



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

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Wednesday 3 June 2020

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# Scottish Parliament

*Wednesday 3 June 2020*

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

## First Minister's Question Time

**The Presiding Officer (Ken Macintosh):** Good afternoon. Before we begin, I remind members, as I always do, to be careful of observing social distancing guidance when we are in the chamber, particularly when leaving the chamber, and throughout the Holyrood building.

The first item of business is First Minister's questions. Before we move to questions, I invite the First Minister to make a brief statement.

**The First Minister (Nicola Sturgeon):** I will begin with an update on the key statistics in relation to Covid-19. As of 9 o'clock this morning, an additional 33 cases have been confirmed since yesterday. A total of 1,117 patients who are either suspected or confirmed as having Covid-19 are in hospital, which is an decrease of 51 since yesterday. The number of confirmed cases within that decreased by six. As of last night, 34 people were in intensive care with confirmed or suspected Covid-19, which is no change on the figure that was reported yesterday.

I am afraid that, in the past 24 hours, 11 deaths of patients who had been confirmed as having the virus have been registered. That takes the total number of deaths in Scotland under that measurement to 2,386.

National Records of Scotland has just published its more detailed weekly report. Unlike the daily statistics, its figures do not just include deaths where Covid has been confirmed by a laboratory test; it also reports on cases where the virus was entered on the death certificate as a suspected or contributory cause of death. The latest NRS report covers the period to Sunday 31 May, which was three days ago. I remind members that, at that point, according to our daily figures, 2,363 deaths of people who had tested positive for the virus had been registered. However, today's report shows that, by Sunday 31 May, the total number of registered deaths with either a confirmed or presumed link to the virus was 3,911. Of those deaths, 131 were registered in the seven days up to Sunday. That is a decrease of 99 from the week before. The total number of excess deaths, which is the number above the five-year average for the same time of year, also decreased from 181 to 108.

Deaths in care homes made up 52 per cent of all deaths linked to the virus last week. That figure is down from 54 per cent in the previous week. The number of Covid-19 deaths in care homes also reduced again, from 124 last week to 68 in the most recent week. National Records of Scotland has published an additional analysis today, covering the period up to 17 May. It shows that, up to that point, 154 of the Covid deaths that were reported in hospital were of people who had previously been resident in care homes.

All those figures are, of course, far higher than any of us would wish. I am also aware that no statistical trend will console those who have lost loved ones to the virus. My thoughts and sympathies are with all of them. However, those numbers provide further grounds for optimism. The weekly number of Covid-19 deaths has now fallen for five weeks in a row, and they are now at one fifth of their peak level; excess deaths are at less than one eighth of their peak level; and deaths in care homes are also now falling week on week.

In my view, the figures reinforce the decision that we took last week to ease some lockdown restrictions but to do so very slowly and carefully. The progress that we have made is obvious, but it is still fragile and it could very easily be reversed. That is why it is still so important that all of us stick to the current guidance. People should still be staying at home most of the time and should still be meeting fewer people than normal. Life should not feel entirely normal at present.

When we meet people from another household, we should stay outdoors and 2m apart from them. We must not meet more than one other household at a time nor more than one a day, and we must keep to a maximum of eight people in a group. We should all wash our hands often and wear a face covering in shops or on public transport. If we have symptoms of Covid-19, we should get tested and follow the advice on self-isolation.

Above all else, we should all remember that the decisions that we take as individuals now affect the wellbeing of all of us. I again thank everybody across Scotland who has been doing the right thing and assure everybody that it is making a positive difference.

**The Presiding Officer:** Before we turn to the first question, I remind members that I will take all the supplementary questions after question 7, which will be asked by Daniel Johnson.

### Covid-19 Testing (Care Homes)

1. **Jackson Carlaw (Eastwood) (Con):** Last week, I asked how many elderly people in hospital were sent to care homes before mandatory testing for Covid was introduced. Yesterday, we finally got

an answer: that happened to more than 1,350 people. As we know, tragically, just over 1,800 care home residents have since died, having caught the disease.

What is the Government doing to prevent a repeat of that tragedy? How many of Scotland's 50,000 care home workers have been regularly tested for Covid, as the Cabinet Secretary for Health and Sport promised two weeks ago?

**The First Minister (Nicola Sturgeon):** The programme of regular and routine testing of care home staff is under way. When we have robust and reliable figures to report from that, we will report those regularly. That is the approach that we have taken to all the data that we have published. It is important to note that the testing of care home staff requires to be done not on a one-off basis but on a regular basis.

We will also consider what further groups of the population we will want to test on a routine basis, and that consideration will, of course, include national health service staff. In addition, we will do surveillance testing; some population antibody surveillance testing is already being done. The main strand of our testing is still the demand-led testing of people with symptoms. We all have a duty to encourage everybody with symptoms to come forward for that testing, although we will want that strand of testing to decline, because that will mean that prevalence of the virus is declining.

To respond to Jackson Carlaw's detailed question, we will publish up-to-date data as soon as we are able to do that in a robust and reliable manner.

**Jackson Carlaw:** The First Minister says that widespread testing of care home staff is now under way, but I am afraid that that is difficult to believe. There are 50,000 care home workers in Scotland. If they were being routinely tested every week, a minimum of 7,000 tests a day would be being carried out, yet yesterday, in total, fewer than 5,000 tests were done for the whole of Scotland, and fewer than 3,000 were done the day before that. It does not add up.

Why are care homes being failed again? Surely, by now, mobile testing teams or general practitioners should have visited every care home in Scotland. Is the First Minister's Government not letting care homes down all over again?

**The First Minister:** No is my immediate answer to that.

I should say as a preface to this comment that I do not consider any death in a care home or anywhere else, or any level of deaths, to be acceptable. Each and every death is a matter of deep regret. However, the number of care home deaths—while it is, of course, still too high—is now

declining quite rapidly. In addition, from the peak through to the middle of May, the number of deaths in care homes has been declining slightly faster than the number of deaths in hospitals. That suggests that the package of measures that we are taking in care homes to protect care home residents is having an effect.

Testing is important. That is why we have extended the numbers and the groups of people that we are testing. The programme of care home worker testing is under way and will continue; it will then be routine and regular. If it is helpful to the chamber, the health secretary will set out more details of that programme and, as I said, we will set out the data from that when it is available.

It is understandable that we look at the overall number of tests, but it is important to remind people that the dynamics underneath that headline number are also important. We have different strands of testing. We expect routine testing and surveillance testing to increase with time, but we will want the level of on-demand testing for people with symptoms to reduce; indeed, it might already be reducing because the prevalence of the virus in the community is reducing. We will continue to try to publish data that gets to the granularity of that, as well as headline figures.

We will continue to take forward those various programmes of work to make sure that, as we suppress the virus and come slowly and carefully out of lockdown, testing is doing the job in the variety of ways that we require it to do it.

**Jackson Carlaw:** The First Minister has said repeatedly at her daily briefings that we need to do all that we can to avoid a second spike. That requires delivery on testing. The First Minister says that it is improving. Let me, then, share some figures.

We spoke yesterday to a leading care home provider, Renaissance Care. It has 1,150 staff—women and men who have performed heroic and selfless tasks these past three months—but only 649 of them have been tested, which is just 56 per cent. Even then, they have not been tested on a repeated basis as the health secretary promised on 18 May. What is deeply worrying is that the provider says that 7 per cent of those care home staff who were tested had no symptoms of the disease but their results came back positive for Covid. That is the disappointing reality on the ground.

Is it not the case that yet more mistakes are unfolding right now in our care homes and that those mistakes may yet lead to more deaths? It will not be possible to blame those failings on hindsight, will it?

**The First Minister:** I do not blame anything on anything. I take responsibility for the Government's

handling of and response to the coronavirus. I do that daily, and I do it—rightly and properly—in the chamber.

I have never sought, and I will never seek, to blame anybody. What I try to do, to ensure that the public has the understanding that it needs in order to know why it needs to comply with the measures, is explain the developing knowledge that we have of the virus as we go. It would be a bit strange—and, actually, negligent—of me not to do that and not to explain how our approach develops and adapts as our knowledge develops and adapts.

The programme of care home worker testing is on-going. As I said, we will publish the figures and then people will be able to track them. The testing will require to be regular and routine, which I think was—I do not know whether it still is, but I will be corrected if I am wrong—different in Scotland from how it was anticipated to be elsewhere in the UK.

Everything that we do right now is about making sure that we are suppressing the virus and avoiding, as far as possible, the risk of a resurgence. That is why this Government is taking the very careful, considered, slow, steady and cautious approach that we are taking and making sure that we do not come out of lockdown before we have the certainty and assurance that our programmes for testing—whether the routine testing or testing through test and protect—are able to keep the virus suppressed. That is in addition, of course, to all the actions that we all have to take.

We will continue to take those actions, which are based on the best possible evidence, and I will continue to stand up here, in the chamber, and elsewhere on a daily basis and answer questions and explain this Government's response. That is my duty and responsibility, and it is one that I never have shied away from and never will.

**Jackson Carlaw:** I say to the First Minister that the World Health Organization could not have been clearer at the start of the crisis. It told her that the priority was to test, test, test. Yet for care homes, with this SNP Government, it has been a case of dither, delay and distract.

The tragedy is this: Scotland has the capacity to test. Indeed, if this Government had used that capacity effectively since the end of April, it could have tested all the residents and staff of care homes twice. Instead, capacity is being squandered and care home workers and residents, who have already endured the horror of the crisis, are being let down all over again. Why, two weeks on from a promise to test all care home staff, is this Government still not getting it right?

**The First Minister:** I am sorry, but the WHO, on care homes, did not say what Jackson Carlaw has

just alleged and asserted. In fact—given that he has based his questions on it today, I am sure that he has read the WHO guidance that I am about to refer to—it issued technical guidance on infection prevention and control in long-term care facilities on 21 March, and all the guidance that the Scottish Government has issued from 13 March, which we updated on 26 March and again, I think, in May, has been consistent with the technical guidance that the WHO has set out. We will continue to adapt our approaches as any evidence and advice from such authorities changes in the future.

We will continue to take the careful and considered steps that we are taking. We will not shy away from the challenges that we face in the unprecedented situation that we are dealing with. The Scottish Government will continue to take that careful, cautious approach, making sure that we—as we have done—build up our testing capacity but also, crucially, use testing in a way that is clinically driven. That is a responsibility that I take seriously, and I will continue to do so.

### **Covid-19 Testing (Care Homes)**

**2. Richard Leonard (Central Scotland) (Lab):** Welcome back, Presiding Officer.

We all want the country to succeed in containing and then eradicating the virus, so saving lives. However, we now know that, between March and April, more than 3,500 people were discharged from Scotland's hospitals and 1,431 of them went into care homes. How many of those people were tested for Covid-19 before discharge? How many were sent into care homes where Covid-19 was already present?

**The First Minister (Nicola Sturgeon):** As I have said before, we do not yet have the data that will tell us how many older people who were discharged were tested. The statisticians have to bring together that data from different sources, but we will continue to publish data as we have it in a reliable form.

I remind Richard Leonard that, back then—as is the case now, to some extent—there were doubts about the reliability, or at least the relative reliability, of testing people who were not displaying symptoms for Covid-19. That is why the emphasis in the guidance that was issued to care homes—the first guidance was issued on 13 March—was, in line with the technical guidance that the World Health Organization issued later in March, on risk assessment for residents who were being discharged from hospital to care homes, clinical risk assessment and infection prevention and control. It included the measures that care home providers were required to take to isolate residents and to ensure that there was less communal activity in care homes. At all stages, the

guidance has been consistent with the evidence and advice, and it will continue to be so.

I make the point that, although nobody will ever hear me minimise the tragedy of what has happened overall with coronavirus or specifically in care homes, we see today in the latest National Records of Scotland report that the number of deaths in care homes is declining slightly faster than the rate of deaths in hospital. That says that the measures that we are taking in care homes are having an effect, and we need to keep focused on ensuring that we do the right things.

**Richard Leonard:** Three weeks ago, I was contacted by a care worker from South Lanarkshire who had watched the First Minister tell me in Parliament that day at First Minister's questions that tests were no longer limited to care workers who were symptomatic. However, when that worker approached her manager, she was told that she could have a test only if she had symptoms. When she went on to the online test portal, it told her the same. When she tried the NHS Lanarkshire website, it rejected her.

I wrote to NHS Lanarkshire, which responded on 28 May, 15 days after the First Minister's answer to me in Parliament. It told me:

"We are currently working through the operational implications of the recent Scottish Government announcement on testing of all care home staff on a weekly basis."

Today, I spoke again to the worker who contacted me. She has still not been tested, and she is concerned about her family and the vulnerable people whom she cares for.

When will all those care home workers who want to be tested be tested? When will the promise of regular weekly testing finally be delivered in Scotland?

**The First Minister:** As I set out a moment ago, the programme is under way and is progressing. The Cabinet Secretary for Health and Sport will set out more details of the delivery of that programme, and we will publish data from it.

If Richard Leonard had contacted me three weeks ago—I offer him my apologies if he did so—I could have explained the differences between the different strands of access to testing. Testing through the portal and the drive-through centres is principally for people who are symptomatic. The routine testing of health and care staff and non-symptomatic staff in care homes is being organised through national health service boards and overseen by public health advisers. Those are the different strands of testing. The strand that Richard Leonard is talking about is on-going and, as I said, we will publish data from it when it is as reliable and robust as we want all the data that we publish to be.

**Richard Leonard:** I do not doubt that the First Minister believed it when she said that all care home workers would be tested, but there is a consistent disconnect between pronouncements in Parliament and the reality that is facing workers on the ground in Scotland's care homes. Promises have been made on pay, personal protective equipment and testing, but they have been delivered too late or have still not been delivered at all.

This week, not just care workers' trade unions but care home bosses have said that the Government's focus is on generating headlines rather than delivering for workers on the front line. As we begin to ease the lockdown, what confidence can those workers have that the First Minister's Government will not just make more big announcements but will actually deliver the real changes to Scotland's care services that we need to give people dignity in their final years and to give the people who look after them proper recognition and reward and the respect that they deserve?

**The First Minister:** Part of my daily responsibility with my ministers is to give people confidence in how we are dealing with this and to set out very clearly and candidly the steps that we are taking and the challenges that we face along the way. We have done that every step of the way, and I think that, broadly speaking, that is the reason why the majority of people in Scotland express confidence in the way in which the Scottish Government is handling matters.

Without minimising the tragedy of what we are dealing with, we are now seeing the number of deaths overall and the number of deaths in care homes declining significantly. That says that the package of measures that we have implemented and are delivering in care homes is having the effect that we want it to have. We will continue on an on-going basis to ensure that the policies that we are announcing are delivered consistently and that we publish the data that allows all of that to be scrutinised and allows us to be held to account.

The last point that I will make is one that I make genuinely in the spirit of collaboration and partnership in which we have always tried to deal with this. To use Richard Leonard's term—it is not my term—care home bosses, too, have a responsibility to work in partnership with us to ensure that care homes are safe. Let us not forget that care home providers have a responsibility, our health protection teams and public health directors have a responsibility, and the Scottish Government has a responsibility. We will continue to bring to bear that collective effort so that we will—I hope—see the trend in the figures that has been outlined today continue, and the number of deaths and the number of new cases in care

homes continue to decline. I think that all of us want to see that.

### **Covid-19 (Impact on Black and Minority Ethnic Groups)**

**3. Patrick Harvie (Glasgow) (Green):** As if the pandemic itself was not enough to deal with, the world is watching with horror events in the United States, where systematic police brutality is being endorsed and encouraged by racism at the highest political level. We stand in solidarity with those who are taking to the streets in the US and around the world to express their anger and to make it clear that black lives matter.

Expressing that solidarity does not mean just looking at other countries; it means challenging ourselves, as well. The First Minister recently received a letter from the Scottish Trades Union Congress black workers committee regarding Covid-19, which highlighted that black and minority ethnic groups

“remain over-represented in the ‘at-risk’ communities identified by the Government”.

Public Health England’s report on the issue has been criticised for simply telling us what we already know instead of offering any explanation or solution.

When will the Scottish Government publish its own up-to-date analysis of the impact of Covid-19 on black and minority ethnic people? Will the First Minister commit to acting on all the issues that are raised in the black workers committee’s letter?

**The First Minister (Nicola Sturgeon):** I, too, feel total solidarity with the Black Lives Matter movement. We are all looking on with concern and horror at the scenes that are unfolding in the United States. I believe that the President of the United States has a duty to address the underlying causes of the legitimate protests that we are seeing instead of continuously attacking those who are protesting.

I could not agree more about taking responsibility ourselves. I made that point yesterday. No country or society is immune from racism. We all have to look at ourselves in the mirror and consider what we are going to do to combat racism. As First Minister, I certainly rededicate myself to that.

I have received the letter from the STUC black workers committee, and this morning I signed a response to it that will go to it this afternoon, which I hope the committee will see as a comprehensive response to the very reasonable and legitimate points that it raised.

As Patrick Harvie is possibly aware, Public Health Scotland released some initial analysis of the impact of Covid—two weeks ago today, on 20

May, if I am getting my dates correct—in which it said that it had undertaken an initial analysis

“to investigate whether COVID-19 outcomes vary by ethnic group”.

It said in that report that “further work is required” and that, based on the available data to date,

“the proportion of ethnic minority patients among those seriously ill with COVID-19 appears no higher than the proportion in the Scottish population generally”,

but it caveated that by saying that “further work is required”. Further work will be done, and,

“in parallel, work will be undertaken to explore and understand emerging patterns”

from other parts of the UK. That is work that we take very seriously, and I know that Public Health Scotland will be keen to understand it and report its understanding as quickly as possible.

**Patrick Harvie:** We should all agree that that further work needs to happen, and I hope that the Scottish Government will give us a timeframe for when we can expect to see progress on the issue.

Even as we seek to address racism and inequality at home, many of our fellow citizens are looking at coverage of the events in the United States and asking what we can do. I hope that everybody considering joining a protest this weekend will act responsibly and observe social distancing. Perhaps it would be better to do something from home, such as donating to the community bail funds to support those who have experienced the authoritarian response that we witness on our screens. I have made a donation, I urge others to do the same, and I hope that the First Minister will join me in that call.

Does the First Minister agree that the UK must stop all export licences for security and policing equipment to the US to ensure that this country is not providing the tear gas, rubber bullets and riot gear that is currently being used against protesters and journalists? Given that the First Minister has previously told us that devolved business funding for the arms industry is for the so-called blue-light sector, can she also confirm whether the Scottish Government has given any public money to any company supplying the police or the National Guard in the US?

