



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 14 March 2012

Session 4

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Scottish Parliament

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[The Presiding Officer *opened the meeting at 13:30*]

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Ms Esther Wanjohi of the women's HIV project in Ngong, Nairobi, in partnership with Murrayfield churches together.

Ms Esther Wanjohi (Women's HIV Project, Ngong, Nairobi in partnership with Murrayfield Churches Together): Presiding Officer, members of the Scottish Parliament, ladies and gentlemen: good afternoon.

Four years ago, I was invited to visit Murrayfield churches together in Scotland. I am therefore familiar with the remarkable degree of hospitality, acceptance, transparency and integration that Scotland provides for its visitors. I feel greatly honoured and humbled to be back again and to lead time for reflection during Commonwealth week.

At this juncture, I would like us to focus our attention briefly on the theme for world AIDS day 2011:

"Zero new HIV infections. Zero discrimination. Zero AIDS-related deaths."

The global HIV epidemic is extremely diverse, and there are similarities and differences among communities, regions, provinces and countries. However, in order to meet the challenge of getting to zero, the global community must work together to achieve universal access to HIV prevention, treatment and care.

The ecumenical Project Kenya realises the need to join the whole world together in fighting AIDS. We have embarked on programmes that emphasise sustainability and are not just about handouts. Together with Murrayfield churches together, we have initiated revolving fund microloans and income-generating activities through crafts, and we have provided dairy goats, rabbits, water tanks and an education project.

Our mission is to work in obedience to the great commission of the 21st century to respond to the needs of people living with HIV and AIDS, including women, orphans, vulnerable children and the poor in our community. All of us can participate in one way or another in eradicating AIDS from this world.

Like the servants in the parable of the talents, each one of us has been entrusted with a role to play. We are to protect the rights and dignity of people who are living with HIV and AIDS, according to each one's means and abilities. That is found in Matthew, chapter 25, verses 14 to 28.

It is much easier to wash one's hands of the responsibility of care, but God is calling and compelling us to show mercy, compassion, love and tender care to people who are living with HIV and AIDS. When we do that faithfully, we expect the affirmation:

"Welcome good and faithful servant, you have been trustworthy over small things, I will put you in charge of many things, enter into the joy of your master".

Like David of the Bible, let us, in this generation of HIV and AIDS, be recorded among those who served the Lord faithfully.

As I conclude, I pray that our gracious Lord will make us instruments of love, compassion and healing in a world that is ravaged by HIV and AIDS.

Thank you.

Land Registration etc (Scotland) Bill: Stage 1

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-02304, in the name of Fergus Ewing, on the Land Registration etc (Scotland) Bill.

13:34

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): I thank the Economy, Energy and Tourism Committee for its thorough and collaborative scrutiny of the Land Registration etc (Scotland) Bill. I also thank the Scottish Law Commission for its excellent work in developing most of the policies that appear in the bill, and I thank those who have given oral and written evidence to the committee at stage 1.

The Land Registration (Scotland) Act 1979 introduced a modern map-based land register that provides clear information about land ownership, backed by a state guarantee to title. However, since rights on land began being registered in the land register, only 55 per cent of properties have been so registered. The bill will replace most of the 1979 act with a piece of 21st century legislation that will provide for completion of the land register and will place on a statutory footing the practices of the keeper of the registers of Scotland.

The bill also addresses legal tensions that have caused confusion and uncertainty for property owners since the introduction of the land register, by realigning registration law with general property law in Scotland.

In addition to those primary purposes, the bill has two significant secondary purposes. The first is to introduce a system of advance notices for use in conveyancing transactions, and the second is to amend the Requirements of Writing (Scotland) Act 1995 to allow electronic documents to be legally valid and to enable electronic registration of those documents.

I have followed the committee's stage 1 deliberations on the bill and commend committee members on their diligent and thorough report. The report requests clarification of a number of matters. The committee asks for clarification of what was meant when I said in my evidence to the committee:

"there will be no keeper-induced registration of large and complex land titles in this parliamentary session".—[*Official Report, Economy, Energy and Tourism Committee*, 8 February 2012; c 949.]

I confirm that, if resources allow it, Registers of Scotland may use the power to register titles

within research areas, which are predominately urban areas, such as flats and houses.

The committee also asks whether a fee will be payable for keeper-induced registrations. I confirm that no fees will be charged for such registrations during this parliamentary session, although the bill will allow fees to be payable for keeper-induced registration.

The use of time-and-line fees has been raised. At present, fees are charged mainly on an ad valorem basis. I confirm that we are not considering moving to time-and-line charging for the majority of registrations. However, time-and-line charging may be considered for complex registrations of high-value properties. It is under consideration in relation to services such as the keeper's pre-registration title investigation service. I assure the Parliament and the committee that the Scottish Government will consult stakeholders before introducing a fees order, which would be subject to affirmative procedure.

The committee's report recommends including in the bill aspirational targets for completion of the land register. I understand the importance of the aim, but do not favour that approach. On top of the extra triggers for registration that are in the bill, completion could be accelerated by keeper-induced registration and by promoting voluntary registration. The keeper and I are doing all that we can to encourage voluntary registrations. On keeper-induced registration, the keeper has shared with the committee her initial thinking on how to take the issue forward, and work to develop that is proceeding.

I will pass the committee's comments about mapping to the keeper's mapping working group, and I will ensure that the keeper writes to the committee with an update from that group.

I would like to reaffirm my commitment to lodge at stage 2 an amendment that will remove the requirement to prove that there has been seven years of abandonment of land before a person can become a prescriptive claimant under the bill. The committee recommends that the Scottish Government consider introducing a public process of advertising abandoned land. We feel that there are pros and cons to that suggestion. I will, therefore, consider the proposal further, in advance of stage 2.

I welcome the committee's view that it is content for the new statutory offence in section 108 to remain in the bill. The committee has heard much evidence in relation to the offence provision. In particular, I note the Law Society of Scotland's opposition. As part of my on-going consideration of the provision, I have written to the president of the Law Society to request further information on fraud involving solicitors. The aim of the offence

provision is to disrupt serious organised crime and to criminalise individuals who knowingly use the land register to facilitate criminal behaviour. It is not the Government's intention to criminalise honest solicitors who make genuine errors in applications for registration. The keeper and the Solicitor General have told me that they will work with the Law Society of Scotland to help to provide guidance to the legal profession.

In view of the concerns that the committee has expressed in its report, the Government will carefully consider in advance of stage 2 whether amendment to section 108 is appropriate. There has been some debate about whether one or two advance notices are required when a disposition and standard security are being granted. In those circumstances, two advance notices will be required if the lender wishes fully to protect the standard security. That is the scheme that was devised by the Scottish Law Commission and the Government is satisfied that it is simple and that it will work.

