range of mainly expedited legislation that is necessary to address the impact of coronavirus. It was within that remit that the committee carried out its stage 1 scrutiny of the bill yesterday.

I thank our committee clerks who have worked so hard in a very short time to support the committee in its work; the Scottish Parliament information centre for its briefing; and all the other parliamentary staff who have assisted, particularly those in broadcasting, by dealing with the technology that is required for the committee to meet virtually. I also thank my colleagues for the collegiate way in which they have approached the legislation and committee working, and for their patience and understanding as we grapple with the technology that has been required to make those virtual meetings work—most of the time, successfully.

The bill that is before us proposes a range of measures. It seeks to make adjustments to laws protecting individuals so as to ensure their effective operation during the coronavirus outbreak; it makes adjustments to criminal procedure and other aspects of the justice system to ensure that essential justice business can continue to be disposed of throughout the period of the outbreak; and it makes a range of provisions designed to ensure that business and public services can continue to operate effectively during a period when controls on movements have been imposed and when pressures on public services are acute.

The committee took evidence yesterday from the Law Society of Scotland and from the Cabinet Secretary for the Constitution, Europe and External Affairs on the provisions in the bill, and it then reported its views. I thank the Law Society for giving evidence to us less than 24 hours after the bill was published. At this point, I remind members that I am a member of the Law Society of Scotland.

To summarise our conclusions, the committee recommends that the Parliament agrees to the general principles of the bill. I will say a little bit

more about some of the issues that we touched on when taking evidence.

In committee yesterday we asked why the bill is necessary, given the decisions that Governments across the UK have taken to ease some of the previous restrictions. As the cabinet secretary explained, despite changes in lockdown restrictions in Scotland, there remain major disruptions to everyday life, which are likely to continue for some time. Therefore, the bill is necessary in requiring adjustments to the way we operate.

It was good to hear that the Scottish Government does not envisage introducing any further emergency Covid-19 bills, although there may well be a justice-related bill regarding jury trials. However, that will depend on the outcome of the consideration that is currently being done by the judiciary-led group.

One of the key issues that arose during our consideration of the bill is whether it achieves the right balance in responding to the pandemic while not unreasonably impacting on people's human rights. The Scottish Government explains in its policy memorandum that it

"is satisfied that all of the measures contained in the Bill are appropriate and proportionate, but it recognises that many are far-reaching and unprecedented."

The Law Society considered that, overall, the bill strikes the right balance in its impact on human rights while seeking to address the impact of Covid-19. To help achieve that balance, the bill includes some of the same safeguards that are included in its predecessor, now the Coronavirus (Scotland) Act 2020.

Part 1 of the bill has a built-in time limit of 30 September 2020, which can be extended by approval of the Parliament for a maximum duration of 18 months. That ensures that Parliament will have its say on whether the powers are being used appropriately and whether they should be extended.

The committee welcomes the requirement for Scottish ministers to keep part 1 of the bill under review and to report every two months on their assessment of the need for the bill, of whether parts of the bill remain in use and of how the powers have been used. That builds on a similar commitment contained in the existing 2020 act. The committee looks forward to considering the reports that will come forward and to working with the cabinet secretary as the measures develop.

The Delegated Powers and Law Reform Committee highlighted to us in a letter that it would be beneficial, in the interests of effective scrutiny, if the Scottish Government would review, and report to the Scottish Parliament on, all subordinate legislation made in response to the

coronavirus emergency, whether it is made under the provisions of the Coronavirus (Scotland) Act 2020 or under the bill that is before us today.

As the lockdown restrictions continue, the impact on the viability of many businesses will increase. The bill therefore makes proposals aimed at making bankruptcy easier for those who need it by reducing or removing application fees and increasing the maximum level of debt covered by the process, including by removing student debt from the calculation. The bill also makes it harder for creditors to make individuals bankrupt, by raising the minimum amount that must be owed before the creditor can go to court. The Scottish Government considers that those proposals are fair and proportionate. It would therefore be helpful for the committee to understand how the revised figures in the bill were arrived at in order to understand how that view was reached.

One area of discussion in the committee, to which the cabinet secretary has already referred, was the question whether the bill needed to provide greater clarity on whether marriage ceremonies can now take place, particularly, but not exclusively, in the end-of-life circumstances to which the cabinet secretary referred. We welcome the clarification that he provided yesterday that, in certain exceptional circumstances such as the end of life or where one partner may be leaving the country for work, marriages can take place subject to registrars waiving certain conditions. We support the decision to issue further guidance, which is being considered by National Records of Scotland and the Scottish Government. I welcome what the cabinet secretary said about that a few moments ago. The guidance should help to provide the public with greater clarity.

However, if those powers already exist, it would be helpful if we could get some further clarification of the extent to which marriages and civil partnerships are already happening in exceptional circumstances, and whether the public are aware of the powers. We should also remember that not everyone who wants to get married will be in exceptional circumstances. There will be people who want to get married for other good reasons, perhaps religious reasons, and I do not think that we should forget about their situation.

Although many of the changes in the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No 2) Bill are being made to address negative impacts from the current pandemic, the committee recognises that some of them could be good practices that should continue in the longer term. Because of the truncated bill processes, however, it would be wrong simply to continue them without further consultation and, if appropriate, new legislation. To that end, we recommend that further consultation and post-

legislative scrutiny of the coronavirus legislation will be essential once the emergency situation is over in order to help to inform any such decisions.

I again thank my colleagues and those who have assisted the committee. Assuming that the bill is agreed to at stage 1, we will proceed to stages 2 and 3 next week, when we will consider amendments. For now, I am pleased to support the general principles of the bill.

14:56

Adam Tomkins (Glasgow) (Con): Here we are again, for the third successive time, debating emergency legislation that responds to the coronavirus crisis. Let me say straight away that we will support the general principles of the bill at decision time this afternoon, but I do not like it. I do not like it at all.

Let me go back to the beginning, to set my grumpiness in a little context. On 24 March, we gave our consent to the UK Government's Coronavirus Bill, and Westminster duly passed that legislation with, I think, no more than four days' debate and scrutiny. A week later, on 1 April, we took our Coronavirus (Scotland) Bill through all its stages in a single day, and today we are here again, as I said, for the third time.

As the Cabinet Secretary for the Constitution, Europe and External Affairs said, the pieces of legislation are all parts of the same overall package, and together this body of emergency law enacts an extraordinary curtailment of our most fundamental and hitherto cherished rights and liberties. I think that it was Willie Rennie who said, in one of our earlier debates, that he looks forward to the day when it can all be repealed, and so do I—I am sure that we all do.

It is not just the unprecedented incursion into rights and liberties that should give us pause; it is also the very fact of legislating in a hurry. If we have learned anything in the past few days about the management of the coronavirus crisis, it is surely that we need to think things through. I appreciate that, unlike the previous bill, the one that we are considering today is to be considered in a week rather than in a single day. However, when we legislate in a hurry like this, we lose the time to think not only about what is in the bill but about what is not in it; the time to think about amendments; the time to consult; and the time to build coalitions of support. This is a Parliament of minorities, after all. None of us here can do anything without seeking and obtaining the support of others, and that takes time. So, I make no apology for being grumpy.

I recognise that, within those unwelcome constraints, the cabinet secretary has tried to do his best, and I thank him for that. As the bill was

being prepared, he reached out to other parties to seek their input, and he has put in place in the bill the same procedural checks and safeguards that are contained in the earlier coronavirus legislation that we have passed. All of that is welcome and is to be commended. I also welcome what the cabinet secretary told the COVID-19 Committee yesterday—that the bill is intended to be the last piece of emergency legislation that the Scottish ministers will bring to the Parliament in response to the coronavirus crisis.

However, I want to reflect on three matters. The first, which the cabinet secretary and the convener of the committee have already touched on, is the right to marry. I am sure that I am not the only MSP in receipt of an increasing amount of correspondence from constituents who are increasingly anxious about not being able to get married or make plans to get married. We all understand why large wedding parties cannot go ahead as normal at the moment, but, as I understand it, only five people—the two parties, the registrar and two witnesses—need to be present for a lawful marriage to take place. There are hundreds of locations across Scotland where gatherings as small as that can take place while people still observe social distancing at all times.

As the cabinet secretary recorded in his remarks, I raised the matter with him yesterday in committee. He has since written to the committee—I thank him for his letter—explaining that there is no legal ban on marriages at the moment but that, as a matter of practice, registrars appear not to be issuing marriage licences because they are prioritising their work regarding the registration of deaths. In response to that, I gently point out to the cabinet secretary and the registrar general that the right to marry is exactly that—a right. Indeed, it is a fundamental human right that is enshrined in article 12 of the European convention on human rights. As such, its exercise should be denied to people only where there is a “pressing social need” to do so. Disproportionate interferences with the exercise of the right to marry will be unlawful.

There are circumstances—sometimes very sad circumstances—in which the right to marry needs to be exercised quickly, such as when one of the parties is at or near the end of life. The cabinet secretary explained in his letter—he also said this in his speech—that the 28-day notice period that is normally required for a marriage licence can be waived in exceptional circumstances.

Perhaps the cabinet secretary is right in saying that there does not need to be a change in the law to facilitate marriages in the time of coronavirus, but, at the very least, there needs to be a change of perception both among members of the public

and, I would say, among registrars. The cabinet secretary said in his letter that

“there is a need to ensure public understanding of what is possible”

with regard to marriage ceremonies. I agree, and I am raising these matters now—as he did in his speech—in order to shine some parliamentary light on them in the hope that we can move to a position where more marriages can take place lawfully and, of course, safely. In that spirit, I warmly welcome what the cabinet secretary had to say about the matter in his speech.

Pauline McNeill (Glasgow) (Lab): I support—100 per cent—what Adam Tomkins has said. He has brought something really important to the chamber. Obviously, people marry for love, but does he agree that there can be real consequences for someone if anything happens to their partner and they have missed out on the chance to be married?

Adam Tomkins: Absolutely. I fully agree with that, which is why it is recognised that marriage is not just a privilege or an interest but a fundamental right. The same goes for this right as goes for all other rights that we are trampling all over in our attempts to suppress the spread of the coronavirus. The interferences with those rights must be justified in the public interest; that is how we have to approach all of these matters.

The second matter that I want to reflect on, in the time that I have left, is freedom of information. In last month’s debate on the Coronavirus (Scotland) Bill, there were vigorous exchanges in this chamber—and a series of knife-edge votes that were decided on the casting vote of the Presiding Officer—about the Scottish Government’s proposals to exempt itself from the ordinary rules of freedom of information, which gave it and other public authorities much longer to respond to requests for information than the law normally stipulates.

It is notable that, yesterday, in what was, I have to say, a high-quality debate with outstanding contributions from right across the chamber, every Opposition MSP who spoke argued that the Scottish Government needs to be more transparent with us and with the public in its handling of the coronavirus crisis—whether that is transparency about the R number, transparency about failures in care homes or transparency about what happened at the Nike conference earlier in the year. The way that we left our FOI laws after last month’s bill was passed has left a sour taste in the mouth and is deeply unsatisfactory—and I give notice that I intend to lodge amendments at stage 2 of this bill to put that right. At a time like this, there is neither justification nor excuse for ministers seeking to shield

themselves from the glare of openness and transparency.

Finally, there are two procedural points that are bothering me. The first is that, although we are all agreed that emergency legislation might be necessary to deal with a public emergency, not all of the provisions in this new bill deal directly with the public emergency. Some go beyond it and make changes that, although they are perhaps innocent and no doubt expedient, are not strictly required by the emergency that we face.

For example, the new bill makes changes to legislation regarding what is now to be next year’s UEFA football championship. The changes are admittedly minor, but it is not appropriate to use emergency legislation to make changes to policy that do not pertain to the emergency in question and that are not strictly required by it.

Finally, I want to underscore a point that was made by the Delegated Powers and Law Reform Committee, which Murdo Fraser has already referred to. We know that the bill, the Coronavirus Act 2020 and the Coronavirus (Scotland) Act 2020 enact safeguards including reporting requirements and sunset provisions. Those are important safeguards, but by no means all of the secondary legislation that has been made by ministers in connection with the coronavirus has been made under those acts. Much of it has been made under other legislation, which means that the safeguards on reporting requirements and sunset provisions will not apply. I note the Delegated Powers and Law Reform Committee’s recommendation that, at the very least, the Scottish Government should report regularly to the Parliament on all provisions relating to the coronavirus crisis and not only on those made under the emergency legislation. That is another matter that could usefully be considered at stage 2.