**The First Minister:** I am not able to give an answer on the last point right now because I do not have that information, but I will undertake to look into it and come back to Patrick Harvie as quickly as possible.

On the point about further analysis, Public Health Scotland made the point that there is still limited data in Scotland, but that as the data increases it will want to do further analysis. I hope that that will be done as quickly as possible, but I will ask Public Health Scotland to write to Patrick

Harvie directly to set out the timeline and the process that it is going through.

I echo the comments that Patrick Harvie made about events in the United States and protests that people may want to take part in here. We all want to make our voices heard on those issues, and everyone has the right to protest—many of us will have taken part on many occasions in peaceful protests—but, right now, mass gatherings of people could be a risk to health and indeed to life, so I appeal to people to make their voices heard safely and not to put themselves and others at risk. Patrick Harvie has helpfully listed some ways in which people can do something, including making donations to community bail funds, and make a difference without putting themselves at risk. I certainly echo that.

I agree with the sentiment of the point on export licences and we will make appropriate representations to the UK Government on that point.

### Test and Protect System

**4. Willie Rennie (North East Fife) (LD):** The Scottish Government estimates that 19,000 people in Scotland have the virus. Last Thursday, the test and protect system started. Does the First Minister know how many of those 19,000 infected people have been tested and how many of their contacts have been traced?

**The First Minister (Nicola Sturgeon):** We do not yet have initial data from test and protect. I hope that, if all goes to plan, the initial data will be published this time next week; again, we have to make sure that it is quality assured and robust.

Those 19,000 people will of course be at different stages of infection; it is a moving picture and we will now produce every Thursday estimates of the R number and our understanding of the infection rate. The information that comes out of test and protect will be very important—not just the numbers tested but, as Willie Rennie rightly says, the numbers of contacts that have been identified and traced.

I will make two additional points for context. First, of course we have to ensure that test and protect is operating robustly and effectively and that it is engaging with everybody it requires to engage with, either through testing or tracing. However, over time, the test and protect numbers going up will not necessarily be a good thing, because it will be a sign that the virus is increasing again, and we do not want to see that.

Secondly, while everybody is complying with the physical distancing rules right now, as they should be doing, the number of close contacts that people have should be minimal. As we look at the

numbers, hopefully next week, it is important that those contextual points are borne in mind.

**Willie Rennie:** We know that, since last Thursday, only 264 people have been tested and found to be positive. That is just 1 per cent of the number of people who are estimated to have the virus. Why are we missing 99 per cent of the people who have the virus?

Test and protect was the big idea for driving the virus out of the country, but we now discover that it will protect us from only 1 per cent of the virus. If that is the case, what is the value of the Scottish Government's test and protect system? Is it capable of eradicating the virus?

**The First Minister:** I believe that it is capable of playing a significant part in suppressing and, I hope, eradicating the virus. However, I and the Cabinet Secretary for Health and Sport have said all along—and it is a very important message that we all must convey to the population—that it will not do that on its own. We all have to play a part by complying with health advice, in particular the physical distancing guidelines.

Without going into too much detail—although I am happy to write to Willie Rennie to set out more detail if that would be helpful—the numbers that we publish daily on positive tests are numbers that come through NHS lab testing. Drive-through testing and the Lighthouse lab are a separate strand to that.

Willie Rennie says that the numbers are minimal. They will grow. We are signposting people to book tests through test and protect and to go there.

People should absolutely scrutinise and look at the details of test and protect. You can be assured that the health secretary and I will also be doing that very closely. However, let us all recognise and take seriously our responsibility to get the message across to people. We cannot force people to come forward for testing; we have to encourage them to do so and explain why it is so important.

Let all of us take every opportunity to say to people, “If you have any of the symptoms of coronavirus—a fever, a cough, or a loss of or change in your sense of taste or smell—don't delay and wait a day or two to see if you feel better. Go immediately to NHS Inform or phone NHS 24 and book a test.” If all of us get that message across, we will see test and protect play the part that it needs to play to ensure that we keep the virus suppressed.

### Youth Unemployment

**5. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what steps will be

taken to avoid a big increase in youth unemployment in the wake of the Covid-19 pandemic. (S5F-04172)

**The First Minister (Nicola Sturgeon):** I think that all of us recognise the long-term negative impact that periods of unemployment can have on anybody—in particular, on young people.

We recently announced funding of £33 million to support people back to work as we gradually get the economy opened up again. That initial funding will focus on helping those who are most adversely affected, which includes young people. Our Enterprise and Skills Strategic Board will also ensure that we are helping to equip people with the skills that they will need for the future. It will report back to us later this month.

I point out that, in Scotland, we have a track record of tackling youth unemployment through developing the young workforce, which is our internationally recognised youth employment strategy. We will continue to support industry-led developing the young workforce groups to ensure that we provide relevant and appropriate support.

**Kenneth Gibson:** Does the First Minister agree that, although Covid-19 is much more likely to have a lethal impact on older people, younger workers are bearing the greatest economic burden? Many of them worked in hospitality or tourism on zero-hour contracts. Of those who are still employed, even graduates have suffered an 8 per cent fall in their hourly wages.

Last year, 28,191 individuals began apprenticeships in Scotland. How can struggling employers continue to attract and retain apprentices during the pandemic and beyond it? Does the First Minister agree that it is time that the United Kingdom Government scrapped the apprenticeship levy?

**The First Minister:** The apprenticeship levy was introduced back in April 2017, with no consultation of the Scottish Government, despite apprenticeships and skills being devolved. So far, the UK Government has resisted calls from employers to suspend the levy during the pandemic.

Apprenticeships form an integral part of our economy. They give those who take part in them the opportunity to develop skills while earning an income. There is no doubt that Covid-19 will have an impact on businesses and apprentices across Scotland. As I said, we will consider the recommendations of the Enterprise and Skills Strategic Board and will, in the coming weeks, set out our plans for the future in the area.

Skills Development Scotland delivers our apprenticeship programme, and it has delivered more than a quarter of a million modern and

graduate apprentices during this Administration up to March 2019.

As a result of Covid, we will review our approach to apprenticeships to ensure that it is aligned with and responsive to the emerging needs of employers and workers, especially young workers.

### **Test and Protect Programme (Support)**

**6. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the First Minister what support the Scottish Government plans to offer self-isolating people under the national health service test and protect programme. (S5F-04179)

**The First Minister (Nicola Sturgeon):** For those who need it, help is available via the Scottish Government's national assistance helpline, which links to local authority teams who provide access to essential food and medicine and emotional and social support.

Financial support for those who are asked to self-isolate will also be critical to the success of the test and protect programme. It will be more difficult for people to comply with the arrangements if they face financial hardship through doing so. To that end, I welcome the United Kingdom Government's decision to ensure that, for those who are eligible, statutory sick pay will be available for every day on which they are in isolation.

The extension of the self-employment income support scheme for a further three months is also welcome news. However, I look forward to hearing from the UK Government what more can be done through reserved powers to ensure that people who are isolating do not lose out financially.

**Rachael Hamilton:** The new trace and protect programme is wholly dependent on voluntary compliance. Hugh Pennington, who is emeritus professor of bacteriology at the University of Aberdeen, has

"pointed out that only half of people who develop coronavirus symptoms self-isolate for at least a week, according to government science advisers."

In that light, what assessment has the First Minister's Government made of non-compliance because of a reluctance among employers to pay statutory sick pay? What is her response to comments from Professor Pennington, who has

"warned if the NHS test and trace system wasn't effective then the only alternative was compulsory random testing ... 'in places such as supermarket queues'?"

**The First Minister:** I am not currently aware of the evidence that Hugh Pennington cited, but I would be happy to look at it, if Rachael Hamilton sends it to me.

We have always been clear that the test and protect programme can play a critical part in suppressing the virus, but it depends on persuading people to comply with everything that we are asking them to comply with. That means their coming forward for testing immediately they experience symptoms and following the advice on self-isolation.

In my anecdotal experience, but also as shown by monitoring that the Scottish Government has been doing through surveys during the pandemic, the majority of people in Scotland have been complying with everything that we have asked them to do—the lockdown generally, and isolation in particular. I hope that that will continue to be the case.

We have already acknowledged that it is vital that support be in place. That support will come in a range of shapes and forms—from financial support, which is very important, to practical support. In some—I am sure that they will be rare—cases, support through alternative accommodation will be needed, so we are working to ensure that that is available.

I will repeat a point that I have already made today, because it is a point that we must all repeat as often as we can. Every single one of us will reduce our risk of being asked to self-isolate, as a close contact of somebody who has coronavirus, if we abide by the physical distancing guidelines and stay at least 2m apart from other people.

Scrutiny is important, but we all have a role to play in ensuring that the test and protect programme succeeds. That requires that we all make sure that we communicate the advice to our constituents and that we encourage them to abide by it. I have great confidence that if we all do that, the test and protect programme will play the part that we want it to play in suppressing and, eventually, eradicating the virus.

### **Covid-19 (Per Capita Death Rate)**

**7. Daniel Johnson (Edinburgh Southern) (Lab):** To ask the First Minister what the Scottish Government's response is to reports that Scotland has one of the highest per capita death rates for Covid-19 in the world. (S5F-04180)

**The First Minister (Nicola Sturgeon):** In my view, every death is one too many. Deaths in Scotland are higher in number than any of us want them to be. As I have said today and will continue to say, every death is a tragedy. Throughout the crisis, we have acted on the best available advice in order to keep the number as low as possible. The number of deaths is starting to fall, although I acknowledge that that is of no comfort to those who have lost loved ones to the virus.

I also acknowledge that, although the question highlights a particular measure and analysis, there are differences in how Covid-19 deaths are recorded in different countries. Individual countries are also at different points on the infection curve, so, at this stage, those factors make direct comparisons complex.

**Daniel Johnson:** Published at the end of last week, analysis from the *Financial Times* revealed that, with a total excess death rate of 891 per million people, the United Kingdom has had the second-worst outbreak of Covid-19 in Europe. On the same basis for comparison, Scotland has had 840 deaths per million people, which means that Scotland has had the third-worst outbreak in Europe—worse than Italy's and 10 times those in Germany and Denmark. That analysis has rightly provoked questions of the UK Government regarding the timing of lockdown, the adequacy of social distancing measures, the availability and use of testing, deaths in care homes, use of "Do not attempt to resuscitate" orders and criteria for hospital admission.

Does the First Minister agree that we must hold the Scottish Government to the same standard—that the questions that are asked of the UK Government must also be asked of the Scottish Government? Can she confirm that the Scottish Government has been responsible for the timing of lockdown, for social distancing measures, for availability and use of testing, for guidance to care homes, for use of DNAR and for criteria for hospital admission?

**The First Minister:** I am not sure where Daniel Johnson has been over the past few weeks, because even my worst critic could not accuse me of trying to dodge accountability on those issues. I answer questions daily, for lengthy periods, covering all those issues, and will continue to do so, because accountability is important and I have a duty to set out the steps that the Scottish Government is taking, the challenges that we face and the changes in our approach when evidence changes.

I trust the Scottish people to respond accordingly; by and large, the Scottish people have responded magnificently. At no stage will I shy away from my responsibilities and accountability. People who are watching at home can draw their own conclusions and make up their own minds about that.

I will make reasonable points about our understanding changing, and about the fact that we are not through the pandemic yet. One of the things that worries me most is people thinking that we are at the end of it—that it is all over. It is not over; we have tough times still to come, so, as well as looking back and assessing decisions that we have made, we have also to remain focused on

taking the right steps for the future. I will continue to do that openly and frankly.

Right now, the only thing that matters to me is that we continue to take the steps that we need to take to suppress the virus and to protect the Scottish population. If that means learning lessons along the way, we will do that. I am not interested in political game playing of any form; I am interested only in doing the job that I have been elected to do for the Scottish people.

### **Covid-19 (Guidance for Childminders)**

**Clare Adamson (Motherwell and Wishaw) (SNP):** When will the Scottish Government issue updated coronavirus guidance to childminders?

**The First Minister (Nicola Sturgeon):** I think that we have done that, but, if we have not, we are about to do so very soon. Childminders are able to restart within phase 1 of the route map out of lockdown, although the number of households from which they can look after children is limited to four. That guidance is or will very soon be available to childminders, to allow them, as far as possible, to get back to normal operations.

### **Cystic Fibrosis Trust**

**Ruth Davidson (Edinburgh Central) (Con):** I ask this question on behalf of a young father with cystic fibrosis, who has spent nearly 12 weeks shielding. His twin five-year-old girls are due to start primary 1 on 11 August, but he is worried that they will not be allowed to do so because of his at-risk status. He says that he would prefer to leave his family home rather than have his girls miss out on their first day at school. He is not alone. The Cystic Fibrosis Trust says that “urgent guidance” is needed,

“especially as children start to go back to school and more people return to work.”

What response would the First Minister give to that young father? Can she reassure others who are in a similar situation that, when the shielding advice update is finally given, it will include detailed information on freedoms and restrictions for those who are in the same household as at-risk individuals?

**The First Minister (Nicola Sturgeon):** The current period of shielding is due to end on June 18, and I and the health secretary have already said that we will publish updated guidance in advance of that. The guidance will be very much clinically driven and as detailed and as comprehensive as possible. It will look at the different risk factors and seek—as far as possible—to give people as much flexibility and allow them as much judgment as possible in relation to the risk factors that they face and how

they can best mitigate them, and detail how the Government can support them in doing that.

We will try—as far as possible, recognising the risks that those groups still face—to get people back to some degree of normal life. We are taking great care over that guidance, and we recognise that the impact of somebody who is shielding on others who live in their household will be particularly acute when those people are children.

The reason that we are taking time to publish updated guidance is that we want to be able to answer as many of those questions as possible. Nobody wants to see people shielding any longer than is necessary, but I remind members that people in the shielded category are at greatest risk of becoming seriously ill or dying from the virus, so it is right that we take as much care as we can. It is really important that we do not act prematurely and that we do not give advice without proper care and consideration.

The final point that I will make to the individual who was quoted, and to those in the shielded category generally, is one that I have made before. The Scottish Government—including me and the health secretary—has not forgotten you or the difficulties that you are facing. However, you, your families, and your health and safety really matter to us, which is why we will take time to get the guidance as right as we possibly can.

### **Rolls-Royce (Inchinnan Site)**

**Neil Bibby (West Scotland) (Lab):** Last week, the First Minister agreed with me that strategic intervention in the aerospace sector would be required to save Rolls-Royce jobs at Inchinnan. Today, plans have been announced to axe 700 jobs, which would be devastating for the workers and the west of Scotland economy. It would also be a blow to manufacturing, and the end of Rolls-Royce maintenance, repair and overhaul operations in Scotland. We cannot let that happen.

Will the Scottish Government work with the trade unions to put pressure on Rolls-Royce to think again? Is the Scottish Government prepared to make significant financial support available to the sector now? Will the First Minister agree to establish a cross-party aerospace and aviation task force to ensure a co-ordinated collective approach to support those sectors and save those jobs?

**The First Minister (Nicola Sturgeon):** I agree in general terms with everything that Neil Bibby said. The news that workers at Rolls-Royce in Inchinnan will have got this morning is absolutely devastating, and my thoughts are very much with all of them and their families today.

The Scottish Government will continue to do everything that we possibly can to get a more

positive outcome. Those jobs are important, the Rolls-Royce facility is important and advanced manufacturing is very important for the Scottish economy now, as it will be in the future.

I will respond quickly to the various parts of Neil Bibby's question. As we always do in these situations, we will work very closely with trade unions. I will ask the Cabinet Secretary for Economy, Fair Work and Culture to look at pulling together a cross-party approach so that we can all work together to try to protect and safeguard those jobs.

On financial interventions, we will consider all options, as we have done previously. I note for the record that we have to operate within state aid constraints and, of course, we are accountable to taxpayers for the use of taxpayer money. However, we always look for ways in which we can protect jobs and important manufacturing facilities such as this. I will ask the economy secretary to correspond further with Neil Bibby, and with others across the chamber who have an interest, so that we can try to bring together, as far as we can, a team Scotland approach to safeguarding those jobs, if it is at all possible to do so.

#### **Covid-19 (Funding Consequentials)**

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Has the United Kingdom Government provided any clarity on whether it will provide £70 million of funding consequentials to the Scottish Government to tackle the Covid-19 crisis?

**The First Minister (Nicola Sturgeon):** A variety of strands of consequentials has been provided, and we continue to talk to the UK Government about the detail of that and about additional areas where we think that support would be appropriate.

As I think that I said last week, we have concerns about consequentials that had been announced not materialising. We also have concerns about whether underspends in any of those areas will be clawed back or whether we can reinvest them. It is really important that the commitments that we have made to businesses and people across Scotland are fulfilled, which means that we must ensure that the money that has been committed is not taken away, and that it materialises in full.

I will ask the Cabinet Secretary for Finance to correspond with Colin Beattie about the particular aspects of that, and to make clear where we have those assurances and where we still seek them.

#### **Resumption of Health Services (Optometry)**

**Peter Chapman (North East Scotland) (Con):** One of my constituents is registered blind and his

wife has eyesight problems that need a visit to an eye specialist. The Cabinet Secretary for Health and Sport has been emailed regarding the opening of essential services such as optometrists, but we have had no reply. That lack of response seems to be a running theme with Jeane Freeman, as I have sent her emails on several occasions, none of which she has bothered to reply to.

Will the First Minister tell her health secretary to reply to her emails and, more important, will she recognise that essential services such as optometrists need to open now and that any delay causes undue stress and concern to many of my constituents?

**The First Minister (Nicola Sturgeon):** The member raises a really serious issue and I will treat it seriously. The tone of the first part of his question will jar with the majority of people across the country, who, over the past three months, have seen our health secretary work literally around the clock to try to tackle the virus.

I do not know why the Tories seem to be moving away from absolutely legitimate scrutiny—I unequivocally accept that that is their role—and a constructive approach to what appear to be attempts to party politicise this issue. I do not know why they are choosing to do that, but that is not what the majority of people across Scotland want to see. For my part and that of the health secretary, we will just get on with the job of trying to deal with this virus, day in and day out.

We want to see services, including optometry, resume as quickly as possible. As the health secretary has set out in the past couple of days—including yesterday in the chamber—we have to do that with careful consideration and in a framework of decision making, to ensure that those services resume safely, that the health service is still able to cope with the coronavirus, should we see an increase in cases, and that we do not put patients at greater risk by resuming services before we are ready to do so.

Those important considerations are under way and the health secretary will of course keep Parliament and the wider public updated. I understand how difficult it has been for people who have not been able to access the health service in the normal way. That will, in some cases, have been painful for people, and we want to see that situation rectified as quickly but—crucially—as safely as possible for patients across the country.