On the provisions on shared plot title sheets, it appears that there are differing views in the evidence that the committee received on the policy. The aim of the policy is to clarify who owns land and to assist conveyancing practice so that a deed has to refer to only one title number. This is a complex subject, so I will provide an in-depth answer in my written response to the committee's report.

The committee specifically asked in its stage 1 report for clarification of certain miscellaneous matters that were raised by stakeholders. I do not propose to address those fully in my opening speech, due to the technical nature of many of those matters, but I am happy to speak about them later, if members wish it.

I move,

That the Parliament agrees to the general principles of the Land Registration etc. (Scotland) Bill.

13:41

Murdo Fraser (Mid Scotland and Fife) (Con): I declare my interest as a member of the Law Society of Scotland.

As convener of the Economy, Energy and Tourism Committee, I mention that the committee recommended to Parliament that it should agree the general principles of the bill.

As the minister did, I acknowledge the work that has been done by the Scottish Law Commission—initially by my old friend Professor George Gretton—in its comprehensive consultation on the first draft of the bill. I thank all those who gave oral evidence or submitted written evidence to aid the committee's consideration, and I thank the

committee's clerking team for all their assistance on what is a very technical subject. I also thank the committee's adviser, Professor Kenneth Reid, who was able to put in layman's terms, for the benefit of committee members, some of the issues that are addressed in the bill.

Last, and by no means least, I thank all the committee members for their hard work and engagement on the bill. It is fair to say that for the non-lawyers on the committee—which means everybody apart from myself—the prospect of dealing with the bill was probably not greeted with the greatest of enthusiasm at the outset, but as we got into the subject, some of the issues stimulated some debate and, I hope, interest.

As the minister said, the bill represents a much-needed update to, and extension of, existing legislation. Although it is comprehensive and very technical in parts, there are some areas that are of real interest to people in Scotland. There is much to be commended in the bill; for example, the move to the use of e-documents, the closure of the register of sasines so that we have one land register rather than two, and the introduction of advance notices.

However, the committee considered that a number of areas of the bill could be improved upon. I will comment on those in the time that is available to me. My first point relates to the key policy aim of the bill, which is completion of the land register. The key powers that are aimed at increasing land registrations are, first, increased triggers for first registration of land and, secondly, voluntary and keeper-induced registrations. We know that only about 21 per cent of the land is currently on the land register and that there has been slow progress since the Land Registration (Scotland) Act 1979, so the committee welcomes the powers to increase land registration, but we have some concerns about how the powers might work in practice.

A key method of increasing land registration is voluntary land registration. The committee heard a lot of support for voluntary registration and heard that a similar method of registration has been used successfully in England and Wales, where a reduced fee has been used as an incentive. Given that the approach would be key in achieving the objective of a complete land register, and given that we learned that Registers of Scotland has reserves of about £75 million, the committee asks the minister to consider introducing incentives to encourage voluntary registration, particularly in complex cases.

Keeper-induced registration will give the keeper the power to register land without an application from, or notification to, a landowner. The committee had concerns about how that might work in practice. Which land would be subject to

keeper-induced registration? When would registrations begin? What fees would be payable? I am grateful to the minister for the clarity that he has provided on some of those issues.

Another issue is that even if there is no fee, expense will be occasioned to landowners in checking the land register and the work that has been done by the keeper. It must be borne in mind that even with a zero fee the exercise is not without cost to landowners.

Fergus Ewing: I will consider further and respond in due course on reduced fees for voluntary registration. Does Mr Fraser agree that there is an incentive for voluntary registration of, for example, large landed estates, because the current ad valorem fee does not reflect the actual cost to the keeper of carrying out the work for those complex cases? Therefore, there is an incentive to landed estates and even to large estates that are held in the public sector, such as Forestry Commission estates, to take advantage of what might be regarded as bargain-basement fees, according to the existing table.

Murdo Fraser: The minister has made a fair point. In his opening speech he mentioned the proposal to introduce time-and-line fees. Higher costs would potentially act as a disincentive, so he is right to say that the current arrangements are more beneficial and might encourage voluntary registration.

It is worth bearing it in mind that the biggest landowner in Scotland is probably the Scottish Government, through its various agencies. Many public agencies and charities also hold large tracts of land. When we talk about landowners, we are not necessarily talking about people who have large resources at their disposal.

The committee considered the high cost to the public of trying to resolve disputes, given that the keeper cannot adjudicate where there are competing claims. The committee heard a lot of evidence about the high costs to the public of having to resolve land registration disputes through the court system. I was interested to read in *The Scotsman* this morning that our erstwhile First Minister, Lord McConnell, has been embroiled in a court action with his elderly neighbour over ownership of a coal shed in the boundary of his garden, which perhaps demonstrates how issues can get blown out of proportion and the cost of resolving them through the court system can be disproportionate to the value of the land involved. The committee suggested that a lower-cost option would be to use the Lands Tribunal for Scotland to consider boundary disputes.

Fergus Ewing: I do not want to interrupt the flow of Mr Fraser's speech too frequently, but I ask

him—as one solicitor to another—whether it is fair to say that the high cost of disputes has more to do with solicitors' fees than with the keeper's fees.

Murdo Fraser: That is a fair point, although I am sure that when Mr Ewing was in practice he was very reasonable in the fees that he charged—as, indeed, was I.

The offence in section 108 probably caused the most heat in the evidence that the committee heard. The committee heard that it is a significant additional measure to tackle serious and organised crime, specifically in relation to mortgage fraud, but we also heard a lot of evidence that the scope of the offence is too wide and could cover genuine mistakes by solicitors. Section 108 does not mention fraud, even though it is intended to deal with fraudulent behaviour, and it provides no detail on what solicitors need to do to ensure that they are not prosecuted for recklessness.

The committee welcomed the minister's commitment to consider the wording of section 108, with a view to providing much-needed clarity, and I welcome his comments about consultation of the Law Society of Scotland on the provision.

The committee raised other issues, which I do not have time to cover in detail. I will briefly mention prescriptive claims. The majority of the committee took the view that the Government needs to consider a more public process for advertising land where there is an application for prescriptive acquisition. I and one other member of the committee dissented from that view, but I acknowledge that the issue generated much public interest.

My time is almost up, so I say in closing that the committee said unanimously in its report that completion of the land register of Scotland is a worthwhile objective. However, we believe that the register should not be completed at the expense of quality; that is an important point to bear in mind. We hope that the bill and our report's recommendations will go a long way towards increasing the number of land registrations. We therefore commend the bill to Parliament.