First, however, we have to get through stage 1. As I have indicated, subject to those reservations, we will support the general principles of the bill this afternoon.

15:06

Alex Rowley (Mid Scotland and Fife) (Lab): In opening for Labour, I acknowledge the on-going co-operation with the Government in addressing the Covid-19 crisis. I thank the cabinet secretary for the inclusive approach that he has taken to the bill and other legislation that is being introduced in the Parliament, and we will support the bill at stage 1.

The public expect all of us in the chamber to work together in the best interests of our country during the crisis and in the best interests of the people. That is the right thing to do.

As we move through this uncertain period, there may well be a need for further legislation. If that is the case, we will continue to work with the Government to make it happen.

Yesterday, the Deputy First Minister confirmed that the Cabinet Secretary for Economy, Fair Work and Culture is working with employers and trade unions to put in place guidance and a framework for safe working. We need to see the outcomes of that work, but we also need a massive expansion of health and safety representatives in workplaces across the country. If that or any other aspect of safe working in a safe working framework needs to be put into law, we will be willing to help to do that at pace.

I was very disappointed as I read the change of message from the UK Government on Sunday and by the even more confused national address from the Prime Minister on Sunday evening. It is important that we do all that we can to avoid confusing messages, but that is difficult when the Westminster Government breaks rank and goes off in a separate direction.

It is important that the Scottish Parliament makes it clear that we are at one with the Government of Scotland when it comes to how we move forward and on the message, "Stay at home. Protect the NHS. Save lives." It is also important that we ensure that, as we move forward in supporting workers to get back to work, clear rules and guidance are in place and all health and safety laws apply. That is why I ask the Government to explore further the role of health and safety representatives in workplaces. I hope that the cabinet secretary will take that on board.

This year, the theme for international workers memorial day, on 28 April, was, fittingly, coronavirus. The Trades Union Congress reminded us of the importance of health and safety in the workplace. It said:

"We could not have a starker reminder of the important role of trade union health and safety reps in saving and protecting workers' lives, than the current crisis we are living through."

As I have said, I ask the cabinet secretary to take that issue on board and to look at a massive expansion of health and safety representatives across our country.

Given the speed of the legislation, it is vital to pick up concerns and issues that have been flagged up to us. In fairness to the cabinet secretary, many of the measures in the bill have been flagged up by individuals and organisations.

Shelter Scotland has welcomed the changes that will be brought in by the bill to allow students to terminate their current student accommodation tenancy by giving seven days' notice. Shelter Scotland says that:

"Student accommodation providers must provide maximum flexibility in these unprecedented times—and these proposed changes will ensure protection for all students who cannot remain in their student residential accommodation due to the coronavirus pandemic."

The Law Society of Scotland states:

"Compliance with ECHR means that legislative change must be lawful, necessary, proportionate, time-limited and nondiscriminatory."

It goes on to say that it welcomes

"the respect for human rights in the Policy Memorandum."

In highlighting some particular features, it makes it clear that

"close post-legislative scrutiny of how the Act works in practice"

will be crucial. I agree with that. I put on record the Scottish Labour Party's thanks to the Law Society for the support and impartial advice that it provides all year round—particularly now, when there is less time to scrutinise what is sometimes difficult and complex legislation.

I accept that lessons will need to be learned during the crisis as we make progress. The lesson we have learned this week from the Nike conference that took place at a hotel in Edinburgh must be that no one can come into Scotland through our airports unless they are tested and quarantined for 14 days. We will, and we need to, learn when mistakes are made. That highlights why the Scottish Government has been right to insist that all nations of the UK should work together and why the UK Government must learn the lessons of this week, think before it acts and do so only in partnership with all nations and Administrations of the United Kingdom.

In this crisis, Opposition members—indeed, all members—have a duty to hold the Government to account where there are weaknesses and gaps and where things must move at a faster pace. That is not simply to criticise—party politics must be put to one side—but to make sure that the right decisions are made during a difficult situation. That said, we must also recognise the enormity of the challenges and support ministers as they face up to them.

Four weeks ago, I asked the Government why, given our established life sciences sector, it is not making greater use of the expertise in Scotland's universities and research institute labs to increase testing capacity for the coronavirus. We are not using all the capacity in Scotland's labs to test for the virus, and testing and tracking are nowhere near the level that they should be at. The measures in the bill are just part of a widespread approach, and we need every bit of that approach to be working. We all have a duty to work together to make that happen.

15:13

Andy Wightman (Lothian) (Green): The Scottish Green Party supports the general principles of the bill and will be voting for it.

My focus will be on what can and should be added to the bill. We are particularly pleased with the provisions on student accommodation, after having lodged amendments on that matter to the first bill on coronavirus. I am glad that the human rights concerns have been resolved. As the minister mentioned, proposals now allow students to terminate existing contracts with seven days' notice and cancel new contracts with 28 days' notice. I thank the National Union of Students and many members of the Scottish Youth Parliament for their work in securing that.

Before proceeding, I will raise an important point about this and the previous bill, which the cabinet secretary also mentioned. Both are emergency bills and expire by the automatic rule of law on either 30 September 2020 or 31 March 2021, if they are not terminated sooner by regulation. However, as we now know, the pandemic will affect people not only during the crisis. It will have impacts beyond the emergency period on, for example, indebtedness—I think that that is very obvious—and, importantly, housing. Our contention is that those impacts are Covid-19 impacts and that they need to be addressed. Housing has always been a public health issue and, as we continue to stay at home, people need greater security to allow them to plan for the future and deal with the financial difficulties that many of them are, or will be, facing. At stage 2, therefore, the Greens will lodge amendments on housing that relate to the post-emergency period.

Those amendments will ensure that any arrears that are a consequence of Covid-19 can never be grounds for eviction in future. They will introduce a tenant hardship fund to balance the landlord hardship fund that was developed by the Tories and the Scottish National Party. Most critically, because tenants will continue to face hardship over the coming months and years as a result of already high rents and reduced incomes, we will lodge an amendment to introduce a rent freeze for two years following the expiry of the emergency period, to give tenants some limited certainty in a world that is so full of uncertainty.

We also want to ensure that women's right to access reproductive healthcare is not curtailed by the crisis. We want to give pharmacists the ability to issue contraceptive pills free of charge, bringing policy in Scotland in line with that in England. Currently, contraceptive pills can be accessed free of charge only with a prescription from a general practitioner. Our proposal is very much in line with the Scottish Government's own advice that couples should think seriously about whether they

should start a family during the pandemic. The Scottish Government has already extended the minor ailments service for the period of the pandemic. Our proposal is that the contraceptive pill be issued through that service. Many women are at higher risk of domestic abuse, including coercive control, at present. Ensuring that they have the greatest possible access to contraception is an important part of providing support through the crisis.

One of the known impacts of the virus is that we will require to physically distance for many months in the future. Plans are already taking shape in cities to redesign road space to accommodate safely cycling and walking. When restrictions are lifted, we will face an enormous risk of a major increase in car use and the resulting congestion and air pollution. As my colleague Alison Johnstone highlighted at First Minister's questions today, before the pandemic, thousands—the same order of magnitude as have been dying from Covid-19—were already dying as a result of air pollution. We are a bit disappointed to see no measures in the bill to address that issue, although we accept that they might not be required. We are, however, keen to explore that, because councils will be investing millions in making our streets safer, and we must make it easier for them to make those changes more permanent.

On education, there are on-going challenges for students who have received their final payment from the Student Awards Agency Scotland. The summer work that many depend on will almost certainly not exist. The National Union of Students Scotland has said that there is a "ticking time bomb" of student deprivation. Even in a normal year, summer is the period in which drop-outs spike, due to financial pressures. We support the Scottish Government student hardship fund, but it is administered by colleges and universities. We need a more systematic increase in student support, such as an extension of SAAS payments over the summer.

Universal credit is the only alternative for many students. As ministers are well aware, the problems with that system—not least the five-week waiting time—are significant.

Neil Findlay (Lothian) (Lab): Will the member take an intervention?

Andy Wightman: I am happy to, if it is brief.

Neil Findlay: I wanted to intervene before the member entered the final minute of his speech.

Adam Tomkins raised the issue of FOI. I understand that Mr Wightman was not happy with the way in which FOI was treated in the previous bill on coronavirus. Would the Greens support

amendments to repeal the restrictions on FOI that were in the previous bill?

Andy Wightman: The short answer is yes.

It is clear that this deadly virus will be around for some considerable period to come. We welcome the Government's emergency bill to make further adjustments to the law in order to deal with the impacts of Covid-19, but we are also clear—in a way that we were not when the first bill was passed—that we now need to think beyond what is strictly the emergency period and to address the on-going Covid-19 impacts that will continue to affect peoples' lives beyond the expiry of this bill. Thus there is a strong case for making provisions now that will give some confidence and certainty to Scotland's tenants to ensure that the human right to housing is not compromised by a legislative framework that never anticipated the crisis that we are now living through.

15:19

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank the Scottish Government and, in particular, Michael Russell for the inclusive manner that characterised the first emergency bill of the crisis and this one, and I assure him of Liberal Democrat support on the general principles.

I echo Andy Wightman's excellent comments, particularly those on women's reproductive health and student accommodation, which are issues that have materialised—and they will not be alone—as things that the Parliament has to deal with.

I commend the Government and civil servants for the quick turnaround on the bill; it is well written and there are only a few areas that we will seek to slightly amend. I hope that, with the exception of one, they will prove uncontroversial.

The first of those covers the additional dwelling supplement; we would like to extend the timeframe from 27 months to 36 months, bringing it into line with provisions in England. The ADS came into force on 1 April 2016 via the Land and Buildings Transaction Tax (Amendment) (Scotland) Act 2016. In 2016, my colleague Liam McArthur raised concerns about the

“fear that the 18 month threshold will prove particularly problematic in places like Orkney, and could adversely affect the local market”.

The housing market in Orkney, and other island communities, operates differently from that in mainland Scotland. Properties can remain on the market for prolonged periods, often extending beyond 18 months. At the time, Derek Mackay said that the provisions had not been in place long enough to be reconsidered. Liam asked for an island communities impact assessment in May

2019, but Kate Forbes said that she did not consider a change to be necessary. That tax has a specific purpose: to protect the interests of first-time buyers who want to enter the Scottish property market, but at the moment people who have a genuine interest in selling their old home, and are making every effort to do so, are being caught out by a slow market. That is not the point of the tax. An extension of the timeframe would provide breathing space for those who are trying to sell up in areas that move more slowly. Given that we just do not know how the property market is going to react to the coronavirus crisis, that breathing space could make all the difference.

The second area that we will explore by amendment covers the loopholes that have appeared through support for businesses. Eligibility for that support is currently linked to the non-domestic rates system. Each of us will know businesses in our communities that have fallen through the cracks. One particular concern is the qualification date that the Scottish Government set of 17 March. Some businesses may have sublet their operation for a short time, so the tenant stands to benefit from the whole grant—that was the case for the Queensferry Motor Company in my constituency, whose owner had to sublet the business for three months at the start of the year and was due to take back occupancy at the start of May. He will miss out on that business-saving grant.

Of additional concern is the issue of those who do not pay business rates to the council but do so indirectly as part of a management charge or rental agreement to a management company or factor. Many companies operating in the Gyle industrial estate in my constituency occupy serviced office space. Their business rate liability exists but is factored into the fee that they pay to the company that manages that space. We shall seek to explore how we might close these loopholes by amendment.

Those are the areas that I hope that the Government will look kindly on. The one that I fear will be met with controversy—it has been mentioned several times—is on the freedom of information section in the first bill.

On any normal day, the rejection of any proposal by all four Opposition parties to a proposal in the chamber would spell the end of it. That would reflect the decision and settled will of the Scottish electorate in the 2016 election, but the balance of votes in the chamber on 1 April was askew and the result distorted. That prompted Catherine Stihler from the Open Knowledge Foundation to point out that

“Scotland is now in the unenviable position of being the first country in the world to introduce new restrictions on

freedom of information as a result of the coronavirus outbreak”.

In the days afterwards, the BBC called for the official count of the number of suspected cases of coronavirus in care homes—something that is already being given to councils, health boards and the Government—but the Care Inspectorate told it that the request was being treated as an FOI, meaning that the inspectorate had three months to respond. We know that the health secretary resolved that issue, but a robust system should not need the good grace of its ministers.

A Survation poll for the Open Knowledge Foundation found that 52 per cent of respondents believe that

“restricting the public’s right to information is an unnecessary measure”

in this emergency. I have asked clerks to draft an amendment for stage 2 repealing this section of the act, but I am quite willing to withdraw those instructions and work with Adam Tomkins and other parties to repeal the provision. I want to use the amendment to spark a properly balanced discussion and a vote on what the system should be for the duration of the pandemic.