#### **Shielding Young People (Support)**

**Pauline McNeill (Glasgow) (Lab):** Charlotte, aged 19, is self-isolating because she lives with her grandparents and has a health condition;

Angela, aged 19, is a shielded person because she has an immunosuppressive condition. Both those young girls gave up employment in good-quality jobs because they were shielding, leading to not only a loss of income but a loss of opportunity.

The First Minister has already answered a question about youth unemployment, which is an important issue. Shielding young people get a generous food box but no other specific support for their situation. The Government's former adviser, Naomi Eisenstadt, pointed out that 19 to 24 is the most critical time in a young person's life, and I believe that that is true.

What thinking has been done about that group of young people who have been shielding and have lost out on opportunities because they have acted on Government and scientific advice? Has the First Minister thought about what positive action could be taken to help that group?

**The First Minister (Nicola Sturgeon):** That is a really important point. I genuinely assure Pauline McNeill that we are thinking through the issues, in all their complexity, that shielded people face. We sometimes talk about shielded people as if they are a generic group, but every shielded person is an individual with their own needs and circumstances. It is absolutely right to say that the experience for young people will be different from the experience for older people—and it is not an easy experience for older people.

We are taking all those factors into account. In short, we are trying to move from a position in which we have given generic, blanket advice to people in the shielded category to one in which we are able to give more tailored advice that is specific to different conditions and to people's individual circumstances. That raises a lot of complexities, and it is important that we get it right.

Support is available for essentials, food and medicine, but we have also given funding to mental health helplines and other services to try to give broader emotional and wellbeing support, which will continue to be important in the period to come.

My final point is about employers, although it will not apply to every single situation. Often, shielded people will not be ill or suffering symptoms, and they will still be able to work. I make an appeal to employers: if somebody is shielded, that does not necessarily mean that they cannot work. If they can work from home, employers should encourage and support them to do so, and I know that many employers will already be doing that.

I know people who are in the shielded category and I know how difficult the experience is. Moving from a blanket approach to a much more tailored approach is really important, but I hope that

people understand that we are talking about people's lives. The greater complexity involved means that it is all the more important that we apply real care, attention and consideration to the issues involved.

### **People with No Recourse to Public Funds**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Last week, the Prime Minister expressed shock that people with no recourse to public funds cannot access financial support. It was not a shock to many, including the Kurdish development association in Glasgow which contacted me recently. The association told me of the impact of the rule on many Glasgow residents, including many who have temporary leave to remain and who have lived and worked in the United Kingdom for a number of years, and yet who have been forced into destitution due to their immigration status and the impact of Covid-19.

Now that the Prime Minister has been made aware of the situation, does the First Minister agree that he must ensure that the UK Government takes decisive action to support those who are affected by that dreadful immigration rule?

**The First Minister (Nicola Sturgeon):** Yes, I agree very strongly. I find it inexplicable that any member of Parliament or member of the Scottish Parliament could be unaware of the issues that are created by not having recourse to public funds. In my constituency—the same will be true in Bob Doris's constituency—those issues cross my desk and arrive in my constituency mailbag every single day. They are real issues for very many people.

For a number of years, and over the course of the pandemic, the Scottish Government has consistently raised the issue with the Home Office. Now that the Prime Minister has realised that there are people who face destitution and hardship because they cannot access much-needed support, I hope that that appalling policy will be reversed.

At this time of crisis, in particular, people who have come to the UK to work, study or be with their families, or because they need a place of safety, must be appropriately supported as restrictions are lifted, so that they can be safe and wider public health can be protected. That is absolutely essential if we are to ensure that our communities and economy can recover from this unprecedented situation. I very much hope that we will see a change of policy from the UK Government soon.

### **Education (Home Learning)**

**Alexander Stewart (Mid Scotland and Fife) (Con):** Although I pay tribute to all teachers who

have risen to the challenge of putting in place new ways of working during the pandemic, figures compiled by Fife Council show that 20 per cent of primary school pupils and 40 per cent of secondary school pupils had not engaged with home learning by the end of May.

Clearly, missing months of schooling will set those children back significantly in comparison with their peers. What further, urgent support with the Scottish Government provide to reduce barriers to pupil engagement?

**The First Minister (Nicola Sturgeon):** That is an important issue. None of us wants to see young people lose out on education or to be out of school for any longer than is necessary. That is why the most important strand of work in that area, which is being led by the Deputy First Minister and Cabinet Secretary for Education and Skills, is that of getting our schools open again as quickly as possible and in a safe and phased way. In our judgment, that will happen on the date that we have set, which is 11 August.

We will also look to increase the number of children who can access critical childcare through the hub system that has been in place throughout the crisis. During June, we also hope to provide transition support for pupils who are going into primary school or moving from primary school to secondary school.

The point about support for home learning is important. When I set out the route map in the chamber a couple of weeks ago, I announced additional funding for electronic devices for young people in deprived areas, to make sure that they are not losing out in that way. Working with teachers and parents, we will pursue a range of other ways to ensure that home learning is a good and worthwhile experience for young people while it is still required.

I pay tribute to teachers and parents across the country for the really good work that they have been doing in very challenging circumstances.

I also thank young people themselves. This has been an incredibly difficult experience for all of them, but I think they have all responded to it magnificently well.

#### **New Lanark Trust**

**Claudia Beamish (South Scotland) (Lab):** As many members will know, New Lanark is a United Nations Educational, Scientific and Cultural Organization—UNESCO—world heritage site. All partners and parties need to work together to ensure that it has a sustainable future, embedded in the values of co-operation for which it is known worldwide, while recognising the importance of connecting with the local community.

What advice and financial support is the Scottish Government offering to the New Lanark Trust in light of the reported precarious financial situation that it is in, which has been compounded by challenges of Covid-19, and noting the concerning recent announcement of a formal consultation process regarding a significant number of redundancies?

**The First Minister (Nicola Sturgeon):** New Lanark is a truly wonderful place. It is a credit to Scottish ingenuity, it is a jewel in the crown of our tourism industry and we all want it to flourish in the period to come.

A couple of weeks ago I answered a question about the National Trust for Scotland, and the New Lanark Trust, like many other organisations, is facing considerable challenges as a result of the present crisis. The Scottish Government will work with organisations as far as we can, providing them with advice and, where possible, support to help them cope with and get through the immediate impact of the crisis so that they can look forward to a future when they can continue to grow and thrive again.

I will ask the Cabinet Secretary for Communities and Local Government to correspond with the member more specifically on the New Lanark Trust to see what conversations we can have and what advice we can offer, given its specific circumstances. We all want such organisations to come through the pandemic and to go from strength to strength once again.

#### **National Care Service**

**Angela Constance (Almond Valley) (SNP):** During yesterday's health debate, at least three of us from three different parties spoke in favour of establishing a national care service, discussing the need for a refocus on not-for-profit care. I would be interested to know what the First Minister thinks about having a national care service and how she thinks we could progress that idea collectively and constructively across the Parliament.

**The First Minister (Nicola Sturgeon):** I read the *Official Report* of yesterday's debate and I saw the comments that were made. I have huge sympathy with the idea. Without going into all of the detail, for reasons that I will talk about, I think that it is an example of how we need to be prepared to rethink old ways of doing things and to contemplate new and potentially better ways. I hope that there might be some cross-party willingness to examine the idea of a national care service. There are huge complexities and challenges associated with the idea, and none of us should underplay those, but there is a range of ways in which we will want to rethink how we have done things in the past.

I am very happy—and, indeed, keen and anxious—to engage in a more detailed way in this debate and in other similar debates in the future. Right now, of course, my main focus is on getting through the crisis and dealing with the issues and the steps that we must take in order to do that, but I pay tribute to Angela Constance and others for even putting these things on the agenda at this stage.

I think that we should agree on and unite behind the idea that, although this crisis is not one that any of us would in any way have wished to experience, it offers an opportunity for us to think about doing things differently, and we should grasp that opportunity with both hands.

### **Shetland Economy (Redundancies)**

**Beatrice Wishart (Shetland Islands) (LD):** There are 49 jobs at risk at the Moorfield hotel, following plans by the oil company Total to move accommodation for its workers at the Shetland gas plant from the Moorfield to the Sella Ness accommodation facility. That is another devastating blow for the Shetland economy, especially in the north Mainland, which has already been hit hard this year with the closure of Scatsta airport and other redundancies at the Sullom Voe oil terminal. What can the Scottish Government do to prevent those job losses and to help those people who are facing redundancy at this worrying time?

**The First Minister (Nicola Sturgeon):** I thank Beatrice Wishart for raising what I know is a very important issue that is particular to the Shetland Islands but also general in terms of the impact across Scotland. I will ask the economy secretary to correspond with her about the Moorfield hotel to see whether we can bring to bear any advice or help.

We know that the hotel sector and, more generally, the tourism sector have been very hard hit by the crisis. As we come out of lockdown, and particularly as we look at how we get the economy going and support our economy to recover, ensuring that we provide tailored and appropriate support to the tourism sector will be very important.

I chair an economy sub-committee of the Cabinet every Friday morning and, last Friday morning, Fergus Ewing led a discussion on the tourism sector, in particular. Obviously, different issues are involved in that, but they are very much at the forefront of our minds and they will continue to be as we go through the weeks and months to come.

I will ask the economy secretary to have further discussions with Beatrice Wishart on the particular issue on the Shetland Islands.

### **Best Start Grant**

**Sandra White (Glasgow Kelvin) (SNP):** At this time, many parents are struggling to get through the week. That will particularly be the case when their kids start to go back to school, so the best start grant provides a fantastic opportunity for them. What is the Scottish Government doing to encourage parents whose children will be returning to school to apply for the best start grant?

**The First Minister (Nicola Sturgeon):** I encourage parents to apply, and we will take all the steps that we can to ensure that parents who are eligible for the best start grant are aware of it and apply for it, because it provides critical help and support for parents at key stages of their children's lives. That is important at all times but, for obvious reasons, it is particularly important now.

I encourage all members from across the chamber to do whatever they can to ensure that the best start grant is known to their constituents and to encourage those who are eligible to apply for it. We will consider how we can raise awareness and market the importance of the best start grant as widely as possible.

### **Grandparents (Childcare Duties)**

**Maurice Corry (West Scotland) (Con):** The new guidelines that were issued for childminders who are returning to work state that they can take children from four separate households. The Scottish Government has yet to issue guidelines on grandparents who are responsible for the childcare of their grandchildren. Many grandparents are below the age of those in the shielded category and without underlying health conditions. Will the First Minister outline today when they can return to their duties, particularly given the fact that, in most cases, they will be taking children from only one other household, which creates a lower risk than there is for childminders?

**The First Minister (Nicola Sturgeon):** No, I will not outline that today. It would not be responsible of me to do so, because we have to consider all these things carefully. Notwithstanding my earlier comments about the shielded group, I appreciate that, although to some extent we have to consider these things in a general way, there will be different circumstances within that.

I know that not all grandparents are over 70—in fact, I know some grandparents very close to me who are not over 70, and they would want me to point that out. However, it is the case that, generally, older people are more at risk from the virus than the general population, and we cannot simply ignore that.

With grandparents perhaps more so than with childminders—although I know that this will also be a factor for them—there is the issue of keeping physical distancing. Not having a grandchild hug their grandparent is very difficult.

We are thinking about those things very carefully and cautiously. I know how difficult all the arrangements are for people, but they are all about trying to keep people as safe as possible. I will not depart from that careful and cautious way of making decisions. As we go through the route map, we will try to accelerate things when we can, but at all stages we will keep in mind the driving imperative of suppressing the virus overall and protecting those who are most at risk.

### **Charities (Financial Support)**

**Iain Gray (East Lothian) (Lab):** I draw the chamber's attention to my entry in the register of members' interests.

This week, the Scottish Council for Voluntary Organisations reported that half of all Scottish charities will run out of cash in six months and fear closure. Many—perhaps most—have been unable to access crisis funds. How will the First Minister respond to that cry for help from a critical sector?

**The First Minister (Nicola Sturgeon):** I absolutely understand how critical the sector is. As we all do, I deeply value the contribution that it makes. I know how much poorer a country Scotland would be without that contribution, so I desperately want charities to be able to get through the crisis and to flourish at the other end of it. I give an assurance that the Scottish Government will do everything that we can to support them. I am not going to insult anyone's intelligence; I cannot stand here and give a blanket assurance that we will be able to solve every financial problem for every single charity. I think that people understand that. However, we will do everything that we can, as we always have done, working with the sector, to provide as much support as we can. We have provided some support already during this crisis.

Also—and I am not trying to let the Government off the hook; we have a key responsibility here—every single one of us, as an individual, has a part that we can play. Most of us will have—now or at some point in our lives—a charity to which we are particularly close and to which we donate. Every citizen across the country can perhaps think about making a donation, if they are able to do so, to a charity that means a lot to them or that they want to support. If we all do that, it will not take away the responsibility of Government but it will be another example of our coming together as a country to try to protect what matters most to all of us.

### **Collecting Students (Guidance)**

**Gillian Martin (Aberdeenshire East) (SNP):** In light of the move into phase 1 of the transition out of lockdown, will the First Minister say whether new guidance will be issued to allow parents to collect their student children and take them back to the family home? I have had many emails from worried parents and stranded students who are concerned that communal living and the lack of job opportunities over the summer will put students at risk from Covid infection, mental health issues and a limited income or no funds.

It is important that I declare an interest: my son is studying at Edinburgh Napier University, so I feel that anxiety keenly myself.

**The First Minister (Nicola Sturgeon):** I think that Gillian Martin's anxiety is well understood. I am sure that parents across the country will very much relate to it at this time.

It is an important issue, and I assure the member that the Scottish Government is considering it carefully. Given the proximity to the end of the academic year, with associated leases ending, the collection of students' belongings and travel home from accommodation are matters that we are considering in the context of the framework for decision making. We will issue revised guidance, as appropriate, as soon as possible.

I want people to be aware that, in trying to deal with that issue—and generally, to some extent—we understand the multitude of different circumstances and detailed issues that are at stake. As we go further through this crisis, we will try to take account of and respond to as many of those issues as we can, while staying consistent, as we must do, with the imperative of keeping the virus under control.

**The Presiding Officer:** That concludes First Minister's question time. I apologise to the members in the chamber and joining us virtually whom we could not accommodate.

Parliamentary business will resume at 2.30 with a statement on Brexit.

13:32

*Meeting suspended.*

14:30

*On resuming—*

## Business Motion

**The Deputy Presiding Officer (Linda Fabiani):** 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 during this afternoon's business, including when they enter and exit the chamber.

The next item of business is consideration of business motion S5M-21913, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on referral of Scottish statutory instruments.

*Motion moved,*

That the Parliament agrees that the following SSIs be considered by the Parliament—

Scottish Parliament (Elections etc.) Amendment Order 2020 [draft];

Representation of the People (Scotland) Amendment Regulations 2020 [draft].—[*Graeme Dey*]

*Motion agreed to.*

## Brexit

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Michael Russell on Brexit. The cabinet secretary, who joins us remotely, will take questions at the end of his statement, so there should be no interventions or interruptions.

14:31

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** In the referendum in June 2016, people in Scotland voted overwhelmingly to be part of the European Union. That preference has been reinforced in two subsequent United Kingdom general elections and in a European Parliament election. Yet, on 31 January this year, the Conservative UK Government took Scotland out of the European Union. At the time, it said that that was “getting Brexit done” but, of course, Brexit is not done. All that has been agreed are the terms of withdrawal; nothing has been agreed regarding the future relationship between the UK and the EU.

Today, I will update Parliament on the Scottish Government's view of the current negotiations on that future relationship. We believe that it is not and will not be possible to conduct and conclude those negotiations and implement the results within the truncated timescale that has been set for them and in the context of an unprecedented global pandemic and a catastrophic economic recession, which might turn out to be the worst in 300 years.

Therefore, in our view, it is essential that the UK indicates that it will seek to extend the transition period for up to two years, as provided for in the withdrawal agreement. To refuse to seek that extension—which the EU has indicated would be readily granted—is a reckless act that will destroy thousands of jobs, undermine an already fragile economy and devastate communities across Scotland when we are most vulnerable. After the end of this month, it will not be possible to extend under the terms of the withdrawal agreement, and no other plausible route to an extension has been put forward. The deadline at the end of June is therefore real.

Today, the Scottish Government publishes a new paper that sets out the consequences of refusing to seek such an extension. I shall outline its findings in a moment. First, I will describe to Parliament the highly unsatisfactory state of the current negotiations and our unsatisfactory engagement with them.

The original end date for the talks was set when the UK Government's intention was to leave the

EU at the end of March 2019; even then, the period of 21 months looked challenging. Of course, the UK did not leave the EU for another 10 months, so 21 months has become 11 months, and the period has been further truncated by the effects of the pandemic.

So far, there have been only three weeks of negotiation, with a fourth round currently under way. The UK negotiating mandate for the talks was not published until 27 February. The draft UK legal texts, on which the negotiations are meant to be based, were made available to the other EU nations only two weeks ago. We had virtually no involvement in producing them and saw the legal texts—with no possibility of changing them—only 24 hours before they were published.

Under its agreed written remit, the Joint Ministerial Committee (European Union negotiations) is meant to have “oversight” of the negotiations in so far as they affect devolved competences, and to “seek to agree” the UK position. In fact, the JMC(EN) has met only once since the discussions started, in a virtual session on 21 May. It previously met in Cardiff on 28 January.

The UK Paymaster General has conducted three sets of briefings for devolved ministers. Despite our efforts, the whole process is not about influencing what is happening and still less about deciding on crucial issues for which we are responsible; it is merely about hearing about what is happening.

It is clear even from those meetings that a no-deal outcome has become ever more likely. That is not only because the UK has set its face against accepting a more realistic and sensible timescale but because the negotiations have been so unproductive in addressing the political gulf in positions.

The negotiations are blocked on fundamental issues—of governance and a level playing field, and on fisheries—and in a way that no technical finessing will remedy. Indeed, to many in Brussels, it looks as if the UK is refusing to—[*Interruption.*]

**The Deputy Presiding Officer:** Oh dear. We will give it a short while to see whether we can get Mr Russell back. He has returned. Welcome back, Mr Russell.

**Michael Russell:** Thank you—my apologies for that.

As I was saying, to many in Brussels, it looks as if the UK is refusing to negotiate on such key matters. Resolution seems to be far off, and the situation was not helped by an extraordinary letter from David Frost, the UK chief negotiator, to his counterpart, Michel Barnier. We have long been opposed to the substance of the UK position, but

the tone of that confrontational letter was an error of even greater proportions. I made it clear at the JMC(EN), and I do so again now, that, in using that tone, Mr Frost did not speak for Scotland. He certainly does not speak for Scotland in his desire to secure the most unambitious of trade deals—sometimes called a “low deal”—failing which, he seems entirely prepared to accept no deal.