13:50

Rhoda Grant (Highlands and Islands) (Lab): I associate myself with the thanks that Murdo Fraser and the minister offered to those who provided evidence to and assisted the committee. The bill is largely technical, so that assistance was very much required and appreciated.

Much of the bill has been well received and is widely recognised as being required to improve the land registration process. The bill is largely technical, but it raises some policy issues, and it is

disappointing that those issues have not been properly thought through.

There was an opportunity to continue the land reform process that the Labour Party started. In coalition with the Liberal Democrats we made a lot of progress, but there is much left to do. In opposition, the Scottish National Party signed up to many such reforms, so it is disappointing that it has not taken up the baton and continued to push forward.

One omission from the bill is on the need to register the beneficial owner of property or land. Much of the land reform legislation was based on the need to know who owns estates in Scotland. If land was owned by a company that was registered in Liechtenstein and those who lived and worked on that land could not speak to the owner, they would be unable to develop economically.

Mike MacKenzie (Highlands and Islands) (SNP): Is it the Labour Party's position that only companies or individuals who are resident and domiciled in Scotland should be able to buy land in Scotland?

Rhoda Grant: No. If Mr MacKenzie listens to the points that I will make, he might understand where I am coming from.

The land reform legislation was based on the need to know who owns land. The right to buy was introduced to allow communities to take economic drivers into their own hands. If a community cannot speak to a landowner, it can at least take back the drivers for itself. However, not every community is able or wishes to do that, so it is important to know who owns the land on which people live and work.

Registration of the beneficial owner would cut the opportunity for people to use land ownership to cover illegal or fraudulent dealings, such as money laundering and tax evasion. Andy Wightman suggested that, in order to own land in Scotland, a company should need to be registered in the European Union and therefore subject to EU legislation. Large global organisations normally register a local subsidiary when starting a business, so that would be no barrier to them. However, the committee heard that the owner of an EU-registered company could easily be a company that was registered somewhere else in the world. The proposed approach would give a signal, but it would not in itself close the loophole.

On the other side of the argument, beneficial ownership needs to be registered in a way that does not unreasonably delay registration or, indeed, restrict registration and ownership to those who are in Scotland. The minister had and still has the opportunity to examine that further before stage 2, so I urge him to consider how we can register beneficial ownership to make land

ownership in Scotland much more transparent, so that people who live and work on the land know who owns it.

Probably one of the most contentious areas of the bill is the amendment of legislation on prescriptive claims. Currently, when land has no clear owner and has been abandoned, it can be prescriptively acquired—basically, people can take ownership and register the land to themselves after a period. A process for bringing apparently unowned land back into economic use without the owner's permission is required. If that cannot be done, development will stall.

However, the system that is currently in place allows unscrupulous people to land grab. If such people see that land is unused, they can go through the process to acquire it for themselves and sell it on when they have a clear title. The bill will tighten the process and make it longer—the land will need to have been registered for 10 years before ownership is conferred—which is an improvement. As the minister said, the bill provides that such land must have been vacant for seven years prior to registration. I welcome his intention to amend that provision, because clarifying the position for that length of time is seen as being extremely difficult.

We need a mechanism to deal with land that has no owner, but the current system is open to abuse. We need to go back to first principles to develop a way forward. The current system is used when there are mistakes in the register; when, for example, a strip of land has not been registered properly and when land is ownerless. We should have different systems to deal with those issues. When there are mistakes, the keeper has the power to amend the land register and to rectify them, but we also need a dispute resolution system. If the owner of land cannot be traced, however, we need another process that will allow the land to be brought back into use but will also ensure that it cannot be abused. That process must also ensure that the land is put to the best use for the public interest. The process must have checks and balances, and every effort must be made to trace the true owners and to ensure that, if an owner does come forward, their property will be reinstated to them or that they will, at least, be compensated.

We also need to consider mechanisms to register common land. No organisation has a duty to do so, which leaves such land open to prescriptive acquisition. The committee has suggested that public bodies, such as local authorities, should have a duty to register common land to protect those areas for their communities.

There are several types of common land, such as commonies, land that is bequeathed to the community, and land that has been purchased by

the community. I am sure that there are many other variations on that theme. Land being purchased by the community is a relatively new concept and I am sure that most such land will already be properly registered. Commonities are an ancient form of community land ownership and there are very few left because of acquisition of land, so we need to move to protect those that are left.

Land that has been bequeathed in the past is also difficult to identify, but it needs to be registered for protection, so the Government needs to give that issue more consideration before stage 2.

In order to identify the owners of land, the register needs to be accessible to the general public. We need the register to be available electronically and for that access to be affordable for the general public so that people can scrutinise the register to ensure that they know who owns their land.

The bill is required and it has been widely welcomed, but the Government is missing an opportunity to do something radical that would make a difference to land ownership in Scotland. It is not too late and I hope that the Government will take up the challenge before stage 2.

13:57

Annabel Goldie (West Scotland) (Con): It is a challenge to bring some verve and spice to the issue of land registration. The subject does not brim with pulsating excitement. Things were a lot more colourful when buyer and seller exchanged clods of earth to reflect the sasine of acquired ground. I declare an interest as a former solicitor who practised conveyancing.

All the complex, technical and rather dry environment surrounding registering a title to heritage in Scotland should not blind us to the important function of giving a purchaser or an existing landowner a good title in law, and a secured creditor a good security. Without those components being delivered in an efficient and cost-effective process, much domestic conveyancing could grind to a halt and, on the commercial front, Scotland could become an unattractive destination for doing business. In modernising and improving the function of land registration, an important balance has to be struck.

My party accepts the need for that modernisation and, within the constraints of the time I have available, I will restrict my comments to the particular areas on which I would like the minister's input. I also pay tribute to the Economy, Energy and Tourism Committee. I found its report to be very informative and helpful.

The objective of completing the land register is essential and the statutory changes that are proposed to achieve that are positive. However, if voluntary registrations are cut off at the pass by excessive registration fees, progress will not be made. That is a fact. I urge the Scottish Government to produce the carrot in the form of voluntary registration fees that act as an inducement. There could be a trial charging regime for a fixed period to assess the response. If the fees in Scotland are significantly greater than those in the comparable process in England and Wales, that is not a good message.

I accept that keeper-induced registrations are consistent with the ends of the bill, and the minister has sought to clarify the fee-charging mechanism, to some extent. I am still unclear about how the proposal will work in practice, so I urge the minister to spell that out in more detail. It is not only the involvement of the landowner that is significant; it is also about intimation to any secured creditor who has an equivalent interest. Without that clarification, the retention of section 29 will be problematic.