Ross Greer and Neil Findlay put forward some of the options in our previous discussions. Last time around, we had only minutes to talk this through. This time, we have a week or more to agree alternatives, and I invite ministers to convene those talks now—to listen to what they have heard and to the unanimity among Opposition members asking them to go and think again on the provisions around time limits for freedom of information.

As Liberals, we have sought at every stage in this emergency to ensure that Scotland’s liberal values are retained throughout the whole of this emergency—whether that be in relation to jury trials or to freedom of information. For those reasons, we hope that we will persuade Government to adopt those changes.

15:25

Annabelle Ewing (Cowdenbeath) (SNP): I am pleased to have been called to speak in this stage 1 debate on the Coronavirus (Scotland) (No 2) Bill. I sit on the Parliament’s COVID-19 Committee. As a member of that committee, I too thank its clerks for the tremendous amount of work that they have done in such a short time in order to meet the tight deadlines of this emergency legislation. I also thank the Scottish Parliament information centre and, in particular, the broadcasting and information technology staff, who are very patient indeed with people who are not hugely technically skilled.

As we have heard, assuming that the principles of the bill are agreed to tonight, as looks likely, we will see a virtual stage 2 committee meeting next Tuesday, which will, I believe, be a first for the Parliament—at least, in terms of primary legislation. I am sure that all the committee’s members and the clerks are up for the challenge, so we will see how all that transpires. It seems, from what members have said, that there might be quite a few amendments to be scrutinised. We will then, of course, have stage 3 next Wednesday. A fast-tracked royal assent process thereafter has been requested.

In considering the bill, the first question that we must ask, as a Parliament, is whether there is a need for the legislation to be introduced and to be dealt with on an emergency basis. For my part, the clear underlying rationale for the bill is the recognition that we are in this for the long haul, and that we therefore need to plan ahead, to act prudently and with caution, and to facilitate the continuing functioning of our society while we strive to arrive at the new normal—whatever and whenever that will be. I believe that the provisions in the bill reflect those imperatives.

I turn to some of the matters that are covered in the bill, with a view also to reflecting on their appropriateness and proportionality. First, I very much welcome the provision in the bill that will allow, for the first time, backdating of any further rates reliefs that might be introduced. That will permit the Scottish Government, were it to introduce further business rates reliefs for the financial year 2020-21, to backdate that relief to April 2020. That will be of significant benefit to business, so I look forward to hearing from the Scottish Government about its plans in that respect.

Another key provision of the bill is that it will make a special coronavirus carers allowance supplement of £230.10, in addition to the two other carers allowance supplements that were due to be paid this year, in that amount. Thus, if the bill is passed, that money will automatically be paid next month to all those who are in receipt of carers allowance. As the cabinet secretary said, that special supplement recognises the tremendous pressures on unpaid carers—in particular, those caused by the pandemic. I am sure that the special supplement will be very much welcomed.

The bill covers a number of important areas in relation to our justice system, including proceeds of crime confiscation orders. Under the bill, the coronavirus pandemic would be deemed to be an exceptional circumstance, such that the timing of confiscation order proceedings could be extended if they are impacted directly or indirectly by the pandemic. That reflects the practical difficulties at this time in progressing confiscation orders, and

will ensure that the prospect of recovery of proceeds of crime is not hindered.

I understand from our stage 1 evidence session at committee yesterday that the Crown Office and Procurator Fiscal Service has raised that issue because it was concerned that investigation orders, for example, could not be routinely considered by a court at this time because of the need for both Crown and defence agents to attend in person. A concomitant provision in the bill, in part 2 of schedule 2, would also extend time limits within which individuals who are subject to confiscation orders must pay.

That reflects the current difficulties in, for example, realising assets such as heritable property. I know that in Scotland recovery of proceeds of crime has, to date, been a huge success story, so I am pleased to see that the significant efforts of the Crown Office and of Police Scotland in that regard will not be undermined as a result of the pandemic.

The bill covers many other important issues, but I am conscious that time is moving on. I have raised a representative sample of the kinds of issues—technical, in many regards—that the bill deals with. It is evident that the provisions that concern them are appropriate and proportionate. The need for the legislation has been established.

I end on a reference to the important issue of safeguards. As parliamentarians, the other key issue that we need to look at in emergency legislation is whether sufficient safeguards are in place. In that respect, it should be noted that, as is the case in the Coronavirus (Scotland) Act 2020, the operative provisions of the bill will expire on 30 September 2020, with two possible further periods of extension only if Parliament approves.

As we have heard, the Scottish Government is also required to provide reports on the legislation every two months. I was pleased to hear Michael Russell's comments in that regard, on the Government looking at ways to involve the chamber and the COVID-19 Committee in scrutiny of the reports. I look forward to further details on that process. In addition to those scrutiny opportunities, post-legislative scrutiny also plays an important role. Safeguards are, therefore, in place, so I am content to agree to the principles of the bill at stage 1.

15:32

Miles Briggs (Lothian) (Con): The Scottish Conservatives recognise the need for many of the elements of the bill, as the Scottish Government seeks to continue to deal with the consequences of the Covid-19 public health emergency, and its impact on individuals, public services, businesses and our economy.

I will focus my initial comments on the bill's proposal for extra financial support for carers. That is something that I have called for from the start of the crisis, and I welcome Shirley-Anne Somerville's positive engagement on the matter. I pay tribute to the carers, paid and unpaid, in my Lothian region and across Scotland, who have worked so hard during the pandemic to look after some of the most vulnerable people in our society, many of whom are at most risk.

Carers play a vital role in our society and are often forgotten. As we consider the role that they play, I hope that the legislation will make the difference that we need to see being made for them. From speaking to carers and carers' organisations in my region, I know that the extra support that is offered in the bill, on top of the carers allowance supplement, is welcome. Scottish Conservatives support it. I hope that ministers will also consider engaging with carers and their representative organisations during this time, and that they will continue to look at possible additional measures to support carers.

I make a further plea around restarting and development of respite services and carers' breaks. I have written to the cabinet secretary about that today, because we need those services to be given priority. Many of our fellow Scots have not had respite care during this period, and want the matter to be moved forward urgently. I hope that that can be looked at.

Shirley-Anne Somerville: I thank Miles Briggs for giving me the opportunity to say that the Cabinet Secretary for Health and Sport and I have spoken about that exact issue. The matter clearly relates to some aspects that the First Minister brought up today. We need also to bear in mind the vulnerability of people who might use respite facilities, but the issue is under active consideration in the priorities that the First Minister mentioned.

Miles Briggs: I welcome that clarity, and I hope that I will be able to hear how that can be taken forward as soon as possible.

Since the outbreak of the crisis, a number of students at the University of Edinburgh have contacted me about their concerns about being unable to exit leases for student accommodation, so I welcome the legislative proposals on that. It is right that students should be able to exit their leases, so I am pleased that additional provision is being made in the bill for those who might enter accommodation in the coming academic year. Student representative groups have rightly welcomed the measures.

I have also raised with the Scottish Government a number of constituency cases in which people face being unable to claim back the additional

dwelling supplement, so I welcome the commonsense proposals on that.

Notwithstanding the support schemes that have already been introduced, it is appropriate, with many small and retail businesses continuing to struggle and being fearful of the future, that the bill will give ministers powers to set new rates reliefs, and to backdate them to 1 April 2020. We await further detail of what ministers have planned in that regard.

Although much of the bill is welcome, Scottish Conservatives have concerns about a number of aspects, particularly in relation to justice proposals, which my colleague Liam Kerr will outline later.

Ministers have also failed to make an adequate case for why it is necessary to delay publication of data that is vital in our fight against climate change, and to delay publication of annual accounts. I presume that officials are still working on those and are in a position to provide updates to Parliament. We believe that it is essential that we are still able to scrutinise the Government's spending, as officials make progress in those areas.

I will pick up on Adam Tomkins's earlier grumpiness. I, too, have become concerned about the persistent delays, sometimes for a number of weeks, in ministers answering written questions.

I also have reservations about the cabinet secretary's intention to lodge at stage 2 next week a Government amendment on powers to purchase care homes. That move has already created concern and distraction in the care sector, at the very time when we are seeing coronavirus engulfing many homes. The priority of us all must be to deliver the safe and high-quality care that people who live in care homes desperately need. In the middle of a pandemic, none of us wants care home staff across Scotland to be worried about the future of their jobs or the future viability of the homes in which they work. Also, I have seen nothing in the way of consultation of the independent and charitable sectors on the proposal. Jeane Freeman said that she wants to work in partnership with the care sector; instead, that move by ministers risks creating a negative relationship, which I hope ministers will recognise.

Alex Rowley: I accept what Miles Briggs said about care home staff being worried about the future of their jobs. Does he agree that care home staff across Scotland are absolutely terrified right now about going to work, and that that is the issue that we need to tackle?

Miles Briggs: I absolutely agree. That is why we should by now have a timetable for when all care home staff in Scotland will be tested. We know that people are testing as asymptomatic to

Covid-19, but are still working in care homes, so the matter should have been addressed long before now.

The point that I was making was that SNP ministers admit that they already have common-law powers to enter agreements with the charitable and independent care providers to purchase financially struggling care homes, and we support that. However, the cabinet secretary has made no effort to reach out to Opposition spokesmen on the issue and, by not setting out what the proposed amendment will be today, is not giving Parliament a full opportunity to scrutinise the proposal, given the rapid passage of the legislation.

Michael Russell: As I have not seen an amendment, and Miles Briggs has not seen an amendment, I suggest two things. The first is that we wait to see an amendment, and the second is that we do not make the assumption that amendments at stage 2 are inherently wrong. There might be many amendments lodged at stage 2, some of which will come from the Conservatives. I do not assume that they are inherently wrong, and I do not think that we should assume that that is the case for any amendment until we have seen it. Certainly, we should not stir up fears about an amendment without having seen the detail of it.

Miles Briggs: In the past, Mr Russell has outlined his concern about the unintended consequences of poor legislation, and I agree with that. I fear that such an amendment could be a prime example of ministers not engaging and not listening to concerns. The charitable and independent homes are expressing concerns and want to make sure that the proposal will not negatively impact on the sector, so it is important that we raise those concerns in Parliament. The care sector is, critically, facing an uncertain future, so it needs help and support, not yet more uncertainty.

I welcome large parts of the bill and believe that it is correct that ministers are putting the measures in place. I hope that the Scottish Government will look again at a number of specific proposals about which members from across the chamber have expressed concern, and that it will consider removing or revising them as we move to the next stages of the bill next week.

15:39

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I am pleased to be able to speak in this important stage 1 debate on the proposals to further protect the people of Scotland from consequences arising as a result of the health emergency.

The new COVID-19 Committee held a good online evidence-taking session yesterday with Michael Clancy and Gillian Mawdsley from the Law Society, followed by the Cabinet Secretary for the Constitution, Europe and External Affairs, Mike Russell.

The Law Society has kindly provided a briefing that covers most of the topics in the bill, and I am grateful to it for doing that at so late a stage in the day, yesterday. The bill covers a number of areas, including bankruptcy, student accommodation, criminal justice, proceeds of crime, help for carers and changes to the land and buildings transaction tax. It seeks to introduce protections for individuals who, through no fault of their own or action on their part, may find themselves in difficult circumstances, financial or otherwise, as a result of the health emergency and regulations that are now in force.

Initially, my interest was to ask Mr Clancy about the basic principles that underpin any legislation and whether they still apply in this case, when we are having to expedite legislation on a far tighter timescale than we would normally be comfortable with. Of course, I also wanted to ask about the safeguards for the public in a process such as this. Those basic principles—that any law should be clear, coherent, effective and accessible and should work in practice—should all still apply, even in these circumstances. Further, fundamental protections for people in relation to equality and human rights must remain in place.

Mr Clancy and the Law Society welcomed a number of provisions in the bill that engage the European convention on human rights and explained that it was even more important to do so when legislating for emergency laws. Other, more obvious, safeguards are the review periods in which the Scottish Government will review and report progress with the bill, as well as the automatic expiry of many of the provisions, with none of the measures in part 1 lasting beyond September 2021. Possibly lastly, it is important that the Parliament feels that it has been able to scrutinise the bill in some detail, and I would imagine that our Public Audit and Post-legislative Scrutiny Committee might take the opportunity to consider how the legislation has performed when it gets the chance to do so.