It will be no surprise to the chamber that the Scottish Government believes that the best future for Scotland is to be an independent member of the EU. Others in this place differ, but that is not the point at issue today. The imminent danger lies in the failure of the UK to seek an extension, coupled with its drive towards a no-deal, or low-deal, outcome.

In April, Jackson Carlaw said that he was a pragmatist on this matter. I hope that he still is, because, pragmatically, the issue is clear. There must be an extension to allow people and businesses in Scotland to continue to benefit from most aspects of EU membership while they attempt to recover from the current crisis.

In order to flesh out that very strong case, the Scottish Government today published a detailed examination of the damage that proceeding with Brexit at this time will cause. For a start, there are thousands of practical problems in day-to-day business procedures—such as in inspection and customs regimes—to take into account if transition is to end in less than seven months’ time.

Even if we knew today the nature of the many agreements that are required, that would be an impossible challenge—but we do not know about any of them. Bluntly, therefore, it is now absurd to continue to pretend otherwise. As Carolyn Fairbairn of the Confederation of British Industry wrote in an op-ed for yesterday’s *Politico*:

“For many firms fighting to keep their heads above water through the crisis, the idea of preparing for a chaotic change in EU trading relations in seven months is beyond them. They are not remotely prepared. Faced with the desperate challenges of the pandemic, their resilience and ability to cope is almost zero”—

“almost zero”, yet the UK Government is pressing ahead.

There are also many grave difficulties for Government and wider society. To take just one, the technical changes required to the way that Scotland can access information in the European criminal records information system—if access of some kind is, in the end, negotiated—would take months to design and implement. Any gap in coverage would have a serious effect on Scottish ministers’ vetting and barring functions under the Protection of Vulnerable Groups (Scotland) Act 2007. That is a crucial element in the protection of children and vulnerable adults.

Moreover, that is only one new system to deliver one part of the arrangements for one part of the future relationship. Many, many more are required, across the breadth of areas where the UK and Scotland co-operate with the EU.

We are having to consider these issues against the background of a global pandemic, during which the finite resources of both the UK and Scottish Governments have rightly been concentrated on responding to the health emergency. We will have to continue to try to save lives, but we will also have to divert some of our scarce resources into frantic and well-nigh impossible preparations for whatever new relationship with the EU will be thrust upon us at the end of the year—and we will be doing so in the teeth of an economic downturn the likes of which none of us has ever seen.

The global economy, including the Scottish economy, is declining fast. We must do everything that we can to give businesses the best support for recovery, and the next couple of years will be crucial. Ending the EU withdrawal transition period at the end of this year would, however, subject Scotland and the UK as a whole to an entirely unnecessary second economic and social shock on top of the Covid-19 crisis. More jobs would be lost, living standards would be hit and essential markets and opportunities for recovery would be damaged. For the many businesses that manage to survive the Covid-19 crisis, this second—Brexite—shock would be the final straw.

The new modelling that we have published today indicates that ending transition this year would result in Scottish gross domestic product being between £1.1 billion and £1.8 billion lower by 2022 than if the transition finished at the end of 2022, equivalent to a cumulative loss of economic activity of between nearly £2 billion and £3 billion over those two years. A proportionate impact would be likely for the UK economy. That will obviously hamper recovery from the impact of the pandemic.

Beyond that, in addition to the economic impacts that the modelling identified, exiting the current transition period before Scotland had emerged from the Covid-19 crisis would increase the costs of Brexit to the Scottish economy in comparison with those after a two-year extension.

Ending the transition period this year will have further direct impacts, such as lost opportunities to participate in EU-funded programmes, including for Covid and health-related research and procurement. This past week, the European Commission proposed a new stand-alone health programme, EU4Health, that aims to support post-Covid recovery. Given the contribution of EU nationals to our health and social care sector,

never has the ending of freedom of movement looked more damaging and inappropriate.

I understand that many businesses and communities across Scotland have been 100 per cent focused on tackling the immediate impact of coronavirus. Extending the transition should not be seen as a separate event, but as part and parcel of the effort to recover from Covid. That is the one action that we could all agree on: it would have no adverse effect on the R number but would protect our economy from further severe damage.

Despite our different beliefs, we have come together as a Parliament to help Scotland get through this crisis. Today, I hope that we can send a message to the UK Government in that same spirit of consensus, and ask it to not inflict further unnecessary damage and agree an extension with our EU partners now, before it is too late.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues that were raised in his statement. Members who wish to ask a question should press their request-to-speak buttons.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the cabinet secretary for advance sight of his statement. Sadly, both it and the related document are just more in the endless series of doleful pronouncements on Brexit from the Scottish National Party Government.

Mr Russell is the cabinet secretary who has spent the past year telling us that there will be no withdrawal agreement, that the UK will leave with no deal and that the UK Government is not even involved in serious negotiations. He is wrong on every single one of those claims and will be proved to be wrong again.

Further delay would achieve nothing, but would instead deliver more years of access to our fishing waters for EU nations, when our fishing communities are desperate to seize the sea of opportunity that awaits us. It is true that negotiations are proving to be difficult, but the talks need two willing parties. What is preventing talks from proceeding is not intransigence on the part of the UK Government, but on the part of the EU27, who demand unrestricted access to our fishing waters as a precondition of further discussions. There is no pragmatism on display on their side.

My question to the Scottish Government is a simple one. On whose side is it? Does it back the EU27? Does it support abandonment of our fishing communities, or will it stand with us and demand that the EU backs down and keeps its hands off our fishing waters?

**Michael Russell:** I am fascinated to hear Murdo Fraser adopt, in an extraordinary approach, what

one might call the Cummings gambit, which is to plough on regardless of what other people think, no matter the damage that is done, even to one's own cause. I suppose that that is what one would expect from the Tories, these days.

I am very happy to answer the question about fishing. Strangely enough, I think that the Secretary of State for Scotland was put up to asking me the same question at the joint ministerial committee two weeks ago, so I will give Murdo Fraser the answer that I gave him. I am on Scotland's side; I am on the side of the Scottish fishermen who need a good deal, but who will not get a good deal through the blustering and positioning of the UK Government. Genuine negotiation is needed, but everybody who is watching knows that there is no genuine negotiation.

As far as Mr Fraser's other remarks are concerned, facts are chieftains that winna ding. If he reads our paper, he will discover the facts of the matter. It would be best if looked at those facts and thought about them, rather than taking the knee-jerk Cummings position.

**The Deputy Presiding Officer:** I know that it is tempting for people to hold conversations while there is some poor soul on screen doing their very best to answer members' questions, but please do them the courtesy of listening to the answers.

**Alex Rowley (Mid Scotland and Fife) (Lab):** As the cabinet secretary said, after the end of this month it will not be possible to extend, under the terms of the withdrawal agreement. I have read the paper that the Scottish Government published this morning; the likely impacts of a poor or no-deal Brexit can and will be devastating for Scottish business and jobs. That is why Labour in the Scottish Parliament will join all parties that want to put the interests of Scottish businesses and jobs before the interests of a Conservative elite in Downing Street.

Scotland is on the brink of an economic crisis that will be devastating for families up and down the country. Now that the UK has left the European Union, it is crucial that we get a deal that will give us access to European markets, and which will provide close alignment with the customs union. That is why Scottish Labour supports the call for extension of the negotiation period.

Will the cabinet secretary use his powers, and the powers of the Scottish Government, to build across Scotland consensus for an extension? Does he agree that, if the Scottish Tories put Johnson's interests before the interests of the people of Scotland, they should be exposed for doing so?

**Michael Russell:** I agree with Alex Rowley. The Scottish Tories have already been exposed by their behaviours. I noticed that there was not a word of pragmatism in what Murdo Fraser said, despite the use of that word by the Scottish Tory leader just a few weeks ago.

I am very happy to continue to build consensus. I believe that there is an overwhelming consensus in Scotland—which polling bears out—that opposes withdrawal at this time and wishes for an extension. However, the clock is ticking: the extension has to be done during June. I hope that we will all work together—I would welcome the Tories, if they were prepared to be pragmatic—to ensure that an extension is sought. I will be very happy to work with Alex Rowley on that basis.

**Patrick Harvie (Glasgow) (Green):** I am grateful to the cabinet secretary for the advance copy of his statement.

The Scottish Greens certainly agree that an extension to the transition period is clearly necessary. It comes as no surprise that the same people who brought us the profoundly dishonest and xenophobic Brexit campaign are the same individuals who, during the Covid-19 crisis, have deliberately burned what little public trust the UK Government had, by clearly saying that the rules do not apply to them.

Has the UK Government given any clarity to the Scottish Government on who will pay for the primary and secondary infrastructure between Scotland and Northern Ireland, which will be necessary only because of the UK Government's insistence on maintaining a Brexit position that will leave us outside the single market and the customs union? The UK Government has made that position clear, so it should fund the infrastructure that will result from the requirement for a customs border in the Irish Sea.

**Michael Russell:** It is important that the Northern Ireland Assembly voted yesterday in favour of an extension. I believe that the Welsh Assembly will also indicate that it will take the same position. Once again, we are in a position in which three of the four countries of the UK are saying that the transition period should be extended. There is well-attested evidence for that on our side, which has been published today. As Patrick Harvie said, the UK Government does not wish to listen to evidence or to other points of view, but wishes merely to pursue its own highly damaging agenda.

There are many reasons why an extension would also benefit the situation with the Northern Ireland protocol. It is clear that, with seven months left, there is still a vast amount to be done to implement the protocol, but that is simply not happening.

The principle that I have mentioned previously to Patrick Harvie in the chamber applies: we will not pay for the infrastructure that is required. There is no reason why we should pay for it, so it must be paid for by the UK Government.

It would be far better if there was a sense of realism in the UK Government, and a sense of how people are feeling. It is not only in Scotland that there is opposition; opinion polls show that there is strong majority support throughout the UK for seeking an extension. That is on offer—an extension is also being sought by the EU, which has made it clear that one will be granted, if it is asked for.

**Willie Rennie (North East Fife) (LD):** Yesterday, I wrote to all the party leaders, inviting them to send a joint letter to the UK Government to ask it to extend the Brexit negotiations. However, my invitation has been rejected by Jackson Carlaw, who says that the UK Government can do two things at once.

That is true, but Brexit is not some minor piece of legislation. It is the biggest change to our constitutional, political and economic framework in decades. It needs careful negotiation, so it is reckless to carry on with it in the middle of a global pandemic. Although the leader of the Scottish Conservatives will not agree, does the cabinet secretary agree to our making a joint approach to the UK Government?

**Michael Russell:** Yes—I am happy to agree to that. I think that it is a sensible thing to do. Of course, that happened at Westminster recently, when a number of parties joined together. I am happy to commit the Scottish National Party and the Scottish Government to that action.

I am intrigued by Jackson Carlaw's argument that the UK Government can do two things at once, because it is perfectly possible to do two bad things at once, which is what we are talking about. It is possible to inflict two sets of damage. We know about the inevitable damage that will come from Covid-19, and our paper outlines that clearly, using well-accepted figures. Added that will be damage from Brexit. It is not necessarily a good thing to do two bad things at once, but one could try to mitigate one of the bad things by doing a good thing.

Jackson Carlaw's argument is empty, I am afraid. It is threadbare. He needs to go back to the April Jackson Carlaw and to think about pragmatism—he should try to take a pragmatic view. We know from experience of the Cummings event that it takes a little bit of time for Jackson Carlaw to get to where he really should be. Let us hope that he does not take too long, because the clock is ticking.

**Annabelle Ewing (Cowdenbeath) (SNP):** Irrespective of the politics of Brexit, is it rational or reasonable that businesses that are struggling daily to survive the Covid-19 pandemic should be subjected by the UK Tory Government to the further economic shock of EU exit this December, with all the job losses that that will entail? Surely, we should instead take the opportunity that would be offered by the protections of a transition period of up to two years, which could so easily be agreed, so that we could give vital breathing space to our economy.

**Michael Russell:** I entirely agree that it is irrational and unreasonable for the UK Government to pursue its course of action. I hope that rationality and reason will prevail, otherwise there will be companies that cannot survive—companies that would have survived one shock but cannot survive two. That will be the fault of the people who are pursuing the current course. There are no ifs or buts about it: it will be their fault, because there is action that they could take that would help and would save those companies. The UK Government is not only refusing to take that action, but is doubling down on that refusal.

**Oliver Mundell (Dumfriesshire) (Con):** Does it not give the game away that the only people who want to delay Brexit are the people who did not want it to happen in the first place? Rather than wasting everyone's time and attempting to dress up his latest remoanfest as helpful negotiating advice, would not it be better for the cabinet secretary to admit that he simply does not want Brexit to happen and that he is perfectly happy—whatever he says—to leave Scotland's fishermen stranded in the common fisheries policy for ever?

**Michael Russell:** I ask Oliver Mundell to raise his eyes a little and look around his constituency. He should look at the businesses there that will not survive because of the action that he is supporting, which is placing the additional burden of Brexit on businesses that are already flat out because of Covid-19.

I notice that Oliver Mundell and Murdo Fraser keep calling in aid Scottish fishermen. I have made it clear that I want a good deal for Scottish fishermen, but they, too, will be disadvantaged by an economy that will be even worse if the Government that they support at Westminster goes ahead with its plans.

I will also point out a factual inaccuracy in what Oliver Mundell has said. The opinion polls show that a substantial number of leavers say that there should be a delay, so his characterisation of the situation is simply an error. He needs to look very carefully at what he says but, most of all, he should look at the people whom he knows around him in his constituency. They do not want there to be no extension. Unfortunately, however, if he

supports no extension, he will be responsible for the damage that will be done.

**Bruce Crawford (Stirling) (SNP):** How does the cabinet secretary respond to reports that the UK Government is considering a power grab of the responsibilities that the Scottish Government currently has with regard to EU structural funds when those funds are replaced by the UK shared prosperity fund? Has the Scottish Government been made aware of the potential attack on devolved responsibilities by the Tory Government? The Tory Government seems to be intent on taking such powers for itself, despite the Finance and Constitution Committee's having stated categorically in its "Report on Funding of European Union Structural Fund priorities in Scotland, post-Brexit", which was published in October 2019, that the

"powers that the Scottish Government currently exercise ... should not be reduced".

**Michael Russell:** Bruce Crawford has asked a very good question. Although we have not been formally notified, it is undoubtedly the case that the UK Government intends to centralise the shared prosperity fund—which will be made up of what used to be European funds—in its own hands, and to remove responsibility from the devolved Administrations. There has been a great deal of fear about that for some time. Given that we are getting very close to the edge, that is where things are going.

That would be a major betrayal of the promises that were made to the Scottish Parliament and to the other devolved Assemblies. When the referendum took place in June 2016, a commitment was given to increase powers. Not only have those powers not materialised, but there have instead, as we know, been attempts to erode powers through the frameworks, and there will be further attempts to erode them. That would be utterly unacceptable, so we must stand firm against it.

The UK Government is hostile to the idea of devolution and to powers being held elsewhere. I would not trust it an inch.

**Claire Baker (Mid Scotland and Fife) (Lab):** It is astonishing to see a Conservative Government that is intent on acting against the expressed interests of business and which is, by refusing an extension, remaining on a path that the majority of employers believe—now more than ever—will be damaging, and potentially catastrophic, for their businesses.

We are facing a crucial month. Has the Scottish Government had the opportunity to seek consensus with the other devolved Parliaments, so that we can express a united view?

**Michael Russell:** I agree that that is a sensible idea. We are considering how that might be done. We have done it previously. Now that the Northern Ireland Assembly has voted in favour of an extension, we will seek every opportunity that we can to ensure that the voices of all nations of the UK are heard. We will certainly take part in all such activities, if we can.

I do not share Claire Baker's astonishment at the Conservatives. Throughout the entire Brexit process, they have been heedless of the voice of business, of all reasonable voices and of people who have argued against ending freedom of movement. We now see the results of that. In Fife, which is in her region, Claire Baker will have seen shortages of labour emerging.

The whole thing has been done in an appalling manner, because it is an appalling idea. We need a sense of rationality in order to prevent things that will be even worse. That means that we must call for an extension. I suspect that the more sensible Conservatives here—there are some—know that. However, it is a great pity that they are not prepared to speak out. If they do not speak out, and if the UK Government's plans go ahead, they will damage businesses in their constituencies and regions, and will cause unemployment and a greater economic shock.

**Joan McAlpine (South Scotland) (SNP):** The Road Haulage Association recently warned that the UK is hopelessly unprepared for even a free trade agreement, let alone a no-deal Brexit. Will the cabinet secretary confirm that the effort that is required to prepare for an EU exit at the end of this year will be borne not only by Government but by industry bodies and businesses, which are justifiably putting all their efforts into dealing with the impact of Covid-19?

**Michael Russell:** Massive costs are involved for all the parties involved. For example, the Government is, apparently, setting up the largest customs school in the world. That is being paid for by the Government. Those are unnecessary costs. It is costing us far more to leave the EU than it ever cost us to have the benefits of membership, and the benefits of membership vastly outweigh anything that we will get out of leaving.

That being said, it is obvious that business will have to meet increased costs, given all the changes to processes and procedures. As the member rightly said, that will be an additional cost, over and above the damage of Covid, which some businesses simply will not be able to bear. There is no doubt about that.

**Adam Tomkins (Glasgow) (Con):** This is a negotiation between the United Kingdom and the European Union and it is clear that the SNP is on the side of the EU and not on the side of Scottish

fishermen when it comes to fisheries. Whose side is it on when it comes to what Barnier calls the level playing field but is, in truth, the loading of the dice in favour of the European Court of Justice? Is that another issue on which the SNP will just roll over and give the European Union whatever it wants?

**Michael Russell:** I always think that it is such a shame when I hear Professor Tomkins talking in those terms, because he knows that this is a foolish set of activities; he also knows that the presentation that he has just made is so far from the truth as to be risible.

The reality of the situation is that, if there is to be a settlement, we want it to be a fair settlement, but we do not want Brexit in any case. I have never made any secret of that, and nor did Professor Tomkins. Indeed, not a single thing that has happened has changed my mind, and I do not believe that anything that has happened has changed his mind—it is unfortunate that what has changed his mind is that the UK Government is insisting on this foolish, foolish, disastrous course.

On a level playing field, quite clearly there would be advantages if we remained in the single market and the customs union. We said that from the outset. If we did that, we would, like other countries such as Norway, be on a level playing field and benefiting from the single market, rather than throwing away the advantages that we have as a member of it.