Nothing could be more vital than the technical issue of the land register's accuracy. There are problems with the scale of the Ordnance Survey map, particularly for remoter geographical areas. Interestingly, those problems also existed in the old sasine system, which depended on a combination of plans and a series of written descriptions of physical boundaries such as walls, hedges, burns and rivers. I suggest to the minister not only that such additional information should be a minimum requirement to accompany a land registration application, but that the documents should be retained by the keeper for the purposes of archive information and that they be accorded legal status. A professionally drawn surveyor's plan that is fully measured to reference points of an area of ground is the most accurate description that the keeper can procure. An Ordnance Survey map cannot match that degree of accuracy. That additional information can only help the keeper and make the land register more robust. That is why, without legal status for such plans, the inherent weakness of title depending on an Ordnance Survey scale that is too small for purpose remains unaddressed.

On electronic conveyancing—a bewildering concept to an old bird like me—I share the committee's rejection of making it compulsory. The opportunities that will be provided by, and the potential of, proceeding with automated registration of title to land are obvious, and the committee was right to raise the twin issues of cost and safeguards.

The provision that troubles me most is section 108, in which the theory of box-ticking usurping

common sense seems to have manifested itself. I do not know who is responsible for the inclusion of section 108, because it does not seem to have many friends. It was not in the original Scottish Law Commission bill, it was not consulted on, and it did not seem to find support from witnesses or in written evidence to the committee. At present, any party or agent—whether purchaser, landowner, heritable creditor, solicitor, surveyor or other adviser to a land registration application—who is dishonest and who, through dishonest conduct, knowingly induces a registration of land, is committing a serious criminal offence and can and should be prosecuted under existing law. The proposed new law is unnecessary and grossly disproportionate. I urge the minister either to remove section 108 or to amend it heavily.

Genuine error is a separate issue. I am concerned that section 33(1)(b) will give a power to the keeper that could be used excessively, to the detriment and prejudice of purchaser applicants and their heritable creditors. Rejection for a serious error or a material omission is one thing, but rejection on any other grounds seems to be irresponsible and could seriously prejudice a creditor's interest.

Finally, anything that replaces letters of obligation has to be very good. I still recall the spasm every time I signed a letter of obligation, knowing that I was personally guaranteeing the wellbeing of my partners and my firm—an onerous undertaking for which to be responsible. I welcome advance notices and support the motion.

The Presiding Officer: We now move to the open debate. I remind all speakers that they have a fairly tight 10-minute time limit. *[Interruption.]* I am sorry: I meant to say four minutes.

14:03

John Wilson (Central Scotland) (SNP): I speak as a member of the Economy, Energy and Tourism Committee, which held a number of evidence-gathering sessions as part of its detailed examination of the Land Registration etc (Scotland) Bill. In addition to taking oral evidence, it also gathered detailed written evidence, which was received on an almost weekly basis from organisations that wanted to get their point across to the committee.

The bill aims to introduce an element of modernity and reform and to restate the law in relation to the registration of rights in the land register. The committee's stage 1 report on the proposed legislation notes that

"the powers contained within the Bill for increasing land registration will assist in securing the desired objective of a complete Land Register."

One of the issues of concern for the committee was whether the bill would help to provide a complete land register once enacted. We were concerned that we were not progressing quickly enough towards a complete land register in Scotland.

During the committee's evidence-gathering sessions, it became clear that progress since the passage of the Land Registration (Scotland) Act 1979 has been painfully slow, hence our suggestion that it would be desirable to set targets—even interim ones—in the bill. The minister addressed that issue when he gave evidence to the committee, but the committee felt that it would be useful to have at least some targets in the bill that we could try to work towards. One overriding objective of the proposed legislation is to have the fastest method of completing land registration efficiently, with sufficient safeguards built in to maintain robustness.

The committee held five evidence sessions, during which the automated registration of title to land system was raised as an issue. I welcome the minister's commitment to raise with the keeper the matter of an upgrade. Behind such mechanistic processes, there is usually a human cost that needs to be considered. I hope that the proposed legislation will go some way towards tackling that issue.

There are also issues with prescriptive claims. The committee discussed how to deal with such claims and how they should be advertised. One solution that I came up with is to use the same process as is used in planning applications, so that anyone who makes a prescriptive claim would have to notify neighbours on surrounding land, who could then intervene or comment on any acquisition that was sought through a prescriptive claim.

Section 108 concerned the Law Society of Scotland and others. It is a key principle of the bill that giving the keeper a materially false or misleading statement will be made a statutory offence. I recognise that the Solicitor General for Scotland, Lesley Thomson, and the minister believe that the measure should be enshrined in legislation so that they have the legal force to deal with serious and organised crime. I also recognise that there is a significant problem. The bill attempts to address some of the concerns that have been identified with the process, particularly in relation to organised crime, in relation to which redress has been somewhat limited.

In oral evidence to the committee, the Solicitor General highlighted the importance of creating an offence to deal with structured criminality. That evidence was reflected in the committee's stage 1 report. I welcome the Solicitor General's desire to

discuss with the Law Society of Scotland what further guidance and advice could be provided to solicitors when the proposed legislation becomes statute.

I welcome the stage 1 debate and the broad principles in the bill. I look forward to the bill coming back to the Economy, Energy and Tourism Committee. I thank all those who provided written and oral evidence. I also thank the clerks and the committee adviser, as well as my fellow committee members, who scrutinised the bill at stage 1.

14:07

John Park (Mid Scotland and Fife) (Lab): I thank the clerks for the support that they gave me as a new member of the Economy, Energy and Tourism Committee when I started in January, just after the Christmas break. On an issue such as the Land Registration etc (Scotland) Bill, with members going from a standing start, the support that we receive from parliamentary staff is important. I thank my fellow committee members for the warm welcome that they gave me. Perhaps that was because they were pleased to have me to share the burden of the bill, although I am sure that it was a wee bit more than that. There has been a steep learning curve for all of us, me included, on land registration, but we were boosted by the understanding and knowledge of those who gave oral and written evidence to the committee. As the committee's work progressed over the past couple of months, we began to appreciate the expertise in and understanding of the issues that are out there.

One key issue, which John Wilson mentioned and which I think is the most important factor, is about ensuring that we start to complete the land register. I was amazed to find that, although it has been 30 years since the initial legislation was introduced, only 21 per cent of the landmass has been registered. If the bill does anything at all to improve the opportunities to increase the amount of land that is registered in Scotland, whether through voluntary means or some form of enticement, that would be a success in itself. However, in trying to do that, although it is important to have something in the bill, the net result is that we need to ensure that we have sufficient resources to make it happen. We have spoken about the keeper's reserves, and we need to see where the deliberations on that take us. I hope that resources will be made available to increase the amount of land that is registered in Scotland.