I was happy to see the proposals relating to protecting our students, many of whom have been particularly disadvantaged by the outbreak of the virus because, although they have returned to their homes, they are still required to pay for the accommodation that, as many other members have mentioned, they have been unable to use. Those students who were in halls of residence or purpose-built accommodation have no right to terminate the tenancy agreements and, sadly,

many of them are still being forced to pay for it. When he gave evidence to the COVID-19 Committee yesterday, the cabinet secretary confirmed that it was the Government's intention to introduce a seven-day notice period for students who are currently tied into tenancies and a 28-day notice period for agreements that are entered into while the act is in force.

With universities unable to function and students unable to attend, I think that that is a fair and reasonable compromise that will help many students and their families at this difficult time. The Law Society, too, supports the measure, albeit that it seeks some clarification of exactly who can serve the notice, especially if it has come about as a result of the virus itself. Indeed, the provision might fall foul of article 14 of the ECHR, which deals with discrimination towards people who are enduring similar circumstances.

I would like to say a word or two to welcome the proposals in the bill to award a payment this June of around £230 to recipients of the carers allowance, which is to be paid on top of the carers allowance supplement. That payment will surely help some of our lowest paid carers—nearly 2,500 in East Ayrshire alone—who are doing an incredibly difficult and crucial job helping the most vulnerable people in our communities.

In drawing my brief remarks to a close, I would like to comment on the courtesy, respect and concern that has been shown by all of our colleagues in the committees that I am serving on during this crisis. It has really been welcome, and I hope that we might see some more of that in the chamber sometime, too. Ministers and their officials trying to get us through this and those who have kindly participated to help us by appearing online to give evidence despite extremely difficult circumstances have been inspiring, to say the least. All of that may well be pointing us to a new normal with regard to how we conduct our business from now on, and I suggest that that would be no bad thing.

My last word goes to the director general of the World Health Organization, Tedros Adhanom Gebreyesus, who said:

"We're in this together, to do the right things with calm and protect the citizens of the world."

Hopefully, we can keep that close to our own hearts in the weeks and months to come. With that, I am happy to draw my remarks to a close and state that I support the principles of the bill.

15:45

Pauline McNeill (Glasgow) (Lab): I thank the committee for its work. Although I was not here for it, yesterday's debate was excellent, and I commend all the members who spoke in it.

I support the general principles of the bill but, like Andy Wightman, I think that there might be scope for amendments at stage 2. I agree with other members who have said that, throughout the emergency, we need transparency and honesty and to correct the things that we have done wrong. Hindsight is a wonderful thing, but we must learn from any mistakes that we make along the way.

I whole-heartedly welcome the provisions in relation to students who are being forced to pay for their accommodation despite having returned to their family homes for lockdown. That provision will go a long way to help students who are facing financial hardship. Many of students have lost their jobs in the hospitality sector and are not eligible for help through universal credit.

As I said in my intervention on Adam Tomkins's excellent speech, the raising of such issues shows how carefully we need to examine the day-to-day damage being done to normal life. We must point such issues out and not overlook them. I hope that the minister will listen carefully to what Adam Tomkins said.

We have said in the past that we work with the Government for the greater good, but we also do our job as the Opposition for the greater good. We all need to look ahead to where the crisis might take us and anticipate what might happen. I will talk first about the impact on women and, secondly, about where we need to help renters.

Women are bearing a lot of the impact of Covid-19; they are overrepresented in professions that are on the front line. Women make up the majority of workers in health and social care; that is a measure of the slow progress that we have made on gender segregation, and why we must plan for change. In addition, a disproportionate number of black and minority ethnic women work in those sectors and an alarming proportion of the victims of the virus come from the BAME communities. Data should be published so that we can understand why that is the case. Scotland is not alone; it is an international trend but ministers need to look to section 6 of the bill, on the advancement of equality and non-discrimination, so that we get the response right.

Although it is early days, the current trend is that women are more likely to have lost their jobs as a result of Covid-19; 17 per cent of women are newly unemployed, compared with 13 per cent of men. The closure of schools has had a huge impact on those who have not been made unemployed—on all parents, but more so on women who are trying to work from home while caring for children.

However, the most worrying aspect is the evidence that incidences of domestic violence have increased during the lockdown. According to

Police Scotland, the number of requests for people for information about whether their partner had been abusive in the past was 18 per cent higher in the first month of the lockdown, compared with the same period in 2019. The number of calls to the national domestic abuse helpline was almost double the rate that would have been expected. Members will agree that it is horrifying to think of women and children who are trapped in homes that are like pressure cookers. It might not be appropriate in this emergency legislation but it is worth considering what more can be done in the short term to give women a way out of that horrendous domestic violence.

I will spend the remaining minutes talking about renters and fuel poverty. I am interested in what Andy Wightman said about the Greens' position on how renters could be helped. We need to help more renters beyond the freeze on evictions. During the crisis and beyond it, it is important that tenants are not forced into unmanageable debt; otherwise, when the freeze ends, we will face a massive round of evictions. During the passage of the first emergency legislation, I raised a possible national fund with the cabinet secretary.

Kevin Stewart: As was pointed out in the previous debate, we have advised any tenants who have difficulties to go to their landlords in the first instance to see what help is available, and we have encouraged folk to sign up to universal credit if that is the right thing to do. Beyond that, we have expanded the amount of money that is available through discretionary housing payments, and I urge folk who have any difficulties to go down those routes and to access DHPs in particular if there is nothing else to help them at that time.

Pauline McNeill: I am not saying that the Government has not done quite a lot to help renters, because it has. I am arguing that we might have to go further. I appreciate that, at this stage, we do not know what the picture will look like, but we need to anticipate that we might have a massive round of evictions and that not every landlord will be that helpful.

Many people will find that they are not entitled to universal credit—I think that it has been acknowledged that there might be a gap in that regard—or that their housing payment is not large enough. We are urging people to stay at home and not go to work, but that means that they could be faced with the stress of accumulating rent arrears.

That point is also true in relation to energy. The website comparethemarket.com shows that the average UK energy bill will increase by something like £32 a month. As jobs continue to be furloughed and as many people lose their livelihoods, we need to try to anticipate what the picture will look like. People might need some help

from energy companies to pay their debts. Why should energy companies not put something in, because they are certainly reaping the benefits? I have written to the big six energy companies to ask what they propose to do about that issue.

We need to think about a detailed assessment of who needs help. We need to have a bigger conversation about how to reshape society and not leave people behind. The scars of the pandemic are likely to be deep. However, by working together and with some creative thinking, collective action and radical and inclusive policies, we can create a better society.

15:53

Shona Robison (Dundee City East) (SNP): I support the general principles of the bill. As a member of the COVID-19 Committee, I, too, pay tribute to the clerks, SPICe and broadcasting staff for their efforts.

We are certainly all facing circumstances that we have never faced before. The whole Scottish Government is, of course, entirely focused on dealing with the pandemic, whether through the day-to-day response or through the necessary legislative changes that are required in responding to the pandemic. Today, we are dealing with the Coronavirus (Scotland) (No 2) Bill, which is the second such piece of legislation. It is a technical bill, and I will focus my remarks on a small number of the areas that it covers.

As the Cabinet Secretary for Social Security and Older People said, part 2 of schedule 1 provides for a carers allowance supplement payment of £230 in addition to the two payments that are also due this year. In total, those payments come to more than £690. That will provide much-needed extra support to some of Scotland's lowest-income carers who have the most intensive caring roles. If the bill is passed, the measure will support about 83,000 carers with the additional costs of caring during the pandemic. The payment will be delivered automatically alongside the June carers allowance supplement, and carers will not need to do anything to get the extra payment if they were receiving carers allowance on the qualifying date of 13 April.

For unpaid carers who are not in receipt of carers allowance, a range of financial and wider support has been made available through, for example, the Scottish welfare fund, and I hope that local authorities will consider the needs of unpaid carers in the allocation of the fund.

Given that the legislation is due to come to an end at the end of September, a one-off payment is being provided, and it is important to be clear with carers about that. However, if the effects of the pandemic stretch over a longer timeframe, I hope

that the Scottish Government will keep an open mind about what further support will be offered to that vital part of the caring effort.

The second area that I will mention concerns part 4 of schedule 1, on mental health. Section 250 of the Mental Health (Care and Treatment) (Scotland) Act 2003 allows for a person over the age of 16 to nominate a named person to represent their interests and provide support. That nomination must be made in writing, and the signature of the nominee must be witnessed by a prescribed person—that is, a regulated health professional, a social care worker, a social worker or a solicitor.

The pandemic and issues caused by social distancing measures have meant that processes such as tribunal work have slowed down. Paragraph 12 in part 4 of schedule 1 temporarily removes the necessity of having a prescribed person witness a nominee's signature by amending section 250 of the 2003 act. That change removes one of the safety checks against someone being coerced into nominating a named person, which could be a cause for concern. The issue was raised with both the Law Society of Scotland and the cabinet secretary, Mike Russell, at the COVID-19 Committee yesterday, and the committee received assurances from both that adequate safeguards remain in place to prevent coercion.

Michael Clancy from the Law Society said that the society's mental health and disability committee had looked at the provision and had said:

"the provision is a pragmatic solution to the potential difficulties of arranging for a prescribed person to witness a nominated person's signature during the outbreak. The committee thought that it was important that individuals remain able to nominate a named person, subject to appropriate safeguards, and that such a nomination is recognised.

The policy memorandum, at paragraph 82, confirms that, in the view of the Government, rights under the ECHR are not engaged. Broadly speaking, the Law Society was content with those provisions and did not see that much difficulty with them."—[*Official Report, COVID-19 Committee*, 12 May 2020; c 6.]

The final area that I want to touch on is the very welcome letter to the COVID-19 Committee from the Cabinet Secretary for Health and Sport, which signalled her intention to lodge an amendment at stage 2 to put it beyond doubt that health boards and other agencies, including councils, have the power to take over care homes or care-at-home services where there is a service failure. Such a failure could be

"due to financial distress or if there is a threat to the life ... or wellbeing of any person."

My view of that amendment is the opposite of Miles Briggs's view. I think that it will provide assurance about quality and continuity of care in these unparalleled and challenging times. Like everyone else, I hope that that power will never need to be used. However, it is important that the amendment is lodged, because it will provide additional reassurance to some of the most vulnerable people in our society and those who care for them, and will put what is already in common law beyond any doubt. I think that that will be broadly welcomed by those affected.

I repeat that I support the general principles of the bill.

15:57

Graham Simpson (Central Scotland) (Con):

This is the second emergency bill to deal with the situation in Scotland during the Covid-19 epidemic, and because it is an emergency bill to deal with a particular set of circumstances, we must deal with it differently from how we deal with other bills.

We do not have the usual time on our side, so we cannot take evidence as we might like to take it. Our approach must be to identify issues that are specifically caused by measures taken by the Government to tackle Covid-19 or by the virus itself, and to introduce time-limited laws to deal with those problems. This is not an opportunity to test out hobby horses, and I hope members will not do that at stages 2 and 3. I made the exactly same point during the debate on the first coronavirus bill, when my contribution was amusingly described by Neil Findlay as the worst that he had ever heard in the Scottish Parliament. I hope that my good friend Mr Findlay will be less disparaging after today's effort. However, that is not to say that ideas cannot be introduced at later stages—I would be happy to talk to Andy Wightman and others about that.

In the interest of flagging things up, I will mention some thoughts—and they are only thoughts.

There is little in the bill that does not meet the tests that I set out. For example, after talking to the Scottish Federation of Housing Associations, I suggested that the deadline for the submission of the accounts of registered social landlords be extended. The SFHA asked for a three-month extension to the deadline for signing off and submitting their audited accounts to the Scottish Housing Regulator. It is likely that there will be a backlog, and RSLs cannot hold their annual general meetings until the accounts are done. The bill does what the SFHA has asked for, and the provision is very sensible.

The proposal in the bill on the additional dwelling supplement is also eminently sensible. I put a similar proposal to Murdo Fraser, but I understand that he was not as fleet of foot as usual and that someone else beat us to it, although I do not know who. However, the proposal in the bill is to be welcomed anyway.

If someone buys a second property but has still to sell their main residence, they pay the ADS and then get a refund if their main home is sold within 18 months. The housing market has pretty much ground to a halt: April and May would normally be the busiest months of the year, but nothing is happening and I cannot see things picking up quickly. It therefore makes sense and is only fair to extend the period within which a previous main residence can be sold and a repayment of the ADS claimed for certain transactions. The proposal to extend that period to two years seems about right to me. However, I am happy to speak to Alex Cole-Hamilton, who indicated that he might wish to go further.