There is something deeply flawed in the argument, when we see how bad it will be, how disastrous it will be and how damaging it will be for the city of Glasgow and Mr Tomkins's region, and all that the member can do is parrot the Tory line.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Does the cabinet secretary think that adequate Brexit negotiations can take place before the current leave deadline, when the UK Government's focus at this time must be on tackling the Covid-19 crisis?

**Michael Russell:** I think that the whole burden of my argument and the argument in the however many pages of our document is that no, that cannot be. It is obvious that that cannot be, and the UK Government should accept that now.

**Pauline McNeill (Glasgow) (Lab):** Does the cabinet secretary agree that calling for an extension does not mean that we are not leaving the EU but recognises that, if no deal was disastrous before Covid-19, it is acutely more so now? Has he noted that 57 per cent of leavers support a delay? That is the pragmatic, sensible approach, rather than the belligerent approach of UK negotiators, who are embarrassing the UK and Scotland and doing nothing to represent the 57 per cent of people who voted to leave the

European Union but want a delay, for whom they claim to act.

**Michael Russell:** I thank the member for the figure. Oliver Mundell should read, mark and inwardly digest that figure, which blows out of the water one of his specious arguments.

No deal and a low deal are equally bad; they will be equally disastrous for Scotland and the rest of the UK. I remain absolutely opposed to Brexit; it is an extraordinarily bad idea, which has no virtue to it at all. In these circumstances, my immediate concern is to make sure that the damage is made no worse by the irreversible action of refusing to apply for a delay. The delay will be required, no matter the position—[*Temporary loss of sound*]  
—and I think that making sure that the delay takes place should unite us across the chamber.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Does the cabinet secretary agree that a commonsense approach to the timing of the EU exit is well summarised by the managing director of the International Monetary Fund, who said that the

“unprecedented uncertainty”

of Covid-19 means that it would be

“wise not to add more on top of it”?

**Michael Russell:** It is clear that across the board—both in the UK and elsewhere around the world, throughout business and commerce, in organisations and in Governments—the vast majority believe that a delay and an extension must take place.

That majority are on one side, and they tip the scale massively, but on the other side of the scale are Boris Johnson, Dominic Cummings and a few other supporters, like those we have heard from today, who—either so that they do not lose political face or for other reasons that are more nefarious—are determined to proceed. That will have a cost for every single citizen of Scotland, and on their heads be it if they refuse to heed the sensible advice that voices across the chamber have given today, and the very clear, comprehensive and well-sourced paper that we have published.

## Scottish Elections (Reform) Bill: Stage 3

15:06

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is stage 3 proceedings on the Scottish Elections (Reform) Bill. Members should have the bill as amended at stage 2, the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now refer to the marshalled list.

### Section 6—Electronic voting

**The Deputy Presiding Officer:** Group 1 is on voting by disabled persons. Amendment 1, in the name of Graeme Dey, is grouped with amendments 2, 16 and 10.

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** The amendments in this group seek to place particular focus on the needs of voters with disabilities. It goes without saying that we all wish to ensure that our elections engage and include all voters. The Electoral Commission already issues guidance on accessibility and keeps it under review, and it is actively looking at how that material can be updated.

If passed, amendments 1, 2 and 10 will require the Electoral Commission to report on the assistance that is provided to disabled voters in devolved elections. That will effectively ensure that all those who are involved in the delivery of devolved elections or any pilots are held to account on engagement with disabled voters. The intention is to underline the importance of ensuring a level playing field for all voters—regardless of disability—so that they can exercise their democratic right to vote securely and in private.

I have discussed this matter in some detail with Jeremy Balfour, who at stage 2 agreed not to move his amendments and to work with me to formulate the amendments that are before us today. I am grateful to him for the constructive approach that he has taken. Mr Balfour, like me—and Colin Smyth, with his amendment—was spurred into action following the report by the

Royal National Institute of Blind People on the 2017 general election, which found that only a quarter of blind and partially sighted people were able to vote independently and in secret. We must make progress on that matter.

In detail, amendments 1 and 2 apply where a pilot scheme is carried out in local government elections. Such pilots are proposed and administered by local authorities, and changes agreed at stage 2 mean that, in the future, the Electoral Commission, rather than the local authority, will formally report on the operation of those pilots.

Pilots can cover a range of issues, such as administration of the poll and moves to encourage voter participation. Amendment 2 will require the Electoral Commission to include a description of the extent to which the pilot has assisted voting by disabled persons in its reports. Amendment 1 is a technical drafting change to accommodate amendment 2.

Not all the pilot schemes will specifically involve provision for voting by persons with disabilities, but by their very nature, all pilots might have an impact on how people with disabilities are able to vote. It is therefore important that all reports on pilot schemes specifically address how disabled persons have been assisted by the scheme.

Amendment 10 applies to the reports that the Electoral Commission is required to produce on the running of Scottish Parliament and nationwide local government elections. The amendment will require the Electoral Commission to report on the steps that are taken by returning officers to assist disabled persons to vote. By promoting the need to consider the assistance that is given to disabled persons at elections as a factor in assessing elections and pilots, we hope to address and identify any deficiencies in the current system and to promote fair and secure voting in the future.

I have some sympathy for the spirit of Colin Smyth's amendment 16 and I am grateful to the member for discussing it with me in advance. It seeks to set out a scheme in which ministers could commission a feasibility study on improving ballot paper design for blind and partially sighted voters. However, the amendment envisages a standalone feasibility study that is unconnected to an actual election. By contrast, the existing pilot provisions in section 5 of the Scottish Local Government (Elections) Act 2002 allow trials of such things as innovations for blind and partially sighted voters who have visual impairments to take place in an actual local government election and for their impact to be evaluated and reported on by the Electoral Commission. The Scottish Government thinks that it would be much better to trial such innovations in actual elections.

In addition, there are many innovations to be considered that can reform the way that people, particularly blind and partially sighted people, are able to vote. Therefore, I would not wish to commit to prioritising the type of study that is covered by amendment 16—one involving indents in the ballot paper, in other words—over others, especially without assessing the merits of that method against others, and the likely costs and the time that would be required.

On the technical aspects of amendment 16, it would introduce a new provision in the bill that would be the only provision not to amend existing electoral law; in other words, it would be the only standalone provision. The problem is that that would not hook into existing statutes. The legislation does not have the usual nuts and bolts to make it work. For example, there is no interpretation provision, which means that it is unclear what is meant by “a feasibility study”, “indents” and “other identification method”. The central matter that the amendment seeks to make a provision for is uncertain. Further, the amendment does not require local authorities to submit a proposal for a feasibility study to the Scottish ministers; rather, it is discretionary.

Subsection 6 of amendment 16 provides that the Scottish ministers must lay before the Scottish Parliament a report on the results of such a study within three years of the regulations coming into force. In the context of that provision, it would be very difficult to prepare regulations that would stand up to the proper scrutiny of the Parliament.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I understand the Scottish Government’s commitment to running pilots in elections that are actually happening. Could the minister confirm whether tactile voting, in particular the type that uses indented ballot paper, or other forms of tactile voting paper, will be considered for those pilots, or are those pilots just about electronic forms of communication and voting?

**Graeme Dey:** The easiest way to answer that is to say that nothing is ruled in and nothing is ruled out. We have done some work on that type of thing and it has thrown up a number of issues.

Prior to the Covid-19 outbreak, we had been developing a prototype solution to enable people with sight loss to cast their votes digitally. That prototype has been developed to a point where it is ready to undergo initial field trials with potential users. I have extended an invitation to the Standards, Procedures and Public Appointments Committee to come and see that in action. Although we had intended that that work would occur over the coming months, it has, of course, been paused in the light of Covid-19. However, it will resume as soon as it is safe and practical to do so.

Therefore, I cannot support amendment 16 on either a substantive or a technical level, but I hope that I have managed to reassure Mr Smyth to some degree of the work that we are doing and are committed to progressing in this important area for voters who are blind or partially sighted.

I move amendment 1.

15:15

**Colin Smyth (South Scotland) (Lab):** Amendment 16, in my name, sets out a clear proposal to enable a feasibility study into a measure that would help visually impaired voters enact their right to a private ballot. As the minister said, research by RNIB following the 2017 general election found that three quarters of blind and partially sighted people were not able to vote independently and in secret. I am sure that everyone agrees that that is just not good enough. It is an unacceptable intrusion on blind and partially sighted people’s voting rights, and it is an issue that we must address.

One of the key barriers that has been highlighted to me is the fact that, without sight, it is impossible to identify which way to hold the current ballot paper, and a possible solution is to have a physical indent in one corner of it. That, in conjunction with the use of tactile voting devices, which involve tactile markings being placed beside a list of candidates on the ballot paper, would allow someone with a visual impairment to identify their preferred candidate or candidates, which would help significantly more blind and partially sighted voters to exercise their right to a secret ballot.

Although I appreciate that there are existing possible pathways for accessible voting pilots, and I welcome the minister’s comments and his recognition of the need to address the issue, the reality is that progress on the issue has been lacking. Put simply, the current pathways are not delivering. My amendment would create a clear process for trialling that particular mechanism, and, possibly more importantly, a clear expectation that it would be trialled, along with others that could help to address the barriers faced by blind and partially sighted voters.

I recognise that the immediate challenge that we face is simply to enable elections to happen, and that is why, on the issue of timeframes, I have been flexible in amendment 16. The three-year timeframe that is set out in it applies from when the regulations are laid, not from when the primary legislation is passed, which means that the timescales will still be within the control of the Scottish ministers. For that reason, I do not agree that there is any technical reason to oppose the amendment.

However, if the minister's concerns are primarily technical, he could deal with that quite easily. In his closing comments, he could give a clear commitment to enacting a pilot on this particular proposal, along with the other pilots that he talked about. My big concern is that, so far, the minister's emphasis has been almost entirely along the lines of electronic voting and that propositions such as tactical voting devices and indents in ballot papers are simply going to be excluded.

Although I welcome the minister's general remarks about the need to consider how to make voting more accessible, that does not in itself reassure me that amendment 16 is not necessary. Put simply, there is no guarantee that we would have a pilot scheme on indents in ballot papers. That is a move that is supported by a number of organisations such as the RNIB, whose research has shown the failure of the current processes and pathways. I have difficulty in understanding why the Government has found itself on the wrong side of the charity and its members on this issue.

I appeal once again to the minister to use his closing remarks to give a more unequivocal guarantee that, as part of its on-going work on the issue, the Government will ensure that there is a pilot and a trial of the particular proposal that I am talking about, which has been suggested by a number of groups. It is not a solution that has been invented by me; it has been suggested by blind voters who, frankly, know better than all of us what barriers they face.

**Jeremy Balfour (Lothian) (Con):** I want to make a short intervention in support of amendment 10. I also want to ask about the progress that has been made with regard to people with disabilities having a vote. It is fair to say that, over the years, large steps have been taken to allow more disabled people to take part and to use their democratic rights. However, people with visual impairment have perhaps been left behind in that journey. Of all the people with obvious disabilities, they are the ones who still struggle to be able to do that in a way that most of us take for granted.

I thank the RNIB for the work that it has done on the issue, and I thank the minister for working with me on the amendments that we are discussing today.

Clearly, when elections are called, all of us expect go along to a polling station to vote without anyone else being involved in the process and with it being done completely privately and without interference by others. That is not the case for those who have a visual impairment or who are blind. The steps that we are taking today will be significant. They will allow trials in different areas, which I hope will allow us to come up with a scheme to use technology so that people with

such a disability will be able to vote independently. It is a step forward and I look forward to see what comes out of the trials. I hope that the amendments will have all-party support.

**Neil Findlay (Lothian) (Lab):** Labour members will support all the amendments in the group. I think that we all want to see as much progress as possible to allow citizens to vote independently and in secret, as all of us here do—we are not asking for anything more, just equality in the process.

Amendment 16, in Colin Smyth's name, is a commonsense, practical and pragmatic approach. It has a clear process and there is no reason why it cannot stand alongside other actions that are being taken by the Government. The support of the foremost national body supporting blind and visually impaired people is very significant, and I hope that the minister will reconsider and support this amendment.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The minister spoke about the offer that has been made to provide information to the committee. Would he accept an invitation for officials to come to the cross-party group on visual impairment so that they can have further dialogue about the amendments?

**Graeme Dey:** I would be happy to come to the cross-party group myself to hear views at first hand, if that would be useful.

There is no disputing the need to address the barriers that are faced by blind and partially sighted people in exercising this most fundamental democratic right. Mr Smyth has highlighted the design of ballot papers, which I recognise as being worthy of consideration—that is why we have already considered it. Engagement with the sight loss community last year highlighted a number of challenges in designing separate ballot papers, including the risk of a customised ballot paper making an individual's vote more readily identifiable; the fact that electronic counting systems that are used in local government elections might not be able to process specially customised ballot papers; the fact that braille-type ballot papers would not be a complete solution, as we have received consistent advice from the sight loss community that only a small and decreasing number of people can read braille; and the likely high cost of producing indented ballot papers, not least because they would have to be supplied to every polling station.

I do not rule anything out or in, but I wanted to make those points. We have taken and do take the issue seriously. Any change to the ballot paper needs to be thoroughly tested prior to introduction. We need to be careful when planning such work, to ensure the most effective and productive use of

resources. That factor motivated the Government amendments in this group, which seek to encourage the Electoral Commission to identify what changes are most needed to assist disabled voters. Rather than being narrowly prescriptive in primary legislation, identifying need based on practical advice and recommendations from key stakeholders seems to be the best way to prioritise pilots and studies.

We had a trial ready to go—it would have been under way but for Covid-19—which demonstrates the Government’s commitment in this area. I reiterate that we are committed to going further to assist our disabled voters to fully participate in elections. I invite members to support amendments 1, 2 and 10 and I invite Mr Smyth not to move amendment 16.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Graeme Dey]—and agreed to.*

**The Deputy Presiding Officer:** Group 2 consists of minor and technical amendments. Amendment 3, in the name of the minister, is grouped with amendments 14 and 15.

**Graeme Dey:** As the Presiding Officer indicated, the amendments in this group are minor and technical; they contain no policy changes. Amendment 3 is consequential on amendments to section 6 that were made at stage 2. It splits section 6 into two sections to reflect the fact that section 6 now amends two separate acts—namely, the Local Governance (Scotland) Act 2004 and the Scottish Local Government (Elections) Act 2002.

Amendments 14 and 15 are consequential on the insertion in the Local Government (Scotland) Act 1973 of a new section 17, which concerns boundaries Scotland’s reports and their implementation. As it refers to “regulations” being made rather than “an order”, the two references to “order” in section 1 of the Local Governance (Scotland) Act 2004 are replaced by references to “regulations”.

I move amendment 3.

*Amendment 3 agreed to.*

#### After section 6

*Amendment 16 moved—[Colin Smyth].*

**The Deputy Presiding Officer:** The question is, that amendment 16 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

I suspend the meeting for five minutes to permit the division to take place.

15:26

*Meeting suspended.*

15:31

*On resuming—*

**The Deputy Presiding Officer:** We will proceed with the division on amendment 16.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Findlay, Neil (Lothian) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Leonard, Richard (Central 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)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 54, Abstentions 0.

*Amendment 16 disagreed to.*

### **Section 16—Electoral Commission: five-year plan**

**The Presiding Officer:** Group 3 is on Electoral Commission: five-year plan. Amendment 4, in the name of the minister, is grouped with amendments 5 to 7 and 9.

**Graeme Dey:** Amendments 4 to 7 and 9 make a number of further refinements to the bill's provisions, granting the Scottish Parliament an oversight role in relation to the Electoral Commission's activities concerning Scottish devolved elections. The proposals have been developed in close consultation with Scottish Parliament and Electoral Commission officials.

Amendment 4 removes two requirements that the bill places on the Scottish Parliamentary Corporate Body. The first is a requirement to have regard to certain reports and recommendations by the Comptroller and Auditor General. That is no longer relevant as a result of the removal of section 17 at stage 2 following representations by the Auditor General and Audit Scotland.

The second is a requirement on the SPCB to consult Scottish ministers in deciding whether it is satisfied that the Electoral Commission's five-year plan is consistent with the economical, efficient and effective discharge of its functions, and in making any recommendation for modification of the plan. The SPCB can, if it wishes, consult Scottish ministers, but it is not necessary for it to do so.

That provision was based on the UK arrangements, which are set out in the Political Parties, Elections and Referendums Act 2000. On reflection, and in consultation with parliamentary

officials, it is considered that it would be excessive for that to be a specific requirement in relation to the SPCB. The obligations on the Westminster Speaker's Committee on the Electoral Commission are relevant primarily to financial matters that are not involved in the SPCB's oversight of the commission's devolved activities. Amendment 4 therefore seeks to remove the strict requirement on the SPCB to consult ministers—although, as I said, it will be free to do so if that is considered appropriate.

Amendment 6 requires the SPCB, where it recommends any modification to the Electoral Commission's five-year plan, to lay before Parliament a document that explains its reasons. That new duty is imposed as a result of the proposed removal of the reporting duty on the SPCB under section 20.

Amendment 9, which I will address shortly, removes section 20 from the bill. Amendment 5 makes a technical change as a result of amendment 6. Amendment 7 is consequential on the proposed removal of section 20 and removes some of the requirements to be included in any report made under section 20.

As I mentioned, amendment 9 removes from the bill section 20, which would place on the SPCB an obligation to report to Parliament on its activities in relation to the Electoral Commission in a similar manner to the way in which the House of Commons Speaker's Committee on the Electoral Commission currently reports to the UK Parliament. However, parliamentary officials highlighted the differences in nature between the SPCB and the Speaker's Committee, and we have instead agreed on a simpler approach, as set out in amendment 6.

I invite members to support amendments 4 to 7 and amendment 9.

I move amendment 4.

**Neil Findlay:** The Labour group will support amendments 4, 5 and 6, but we will oppose amendments 7 and 9 as we want to ensure that the bill provides for the maximum amount of reporting to, and oversight and scrutiny by, the Parliament.

*Amendment 4 agreed to.*

*Amendments 5 and 6 moved—[Graeme Dey]—and agreed to.*

*Amendment 7 moved—[Graeme Dey].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 58, Against 12, Abstentions 0.

*Amendment 7 agreed to.*

**After section 16**

**The Deputy Presiding Officer:** Group 4 is on Electoral Commission: accounts. Amendment 8, in the name of the minister, is the only amendment in the group.