I am keen to highlight a couple of things about electronic documents and the accessibility of the land register. Those are important issues for people outside the Parliament who are trying to engage with the land register and people who are

trying to conclude as quickly as possible their deliberations with the legal professionals who are acting on their behalf. For example, a local group in my area wanted to find a bit of land that would be suitable for them to build a sports facility on. Although they were able to bring partners together and find information about a range of things, particularly funding, they found it difficult to engage with the land register. There are a number of websites that tell us how much houses cost. I wonder whether we might be able to get a system in place in which someone could press a button and identify the piece of land that they wanted to use, getting the information quickly online instead of having to go through the rather laborious process that people have to go through now of checking and identifying the land on Google maps. If the bill could set up an electronic system that improved the opportunities for consumers, that would be very welcome.

On section 108 and the offence provision, I was quite confused about the evidence that was provided. Most committee members were concerned about the lack of real evidence that the section would make a difference, so I appreciate the minister's comments today about guidance being produced by the Law Society and the keeper. I look forward to seeing that.

I thank again those who have given evidence to the committee and hope that we can get a workable bill as we move forward.

14:12

Mike MacKenzie (Highlands and Islands) (SNP): I am pleased to have the opportunity to speak in the debate. Although I am what Murdo Fraser has described as "a non-lawyer"—I wonder whether that is a Latin legal term—in my previous career I had various practical experiences of the difficulties that are sometimes presented by our system of conveyancing and land registration. I compliment my colleagues on the Economy, Energy and Tourism Committee on a good example of working together in a largely consensual but effective manner in our scrutiny of the bill.

An effective land registration system is of fundamental importance in a property-owning democracy. Although I support the general aims of the bill, it is unfortunate that we do not seem to pay sufficient tribute to our original register of sasines. Cumbersome as it now is, it has operated fairly well over a considerable period and we must be careful that our efforts to modernise the system do not have unintended consequences. It is easy to criticise the old system. While it is true to say that there are many old titles that are vague or inaccurate, it is also true to say that some titles approach the level of works of art in their efforts to

describe and define properties accurately. As a body of documentation, they describe much of the history of our country and are a tribute to our legal profession. They remain a valuable resource and, where possible, should be used to clarify current title certificates.

Modernisation presents considerable challenges. The Ordnance Survey map is not always as accurate as it ideally should be, especially in rural areas, which has given rise to historical errors and continues to give rise to errors. With modern global positioning systems and other surveying systems becoming increasingly capable of affordable accuracy, many of those errors are coming to light for the first time. Human error, whether from historical bad drafting of titles or from errors in first registrations, must also be acknowledged. Any modernisation system must provide an efficient and cost-effective mechanism for the resolution of those mistakes.

I am glad that the bill also contains proposals to improve the situation regarding a non domino acquisition, as such acquisitions often present opportunities to correct historical errors or unfairnesses.

We received a lot of evidence from Andy Wightman. I have a great deal of respect for him and the idealism that he advocates, but his suggestion that we should advertise or hold auctions of land of unknown ownership could give rise to profound practical difficulties. Nevertheless, I congratulate him on his recent book, which is a readable and lucid account of what can, in less capable hands, be a dry subject.

Finally, I must support my friends in the legal profession who are rightly concerned about the proposal in section 108 to introduce a criminal offence for what might be innocent errors on their part. That might create onerous obligations on them and on buyers or sellers, who would be required to protect their innocence. I was glad to hear from the minister that he will think carefully about that aspect of the bill.

14:16

Stuart McMillan (West Scotland) (SNP): As one of the non-lawyers on the Economy, Energy and Tourism Committee, it was with a sense of trepidation that I started out on my journey through scrutiny of the bill. At the informal briefing session that we had before our scrutiny began, the bill was described as largely technical, but when we went through it, a number of issues were highlighted, none of which was merely technical.

We have already heard about section 108, and I warmly welcome the minister's comments on that in his opening speech. He and other members touched on the issues that are highlighted in the

committee's report. I am sure that the constructive approach that we have seen so far in the committee will continue.

The bill is welcome because it will update the land registration process. I agree with Murdo Fraser's comments on those who have participated in the bill process, and all who have assisted the committee. I particularly thank Ken Reid, the committee's adviser, who managed to put some technical terms into layman's terms for the benefit of the non-lawyers on the committee.

One area of the current system in which deficiencies have been highlighted is the automated registration of title to land system. We were told in both written and oral evidence that that system is clunky, is deemed to be inefficient and difficult to use, and is not well used. Given that the purpose of the bill is to ensure that more of Scotland is on the land register, the technical issue with the ARTL system needs to be resolved.

The committee whole-heartedly supports the proposal to allow e-registration as that should make registration easier and more accessible. However, if the ARTL system is not improved, the policy will face technical difficulties. The sector has already bought into the idea of e-registration despite the fact that there has not been much take-up. To ensure that the buy-in is carried through, the keeper needs to carry out widespread consultation and testing.

As someone who worked in the information technology sector for a time some years ago, I understand that technology and software rapidly become out of date when they leave the factory. As a result, futureproofing any IT system is a tough challenge, irrespective of the sector for which it is designed. It is imperative that systems are designed with input from those who will use them, and that is particularly true in the area that we are discussing today. Furthermore, I am sure that the financial benefits of such a system will help both the sector and the end customer—the individual who is buying or selling a property.

I have focused my contribution on the issue of the ARTL system because of my background in the IT sector, which meant that I could understand it easily, and because of the importance of e-technology to the Scottish economy. The bill represents an opportunity to bring Scottish land registration into the 21st century, and e-technology can play a massive and major part in making that happen successfully.

14:19

Hanzala Malik (Glasgow) (Lab): This is an interesting topic. I have witnessed huge amounts of difficulty overseas, in particular for farmers who have smallholdings. When an inheritance has

gone unregistered for many years, the true inheritors, what land they own and where it is all need to be identified. We will face similar, historical difficulties here.

However, I want to talk about another area. There is a moral responsibility for some of the larger landholders, particularly in Scotland, to register in order to kick-start the process. That would be welcome. Some of the larger landholders, such as the Scottish Government itself and the Ministry of Defence, need to lead by example.