We could go further on the land and buildings transaction tax. If we accept that the housing market has temporarily been stopped because of lockdown, a cut to, or even a time-limited suspension of, LBTT could help to revive the market. Maybe the Cabinet Secretary for the Constitution, Europe and External Affairs could give that some thought. He may not consider the bill to be the place for such a measure, but we need to think about how to get things going again.

There are two other areas that might be considered, and I thank the cabinet secretary for liaising with us on those already. They both relate to rental properties that are lying empty, either because tenants have had to leave or because the properties are holiday lets.

I have had representations from landlords about tenants who have had to leave rental properties. In a number of cases, tenants have had to leave simply because their rental property was near their place of work and was not their main home. Some rental properties share facilities, which is clearly not appropriate right now. I am talking about furnished properties that will be used again and which are lying empty. If they were unfurnished, they would receive a six-month exemption from council tax. We do not wish to lose those properties from the rental sector and we do not wish to see landlords go under.

Most, if not all, short-term holiday lets are empty. Again, we do not want to see properties lying empty. We put forward the idea of allowing owners some flexibility so that they could let them as private rents for a fixed term and then be able to switch back to holiday letting when things pick up. We need such flexibility during this crisis—but only during the crisis.

I will briefly mention the proposal on carers allowance. I thank the Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville, for her constructive approach on that issue and in general. The idea of paying an extra £230 to carers is one that we can easily support. However, that comes at a cost of £19 million, and I wonder where that money will come from.

The provision in the bill on student tenancies has been raised with me. The policy memorandum says that the seven-day notice period is intended for students currently in occupation, but there is a concern that the legislation as drafted is not sufficiently clear and could be taken as allowing the seven-day period to apply to tenancies already agreed for the next academic year. I ask the Cabinet Secretary for the Constitution, Europe and External Affairs—when he reappears—to look at that issues and make changes, if necessary, at stage 2.

16:03

Kenneth Gibson (Cunninghame North) (SNP): My good friend Graham Simpson is always a hard act to follow.

After the initial UK Coronavirus Bill and the first Coronavirus (Scotland) Bill were passed, frameworks were provided as immediate reactions to the pandemic. Now, more than ever, it is of the utmost importance that we as the Scottish Parliament pass crystal-clear legislation.

Having no clear strategy of what to do in the case of a pandemic, not taking the coronavirus seriously at an early stage, not issuing clear instructions, and a dithering leadership have meant that, unfortunately, the UK now has the second-highest absolute death rate in the world. The UK is behind only the United States, which with over five times the UK's population has seen just over two and a half times as many deaths. The UK also now has the world's fourth highest per capita death toll.

Sadly, at least 33,186 people have died across the UK after testing positive for Covid-19, including 1,973 in Scotland. Every recorded number represents a human being—a person who loved and was loved, who was needed, who mattered and who will be missed. I am sure that I speak for us all when I say that our thoughts continue to be with their family and friends.

The Coronavirus (Scotland) (No 2) Bill covers similar matters to those in the first Coronavirus (Scotland) Bill; it also covers matters that are required to overcome issues with statutory deadlines, which, due to the crisis, cannot now be met. In addition, it addresses issues that reflect the fact that the disruption that the pandemic is causing will be with us for some time yet.

As someone who represents the islands of Arran and Cumbrae, I am pleased that the Scottish Government has assessed the potential impact of each proposed measure on island communities and concluded that none of the bill's provisions will have any significantly different impact on them. Even at stage 1, the bill is island-proofed, and I am sure that colleagues who represent the many other island communities across Scotland will share my sense of reassurance at that.

The impact of the bill will be felt directly in the pockets of the 2,765 unpaid carers in North Ayrshire. They will welcome an additional £230.10 payment, which will benefit around 83,000 unpaid carers across Scotland. I welcome the comments of Graham Simpson and the Conservative Party in support of that.

Thanks in part to the bill, unpaid carers in Scotland will receive £690.30 this year on top of their carers allowance and any other income—a supplement that is unavailable to their counterparts elsewhere in the UK. How we treat our carers says something about how we value them, and I am proud that Scottish ministers continue to convert that recognition into tangible financial support.

Others will welcome measures in the bill reflecting the realities of our housing market due to the crisis. Those who paid the additional dwelling supplement on a property sold between 24 September 2018 and 24 March 2020 will be helped by the bill's extension of the time period in which to sell their previous main residence to 27 months, enabling them to claim a repayment from Revenue Scotland over a longer period.

Another practical issue that the bill provides for is building consent in conservation areas, by extending the duration of a listed building consent or a conservation area consent that would otherwise lapse during the emergency period because works authorised by the consent have not begun.

The emergency period begins with the coming into force of the provisions and ends on 6 October. The changes made apply to conservation area consent by virtue of section 66(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Consents to which the provision applies will instead lapse at the end of an extended period ending on 6 April 2021, unless works have commenced before the end of that extended period. Such building consents are not the first subject to spring to mind; nevertheless, they are of importance to those who intend to keep our heritage safe.

A matter further down the line, which nevertheless requires anticipation at this stage, is

the timetable for holding a citizens assembly on climate change. That will now be relaxed, although Parliament has been reassured that that will not diminish the Scottish Government's commitment to the project.

As reported in January, more than 2,500 people from across Scotland had engaged in the big climate conversation, with different audiences reflecting differing views on food, land use and energy. The findings from that conversation will directly inform the update to the climate change plan and the development of a new public engagement strategy for climate change. Due to Covid-19, the arrangements for that needed to be made flexible.

The bill is a product of further thinking by ministers and of cross-party engagement. It is more modest and technical than the first bill, as colleagues have mentioned, which is appropriate at this stage. It contains proposals for statutory timescales and medium-term changes, primarily to reflect the fact that the consequences of the coronavirus pandemic for Scotland will, to a greater or lesser degree, be felt for a considerable time.

While workers and volunteers continue to do their best by stocking shelves, making food deliveries, providing care and medical services and so on, let us make sure that we stick to our end of the bargain. Evidence shows that social distancing is working. Although I, too, find it challenging at times, we must remember that it is a temporary measure. It is necessary to continue with it, as I am sure that everyone who has suffered from or lost someone to the coronavirus will tell us. Like many others, I thank all those who are maintaining social distancing. That is keeping the number of deaths and illnesses from coronavirus to a number that would otherwise be very difficult for our NHS to cope with.

The COVID-19 Committee and the Delegated Powers and Law Reform Committee looked at the bill last week and yesterday. I thank civil servants for their continued high-quality and speedy work, in difficult circumstances, to help progress the emergency legislation. People who work in the Parliament are sometimes not given the credit that they deserve for supporting not just parliamentarians but our staff to do the jobs that we must do at this difficult time.

I urge members to vote in favour of the general principles of the bill.

16:10

James Kelly (Glasgow) (Lab): That today the number of deaths in Scotland from Covid-19 has exceeded the 3,000 mark is a sobering thought to

bring to the Parliament's consideration of this second set of emergency legislation.

I return to an issue that was in the original draft of the first emergency bill, which Murdo Fraser mentioned in his contribution: no-jury trials. The Government withdrew from that bill its proposals for judge-only trials. The issue that brought that to the fore was the backlog in criminal cases, which was of real concern to victims and to those held on remand.

However, six weeks after the original emergency legislation was considered, and four weeks after the justice secretary hosted a round-table discussion with Opposition parties and interested stakeholders—at which there was some degree of consensus on alternatives to judge-only trials, in terms of reducing the number of jurors and looking at social distancing in venues where trials would be heard—a working party has been set up. I have a concern that the Government's progress on that matter has been far too slow to deliver on the objectives of speeding up the process of justice, dealing with the backlog, and ensuring that victims of crime see justice being delivered.

Schedule 2 deals with

“Criminal proceedings: extension of time limits”.

However, in some sections, time limits have been removed. The Law Society of Scotland has raised that as a concern. In some elements of adjournment, and in the remand of prisoners, the time limits have been taken away altogether. Two consequences of that have to be considered: whether it is consistent with human rights laws and conventions for people to be held, and for trials to be put off, for an unlimited time; and that it causes concern about access to justice, which goes back to the point that I made in my speech on the first bill. It could lead to cases taking longer to conclude. That is of concern not only to victims but to those who are remanded in custody. That has to be examined as the bill progresses over the coming week.

The custody arrangements that are proposed in the bill are logical and practical. There are custody hubs in the current arrangements. The practical consideration is that, because the custody hubs are in police locations, prisoner custody officers legally are not allowed to access them. Because a number of trials take place through video links, it makes sense that provision should be made for prisoner custody officers to access the custody hubs.

Another provision that members have mentioned is the extension of time limits for the payment of confiscation orders under the Proceeds of Crime Act 2002, in situations in which Covid-19 is a factor. On the face of it, that seems

logical and sensible. However, that has to be really tightly controlled, to ensure that the situations relate to coronavirus.

A recent freedom of information request highlighted that there was £6 million in unpaid and unrecovered confiscation payments. That was before Covid-19, so this is clearly an area that needs to be more tightly controlled because we must always ensure that we recover those proceeds of crime.

An area that is not covered in the bill is how we treat our care home workers. Today it was announced that, in the past week, 57 per cent of deaths in Scotland involving Covid-19 have occurred in care homes. That highlights the issue; we are asking care home workers to go into a workplace to protect people but potentially to put their lives at risk.

Every Thursday, ministers come out and clap for NHS workers and care home workers, but the reality is that 50 per cent of care home workers are not being paid a real living wage and that is a scandal. When that issue is raised with ministers, they wring their hands as opposed to clapping them. If we are going to have emergency legislation, ministers should be giving consideration to how to properly remunerate and treat with dignity those who are putting themselves at risk on the front line.

I support the general principles of the bill, but there are some issues of concern and there are also some gaps that we should look at.

The Deputy Presiding Officer (Lewis Macdonald): I call James Dornan, who will be making a virtual contribution.

16:16

James Dornan (Glasgow Cathcart) (SNP): I am delighted to have the opportunity to speak in today's debate on this essential piece of emergency legislation. I am also grateful to be able to join the Parliament virtually from the comfort of my own home, and I hope that there are no technical difficulties. I thank the staff who have made this possible for me and for other members.

The Covid-19 pandemic continues to be a heartbreaking period for us all, and the unprecedented nature of our public health emergency requires unprecedented actions and interventions by the Government. Today's bill and the Coronavirus (Scotland) Act 2020, which became law last month, are necessary and proportionate measures that will help our country to pull through these difficult times.

Although a large portion of the measures in the bill are technical adjustments to deadlines due to the difficulties caused by the coronavirus outbreak,

there are a number of provisions that will, among other things, assist individuals and businesses who are facing hardship.

Our priority has, of course, been the health of the population and the protection of our NHS. However, the steps that have been required to control and limit the spread of the outbreak have impacted upon many areas of everyday life—none more than our wider economy. The legislative changes and various pieces of published guidance have made life more difficult for us all, albeit for good reasons, and this has had a major impact on the finances of individuals and businesses.

I am sure that members across the chamber will have heard—as I have—of people and companies experiencing real challenges, but also of many who are taking advantage of the financial support that is available to them. I therefore welcome the steps that have already been taken by the Scottish Government, through its business grants, rates relief measures and the unique newly self-employed hardship fund, among other industry-specific support packages, which are helping many of my constituents in Glasgow Cathcart. On that point, I sincerely thank Glasgow City Council for administering those packages on behalf of the Scottish Government.

No one is arguing that those measures will fully replace lost income, but they will help to ensure that our economy is on the best possible footing when we get through this devastating pandemic. As the coronavirus crisis sadly continues, assistance from all spheres of government will be required to continue, too. Thankfully, today's bill builds on the support measures that are already in place.

One of the key elements of the Coronavirus (Scotland) (No 2) Bill, as has already been mentioned, is the additional £19.2 million investment in the carers allowance supplement. The supplement is an extra payment made to carers in Scotland twice a year, in recognition of the important contribution that they make to our society—a contribution that has been brought into sharp focus during these times.

Should the bill become law, as we hope it will, more than 13,000 carers in Glasgow will benefit from a further one-off payment during the coronavirus pandemic. That will mean that eligible carers, who are often people on low incomes but who have some of the most intense caring roles, will receive an additional £690 this year on top of their carers allowance and any other income.

The additional payment of £230 will be an acknowledgement that carers are providing vital support to family, friends and neighbours and playing an absolutely crucial role in our collective efforts to slow the spread of the coronavirus.