**Graeme Dey:** Amendment 8 places on the Electoral Commission a requirement to submit its accounts, as certified by the Comptroller and Auditor General, to the Scottish Parliamentary Corporate Body, and to lay a copy of those accounts before the Scottish Parliament. The bill previously sought to place an obligation on the Comptroller and Auditor General to lay a copy of the accounts, but that provision was removed at stage 2 following representations from the Auditor General and Audit Scotland. Amendment 8 will ensure that the accounts will indeed be laid before Parliament, but it places that duty on the Electoral Commission.

I move amendment 8.

*Amendment 8 agreed to.*

**Section 20—Reports by Scottish Parliamentary Corporate Body**

*Amendment 9 moved—[Graeme Dey].*

**The Deputy Presiding Officer:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 59, Against 12, Abstentions 0.

*Amendment 9 agreed to.*

#### After section 22

*Amendment 10 moved—[Graeme Dey]—and agreed to.*

#### Section 31—Changes to local government areas or electoral arrangements: procedure

*Amendment 14 moved—[Graeme Dey]—and agreed to.*

**The Deputy Presiding Officer:** Group 5 is on local electoral wards. Amendment 11, in the name of the minister, is grouped with amendment 12.

**Graeme Dey:** The bill would allow two and five-member wards in local government areas in addition to the existing three and four-member wards. That is intended to permit greater flexibility and to reflect local circumstances. For example, a two-member ward could be used to avoid a distinct community being lumped in with others in a larger ward without account being taken of natural barriers such as a mountain range or a body of water.

There was consensus at stages 1 and 2 that two-member wards should be used sparingly. At stage 2, Mark Ruskell suggested that boundaries Scotland could be required to specially explain the use of two-member wards in making its recommendations, and that is what amendments 11 and 12 would achieve. They would require a statement to be made in the report to justify the use of two-member wards. That requirement would not apply in relation to island areas, where one and two-member wards are already possible as a result of the Islands (Scotland) Act 2018. Amendment 11 applies the requirement to review recommendations, and amendment 12 applies that to any further review that is required as a result of parliamentary scrutiny.

I have considered whether further steps, such as a presumption against the use of two-member wards, would be appropriate. However, I think that it is important to give boundaries Scotland the flexibility to prepare its recommendations—subject, of course, to the existing rules on ensuring parity and respecting geographical distinctiveness.

We should not lose sight of the fact that the bill will substantially strengthen parliamentary oversight of boundaries Scotland. In the future, its proposals to abolish or alter the boundaries of any local government area or electoral ward or to increase or decrease the number of councillors to be returned in an electoral ward will have to be approved by Parliament under the affirmative procedure.

I urge members to support amendments 11 and 12, which seek to underline the clear will of Parliament that the use of two-member wards should be carefully considered and expressly justified while still respecting the independence and judgment of boundaries Scotland.

I move amendment 11.

**Mark Ruskell:** I thank the minister for the constructive engagement on the matter.

The two amendments definitely move the conversation on from stage 2. There were widespread concerns that the adoption of two-member wards would, in effect, lower proportionality in electoral wards in Scotland. I agree that any adoption of two-member wards outside the context of island communities should be a unique and exceptional case.

I ask the minister for clarity on whether boundaries Scotland will be able to comment in the reports on that proportionality aspect in making a recommendation to Parliament. That is clearly not its primary consideration in a proposal for a changed ward boundary and the number of members who represent that ward, but considering proportionality and how the adoption of a two-member ward might impact on that for voters would certainly be useful.

**The Deputy Presiding Officer:** No other member has requested to speak, so I call the minister to wind up.

15:45

**Graeme Dey:** I will respond to Mark Ruskell's point. That is not specified in what is being asked of boundaries Scotland, but it is a reasonable ask and it is a conversation that we can have in relation to the make-up of the explanation that it provides.

*Amendment 11 agreed to.*

*Amendments 12 and 15 moved—[Graeme Dey]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

Members will be aware that, at this point in proceedings, the Presiding Officer is required under the standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, the provisions of the Scottish Elections (Reform) Bill do not relate to a protected subject matter, and it therefore does not require a supermajority to be passed at stage 3.

## Scottish Elections (Reform) Bill

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-21891, in the name of Graeme Dey, on the Scottish Elections (Reform) Bill. I call Graeme Dey to speak to and move the motion.

15:48

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** I thank everyone who has engaged with the Scottish Elections (Reform) Bill throughout its parliamentary passage. Many constructive contributions from all parties have helped to improve the legislation, which I hope we will shortly pass.

I particularly recognise the Standards, Procedures and Public Appointments Committee for its scrutiny, and I thank the electoral professionals for sharing their expertise, and individual MSPs such as Adam Tomkins, Mark Ruskell and Jeremy Balfour for their very helpful input.

**Sarah Boyack (Lothian) (Lab):** I very much agree with those points. The Electoral Commission has told us that it is really keen that the legislation is in place six months before it is needed. Will that be possible in advance of the 2021 elections? That would be a great commitment to make today.

**Graeme Dey:** That is certainly the intention. Although we could not support Colin Smyth's amendment earlier, I acknowledge how well intentioned it was.

I am pleased that we have at last been able to return to this important legislation following a delay caused by the Covid-19 crisis. During that delay of nearly three months, a small number of Scottish local government by-elections have been postponed.

I appreciate that the pandemic has also raised questions, at least in some quarters, about the arrangements for the 2021 Scottish Parliament election. It is too early to make any decisions about next year and, in the midst of the pandemic, the public would be less than impressed by politicians appearing to be overly concerned with their own re-election 11 months from now.

However, I can tell the chamber that we are carefully monitoring the situation and beginning to explore options for the delivery of the election with returning officers and electoral registration officers through the Electoral Management Board for Scotland. That will inform any decisions—

**James Kelly (Glasgow) (Lab):** I understand that the priority of the Government and everyone

else is tackling issues around the pandemic. However, bearing in mind that the Electoral Commission stated that any changes around the arrangements of a poll must be in place six months before the election, surely consideration of those matters needs to start to take place now.

**Graeme Dey:** The work that is going on now will inform any decisions that require to be made further down the line by the Parliament. However, to give some assurance on Mr Kelly's point, we would expect the conduct order, which the Government is required to bring forward, to be laid in October. We are looking at the pros and cons around all of it now, but it is our intention to do that.

Turning to the specifics of the bill, I am pleased that a consensus has been reached that Scottish Parliament and local government elections should run on five-year cycles. The last two Scottish parliamentary sessions have lasted five years, so that has become the norm, and it brings us into line with a number of other countries.

We now have experience of five-year terms, and as an approach, I think that it strikes the right balance between giving time for an efficient programme for government and remaining accountable to the electorate. This agreement would also ensure that we avoid the possibility of two clashes with other elections between now and 2034.

Expanding the statutory role of the Electoral Management Board has been universally welcomed. The EMB is vital in promoting best practice in electoral administration and supporting the electoral community. The convener of the EMB, Malcolm Burr, already has the power to issue directions for local government elections. If the bill is passed, the convener will gain a further power to issue directions for Scottish Parliament elections. That new power will arrive at just the right time—future proofing our system to cope with the practical challenges that we might face in an election next year.

The bill also delivers improvements in boundary reviews. It renames the Local Government Boundary Commission for Scotland as boundaries Scotland, to reflect the body's recently expanded remit for parliamentary constituencies. It provides for a rolling programme of local government boundary reviews, and increases the maximum period between reviews to 15 years, which will allow boundaries Scotland to prioritise the review of areas that have seen significant population changes.

As we have discussed at previous stages, the bill will also allow for two and five-member wards, to best meet the needs of local communities.

Scottish ministers will be required to lay before Parliament regulations that implement boundaries Scotland's proposals; they will not have the discretion to decide whether to lay such regulations. It will be for the Parliament, under the affirmative procedure, to approve or reject the proposals, which I think is as it should be.

One of the most significant changes in the bill is making the Electoral Commission accountable to the Scottish Parliament, instead of to the Speaker's Committee of the House of Commons at Westminster, for the work that it does in Scotland. The commission welcomes that change, having been closely involved in the development of the provisions. It is right and proper that oversight of and funding for the vital work that the Electoral Commission undertakes for Scottish elections should rest here.

The commission will also gain new powers, including the power to set codes of practice for candidate expenditure. Following an amendment that was unanimously agreed to at stage 2, the commission will lead the evaluation of all pilot schemes, formalising a role that it has previously played. The Electoral Commission plays a vital role in the delivery of fair elections, and I am delighted that its relationship with this Parliament will be a direct one.

The bill also extends the Presiding Officer's existing power to rearrange the polling date for a Scottish parliamentary election by a month, so that he can do so even when Parliament has been dissolved.

Those are the key systemic reforms in the bill, but it addresses a number of other important issues. After dialogue with colleagues from across the Parliament, we have today included provisions that will require the Electoral Commission to report on the assistance that is provided to disabled persons at Scottish elections, including by those that are running pilot schemes. We need to meet the needs of all voters to ensure that everyone can exercise their fundamental democratic right to vote securely and in private.

This Parliament led the way by giving 16-year-olds the right to vote in the 2014 referendum and at subsequent elections. In the bill, we build on that progress, promoting engagement with Scotland's young people by ensuring that they register as attainers at the age of 14. That will allow our partners in local government and education to have early conversations with young people about their voting rights. I was encouraged to see early progress in increasing the understanding of political processes in my own constituency, prior to the pandemic hitting.

We are also modernising our local government elections so that electors will vote in only one local

authority area for polls held on the same day. That will bring local government rules into line with those for the Scottish Parliament, and will protect the principle of one person, one vote.

The bill contains a range of reforms that will support voter participation and the work of professionals in our electoral community. However, I acknowledge that many members feel that there is still work to be done. Indeed, I am one of them. As I have maintained throughout this process, the Scottish Elections (Reform) Bill is a step in an on-going journey; it is by no means the end of the road. For example, members have raised questions about proportionality and accountability in electoral wards, and calls have been made for a wider review of our council multimember ward system.

Such a complex piece of work is clearly a question for the next parliamentary session, but I am pleased that the bill has encouraged that debate, which might well be expanded upon in the coming hour or so.

I move,

That the Parliament agrees that the Scottish Elections (Reform) Bill be passed.

15:55

**Adam Tomkins (Glasgow) (Con):** I start with the important points that Sarah Boyack and James Kelly made to the minister. It is important that we all understand that, today, the Electoral Commission said that it continues to recommend that all legislation relating to elections must be clear at least six months before it is required to be implemented or complied with. That includes this bill and any future legislative change that might be needed to accommodate or manage the next election to the Scottish Parliament, whether it takes place on schedule in May 2021, or whether it has to be delayed.

It is welcome that the minister has confirmed on the record his Government's commitment to ensuring that that six-month timetable is complied with, no matter what. We cannot have exceptions to that. We know that we live in extraordinary times. We know that we are confronting an emergency, but we cannot make in a hurry emergency rules that change the way in which representative democracy and our elections are run in this country, pandemic or no pandemic. The Electoral Commission is unambiguous and I welcome what I have taken to be the minister's equal unambiguity.

We have some time, because six months before next May is not until the end of this year. We have some time during the summer and the early autumn to ensure that our rules are fully in place six months before the election is held. I welcome

the fact that that has been said clearly this afternoon.

I also welcome the way in which the minister has conducted himself throughout the passage of the bill.

I spoke about three aspects of the bill during the stage 1 debate, which was in early February but feels like a lifetime, if not a generation, ago. I will speak about two of those aspects today. The first is two-member and five-member council wards. As the law stands, all council wards in Scotland have either three or four councillors. The Islands (Scotland) Act 2018 allows the creation of one-member or two-member wards in the islands. Section 4 of the bill allows the creation of two-member, three-member, four-member or five-member wards in any council area in Scotland. That flexibility is welcome, but only to an extent. We all understand that that flexibility is not an unalloyed good and that, notwithstanding the fact that two-member wards, or indeed five-member wards, might be desirable in some areas that have strong community boundaries, they should not have them at the cost of undermining the proportionality between votes cast and seats won, on which the single transferable vote system that we use across Scotland for local government elections is based. Two-member wards make the achievement of that proportionality much more difficult, as Mark Ruskell said earlier.

In its valuable stage 1 report, the Standards, Procedures and Public Appointments Committee said that two-member wards should be used only in "very exceptional circumstances". I agree with that. I welcome the way in which the provisions on the possible creation of two-member or five-member wards under section 4 of the bill have been strengthened during the passage of the bill by the Government amendments moved at stage 2 and those that were passed unanimously earlier this afternoon to require the Boundary Commission for Scotland to report in full to the Scottish Parliament about any future recommendations that it makes that any ward should be created that has only two or as many as five members.

Those are important steps in the right direction but all those steps, if they are taken at all, must be taken while bearing in mind that parties across the chamber want to see two or five-member council wards only in what the standards committee called "very exceptional circumstances".

The final element of the bill that I want to reflect on, which has not been talked about this afternoon but is nonetheless important, is the setting at five years of term lengths for elections to this Parliament and to local government. I have not changed my mind since stage 1, when I said that I prefer four years to five years, but that boat has

sailed—at least for the time being—because of the Fixed-term Parliaments Act 2011. The important thing here is not to have a largely futile argument about which—four or five years—is better but to ensure that there is clarity and certainty. Whenever we think about electoral law, the interests of the voters must be paramount. That is what the Electoral Commission is there for and why it says that all those rules, whatever they are, must be in place six months before the date of any election.

For as long as the Fixed-term Parliaments Act 2011 continues to fix the term of Westminster elections at five years, it makes sense for our term to be fixed at the same interval, so that there are not occasions when this Parliament and the United Kingdom Parliament are to be elected on the same day. However, as I said in the stage 1 debate, it is the policy of the party that won the most recent general election in the United Kingdom to repeal the Fixed-term Parliaments Act 2011. I am not yet clear what it proposes to replace the act with, but that important clarity and certainty needs to carry forward, irrespective of the fate of the 2011 act. We should not be wedded to five years out of principle, because there is no principle that says that five years is better than four years or any other relevant period. The important thing is to make sure that the interests of the voter are paramount at all times. We—or the Parliament that is elected at the next election, whenever that takes place—might need to revisit that and keep that option open, if and when the 2011 act is repealed.

16:02

**Sarah Boyack (Lothian) (Lab):** I too thank the clerks and all those who have given evidence to enable us to get a bill that, although it is not the longest, has important points that need to be discussed.

Any electoral reform should be meaningful, inclusive and aim to increase participation. Throughout the bill process, the checks that the Electoral Reform Society set out in its evidence to the Local Government and Communities Committee all those months ago have been met to some degree. As we pass the bill, it is important to consider the debates that we had earlier, which reflected the discussions at stage 2 about how the bill might be strengthened—in particular, in relation to those with visual impairment or who are blind. Jeremy Balfour raised those issues at stage 2 and, today, we have debated amendments from Colin Smyth and the minister.

As others have said, the current system does not enable people who are blind or partially sighted to be completely independent in casting their vote, and that is not good enough. Even

though voters with visual impairments are now allowed to use their phones in the polling booth—not to take a picture but to ensure that they know what is on the ballot—the guidance was not applied universally by returning officers. Colin Smyth's amendments, which we debated earlier, called on the Scottish ministers to roll out a feasibility study of indented ballots or other methods that would support visually impaired voters. Although we have passed the Scottish Government's amendments and not Colin Smyth's, some progress can be made. The prize has to be a ballot that is secret for all voters and accessible to all. I hope that there is more work to come on the issue.

In addition to that, I welcome the transfer of oversight of voting trials, including electronic voting trials, to the Electoral Commission. That will ensure that independent expertise is utilised fully and it also frees up the resources of local authorities, which would otherwise be responsible for analysing the results. However, at this stage, I argue for extreme caution in using electronic voting, because, as I observed in the stage 1 debate, there have been major problems in other European countries that have trialled electronic voting; it has not always worked, and there are fraud issues.

As has also been discussed, another key concern at stage 2 was the possibility of the introduction of two-member council wards, which we need to reflect on. The Government relies on our councils, which are democratically accountable, to make tough financial decisions—whether to address the fact that there has been underfunding over the years or to look at how they resolve the additional burdens of Covid-19. We need to remind ourselves that, although there have been arguments for change for understandable reasons, the political leadership of our councils can change on the basis of incredibly small margins, so it is vital that we retain fairness in political representation and accountability. I therefore very much welcome the minister's comments in response to Mark Ruskell. Two-member wards must be used only in unique and exceptional cases. A better approach would be to go for a larger number of councillors in wards, especially if the issue is a sense of underrepresentation, and particularly in remote and rural communities. I hope that that is looked at. Scotland is hugely diverse and we need those changes to be monitored carefully. I hope that the minister will commit to that.

I would also like the minister to comment on how the pandemic might affect people's voting intentions in relation to whether they feel happy to go out and vote, and on whether there will be a need to do much more promotion of postal voting to enable people who have been shielding or who

are still concerned by the pandemic in the months to come. I am thinking in particular about the council by-elections that are coming up—that is a topical issue on which I am keen to get the minister's comments.

The bill has brought about some really important discussions on how our democracy should function in Scotland. It has enabled us, as a Parliament, to reaffirm a commitment to inclusivity and increased engagement. The challenge for us is to make sure that the bill marks the start of those conversations—not the end. I very much look forward to seeing how the changes that are in the bill come to fruition and enhance our electoral process.

I will finish on the importance of encouraging young people to vote. It is hugely important that we make our elections as representative as possible, and that we establish stronger lifelong voting habits. None of us can be happy with current levels of voting. Let us hope that we can use the bill—and the amendments that come afterwards in the form of orders that come through the Parliament—to encourage the maximum number of people to vote to get the Governments that they want, whether at local or Scottish level. I hope that, in passing the bill, we can reflect on that, and enable and encourage more people to vote.

16:07

**Mark Ruskell (Mid Scotland and Fife) (Green):** I will keep my comments on the bill relatively brief. However, as others have done, I thank the clerks and all those who gave evidence throughout the passage of the bill. I also thank the minister for his constructive attitude throughout the bill in discussing a variety of amendments that came through committee, and that have been debated in the Scottish Parliament today.

This is, largely, a technical bill. Its purpose is not wholesale democratic renewal or increasing voter turnout. We still need to do a lot of work to renew our democracy and to encourage democratic participation at all levels. In fact, reform work still needs to be done in this session of the Scottish Parliament ahead of the next Scottish Parliament elections—whenever they might be.

The Electoral Commission's briefing for this afternoon's debate points out two areas of that reform work. One is the need to increase fines in relation to the Political Parties, Elections and Referendums Act 2000; a second is about the inclusion of imprints on digital campaigning, which is hugely important. We saw the role of digital campaigning in the recent European referendums, and we are in a situation in which a lot of the campaigning in the run-up to the Holyrood

elections will be digitally based. It is really important that voters understand who is paying for the messages that flash across their social media screens during those elections.