I got a few ballpark figures on ownership from the Scottish Parliament information centre today. In Scotland, the MOD owns approximately 23,500 hectares, and has 541 hectares, or thereabouts, of land on lease. It also has training rights over a further 120,000 hectares—land for non-exclusive use in military training. That is a lot of land, and I wonder how much of it is registered. The MOD also owns sites of great value, including grade A, B and C listed buildings, and sites of special scientific interest, protected areas, conservation areas and wetlands of international importance. With the shrinking of the armed forces, what will happen to those sites? Will they be returned to the national parks or to communities? Recently, I watched a programme about how the Victorians left us wonderful parks in our cities, which their descendants enjoy today. Will some of the MOD's sites be left to future generations of our children and grandchildren to enjoy?

The important thing in all of this is registration. If large corporations and other large landholders are encouraged to register, some of our smaller landholders will be encouraged to do so, too, particularly those in our farming community who are challenged at the best of times, and this is a difficult period for them. To support our smaller landholders, I suggest that we ensure that they at least have free registration in the first instance, especially families who have inherited difficulties and have the complicated task of clearing up previously undone business.

Online registration is very important. I was recently overseas, and saw that India and Pakistan—countries that have been in business for fewer than 70 years—are going down that route. We have a lot to learn from some of the people overseas who have already done this. Registration is absolutely fundamental if we are to have proper, accurate records, and we should all be able to access information about who owns what. Without that accuracy, neighbours who have had good relations for generations can fall out over small differences.

I emphasise that we need to lead by example and ensure that our house is in order before we encourage others. More important, we need to

force the issue of registration, so that we have accurate records.

14:24

Jean Urquhart (Highlands and Islands) (SNP): When I offered to speak in today's debate, I was aware that I would be doing so more from a sense of how important the bill is than from a position of taking an opportunity to show my detailed knowledge of the complexity of land registration and the related legislation. I am neither a lawyer nor a member of the committee, so I am really pushing my luck.

The introduction to the SPICe briefing quotes the Scottish Law Commission as saying:

"Much law is like plumbing: useful but unexciting and seldom thought about except when it goes wrong."

That relates to this very topic.

On "Good Morning Scotland" this morning, only the debate that will follow this one was deemed worthy of attention. Clearly, our Cabinet Secretary for Health, Wellbeing and Cities Strategy has in the Alcohol (Minimum Pricing) (Scotland) Bill a far more sexy subject than the Minister for Energy, Enterprise and Tourism has with land registration. I regret that. I believe that the bill should be of topical interest and that it would be justifiable to debate it on BBC radio. Land ownership should be promoted as something that everyone in Scotland will be affected by and may have direct active involvement with at some point in their lives. The ambition for accurate and accessible registration of land with a system that is transparent and efficient will give Registers of Scotland a reputation for being trustworthy and reliable and the people of Scotland reassurance and peace of mind.

The history of land registration in Scotland is absolutely fascinating. We hope that it might be given some space in a new curriculum on Scottish studies. The present value of land, the lack of available land in communities for social purposes, the prospect of more community land ownership and the future of crofting and agriculture all mean that we should be interested in the bill.

The impact of the land tenure system goes far beyond land use, because it influences the size and distribution of an area's population; the labour skills and entrepreneurial experiences of the population; access to employment and thus migration; access to housing and land to build new houses; the social structure of an area; and the distribution of power and influence. Professor Bryan MacGregor said in the first McEwen memorial lecture:

"In many areas of rural Scotland ... landowners play a crucial role in local development: they are the rural planners."

That was restated in Andy Wightman's book "The Poor Had No Lawyers", which has already been referred to.

It has been calculated that in the past 30 years we have managed to register only 21 per cent of Scotland's landmass. If we were to see no change in the rate of registration, I estimate that we would not have the essential knowledge that we seek on all Scotland's land until 2132. I therefore welcome the bill, which I hope will radically change the method of registration. However, I think that we will do that only if we can make it a more sexy subject and something that everybody realises is important. Perhaps the voluntary registration aspect should be better highlighted. I hope that the minister might be able to do that.

I hope that the bill becomes a hot topic for the minister as it makes its way and that we might yet hear him being interviewed about it by Gary Robertson on "Good Morning Scotland".

14:27

James Kelly (Rutherglen) (Lab): I welcome the opportunity to speak in this debate on the Land Registration etc (Scotland) Bill. As someone who is not a member of the Economy, Energy and Tourism Committee, I compliment the committee's members on the substantive report that they have produced, and I congratulate the clerks on the amount of work that they have clearly put into such an informative report.

It is clear that there is a need for a change in the law and that the 1979 act needs some reform and is no longer fit for purpose. It is silent on some areas, for example, which I know has meant major challenges for those who work in Registers of Scotland. As many people have pointed out, it is quite clear that there has been a lack of registration since 1979, so the issue needs to be taken more seriously. In addition, there are genuine challenges around mapping and how that is dealt with in terms of modern land registration law.

One of the central issues that members have touched on is the completion of the register. As many have said, only 21 per cent of Scotland's landmass is registered in the system, which means that nearly 80 per cent is not registered. The register is therefore far from complete and we need to look at methods of encouraging more registration.

There has been some discussion of fees. As the committee has said, we should consider reducing some fees, particularly for voluntary registration. Looking forward, the Government has to be serious about the fees that it sets if it wants to encourage more registrations.

Registers of Scotland's reserves of £75 million underpin all of that, and any future fee-setting regime must be set against those reserves. Surely we can come up with more realistic fees that can encourage people to register. The situation must be monitored, with transition and timescale targets set to ensure that there is a greater uptake of registration. Closer monitoring will ensure that the matter is taken seriously.

Many members have raised the issue of electronic conveyancing and access to the land registration system. It is vital that that access is taken beyond those who are involved in conveyancing. Members of the general public are interested in land issues. People occasionally come to me, as a constituency MSP, with land disputes, but it is hard to get information. It would help greatly if more information were available through IT. IT can be of great benefit—Stuart McMillan made a number of relevant points about that—and we need an IT system that is fit for purpose. If the current ARTL system does not do the job, we should look at creating a new system, although that would need to be planned properly. We need to listen to those who want to use the system and implement a new one that can be used in future to service not only conveyancers, but the general public.

There are serious issues that need to be addressed in the bill, such as beneficial ownership, which Rhoda Grant made relevant points about. I hope that we can move the bill towards stage 3 and produce legislation that benefits people and helps to answer the eternal question "Who owns Scotland?"

14:32

Paul Wheelhouse (South Scotland) (SNP): I should declare an interest. I worked for BiGGAR Economics when it did the piece of work for Registers of Scotland on the economic impact of its proposals. I was not involved in the study, but I had initial discussions with Registers of Scotland officers in framing the tender that we submitted. I also have a role in the Finance Committee; we had a low level of scrutiny of the bill, so there was not much evidence to go on.