Our unpaid carers ease pressure on our hospitals and care homes, allowing our NHS and social care staff to continue doing their incredible work in keeping us safe. Many of my constituents are involved with the Rainbow day care centre in Carnwadric, COJAC—Caring Operations Joint Action Council—in Castlemilk or the Glasgow south east carers centre, which covers part of my constituency. Along with many others, those constituents are deserving of recognition, and I hope that a number of them will benefit from the added payment.

Another part of everyday life that is being severely impacted by the coronavirus is our further and higher education sector. I have two grandchildren who have been doing their university exams in the house. I do not know whether that is a good or a bad thing—we will not know until the results come through. For the institutions, which are facing a loss of international student income, and for the students who are enrolled in courses, this will be a challenging couple of months.

One aspect of the bill that I would like to briefly mention is the introduction of notice-to-leave periods for students in purpose-built student accommodation and halls of residence. Students living in the mainstream private rented sector have been able to end their tenancy early by giving their landlord 28 days' notice, but that has not been the case for some of those living in halls of residence or purpose-built student accommodation. The bill will bring the student rental sector in line with the private sector, in a move that the National Union of Students Scotland president described as a "victory for students". In normal circumstances, our students often struggle financially, so it is welcome that the bill will relieve them of a significant extra financial burden.

None of us wishes to be in the position of requiring new legislation to deal with an emergency situation. In an ideal world, the Government's legislative programme would be progressing as normal; instead, we are facing a new normal. This is the biggest challenge that we have faced in our lifetimes. Life as we know it will be changing for some time, and it will be a societal effort that gets us out the other side.

In closing, I take the opportunity to thank our key workers, from carers to bus drivers, from NHS staff to shop workers and from volunteers to council staff. We are living in extraordinary times, and I will be delighted to vote for the principles of the bill in order to help many individuals, businesses and public services. I urge colleagues across the Parliament to give their support, too, and I encourage them to work constructively with the Government over the next week, as they have done today, throughout the bill's final stages.

16:22

Jamie Greene (West Scotland) (Con): As this is my first opportunity to speak in a parliamentary debate since the Covid-19 crisis began, I put on record my thanks to the many workers in my region who have been working on the front line in the most difficult circumstances. I know of the personal tragedy that the virus has brought to many and the lasting effect that it is having on the physical and mental health of us all.

Many outside the chamber will be asking why we need emergency bills to progress through the Parliament with such haste, in the absence of normal consultation and in place of what I suspect is now a lengthy backlog of bills that the Government and members would rather be progressing—or, in some cases, not. Scrutiny might be routine to the seasoned legislator, but it is still important to the outside world, as is manifest from the volume of briefings and letters that we get when a bill arrives on our desks. The bill that we are considering today is no different.

In normal times, the Government of the day presents its programme for government and uses legislation to deliver its policy intentions, whether or not we agree with them. Instead, however, the bill is reacting to the unforeseen and unwelcome circumstances that we face. Whatever legislation we pass, it must help those who need help the most. The focus has shifted from the normal economic and statistical debates of which we are all guilty and that involve the politics of Government and Opposition to a debate about the fragility of our health, both physical and financial. That gives a much-needed human face to legislation, which is often theoretical and mundane in nature.

The feedback on our work today from the Equality and Human Rights Commission Scotland was striking. It said:

"We know that vulnerable and disadvantaged people are most at risk from Coronavirus so an equality-driven approach which considers the needs of different groups at the outset will ensure that actions are not only inclusive but effective."

We all have a duty to scrutinise this legislation. The task is not made easy by our circumstances, but I ask that we keep that advice in the back of our minds. Our actions must be inclusive, not just effective. Technical as the measures in the bill are, what we agree to will affect real people in the real world. This crisis has reminded us all of the privilege and the gravity of passing law.

The pandemic also means that we must make significant changes to our legal frameworks. Some of those changes are uncomfortable and would not be acceptable in normal times, but these are not normal times. We lend our support to Government to give it the required powers that it needs to deal

with the crisis on the principles of temporality and trust in ministers to use those powers responsibly and proportionally. In turn, the general public trusts us to judge that balance.

Much has been said on the specifics of the bill. I will pick up two issues. The first is around bankruptcy. We have spoken a lot about the impact on business and the economy. We have all had unsettling correspondence from individuals and businesses who are worried about their futures. Today, we found out that the economy has already contracted by 2 per cent. Unprecedented measures have had to be taken to protect incomes and jobs—measures the likes of which I think have surprised people on my side of the political spectrum at least as much as those on the other side.

Yesterday, the chancellor extended the furlough scheme until October, which was welcomed by ministers today in the chamber. However, the elephant in the room is that not everyone will financially reach the other side. Many people are genuinely worried about their finances and livelihoods. We are some of the lucky ones.

We cannot underestimate the debt crisis that is lurking around the corner on the other side of these dark days. The debt issue is real. For a person who has gone from being in a well-paid job to being made redundant, through no fault of theirs or their company's, it comes as a physical and mental shock—there is no doubt about that. Their income reduces but their outgoings—the credit cards, store cards, bank loans, car finance and tax returns—do not, and those are just the credit. The physical outgoings—utility bills, rent, taxes and overheads—also continue.

The same can be said for individuals and businesses. When this crisis recedes, the debate that we will need to have is not just about the fees that we charge for bankruptcy or how we allow electronic meetings of creditors to revert to physical meetings. We will need to have a grown-up conversation about how we tackle Covid-related bankruptcy per se.

The other area of the bill that I will briefly touch on is the proposed changes to statutory deadlines and reporting. What is expected of legislators during times of national emergency? The priority for the Governments that led during world wars was to tackle what faced them at the time, and our invisible enemy provides parallels for how we govern today. The fact that those Governments could still be held to account maintained vital public faith and trust in the extraordinary powers that Government needed and was granted.

I have a general uneasiness about section 4, which seeks to modify the duties of the Government in respect of how it prepares and

reports to us. Just as in the previous debate, on freedom of information, it is up to the Government to make the case why there is a need for the provisions, and my view is that that case has not yet been made. The current crisis cannot be the go-to explanation for everything when the Government is asked difficult questions.

I accept that resource must be redeployed and that the civil service is working in new ways, but it is fundamentally important that the Government cannot use the workload of its advisers as a reason for avoiding scrutiny. There are facts and figures that the Government must collate, track, publish and defend. Life has changed, but life must go on. Scrutiny has changed, but scrutiny must go on.

The Government will enjoy our support, in extraordinary times, for the extraordinary measures that it has asked for, but it pushes that consensus at its peril.

16:29

Rona Mackay (Strathkelvin and Bearsden) (SNP): The proposed legislation that we are debating today could not have been predicted six months ago but, as many members have said, we have had no choice but to introduce the Coronavirus (Scotland) (No 2) Bill. I will be happy to support the general principles of the bill at decision time today, because it is essential to do so. The bill encompasses a wide range of areas, such as justice, health, individual rights, changes to public services and—of crucial importance—student tenancy rights and further carer support.

Yesterday, we had an excellent and moving debate in the chamber about where we are in the current crisis and where we are going. There are no easy answers, and it is impossible to get everything right, but I honestly believe that everyone is doing their best. Every Government wants an end to this horror as soon as possible. However, we must respect the different decisions that are being made—for very good reason—by the four nations, and I am confident that the Scottish Government is making the best decisions for our nation.

Today, I wish to concentrate on the justice provisions in the bill. Before I do that, I place on record my thanks to Police Scotland for everything that it is doing during the current pandemic to keep us safe. Officers have had to adapt, as we all have, to a whole new set of circumstances, enforcing new laws with empathy and patience, and I believe that the police are doing a fantastic job. Reports of the abuse that some officers have faced from a small minority of mindless individuals are horrifying, and offenders should be dealt with appropriately.

The Scottish Fire and Rescue Service should be congratulated, too, as it stands ready as ever to bravely carry out its already difficult and dangerous job in these extraordinary new circumstances.

What does the Coronavirus (Scotland) (No 2) Bill mean for the justice system? The briefing from the Law Society of Scotland sums it up well. The society states that we must

“protect the rule of law and the interests of justice, ensure that access to justice remains available and that the fundamental protections ... of equality and human rights laws, are maintained.”

It rightly says that,

“In a crisis of this scale, it is even more important that these aims are upheld. Compliance with ECHR means that legislative change must be lawful, necessary, proportionate, time-limited and nondiscriminatory.”

The bill introduces statutory time limits relating to criminal procedure and it enables prisoner custody officers to provide services for hearings conducted in police stations, giving greater safety and providing the ability to adhere to strict guidance regarding self-isolation and physical distancing through virtual custody court hearings taking place in dedicated police hubs across Scotland.

There will be a continuation of undertakings in relation to non-attendance at court, and there will be no sanctions on the accused if non-appearance is as a result of the coronavirus outbreak. I am concerned, however, that there are risks with that, particularly in cases relating to domestic abuse.

The bill contains amendments to the Proceeds of Crime Act 2002, whereby the court may postpone confiscation proceedings for a specified period if there are individuals who have been unable to pay a confiscation order within the permitted period for reasons arising from the outbreak.

On a practical but important level, the bill will allow documents relating to sheriff court business to be displayed on the Scottish Courts and Tribunals Service website, removing the existing requirement in commissary procedure to intimate petitions on the walls of court. Is that our legal system finally moving into the 21st century?

The bill will help many people facing bankruptcy—we have heard a lot about that in the debate—by adding to the emergency measures that the Parliament has already approved. I believe that to be entirely fair and sensible.

The new temporary legislation will provide the Scottish ministers with the power to introduce reductions in non-domestic rates payable during 2020-21, and it makes a wide range of changes that are necessary to support public services to

continue to operate as intended during what are exceptional circumstances.

It has been a horrendous few months for so many families who have lost loved ones, and my sympathy goes out to each and every one of them. It has also been heartbreaking for family members not to have physically seen one another. Grandparents are desperate to hug their grandchildren, and elderly parents and those in care homes have been forced to isolate. There have been small funerals and cancelled weddings.

Of course, lessons will have been learned during the pandemic whenever it is finally over. For now, however, we must ensure, as a responsible Government, that we have sufficient and robust legislation in place to cope with the here and now. I am pleased to support the general principles of the bill.

The Presiding Officer (Ken Macintosh): We move to the closing speeches.

16:34

Sarah Boyack (Lothian) (Lab): I draw members' attention to my entry in the register of members' interests regarding my work with the SFHA before I returned to the Parliament last year.

As others have commented, yesterday's debate was incredibly moving at times, and it must set the framework and the backdrop for today's debate. That is why Scottish Labour recognises the need for the emergency bill and will lodge amendments to strengthen and improve its powers.

Alex Rowley made some important points about protecting people's social and economic rights and standards and the need for a precautionary approach that is underpinned by an effective testing strategy and a “Stay at home” message. Andy Wightman was also right in what he said about the need to take action now on our air quality. That means making sure that we promote active and sustainable travel, especially given what we now know about the long-term after effects of the coronavirus on people's health. We must not ignore that.

Like several colleagues who spoke in the debate, I am glad to see the proposals on student accommodation. I raised the issue during our consideration of the Non-Domestic Rates (Scotland) Bill, highlighting the cost to students and the lack of rights for them as tenants. The difficulties that students have had in releasing themselves from such leases has been made alarmingly clear by the pandemic. Like other members, I have had parents and students getting in touch to highlight the enormous financial cost to some students for rooms that they are not using. I

therefore welcome the Scottish Government's moves to ensure that students can leave their leases, but I put down a marker that it will be vital, as we come out of the crisis, that we do not return to the way that things were, with private purpose-built student residences operating without proper rent regulation or protection for students.

Likewise, Pauline McNeill was absolutely right to raise concerns about people who are struggling to pay their rent due to the impact of the pandemic. They need to be supported now to keep their homes.

The City of Edinburgh Council has done sterling work on homelessness throughout the crisis. We have seen rough sleeping almost eradicated from our streets during the pandemic. We must not under any circumstances allow it to return, so it will be vital that the council in Edinburgh and others across the country have the necessary resources to make sure that that job is completed.

I highlight that Jackie Baillie has been debating how we can improve the bill by amending it to go a bit further to protect those who find themselves in debt due to the loss of their jobs. I hope that the cabinet secretary will support her proposals.

We have all had local businesses get in touch with us that are falling through the net financially. I have a constituent who was ready to open his business. He had recruited the staff and invested in the premises, but he just missed the capacity to open up and he is not eligible for any support. We have been pushing to see what is available, but he is not even able to get a response from HM Revenue and Customs. The job of supporting businesses in the short term is not yet done.