As others have done, I highlight the very welcome simplified registration for 14-year-olds to join the electoral register as attainers. I was thinking about that the other night, because my son will turn 14 in just a couple of weeks' time. He is already starting to show an interest in who makes decisions about things locally, has been in touch with his local councillors, and has actually got a few wins, which is great to see.

As he goes into secondary 3, he has gotten interested in national and international politics through his modern studies. There is a great opportunity in S3 to prepare young people to be active citizens. In many ways, the generation that is coming through now is the first to really understand what we are doing to the world and the last that can do anything about it. That places a huge responsibility on their shoulders as citizens and, quite frankly, the earlier that they can start democratic participation in life, the better.

I welcome a number of other things in the bill. We had a useful debate this afternoon, and at stage 2, about the importance of including people with sight loss and making the voting system easier for them, whether through a tactile system or an electronic device. We need to improve the voting experience for people, as well as its security.

In relation to people with sight loss, the use of an electronic device is a responsible use of the technology. A wider roll-out of e-voting would not be responsible, particularly given the major concerns raised by a number of European countries that have attempted to roll out electronic voting in recent years. Any voting system that we put in place has to be secure, anonymous and verifiable: paper and pencil is the most secure, anonymous and verifiable system that we can put in place, as long as people are able to use it. The exception that proves that rule is the plight of people who have sight loss, who often need another person with them to be able to vote.

I am pleased to hear from the minister that voting pilots will be brought back to Holyrood; I am sure that they will come under a good degree of scrutiny. I am also pleased to hear that a review of local government electoral systems and boundaries might be coming, perhaps not in this Parliament but in the next one. I agree that the issue is complex, but, after 13 years, there is the appetite to review whether we have the system right and how we can improve it.

There is a lot of work to do with regard to our democratic renewal. I hope that the Government

does not wait too long to put in place the final pieces of the electoral reform that it needs to make in this session to enable the Holyrood elections to take place, and that whatever Government takes the reins at Holyrood next time, that there will be a more radical view of democratic reform and voter turnout, so that we can start to incentivise active citizens in our society.

16:12

**Willie Rennie (North East Fife) (LD):** I thank the clerks, the committee, the officials and witnesses as well as the advisers for their work on the bill. The minister is right in what he has said about the 2021 elections: we need to be cautious and we should not be too self-obsessed about the matter.

The minister has indicated that the time for making a decision would be October. To try to project what will happen in a month's time is difficult enough and to do that for six months ahead will be even more problematic. We might need to be even more flexible in the current circumstances, because it would be wrong to be cavalier in the event of a second peak, should it come at the time of the 2021 elections. We need to be mindful that these are unpredictable times and that we might need to be agile in those circumstances.

I am pleased that we have returned to the subject of council ward sizes. The issue was debated when the bill was originally introduced and we were in favour of greater proportionality for some wards, in urban areas particularly, to reflect the size and coherence of communities. We also wanted to reflect that, in some rural areas, particularly those such as Caithness, the Highlands and other parts of Scotland, the distances are huge and the number of parent and community councils that all need serviced is even bigger. Having that bit of flexibility needs, of course, to be fully justified, but it is a wise thing to have and we support it

With regard to voting pilots, we need to be careful with our democracy. People have confidence in the processes, even though we rely on people's good faith and honesty to maintain that integrity. We support a cautious approach to electronic voting pilots, particularly for people with sight loss, as that would aid access to democracy, but we need to be careful.

It is also sensible to have declarations on internet adverts. We have seen greater transparency on that front with Facebook. On the Facebook ad website, it can be fascinating to see exactly who is paying for what, and which communities. Greater transparency of adverts on the wider internet would be a great thing.

It is right to transfer the responsibility and accountability for the Electoral Commission from the Scottish Government to the Scottish Parliamentary Corporate Body. That transfer emphasises the need for the corporate body's independence, which we should not jeopardise in the future with political stunts.

I think that Adam Tomkins is right—there is no clear answer on the issue of having four-year or five-year terms. We need some stability, and it is not a futile debate. For years, we survived with four-year terms, which allowed a renewal of our democracy on a frequent basis. Sometimes, five years seems a very long time, especially in the rapidly changing world that we have just now due to a global pandemic, the trauma of Brexit, the EU referendum, and having several Prime Ministers come and go. We have had a lot of change, so it would be sensible to have a fixed term of four years in the future. I see the possible revision of the Fixed-term Parliaments Act 2011 as an opportunity to consider whether we can change back to having four-year terms in this Parliament, which would give us the frequency of democracy that would help us all.

16:16

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** I am pleased to speak in the stage 3 debate as the passage of the Scottish Elections (Reform) Bill nears its end. I, too, thank the bill team and the clerks to the Standards, Procedures and Public Appointments Committee. I also thank the witnesses who helped me and the other members of the committee understand the bill's many provisions.

Before the Scottish Parliament was set up, I was a member of the McIntosh commission, which looked into the relationship between the new Parliament, the new Government and local government. I was also a member of the subsequent Kerley commission, which looked into the voting system for local government and payment of councillors, among other things. I think that the bill contributes to the evolution of the process of devolution that Donald Dewar talked about.

Along with the Scottish Elections (Franchise and Representation) Bill, which the committee also recently considered, the bill is a building block towards enhancing our democracy. That will always be a process, because the Parliament evolves as it acquires more powers, and we have to continue to monitor the efficacy of new procedures and systems. That also applies to electronic voting, which should not be confused with electronic counting. Some of us will have experienced electronic counting—it did not go very well and has not been used again since. However,

the time will come when we will both vote and count electronically.

I am sure that most members in the chamber are sympathetic to and can get behind the moves to make voting as accessible to those with sight loss and impairment as it is to the rest of the population. I was grateful for the minister's letter of 28 May, which detailed that work is being done to develop a prototype solution. Given its interactive nature, the trial had to be paused due to Covid-19, but I hope that it can go ahead at the earliest possible opportunity.

Part of strengthening democracy is the change in the bill that, as other members have said, will allow greater flexibility in the number of councillors per ward, to reflect Scotland's diverse nature, rurality and remoteness and the fact that one size does not fit all. I believe that the change is important, but I agree with Mark Ruskell that we need to keep an eye on the situation to ensure that democratic representation is maintained.

Some people are unhappy with the move from a fixed term of four years to one of five years. However, as the minister said, five years is the norm in most countries. Having served as a minister in each of the past three Governments, I know and understand the pressures on the civil service, especially on those in the legal directorate, to deliver what is required to put the governing party's manifesto commitments into competent legislation.

I had a wry smile on my face when Adam Tomkins spoke about fixed terms today, as I did during his speech at stage 1, given that there have been three elections in five years in the other place. The idea that we should be taking our lead from there is, frankly, ludicrous.

There are many other important aspects of the bill to discuss, such as those on the Electoral Commission's code of practice and the commission's oversight of expenses and donations. However, I finish by mentioning the great part of the bill that strengthens voting at 16 by allowing young people to register from the age of 14. I hope that we will all support the bill at decision time.

16:20

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am delighted to participate in the stage 3 debate on the Scottish Elections (Reform) Bill. The proposals in the bill make some sensible changes to the Scottish democratic process. Of course, the primary change is to amend the periods between Scottish Parliament and local government elections from four to five years. The new timescale will ensure that Holyrood and local

council elections will not take place on the same day.

However, that is no guarantee, as it does not prevent Westminster elections from occurring on the same day as either Scottish Parliament or local government elections, and we have already heard that the United Kingdom Government's intention is to repeal the Fixed-term Parliaments Act 2011. We are not yet sure what it will replace that act with, but it wishes to remove it. Regardless of that, UK general elections can take place and have taken place outwith fixed terms, even with the act in place. Therefore, although the proposed changes make clashes less likely, they cannot prevent them entirely. However, in such circumstances, the Parliament would be able to take further steps to avoid future clashes.

Having served in years gone by as a councillor for a single-member ward, I recognise the benefits of that system, in which a small electorate could have one dedicated councillor. That meant that, in some rural wards, things were managed much more sensibly. However, I also acknowledge the benefits that multimember wards have brought to Scottish local government by ensuring more flexibility with representation across the piece.

We have discussed the introduction of the two-member ward system, which I think combines the benefits of both systems. As has already been indicated, however, we must ensure that we have such wards only in exceptional circumstances and where a three-member ward would be totally impractical. We have also discussed five-member wards, which will be brought in for our most densely populated areas and which will help to ensure a more proportional result for local government across the area concerned.

Those proposals should be seen as sensible in relation to the review of local government. Certain areas can experience significant development and an increase in population over short periods, which must be reflected in an examination of the electoral system. Allowing the Local Government Boundary Commission for Scotland to determine when electoral wards are to be reviewed—as long as that is done within a set period—gives us much more flexibility, which I think is vital.

The proposed change to allow the Scottish Parliament's Presiding Officer to postpone elections is also sensible. We can see the implications of the public health crisis that we are experiencing and suffering. The current situation could create the opportunity for an election to be managed in a way that would allow a postponement to take place. The fact that the Presiding Officer will have to consult the Electoral Commission before setting any new date is welcome, as that gives us some safeguards.

Members have made some very strong contributions in the debate and throughout the three stages of our scrutiny of the bill. Adam Tomkins spoke about the commitment to the six-month timetable. We have discussed that issue, and I can tell the minister that am delighted that it is being considered as we move towards the next Scottish Parliament elections.

Sarah Boyack talked about ensuring that we have younger voters. It is vital that we engage with young people and ensure that they understand democracy at the local level and at the parliamentary level, and how it is brought together.

Willie Rennie was quite correct when he spoke about ensuring that we are flexible and said that there is still a lot of work to be done.

The bill helps to ensure that our democratic processes in Scotland are updated, refreshed and flexible. For that and many other reasons, I support the bill.

16:25

**James Kelly (Glasgow) (Lab):** I rise to speak in favour of the bill, which Scottish Labour will support at decision time.

As Mark Ruskell said, the bill is largely technical, but there are some good parts in it. It is important to avoid clashes between elections for local government and for the Scottish Parliament. Those of us who were candidates in the 2007 elections will remember the confusion that was created when two sets of elections were run at the same time. The primary point is that that did not help the public, which should be the most important consideration.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I do not want to sound too party political, but we should bear it in mind that, at the time, the United Kingdom Government had responsibility for elections in Scotland.

**James Kelly:** I do not think that that was a helpful intervention, to be honest.

I will mention some of the other aspects of the bill. It is important that the provisions on donations for local government elections bring the legislation into line with that in the rest of the UK. The provisions that allow younger voters to be able to register at 14 are very welcome, because we should be doing all that we can to get younger people interested in politics at an earlier age. The new arrangements that will improve access at poll stations for disabled voters are also very welcome.

I want to touch on the earlier discussion on the next Scottish Parliament election. When it comes, that will be a very important election. It will deal with how the pandemic has been handled and how

we emerge from it, it will be the first election post-Brexit, and people will legitimately raise the issue of Scottish independence. Therefore, it is important that the democratic process is not constrained in any way.

As things stand, the reality is that, if the election were to be held next year, it could take place against a background of social distancing, which would present big challenges to the parties and to voters. A lot of the traditional ways of campaigning, such as knocking on people's doors and asking them to vote, and standing at street stalls, will not be able to take place if social distancing measures are in place. There could also be an impact on the arrangements for the poll itself. If there is still social distancing, how do we get people in and out of polling stations safely? How do we ensure that the poll is conducted properly and that public safety is paramount?

I note what the minister said about an order being introduced in October, but the options need to be looked at seriously now. There are real challenges and, to be honest, a question mark remains over whether the poll can take place in May 2021. The Government will need to start discussions on the matter imminently.

We all agree that democracy and transparency around elections are important, and the bill helps in that regard. We will support the bill at 5 o'clock, but I reiterate that there needs to be discussion and consideration in relation to the next Scottish Parliament election.

16:29

**Bill Kidd (Glasgow Anniesland) (SNP):** As the convener of the Standards, Procedures and Public Appointments Committee, I have worked with colleagues over months on the shared goal of strengthening aspects of the democratic process through the bill. For that, I thank all committee members and our highly professional clerking team. Although the electoral changes that the bill presents are seemingly relatively small, the updates have been made significant by thoughtful consideration and precision.

The bill proposes five principal changes, which range from enacting the principle of one person, one vote and attempting to eradicate weaknesses in our system that could give rise to electoral fraud to increasing parliamentary scrutiny of election finances.

The committee discussed how best to balance the social and economic needs of more geographically remote regions of Scotland with the need for political demographic parity.

An obvious change is that the bill officially increases the length of a parliamentary session to

five years, which is beneficial in a number of regards. Five-year election periods are optimal in reducing clashes between Scottish Parliament, local government and Westminster elections. Consistency and clarity in that regard has been found to minimise the number of rejected and incorrectly completed ballot papers. Another widely accepted benefit of longer election terms is that they allow for the policy process to be completed and for policies to take better effect on the ground.

We have agreed that new technology makes electronic voting a real possibility. That is important; if the technology is used correctly, it will be able to improve voting for people who have disabilities, particularly people with visual impairment. The Royal National Institute of Blind People found that 75 per cent of voters with visual impairment were unable to vote independently or in secret in the 2017 general election. Electronic voting has the potential to ensure that such people can exercise their right to a secret ballot. For some people, that might seem like a small legislative change, but it will have a big impact on people who live with a disability and it will enable people who have been at a democratic disadvantage to exercise their right to vote freely and thereby fully participate in a key component of our democratic system.

The electoral changes in the bill have been carefully considered, with the intention of promoting fairness and accessibility and increasing equality in Scottish democratic processes. Through the changes, we can build on the significant democratic progress that has been achieved over the past 100 years. Our making it possible for everyone to exercise their right to vote in secret is poignant when considered from a historical perspective. Although there is wide consensus in the Parliament and the nation that all should have the franchise, irrespective of disability, sex or race, we must recognise that that has been hard-fought ground for good and courageous people.

In that context, it is impossible for us to talk in Scotland about democratic rights and the need to reduce all forms of discrimination without recognising what is going on right now in the United States, as people respond to the atrocity that led to the death of George Floyd, a good man who was committed to seeing an end to the cycle of violence. What has happened reinforces that we cannot take democratic rights for granted. It is our responsibility not only to recognise our privilege in the democratic process but to speak up and make a stand when we see discrimination.

That is why I want to end my speech by taking the opportunity to make a related but slightly different democratic statement: black lives matter.

**The Deputy Presiding Officer:** We move to the closing speeches.

16:33

**Neil Findlay (Lothian) (Lab):** I echo the words of the convener of the Standards, Procedures and Public Appointments Committee and express my solidarity with all those who are protesting against the violence in the US—indeed with people who are joining in across the world. I think that many people are standing in solidarity with the protesters today.

I thank the convener, committee members and clerks and all the witnesses, who assisted us greatly in our deliberations on the bill. We had some interesting meetings.

By its nature, the bill is pretty dry, bureaucratic and technical. However, it is important to our democracy. In a participative, representative democracy, elections must be free and fair, and must be seen to be so. Confidence in the system's integrity is fundamental to its success. The bill clarifies the role of the Electoral Commission and will rebrand the Boundary Commission for Scotland as boundaries Scotland. I am sure that that will be expensive, as all these things are, and I am sure that it will be money very well spent.

Our democracy has to be constantly under review to reflect changes in society and culture, and some of the provisions in the bill do that. It seeks to increase participation in our democracy, and I think that we all look forward to seeing the positive results of the initiatives to assist disabled citizens in accessing their ballot and visually impaired voters in voting independently and in secret. It is extremely important that people can exercise their right to vote, and that all barriers to that are removed. That should be an on-going task; I hope that it will be a rolling programme of work, and that the minister will ensure that officials engage with the RNIB and others, as they put forward very practical suggestions. It is disappointing that Colin Smyth's amendment was not agreed to.

We support the provision of five-year parliamentary session lengths. Adam Tomkins mentioned that support for that is by no means unanimous—indeed, it was not unanimous in my party either. People have views on it one way or the other, and that is no bad thing. However, the majority supported the five-year session lengths.

We also support the possibility of having two or five-member electoral wards in exceptional circumstances, as Adam Tomkins said.

As the bill has come through each stage, it has not addressed the effect of list order, which the committee took evidence on. Many people feel

that certain candidates are disadvantaged because of the in-built advantage for candidates who are higher on the ballot paper. During this process, a commitment was made that some serious work would be done on that, and I hope that, in summing up, the minister will confirm that the Government will undertake in-depth research, because the previous research was pretty thin. My personal view is that full randomisation would be the best option.

Willie Rennie mentioned issues to do with paid advertising in elections, which is not covered in the bill. However, he made a very valid point. We have seen the impact of paid advertising in other countries and our own, and it is always good to know who is behind an advert.

We had a number of discussions on electronic voting, and people were open minded about it. However, security was the key issue.

We all have a vested interest in the Scottish election in 2021, some of us for some reasons, and some for others—I am looking at Richard Lyle, because he and I have a reason to be interested the 2021 election.

**Richard Lyle (Uddingston and Bellshill) (SNP):** We'll no be here.

**Neil Findlay:** Exactly. It is very important for Mr Lyle and me that that election happens on time. Some people might not want it to, but I hope that, in summing up, the minister will confirm that there is no prospect at this point that the election will be delayed, or tell us whether there has been any planning in the Government for it to be delayed.

Finally, I think that the bill missed an opportunity to develop more on postal ballots, because all-postal ballots have a place in our election process.

**The Deputy Presiding Officer:** Thank you very much, Mr Findlay. I must be feeling ill because I see that you and Richard Lyle agreed with each other. I will need to keep taking my pills.

16:39

**Jamie Halcro Johnston (Highlands and Islands) (Con):** We have missed out on the opportunity to have a Findlay-Lyle pact, but maybe that is still to come.

It is welcome to pick up the bill again for stage 3. I thank the clerks, committee members and everyone else who has been involved in putting it together. As we have heard, it is a significant set of proposals that make changes to our electoral system for the Scottish Parliament and local government.

The bill has been improved by parliamentary scrutiny. I thank the minister for his cross-party engagement during previous stages. I appreciate

very much his efforts to build consensus across the chamber and to recognise just how important that is in dealing with quasi-constitutional issues.

I am also aware of the work that the Scottish Government has done with my colleague Jeremy Balfour in developing the minister's provisions relating to blind and partially sighted voters.