I note that the estimated annual cost of the proposals is £3.85 million against an annual income to Registers of Scotland of £48.6 million, and that it is expected that efficiencies will arise to Registers of Scotland that will partly offset the annual cost. I also note the £19 million cost over the first five years, which puts in context the figures that James Kelly rightly highlighted when he spoke about Registers of Scotland's reserves. Registers of Scotland is quite unusual in the public sector in that it needs to be self-sustaining. Its reserves are therefore an important part of its

finances and of ensuring that it maintains its on-going operations.

The benefits from the bill will not just be to property owners, investors and authorities in reducing potential risks from inaccurate information. I will highlight a few benefits that I am aware of, having worked in the property sector, although not as a lawyer like Murdo Fraser and some other members. I have used the data that Registers of Scotland has produced. It is extremely important that the information is accurate, not only to understand who owns the land, but to understand what is happening in property markets.

Registers of Scotland has substantial reserves, which should keep the costs down. As others have stated, they could perhaps provide some scope for keeping the registration costs down and encouraging voluntary registrations. I noted the minister's comment that, in effect, landed estates have a window of opportunity to increase the amount of land that is registered at an advantageous rate. That is an important point to raise.

I agree with Annabel Goldie on the mapping issues. The suggested tolerances for Ordnance Survey maps of 0.3m to 0.4m might sound accurate to some, but in the context of property they create the opportunity for ransom strips. The strips might be thin but, if there is some doubt about who owns them, they could cause all sorts of problems in securing investment. I agree with James Kelly about the Economy, Energy and Tourism Committee's excellent degree of thoroughness. Paragraph 78 of the committee's report suggests that consideration has been taken of the cost of mapping and that the use of Ordnance Survey mapping should continue, with the understanding that, although it is perhaps not the ideal form of mapping for registration, it keeps costs to a reasonable level.

Paragraph 77 notes that Ross MacKay of the Law Society of Scotland told that committee that

"the difficulty at the moment is that many titles are based on old sasines, which have no maps at all."—[*Official Report, Economy, Energy and Tourism Committee*, 11 January 2012; c 753.]

A map that is not perfect is better than no map at all. That is something to bear in mind.

As a community councillor, I was aware of regular problems in my local area to do with buildings at risk. It is difficult to enable the council to take enforcement action to ensure that a building at risk is maintained or improved if we cannot trace who the real owner is.

On common good land, there is the recent example of a wind farm at Drone hill in the Coldingham area of east Berwickshire. The wind

farm had been approved and it was subsequently discovered that Drone moss, a site of special scientific interest, was technically still owned by the local community of Ayton but no one could identify who the legal owners were. My point is that registration has some practical benefits to local community organisations.

14:36

Rob Gibson (Caithness, Sutherland and Ross) (SNP): As the convener of the Rural Affairs, Climate Change and Environment Committee, I have an interest in the Land Registration etc (Scotland) Bill dovetailing with the Agricultural Holdings (Amendment) (Scotland) Bill and the Long Leases (Scotland) Bill, both of which are before my committee. Registration of aspects of leasing are as important as registration of ownership, and there has been much debate on both bills about ensuring that that happens. It is in our interests that the Economy, Energy and Tourism Committee bears that in mind at stage 2 and ensures that the bills dovetail.

I turn to the excellent report from the Economy, Energy and Tourism Committee and highlight the issue of Ordnance Survey maps. The 6in:1 mile map—or the 1:10,000 map as it is now called—was used for the whole of the Highlands and Islands for many years. It is not up to scratch; it never was. It was not fit for purpose when we were having these debates in the mid-1990s, at a time when land registration was 20 years old. Did anyone ask Ordnance Survey to step up to the plate and get mapping properly? It is a union dividend for us that large areas of Scotland are inadequately mapped by Ordnance Survey. One per cent of the titles of Scotland are affected by the 1:10,000 scale, but of those, many are the largest estates that have never been registered except in sasines, and they are not properly mapped at all.

Why is that important? Crofting communities have a right to buy, and such communities have to provide details in mapped form of the area of which they wish to take ownership. We would therefore expect it to be necessary for landowners themselves to have their land mapped in a modern and up-to-date fashion. There is a direct link here between those issues, which is part of this Parliament's wishes. I know that the Labour Party did not wish to see a map-based register for crofting, but as many people who are registering leases for farms and so on have to do that, Labour should recognise now that landowners should be registered and that crofters eventually will be, too. There has been no secondary legislation on that yet, but it is a point.

Annabel Goldie and others have mentioned fees. I suggest that, for a large estate, the price for

registration is like selling off a couple of housing plots. Large estates are not short of capital for registration, so why are we not making the point that they have got the benefit now of voluntary registration at a reduced ad valorem rate? They should get on with it, or we should find means to ensure that we use the research area approach of the bill not just to apply to cities but to apply to areas in which communities may wish to use the right to buy, because they will have to have accurate maps to do that.

The bill is an excellent start, but it is important for Scotland's future that the timeframe for the completion of the register is speeded up, because 30 or 40 years might not be a long time in land ownership, but it most certainly is when it comes to getting an up-to-date register that people can access electronically. Registers of Scotland's mapping working group should ask Ordnance Survey when it will step up to the plate. We know that, during the Thatcher era, Ordnance Survey was cut back and was made to be a business, but it is supposed to be a service. Instead of seeking other means, we should demand that that service is there for us to use in future.

14:40

Patrick Harvie (Glasgow) (Green): I strongly commend Rob Gibson for much of what he said. In addition, I thank everyone who contributed to the committee's work, in whatever capacity.

My fellow members of the committee will not be astonished to learn that, in much of my speech, I will refer to the evidence of one particular witness but, before I come to Mr Wightman, I want to welcome the bill's overall purpose—the completion of the land register of Scotland.

However, like some other members, such as John Wilson, I wonder how the completion of the register can be compatible with a bill that does not set out a timescale for its completion. We should be asking, and the minister should be able to say, how complete the register can be expected to become and how quickly, and whether it will be possible for it to be completed without greater use of keeper-induced registrations. There is currently a presumption against the use of keeper-induced registrations. For how long can that go on? Do we expect to achieve 50, 60, 80 or 90 per cent completion of the register? Will the final 5 or 10 per cent of the register be completed without the use of induced registrations? There is a role for targets, as the committee recommended in its report.