I am also still hearing about employers not being prepared to furlough their staff. I hope that the minister who sums up will make clear the Scottish Government's support for employers doing the right thing, because we need businesses to be able to come back to life after the pandemic, rather than seeing their staff's livelihoods being crushed for years.

It is also good that the Scottish Government is considering giving local authorities new powers to buy care homes, especially if that is about improving the quality of care. There is clearly an issue to do with how staff are treated, and people do not have access to appropriate PPE or widespread testing. That has been raised across the parties.

James Kelly was right to flag up the importance of better pay for staff. We also need to look at career opportunities and end the characterisation of care work as being low skilled. If the crisis has shown us anything, it is how fundamentally wrong that view is, whether in relation to carers who work from home or those who work in care homes.

Pauline McNeill raised the important issue of equality. There is an important link that we need to highlight given the impacts of the pandemic on older people and people from BAME communities. They need to be properly supported whether they are being cared for or doing the caring, and there are equalities issues for both.

We will work with the Government to strengthen the bill, but it is crucial that, as well as taking short-term action to keep businesses afloat and ensure that everyone has a safe place to stay, we think about and start planning for how we will come out of the crisis and strengthen our economy. The social distancing rules will be in place for months to come and we need businesses to start thinking about that and planning for it now, even though we are all doing the right thing in staying at home.

We also need to think more about the safety net that our communities need. There is something about dealing with the urgent crisis now, but the pandemic has cruelly exposed the deep-seated inequalities that people in our society face, and we need to work together to get rid of them.

When constituents who are not being well treated by their employer and are suffering because they are not getting access to PPE have got in touch with me, I have said to them, "Are you in a trade union?" The number of them who are not, and who do not have that moral or practical support in making representations to their employer, is astonishing.

There is a lot of stuff that we can do as MSPs to support people. We need to think about the short term, but we also need to think about what kind of society we want to live in. The bill is emergency legislation and we need to get it right, but let us also think about the future and how we can work together to create a better society in Scotland.

16:40

Liam Kerr (North East Scotland) (Con): In closing for the Scottish Conservatives, I want to finish the debate where Conservative members started. Although I am, famously, of a much sunnier disposition than the legendarily grumpy Tomkins, I found several aspects of his contribution to be very well founded.

Many members have highlighted that we are in an emergency situation that requires emergency measures; however, it is imperative that legislation be properly scrutinised and that the Government be held appropriately to account. For understandable reasons—the current emergency—the bill, like its predecessor, is being dealt with through an expedited procedure that significantly curtails parliamentary scrutiny.

In another forum earlier this week, I referenced the great Scottish law lord, Lord Reid, who insisted that laws must be

“clear, certain and capable of enforcement.”

That is no less an imperative when a bill is an emergency bill. Its being so means that we must do our job to the best of our ability during the process. Jamie Greene was absolutely right: it is, indeed, a privilege to be in a position to pass law. It also means that we should support the work of the new COVID-19 Committee—the *Official Report* of whose meeting yesterday I read with great interest—and the inquiry that will, I understand, be undertaken by the Equalities and Human Rights Committee.

That also, I suggest, requires us to be somewhat cautious about what is in such a bill. In his opening remarks, the cabinet secretary correctly said that

“there are some very important protections in the bill”.

That is unquestionably true, but the Law Society of Scotland has raised the provisions in respect of the UEFA European championship, for example, and Kenny Gibson talked about citizens assemblies, which might not fall within the category that is covered by those protections.

Those are important matters. It is right, in my view, to gently question whether it is appropriate to use such legislation for matters that some people would suggest fall outside the stated aim of addressing an emergency situation. I understand the rationale for including such things: time is short, so if something can be dealt with quickly, it should be. However, I remain to be persuaded that matters that are not directly an emergency should be considered in legislation such as the bill.

Michael Russell: I will not disagree with Liam Kerr, but let us take the example of the citizens assembly on climate change. There is a statutory commitment to establish that assembly within a timescale, and the inability to meet that timescale is directly related to the coronavirus pandemic. I might debate some examples, but I would defend that one and others, because there is a direct connection.

Liam Kerr: I look forward to that debate. However, the point remains: we should be very cautious about using an expedited procedure for anything that does not absolutely mandate it.

On a similar point, I note that we must be very careful that everything in the bill is subjected to appropriate scrutiny. If Parliament will permit me to corrupt an aphorism, I say that we must avoid legislating in haste, and repealing at leisure. On that note, Alex Cole-Hamilton spoke powerfully and persuasively on the freedom of information provisions, and about how rejection of the

provisions by four parties on 1 April nevertheless led to a “distorted” result.

In 2009, a House of Lords select committee, the Constitution Committee, recommended a raft of measures to ensure that emergency powers are exercised appropriately. Clive Walker, who is professor of criminal justice studies at the University of Leeds, gave evidence to the inquiry. He has said that

“The various parliamentary stages are there for good reason. Members of both houses get to properly debate and discuss the issues, while people outside ... can also lobby and make a contribution. If you have legislation that’s being enacted in a week, then none of this happens. There isn’t time to take evidence.”

Clearly, that is correct.

As we move through the process, we must be cognisant of the inability to ensure that changes that we propose or make will be subjected to the same interrogation as would normally be possible.

The cabinet secretary was right to suggest in an intervention that not all amendments are inherently wrong, but Miles Briggs was right to counter that by saying that we must guard against the consequences of poor legislation. In that regard, it was good to hear that there looks to be cross-party support in principle for Adam Tomkins’s proposed FOI-related amendments at stage 2. It was also good to hear Willie Coffey’s call for prompt post-legislative scrutiny.

To stick with that theme, the House of Lords Constitution Committee’s report recommended that, in order to ensure that the emergency legislation is as robust as possible, it

“should include a ‘sunset clause’ setting out the timing for the new measures to end”.

We agree. As we have heard, the bill does that. That is why I was so concerned to hear Adam Tomkins’s point—that by no means all the secondary legislation that has been made by ministers in connection with coronavirus has been made under the coronavirus acts. That being the case, I presume that safeguards such as the sunset clause will not apply to it. If Willie Rennie really does look forward to the day when all that legislation is repealed, I presume that he will want to be reassured of what falls within the category “all that”.

Several members have referred to the Delegated Powers and Law Reform Committee’s recommendation that the Scottish Government report on all subordinate legislation that is made during the crisis. I would be pleased to hear the minister’s thoughts and conclusions on that, in closing.

I turn to some other contributions. Obviously, I am concerned with the justice provisions. Today,

the Justice Committee has sent a letter to the convener of the COVID-19 Committee that makes important points, which I am sure will help the process.

I listened to Annabelle Ewing make an important point about the proceeds of crime provisions and whether, as she put it in committee yesterday, the provisions could “facilitate evasion” and potentially backtrack on some of the good progress that has been made. That was of concern to me too, but, as she is, I was reassured to hear that the Crown Office has raised the issue, supports the provisions and, in fact, was involved in identifying the need for the changes.

James Kelly demanded that that area be tightly controlled. He was right to demand that, with figures such as he quoted that existed pre-virus being very concerning.

In conclusion, I remind members of the COVID-19 Committee convener’s reference to the policy memorandum, which states that the changes are “far-reaching and unprecedented”. We will support the principles, but it is clear that we must hear from as many voices as possible.

I echo the cabinet secretary’s opening remarks about the positive cross-party nature of the bill’s development, but I remind people who are watching that the COVID-19 Committee is seeking views on the bill. Is the bill necessary? Will it achieve its purpose? Crucially, how can it be improved? Details on how to submit views can be found on the Scottish Parliament website, and must be in by noon tomorrow.

I opened by saying that the purpose of the bill is to respond to the emergency situation that has been caused by the Covid-19 pandemic. In its principles, it does that. I look forward, with my colleagues across the chamber, to honing it over the coming week of its progress.

16:47

The Minister for Europe and International Development (Jenny Gilruth): I thank Murdo Fraser and the members of the Parliament’s COVID-19 Committee for their consideration of the bill yesterday and, of course, for their contributions to today’s debate. The debate has been consensual, which is welcome, given the topic at hand.

Liam Kerr mentioned the House of Lords. Members will not often find me citing the House of Lords here but, as has already been said, in 2009 it suggested five good principles that should apply to all emergency legislation.

The first principle is that scrutiny should be maintained as far as possible. Through Mr Fraser’s dedicated committee, the use of technical

measures, and agreeing a slower timetable for the bill with Parliament, we have sought to allow for as much scrutiny as we can—as grumpy as that may have made Adam Tomkins.

The second principle is ensuring the technical quality of all legislation. The bill may have been prepared at pace, but it has been prepared by a large number of officials from across the Government, and the full range of accompanying documents, including the detailed explanatory notes and a detailed financial memorandum, have been prepared alongside it. It is not rushed legislation.

The third principle is that other bodies should be involved in the process where possible. Again, I commend the COVID-19 Committee for being able to take evidence from the Law Society of Scotland yesterday, and I am thankful to those bodies with which consultation was able to happen again. The bill’s policy memorandum sets out each policy and who has been involved in its development. We have conducted as much formal and informal consultation as was possible in the circumstances.

The fourth principle is that emergency legislation should be used only where it is justified. As Annabelle Ewing said, we need to act prudently and with caution. Again, I point to the policy memorandum, in which we have set out the connection to coronavirus of each measure in the bill and our reasons for regarding each change as necessary and urgent.

Adam Tomkins: I am grateful to the minister for giving way. She says that the legislation is not rushed. The deadline for members of the Parliament to lodge amendments for stage 2 is at noon on Friday 15 May. When will we see the Government amendments for stage 2?

Jenny Gilruth: I thank Adam Tomkins for that intervention. He says that the legislation is rushed; well, we are where we are. The coronavirus is not slowing down any time soon and we are working as quickly as we can on the legislation. The reality is that we are faced with an unprecedented situation. As advised by the cabinet secretary, you will see the Government amendments on Friday.

The final principle is that additional transparency should be built into the emergency legislation. The cabinet secretary has set out how the use of the bill will be controlled, reviewed and reported on by Government and Parliament. Scrutiny of the bill will not end with its passage; in many ways, that will be only the beginning.

I turn to some specific points that members have raised during the debate and, in particular, to points that the COVID-19 Committee raised in its stage 1 letter on the bill. Several members mentioned student residential leases and the changes were widely welcomed by Andy

Wightman, Willie Coffey, Pauline McNeill and Miles Briggs. The committee has asked for some clarification on how the new provisions on purpose-built student accommodation would work in practice. I confirm that the phrase

“for a reason relating to coronavirus”

was deliberately chosen to allow for the termination of leases not simply as a direct result of the virus, a particular case of infection, or to control transmission, but also because of the wider social and financial effects of the virus and as a result of the way that universities are reorganising their teaching.

Graham Simpson asked about the application of the new seven day notice period for those who are already in a tenancy. I have been advised by the housing minister that he will write to Mr Simpson on that point directly.

I did not peg Adam Tomkins, Murdo Fraser and Michael Russell as old romantics but, more seriously, marriage is an important right, as Adam Tomkins outlined. As the cabinet secretary confirmed, the Government is preparing guidance on that in conjunction with the National Records of Scotland. For Mr Tomkins’s information, 20 marriages were registered on an emergency basis between 26 March 2020 and today. However, he is right to raise a point about messaging. As the cabinet secretary confirmed, there is nothing in the legislation preventing marriages from taking place, so that will be looked at.

Both the COVID-19 Committee and James Kelly questioned the changes to criminal law time limits in the bill. The Scottish Government is satisfied that both the interests of the accused and the wider interests of society in having an effective system of justice are appropriately taken into account in the bill as drafted. The Minister for Community Safety will be happy to meet Mr Kelly to further discuss that issue.

The extension of the period for reclaiming the additional dwelling supplement was welcomed by Miles Briggs and Graham Simpson, who thought that we had stolen his idea. The committee asked us about the increase of nine months in the period during which an additional dwelling supplement could be reclaimed. That length of time was chosen as a result of our analysis of Scotland’s housing market and the impact that coronavirus is having on people’s ability to sell their houses. That includes Scotland’s substantial rural housing market, which Alex Cole-Hamilton alluded to. I appreciate that the Liberal Democrats will lodge amendments on that point.

Rona Mackay: I thank the minister for taking an intervention. My question is about timing and the provision in the bill about those arrested and released on an undertaking. The bill extends the

period for the expiry of such undertakings to 90 days; currently the period for expiry is set at 28 days in general cases and 14 days in domestic abuse cases. Will the minister comment on that?