However, we can all acknowledge that some of the policy questions that the bill throws up have no perfect solutions. Many, such as on term limits, are trade-offs between a number of considerations. As was highlighted by my colleague Adam Tomkins, expressions of regret about the move to five-year sessions for the Scottish Parliament have come from members across the chamber. However, the bill acknowledges what has become standard practice over two sessions of the Parliament's relatively short life.

There will also be other difficulties. We have heard that repeal of the United Kingdom's Fixed-term Parliaments Act 2011 has found its way into the Queen's speech and—by default rather than by design—the predictability that the legislation initially sought has not been found in recent years, with there having been two extraordinary general elections since 2015. Perhaps that will be a question for a future Scottish Parliament to look at, and perhaps the balance will shift in time. For now though, the bill reflects the reality that we live in.

Also at stage 2, attempts to remove the bill's reference to two-member wards fell. I would like to make it clear that I understand the feelings of members who have concerns about that. They are, of course, entirely correct to say that two-member wards water down proportionality in the electoral system, but it is also relevant that the point was already conceded in the Islands (Scotland) Act 2018, and it is difficult to defend one without the other.

As Willie Rennie highlighted, and as I know very well as a member of Parliament for the Highlands and Islands, there are distinctive communities outside Scotland's islands for which we have, unfortunately, devised few ways to represent them. Boundary changes are relatively frequent events. Local authorities can still seem to be distant, and it has been almost 50 years since many natural communities had their own forms of local democratic expression. However, I emphasise that the two-member ward power should be used sparingly, and be reserved for occasions where there is a genuine distinction that makes larger wards impractical.

I do not, however, want to dwell on areas of disagreement, because there was a significant level of unanimity at stage 2. Audit and financial provisions found favour across party lines, as did

the important roles of the Electoral Commission and the Boundary Commission for Scotland in reviewing wards. That has been valuable and there have been many positive observations and contributions from members across the chamber.

As I highlighted, my colleague Adam Tomkins welcomed the minister's constructive approach. He also raised concerns about two-member wards, but recognised the Standards, Procedures and Public Appointments Committee's concerns on the same issue. He noted that the committee's report suggested that two-member wards should be used only in exceptional circumstances.

Convener Bill Kidd highlighted the potential role of electronic voting, particularly for people who have visual impairments, and the impact that that could have on their ability to vote.

Alexander Stewart brought his expertise as a former councillor from the fair city of Perth to discuss the detail on and experience of multimember wards. He also spoke about the role of the Presiding Officer in addressing moving of election dates when, for example, a major crisis occurs. The circumstances in which we find ourselves are a reminder that there is much that is beyond Parliament's control and our ability to predict what will happen.

This is an important bill and it is necessary that the questions be answered at the current time. It is right to take a cautious and consensual approach when we are dealing with such significant questions, so that we can agree solutions. The bill raises a number of questions that do not have simple answers. However, it is a welcome step forward and will find support from Conservative members.

16:43

**Graeme Dey:** I thank members for their contributions to the debate. Before I turn to some of the points that have been raised, I record my appreciation for the efforts of the officials who drafted the bill and have done such a fine job in progressing it since it was introduced many months ago.

As I noted earlier, the bill's process has been drawn out, thanks to the pandemic. I do not mind admitting that I needed a quick, or maybe not so quick, refresher course before we picked it up again, such was the length of the period that had elapsed between stage 2 and stage 3. I am extremely grateful to the bill team for their endeavours, as I am to members for their constructive input to the scrutiny process throughout. I will pick up on some points that have been made.

A number of members, most notably Adam Tomkins and James Kelly, majored on having the rules for an election in place six months prior to the planned poll. That is what the Government is working towards; as I said earlier, the conduct order is planned for October. I offer James Kelly the reassurance that the discussions that are under way concern that and not any possible delay to the elections, which Neil Findlay touched on. That is not what is being considered. The discussions are about the challenges that would be faced in an election campaign, which Mr Kelly eloquently discussed.

I attach a couple of caveats to what I have just said. First, given the nature of the pandemic, we might, as Willie Rennie said, have to be agile, fleet of foot and prepared for changes as we go along. It could be that a subsequent amendment will need to be made to the conduct order because of the pandemic and how it pans out.

We might also need accompanying primary legislation if, for example, there is a need for people to vote over two days. That would address James Kelly's point about the challenges of conducting an election in the current circumstances. I say those things not to roll back from my earlier statement or to set hares running, but simply because they are possibilities. I also say to Neil Findlay that there is, as I said earlier, no discussion being had at this stage about delaying the poll, so he can look forward to his retirement from the Scottish Parliament.

Sarah Boyack made a number of good points. She is right to say that the current system does not work for people with visual impairments. There is no doubt about that; it treats them with a lack of respect. The prize is parity of treatment for them. We should aspire to get there by working with them on the best way forward. I agree, however, that electronic voting should be proceeded with cautiously, for the reasons that Sarah Boyack and Mark Ruskell identified.

Sarah Boyack also made a point about the pandemic having impacted on people's confidence to go out and vote. There is another thing to consider in that regard. Earlier, there was talk about the value of postal voting, but many people lack confidence in postal voting. That view is perhaps misguided, but that is where they are, so we need to be alive to that.

A couple of points were made by Mark Ruskell about digital imprints. We are considering action on digital imprints. It is important that voters and the Electoral Commission can identify the source of online election material. However, I am sure that Mark Ruskell will appreciate that I cannot, in the current circumstances, stand here today and give a timescale for that.

As he did during the passage of the bill, Neil Findlay picked up on the list-order effect. We had a good discussion in committee about that. The committee took the view that there is no point in simply replacing one set of problems with another, and my take on the matter is that we should not change simply for the sake of change. To be clear, neither I nor the committee were looking to excuse inaction: change is needed. However, it must be change for the better and it must not have unwelcome unintended consequences. Again, it would be unrealistic to expect such a change to happen in the current parliamentary session, but it is work that must inevitably be done, and at the level of detail that Mr Findlay talked about.

In opening the debate, I made the point that today is simply one step—albeit a significant one—on the electoral reform journey. Therefore, I want to highlight a number of areas that will become the focus of attention. Richard Lyle mentioned candidates' addresses.

**Richard Lyle:** I welcome the fact that—as I hope is the case—the minister is about to announce that the situation with regard to candidates' addresses is about to be reviewed. To my mind, a candidate's address should not be published on a council website or displayed on any council notice boards. I made a request that that practice be ceased in order to safeguard candidates who might previously have faced domestic abuse, and who fear the consequences of their address being publicly displayed. If the minister is going to announce that that will no longer happen, I will welcome it and sincerely thank him for it.

**Graeme Dey:** I indicated to the committee that I plan to make changes by secondary legislation to address those legitimate points. We will not face a council by-election until October, but the matter is on the to-do list, and changes will be made in time for that by-election.

Other issues that arose during the committee's work were further powers for the Electoral Commission; review of the system of multimember wards, which was highlighted again today; women in elected office and tackling gender imbalance, which has to be looked at in the future; and consolidation of electoral law, which will be a substantial piece of work that Parliament in the next session might need to address, because it needs to be dealt with.

I will take a moment to reflect on the significance of our discussions today in the chamber. Parliament has had powers over its elections and the wider electoral landscape for only a short time, but we have already made real changes. This bill and the recent Scottish Elections (Franchise and Representation) Act 2020 are part of a process of reform and

modernisation that is key to the health of our democracy. Scotland has demonstrated creativity, adaptability and a commitment to inclusive elections with those on-going reforms. Although we must move carefully, we can be proud of the progress that we are making as a Parliament and as a nation.

Electoral processes, like those of Parliaments, do not stand still. Four months ago, no one would have considered the possibility of the Scottish Parliament's holding virtual question times and having ministers and members contributing to hybrid chamber sessions via a screen surrounding the Presiding Officer's platform. However, courtesy of the pandemic and our having had to find ways of working, that is where we are.

We might not have such an imperative driving wider electoral-process changes, but we must nevertheless remain open to further improvement—not least when it is designed to encourage voter participation. The bill should be seen as evidence of our ambitions in that area and of impetus in the journey that we are on.

**The Presiding Officer (Ken Macintosh):** That concludes our stage 3 debate on the Scottish Elections (Reform) Bill.

## Business Motions

16:51

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-21902, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 9 June 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Reporting to Parliament on the Coronavirus Acts

*followed by* Scottish Government Debate: COVID-19 Next Steps (Communities)

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 10 June 2020

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: COVID-19 (Tourism)

*followed by* Stage 3 Proceedings: Disclosure (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 11 June 2020

2.00 pm Portfolio Questions (Virtual): Rural Economy and Tourism

2.30 pm Portfolio Questions (Virtual): Transport, Infrastructure and Connectivity

3.00 pm Portfolio Questions (Virtual): Justice and the Law Officers

Tuesday 16 June 2020

2.00 pm Time for Reflection

*followed by* Topical Questions

*followed by* Scottish Government Business

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

6.00 pm Decision Time

Wednesday 17 June 2020

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 3 Proceedings: Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 18 June 2020

2.00 pm Portfolio Questions (Virtual): Constitution, Europe and External Affairs

2.30 pm Portfolio Questions (Virtual): Economy, Fair Work and Culture

3.00 pm Portfolio Questions (Virtual): Education and Skills.—[*Graeme Dey*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motions S5M-21903, on the timetable for stage 2 of a bill, and S5M-21921, on the timetable for stage 1 of a bill.

*Motions moved,*

That the Parliament agrees that consideration of the Civil Partnership (Scotland) Bill at stage 2 be completed by 19 June 2020.

That the Parliament agrees that consideration of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill at stage 1 be extended to 25 September 2020.—[*Graeme Dey*]

*Motions agreed to.*

## Parliamentary Bureau Motions

16:52

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of three Parliamentary Bureau motions. I call Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S5M-21904, on designation of a lead committee, S5M-21906, on approval of a Scottish statutory instrument, and S5M-21926, on parliamentary recess dates.

*Motions moved,*

That the Parliament agrees that the Environment, Climate Change and Land Reform Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Environment Bill (UK Legislation).

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 [draft] be approved.

That the Parliament agrees, further to motion S5M-17943 and under Rule 2.3.1, that the parliamentary recess dates of 27 June to 30 August 2020 (inclusive) be replaced with 27 June to 9 August 2020 (inclusive) with the exception of 2, 9, 16, 23, 30 July and 6 August 2020, on which dates business may be programmed by the Bureau.—[*Graeme Dey*]

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. In relation to motion S5M-21926, on recess dates, under rule 3.1 of our standing orders, part of your role is to represent the Parliament publicly. I hope that we are going to unanimously agree the proposal on recess dates that has been discussed by the Parliamentary Bureau, as it will allow the Parliament to continue to conduct its important scrutiny of the Government throughout the summer, including by the use of hybrid and online sessions. We should also unite in thanking the Parliament's officials, who have worked hard to make such sessions possible. However, we have recently seen attempts to mislead the Scottish public as to the amount of work that the Parliament has been doing and to denigrate its work, including the work of officials in making the sessions possible. In your role in representing the Parliament publicly, what action, if any, will you be able to take to firmly rebut any future attempts to mislead the public of Scotland about the work that this Parliament is doing, whether those misrepresentations come from members or from anybody else?

**The Presiding Officer:** I thank Mr Harvie for advance notice of his point of order. It gives me the chance to draw members' attention to the fact that motion S5M-21926 gives all members the chance to vote on our new approach to the summer recess.

As members will appreciate, we are in very unusual times, and the business managers unanimously agreed that we would not be able to take our usual approach to recess. It is proposed that we hold virtual meetings every Thursday throughout the recess, other than on 9 and 30 July, when we will meet here, in the chamber. That will be a hybrid meeting, which members will also be able to access remotely. Members will have a chance to vote on that proposal shortly.

I can confirm to Patrick Harvie that my duties and responsibilities as Presiding Officer encompass representing the Parliament. I try to represent the views of all members of the Parliament and to promote the Parliament's work. I also try to be proactive in ensuring that members of the public are fully aware of the activities that are undertaken here, and I will continue to do that as appropriately as possible, as I always do.

The questions on the relevant motions will be put at decision time, to which we will come shortly.

The next item of business is consideration of two motions on Scottish statutory instruments. I invite Graeme Dey to move motions S5M-21915 and S5M-21916.

*Motions moved,*

That the Parliament agrees that the Scottish Parliament (Elections etc.) (Amendment) Order 2020 [draft] be approved.

That the Parliament agrees that the Representation of the People (Scotland) Amendment Regulations 2020 [draft] be approved.—[*Graeme Dey*]

**The Presiding Officer:** I believe that Liam Kerr wishes to speak against motion S5M-21916.

**Liam Kerr (North East Scotland) (Con):** Yes, I do, Presiding Officer.

I do not propose to rehearse the arguments, as that was done in depth on 20 February this year. However, I have read the *Official Report* of the relevant proceedings on that day, and I note that four key arguments were advanced in favour of giving the vote to prisoners who are serving sentences of less than 12 months. The first of those was that the Hirst judgment requires it, but anyone who has read that judgment knows that it does not. The second argument was that it was required to ensure compliance with the European convention on human rights, but anyone who is familiar with the ECHR knows that that is not the case. [*Interruption.*] I beg your pardon.

The third argument was that those prisoners who are serving sentences of less than 12 months have committed less serious crimes, but the statistics show that such sentences are also given for crimes that include attempted murder, serious assault and sexual offences. Finally, it was argued that giving prisoners who are serving sentences of

less than 12 months the vote will help the process of making them more responsible citizens, who will make a greater contribution to society when they leave prison, but no evidence was adduced to support that assertion.

Therefore, the four key arguments that underpin this legislation do not stack up, and—unlike with other matters that fall within the portfolio of the Cabinet Secretary for the Constitution, Europe and External Affairs—I think that the cabinet secretary is aware of that. Indeed, some might say, on the basis of reading the *Official Report*, that he tacitly accepts it. Despite that, he pushed through the initial prisoner voting change without scrutiny during last summer's recess. Now, the SSI before us is being considered by a half-empty chamber, without the cabinet secretary present, in the middle of a pandemic. That is not transparent and it is not good law making; it is a slap in the face for victims and it is shoddy politics, and I will have none of it.

**The Presiding Officer:** Thank you, Mr Kerr. I invite Graeme Dey to respond on behalf of the Government.

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** Unlike Mr Kerr, I will not fight old battles; instead, I want to focus on what is actually before us. The two measures in question are a result of the extension of the electoral franchise in devolved elections to foreign nationals and certain prisoners as a result of the Scottish Elections (Franchise and Representation) Act 2020.

The changes relate mainly to the local government electoral register, which is also used for Scottish Parliament elections. As a result, most of the following is contained in the Representation of the People (Scotland) Amendment Regulations 2020, which are made under the Representation of the People Act 1983. They make consequential changes to the Representation of the People (Scotland) Regulations 2001 (SI 2001/497). The Scottish Parliament (Elections etc) (Amendment) Order 2020 makes one change that is specific to Scottish Parliament elections; it is made under section 12 of the Scotland Act 1998.

The Scottish Elections (Franchise and Representation) Act 2020's provisions on prisoner voting came into force on 2 April 2020, which was the day after royal assent. No elections have occurred since then and none are scheduled until October, but it is now possible for eligible prisoners to seek to register to vote. Electoral professionals have requested a number of changes to make that process operate smoothly. The regulations therefore require prisoners to provide their prisoner number in applying to be added to the register. They also remove the requirement for an electoral registration officer to

personally visit a prisoner who does not respond to three successive invitations to register. That is what is before us tonight.

A commencement order that was made at the end of May means that the bill's extension of voting rights in respect of eligible foreign nationals will commence on 3 August. The introduction of those new voters requires changes to be made to electoral management systems, including a new marker for the recording of foreign national and prisoner voters on the electoral register.

The regulations make that change with a new "M" marker to be applied in respect of qualifying foreign nationals from 3 August and eligible prisoners from 1 September. Those dates were agreed in discussion with electoral professionals and system providers. The regulations and the Scottish Parliament (Elections etc) (Amendment) Order 2020 update existing statutory references to EU nationals, who will now come within the new category of "qualifying foreign national" that is adopted in the 2020 act.

The order also makes the necessary technical changes to provide that a qualifying foreign national who is registered as a local government elector or is entered in the list of electoral proxies is not excluded from voting at a Scottish Parliament election on the ground that they were not a qualifying national on the relevant date, which in most cases will be the date on which their application was made.

The two SSIs therefore make various necessary consequential changes to secondary legislation to ensure that citizens of all countries will be able to vote in Scottish Parliament and Scottish local government elections as long as they have the right to remain in the UK and ordinarily reside in Scotland. I ask the Parliament to support the instruments.

**The Presiding Officer:** The question on the SSIs will be put at decision time.

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** The first question is, that motion S5M-21891, in the name of Graeme Dey, on the Scottish Elections (Reform) Bill at stage 3, be agreed to. As the question concerns an act of Parliament, I ask members to cast their votes now.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mundell, Oliver (Dumfriesshire) (Con)

Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 74, Against 0, Abstentions 0. The Scottish Elections (Reform) Bill is passed.

### *Motion agreed to,*

That the Parliament agrees that the Scottish Elections (Reform) Bill be passed.

[*Applause.*]

**The Presiding Officer:** I propose to ask a single question on the three Parliamentary Bureau motions, including the motion on recess dates. Does any member object?

**Members:** No.

**The Presiding Officer:** The question is, that motions S5M-21904, S5M-21906 and S5M-21926 be agreed to.

### *Motions agreed to,*

That the Parliament agrees that the Environment, Climate Change and Land Reform Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Environment Bill (UK Legislation).

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 [draft] be approved.

That the Parliament agrees, further to motion S5M-17943 and under Rule 2.3.1, that the parliamentary recess dates of 27 June to 30 August 2020 (inclusive) be replaced with 27 June to 9 August 2020 (inclusive) with the exception of 2, 9, 16, 23, 30 July and 6 August 2020, on which dates business may be programmed by the Bureau.

**The Presiding Officer:** The next question is, that motion S5M-21915, in the name of Michael Russell, on the 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)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Mundell, Oliver (Dumfriesshire) (Con)

Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 58, Against 17, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that the Scottish Parliament (Elections etc.) (Amendment) Order 2020 [draft] be approved.

**The Presiding Officer:** The final question is, that motion S5M-21916, in the name of Michael Russell, on the approval of an SSI, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### **Against**

Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 58, Against 17, Abstentions 0.

#### *Motion agreed to,*

That the Parliament agrees that the Representation of the People (Scotland) Amendment Regulations 2020 [draft] be approved.

**The Presiding Officer:** That concludes decision time. We will resume tomorrow at 2 o'clock with virtual portfolio question time.

*Meeting closed at 17:05.*

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