Jenny Gilruth: That is an important issue and I know that the member will take it seriously as the deputy convener of the Justice Committee. The Government is aware of, and is particularly sensitive to, the increased risk that those vulnerable to domestic abuse face while they are required to stay in their homes, where possible. That point was picked up by Pauline McNeill.

A key reason for the temporary change is to protect those at risk of domestic abuse. During the coronavirus outbreak, a person who is arrested may not be able to attend court, in accordance with their undertaking, due to public health guidance or infection. That change is about ensuring that any protective conditions included in an undertaking are prevented from expiring because someone is unable to appear in court. Without any action, those undertakings would expire in an increasing number of cases, putting those who are at risk of domestic abuse at further unneeded risk. I reassure all members that that measure has no impact on a person’s existing right to apply to a court to have their conditions reviewed, or to have further conditions attached. That being said, the law currently makes a differentiation for domestic abuse cases, and I will look at how that can be adapted with my officials. I imagine that the Minister for Community Safety may wish to have some input on that.

Andy Wightman: I thank the minister for taking an intervention—I was not sure what the appropriate point for it would be. Are ministers aware of the briefing that we received today from the Children and Young People’s Commissioner Scotland, and in particular his concerns about ensuring that children under the age of 18 are excluded from the criminal provisions of the bill and that the regulations are amended to avoid the unnecessary criminalisation of 16 and 17-year-olds?

Jenny Gilruth: I am aware of the briefing from the children’s commissioner. It makes a number of points, including recommendations around human rights and the child wellbeing assessment, which is already included in the legislation papers.

With regard to the point about 16, 17 and 18-year-olds, that is not something that the bill would seek to look at. We have to bring the legislation into line with Scots law as quickly as we can—

The Presiding Officer: The minister should address the front, please.

Jenny Gilruth: Sorry—and at the moment, this is where we are. To get the legislation that is in front of us through, we need to bring it into line

with where we are at the moment, but I am sure that in future we could look at that in terms of the United Nations Convention on the Rights of the Child. *[Interruption]* I would quite like to make some progress.

Coronavirus will impact us all in different ways, but carers who are on the lowest incomes and who have the most intensive caring roles will inevitably be among the most significantly impacted, including by bearing higher costs while other services are not available. Pauline McNeill was right to point to the fact that women are disproportionately more likely to find themselves in a caring role. All those who receive the carers allowance provide 35 hours of unpaid care weekly, at a minimum, and many provide significantly more. The earnings threshold is £128 a week, but for many with caring responsibilities, holding down any sort of job is just not possible. Young carers who are aged 16 or over and who have that sort of intensive caring role can apply for a carers allowance supplement.

There are a couple of points that I want to come to before closing. The issue of FOI deadlines was raised by Adam Tomkins, Alex Cole-Hamilton and Andy Wightman, and I suspect that that is why Neil Findlay was on his feet. I accept that that issue continues to cause some debate, and we want consensus on the legislation; I think it was Alex Rowley who said that this should not be about party politics. We will work with all parties at stage 2 to ensure that we get that consensus. *[Interruption]* I am concluding.

Alex Rowley raised a point about work that the Cabinet Secretary for Economy, Fair Work and Culture has done with trade unions. As the First Minister said at FMQs today, we remain concerned about those who are being forced to attend their work when the clear message from the Government is to stay at home unless your work is absolutely essential.

Sarah Boyack mentioned the messaging from the Government to employers. I want to say again on the record that that message is clear: stay at home, save lives. That is our messaging and that is where we are in our advice to employees and employers.

This emergency situation undoubtedly demands emergency legislation, but emergency legislation demands care—not just in terms of scrutiny and transparency, as I set out earlier, but also in a more fundamental way. It demands care to ensure that important values are not forgotten as we develop and pass laws at pace.

I again point members to the policy memorandum, where we have set out our human rights analysis of the impact of each measure and the balance that has been struck by it. We built

consideration of the human rights impact of each measure into the process of policy development, and we will put the human rights impact at the heart of our approach to reviewing and reporting on the emergency bills. We have also had equality and an assessment of impact at the core of our policy development. Our policy memorandum sets out our assessment of each measure's impact on island communities, on local government and on sustainable development.

We also published on Monday a business and regulatory impact assessment for the bill, an equality impact assessment, a fairer Scotland duty interim assessment and a child rights and wellbeing impact assessment, the last of which was requested by the children's commissioner in his briefing ahead of the debate. They are all available on the Scottish Government website.

Human rights impact and equality are not optional extras that can be dispensed with in emergency legislation. They are matters that are more important than ever in emergency legislation. They are at the core of what we do.

Presiding Officer, I hope that members will join me in supporting the general principles of the bill.

The Presiding Officer: Adam Tomkins has a point of order.

Adam Tomkins: We have just heard from the Government's front bench that it does not intend to publish its amendments for stage 2 of the bill until Friday. The deadline for stage 2 amendments for all of us ordinary, non-Government members is Friday at noon. Presiding Officer, can you confirm that the convener of the COVID-19 Committee, which will take the bill at stage 2, will have the discretion to take manuscript amendments from us—they will perhaps amend Government amendments that we will not have had advance sight of—even if we are unable to make the Friday noon deadline? Can you also urge ministers to submit their amendments to their own bill substantially in advance of that deadline, so that we have time to consider them?

The Presiding Officer: Michael Russell has a point of order.

Michael Russell: On a point of order, Presiding Officer. I will make it clear: the Government will attempt to lodge its amendments as early as possible. I am happy to share them as quickly as I can with the COVID-19 Committee and other members; this is not an attempt to hold anything back and I support the lodging of manuscript amendments if for any reason those amendments could not be lodged until closer to the deadline. I want to be as helpful as possible; there is no intention to hold anything back. I would also like to see amendments from other members, so that we can make sure that the process is as easy as

possible. I have made that point to individual parties today and I would be happy to exchange amendments at any time.

The Presiding Officer: I thank the cabinet secretary for that helpful contribution. With regard to the point of order, I will clarify that the Parliamentary Bureau discussed the matter when agreeing the timetable and proposing it to the Parliament, which agreed to it yesterday. The convener of the COVID-19 Committee will have the discretion to select manuscript amendments and, much as I would do in selecting them at stage 3, I would expect the convener to exercise discretion. It will be up to the convener. Thank you for the point of order.

Coronavirus (Scotland) (No 2) Bill: Financial Resolution

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-21710, on a financial resolution on the Coronavirus (Scotland) (No 2) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Coronavirus (Scotland) (No. 2) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Michael Russell*]

Business Motion

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-21726, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 19 May 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 1 Debate: Civil Partnership (Scotland) Bill

followed by Financial Resolution: Agriculture (Retained EU Law and Data) (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 20 May 2020

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 3 Proceedings: Coronavirus (No.2) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Tuesday 26 May 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: COVID-19

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 27 May 2020

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 1 Debate: Children (Scotland) Bill

followed by Financial Resolution: Children (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 28 May 2020

2.00 pm Portfolio Questions:
Education and Skills;
Health and Sport;
Local Government and Communities—
[Graeme Dey]

Motion agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two Parliamentary Bureau motions. I call Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S5M-21727 and S5M-21728 on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Deposit and Return Scheme for Scotland Regulations 2020 [draft] be approved.

That the Parliament agrees that the Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020 [draft] be approved.—[*Graeme Dey*]

The Presiding Officer: Annie Wells wants to speak against the motion.

17:01

Annie Wells (Glasgow) (Con): Everyone in the chamber supports a deposit return scheme; there is no dispute that a deposit return scheme can increase recycling rates and protect our environment. The question is timing. Scottish Conservatives support the delay of implementation to July 2022 in light of the Covid-19 outbreak, but we do not think that that goes far enough. Small businesses are struggling more than ever and many of them will not see 2021 despite the vast financial support packages that are being provided by the United Kingdom and Scottish Governments. The business community will be responsible for making DRS work. Now is not the time to force businesses to scrutinise and engage with legislation that will add to their burden.

Willie Rennie (North East Fife) (LD): I thank Annie Wells for allowing us to put this on the record. She is right: the scheme has cross-party support, but the regulations certainly do not. Nobody knows what the world will look like in six months' time or even next month, so it is beyond me why we are rushing the regulations now for something that is in two years' time. Future regulations may be just as ambitious or even more so. We support the measures, but just not now. That is why we will abstain at decision time.

Annie Wells: I totally agree with Willie Rennie that now is not the time. We need the Government to be fully focused on tackling Covid-19. We supported the delay to the climate change plan for that reason, but we cannot see why the climate change plan can be delayed only for the deposit return scheme legislation to be brought forward at this crucial moment. It is not a question of scrapping the work on DRS; the issue is one of timing. The environment would be better served by waiting until the business community can turn its focus towards DRS and make a success of it. The

climate crisis needs urgent action, but tackling Covid-19 has to be our top priority.

17:04

The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon): I speak in favour of the two instruments. The first is the regulations that will establish an ambitious deposit return scheme for Scotland, covering single-use drinks containers made of polyethylene terephthalate—PET—plastic, glass and metal, and the second is an order giving the Scottish Environment Protection Agency powers to impose civil sanctions in the event that someone commits an offence under those regulations. It has already been highlighted that there is broad consensus across the chamber.

Rhoda Grant (Highlands and Islands) (Lab): We share the concerns that have been expressed in the chamber today that this is not the time. We support the principle, but we feel that retail businesses are under a lot of pressure at the moment. Will the minister ensure that the support that they require is put in place, including looking at a delay to this, because that is what is necessary under the current conditions?

Mairi Gougeon: I will address that point, and the other points that have been raised by members in the chamber, as I develop my comments.

As I said, there is broad agreement across the chamber—and, indeed, around Scotland—that recognises that a well-designed DRS is a great opportunity to create the more circular economy that we want to see in Scotland while reducing our contribution to the global climate emergency and taking harmful litter from our streets, parks and beaches.

Since we laid the draft regulations before Parliament in September, we have listened carefully to stakeholders and made improvements to ensure that we have the best possible DRS for Scotland. I know that some members think that the new go-live date of 1 July 2022 is too late, and that some think that it is too early. Clear evidence from industry, tested through an independent review, identified that as the earliest date that we could be confident would deliver a successful scheme. Although we determined that date before Covid-19, when later faced with the virus we took the view that the extension would also provide the flexibility that industry needs to respond to the pandemic. We will, of course, continue to monitor closely the impact of Covid-19 on Scottish businesses and continue to assess whether any further flexibility is needed.

Graham Simpson (Central Scotland) (Con): The minister said that the date was set before the

Covid outbreak. Has she consulted since then to assess whether that date is still appropriate?

Mairi Gougeon: I do not know whether Graham Simpson heard the comment that I made directly before he stood up, because I said that we will continue to monitor the situation closely to see whether any further flexibility is needed. I would hope that members across the chamber would agree that doing that is only right, fair and reasonable in these unprecedented circumstances.

Passing these two instruments today will not be the end of the process; it will be simply the beginning of the work to implement an ambitious DRS for Scotland, which will support the circular economy that we want and contribute to the low-emissions world that we need. We look forward to working closely with industry on the next stage of work to deliver Scotland's DRS while remaining ever mindful of the impact of Covid-19.

The Presiding Officer: The vote on both motions will come at decision time, to which we now turn.

Decision Time

17:07

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-21712, in the name of Michael Russell, on the Coronavirus (Scotland) (No 2) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Coronavirus (Scotland) (No.2) Bill.

The Presiding Officer: The second question is, that motion S5M-21710, in the name of Kate Forbes, on a financial resolution to the Coronavirus (Scotland) (No 2) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Coronavirus (Scotland) (No.2) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S5M-21727, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)

Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Against

Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 36, Against 16, Abstentions 19.

Motion agreed to,

That the Parliament agrees that the Deposit and Return Scheme for Scotland Regulations 2020 [draft] be approved.

The Presiding Officer: The next question is, that motion S5M-21728, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wightman, Andy (Lothian) (Green)

Abstentions

Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 50, Against 0, Abstentions 19.

Motion agreed to,

That the Parliament agrees that the Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020 [draft] be approved.

Meeting closed at 17:10.

Correction

Graham Simpson has identified an error in his contribution and provided the following correction.

Graham Simpson (Central Scotland) (Con):

At col 24, paragraph 3—

Original text—

In the past few days, I have seen figures for North Lanarkshire and South Lanarkshire that show that the monthly rate of death from suspected overdoses is currently more than twice what it was last year.

Corrected text—

The figures for North Lanarkshire and South Lanarkshire show that the monthly rate of death from suspected overdoses is currently lower than what it was last year.

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