Andy Wightman's contribution to the debate began with the observation that the bill has been presented as a largely technical bill, yet it represents the first opportunity that a

democratically elected Scottish Parliament has had to consider the legal basis of land registration in Scotland. His position is that opportunities might have been missed to engage with wider issues of public policy and public interest, some of which have been mentioned. How should we deal with abandoned land? Should we simply continue—albeit with slight restrictions—the prescriptive acquisition process, or do we need a more public process to ensure that other parties who may have a legitimate interest can express it and have it considered? It may well be that there is not a one-size-fits-all solution, and that different means of disposing of land that has not had an identified owner will be appropriate in different circumstances. I would like to hear the Government's view on that.

Several members, including Rhoda Grant, have mentioned common land. I am glad that the committee supported the in-principle objective that Andy Wightman has sought to achieve, and the objective on access, because we are not doing as well as England and Wales at providing easy and affordable access to land register information.

The most significant issue that I want to address is beneficial ownership. Andy Wightman's view is that registration should be conducted by a European Union-registered body. There are other views. Andy Wightman cited Andrew Edwards's mentioning of the need for disclosure of the true or beneficial owners of registered properties in cases in which they differ from the nominal owners.

With the bill, we have a real opportunity. I recognise that, at the moment, neither the Scottish Parliament nor the Scottish Government has the power to deal with issues such as tax avoidance, but the land registration scheme can act to close such loopholes. Tax avoidance and the use of tax havens have been fundamental mechanisms for the accumulation of wealth by the few against the interests of the many. We have the opportunity, through the bill and through public leadership from the Scottish Government, to say that that is not acceptable and that action will be taken to close those loopholes. The committee's report asks the Government to consider the options, and I look forward to hearing some detail on the minister's consideration.

14:44

Annabel Goldie: It is difficult in an essentially technical debate to introduce ideas and concepts without risking repetition. I prefer to comment briefly on one or two points and leave the minister with more time to respond to the debate. That is not a cop-out on my part, because I was struck during the debate by a number of points that attracted attention from members on all sides of the chamber, not least the issue of voluntary

registration and how we make people register, which is key to the bill's success.

I am pretty relaxed about targets. The much-vaunted target for tourism, for example, was set with the best of intentions, and now everyone keeps hanging their argument on it. The lesson to be learned is that, if the bill changes things for the better, we should assess the practical consequences of its implementation and consider whether adjustment or change is necessary.

I was struck by some of the contributions on inducing greater voluntary registration. Hanzala Malik made an interesting point about large landowners such as the MOD. The MOD may well be amenable to an approach, and other larger landowners may take the same view. I noted that James Kelly and Paul Wheelhouse share my view that the charging mechanism could be the key, and I would like to hear the minister's comments on that.

On the accuracy of the land register, members such as Paul Wheelhouse made some good points about the genuine practical problems, particularly for remoter rural areas. Rob Gibson made an interesting point, but I am not quite sure whether I understood him completely. He seemed to be focusing on the OS map as the problem, and arguing that we should make that better. My concern is that, at present, I do not think that we can make an OS-based system better at dealing with issues relating to plots in rural areas on an appropriate scale. One line on an OS map may be a difference of several metres on the ground, which could be critical for the accuracy of title conferment and title interpretation. I go back to the point that we must ensure that the keeper is armed with all the ancillary information that she can get. There is a huge obligation on the registration applicant's solicitor to provide as much information as possible. That may include professionally drawn surveyor's plans and—as Mike MacKenzie indicated—information that is held in the old sasines system.

Surely whatever informs the keeper about how to register a title is worth while only if it is given some type of legal status in the archive. Otherwise, where is the keeper to go when there is a subsequent registration application? I would like the minister to comment on that.

It was no surprise to hear that a number of members on all sides of the chamber have profound concerns about section 108. Obviously, members of the minister's own party were a little more circumspect in their observations, while others, such as myself, were a little blunter, but I would like to hear the minister's further comments in that regard.

14:48

Ken Macintosh (Eastwood) (Lab): I acknowledge that, although the bill is largely technical, most of its proposals have been welcomed and are required if we are to improve land registration.

There is no doubt that a modern and effective system of land registration is important for any modern economy. Much as the communist in me—I am sure that the minister looked up with a start to see that Red Ken is now standing in the chamber, so I will put it differently. Much as the idealist in me struggles with the concept of us as mere humans asserting our rights to mountains and rivers, which will outlive and outlast us all, I appreciate that our banking, business, trade and credit systems rely on securing title to property and land. I understand that the property market in Scotland was worth approximately £24 billion the year before last, so the bill is an important and worthwhile measure.

The background to the bill lies, as many members, including the minister, highlighted, in the gradual replacement of the 17th century register of sasines with the land register of Scotland. Although the changes have been taking place since 1979, so far just over half—55 per cent—of Scotland's 2.6 million units of property have been switched. The figure for the land area that has been covered is much lower, with only 21 per cent of Scotland's landmass on the register.

As Paul Wheelhouse, John Wilson, John Park and others said, the completion of the register is a practical and important step that will make a difference for many communities.

The reason why there is a gap in the transfer to the land register is mainly that the principal way in which a property enters the land register for the first time is through its sale. The bill will update the law on registration. It will enable electronic conveyancing and, in due course, it will provide for the closure of the register of sasines. It makes provision for four measures that are designed to ensure the eventual transfer of all property in Scotland to the land register.

As my colleague Rhoda Grant suggested, the only disappointment with the bill is that it misses an opportunity to move the land reform agenda on apace. There is a timely article in today's *Scotsman*—not the one about my former colleague Jack McConnell but the one by Brian Wilson—which I encourage ministers and members to read. It highlights some of the issues around land ownership that still bedevil communities around Scotland. Mr Wilson says that, despite the Parliament's early achievements, such as abolishing feudal tenure, guaranteeing the

right to roam and introducing the community right to buy, Scotland continues to have

“the most inequitable distribution of land ownership in Europe”.

As I suggested earlier, I struggle with the concept of owning a mountain or a river, and it is jarring to see absentee millionaires and billionaires buying up Scottish islands and estates while local people on those estates struggle to make a living. Like Andy Wightman, who was quoted favourably by my colleague in the Green Party, Patrick Harvie—sorry, Patrick—I believe that it is offensive that there is such difficulty in finding out who owns land in Scotland.

I was going to quote the case from 10 years ago that involved the MacLeods in Skye claiming ownership of the Cuillins and trying to sell them on. That case was resolved, but other members, such as James Kelly, have reminded me of constituency cases that are far more practical and which involve areas of land in suburban and urban areas whose ownership is unknown and which are therefore not maintained and become litter infested and overgrown. Being able to identify the owner of those pieces of land, which have become nuisances, would improve the environment and therefore provide a great service to many communities.

It is worth highlighting that the issues of land reform and the transparency of land ownership are not just relevant to rural areas. When residents of Neilston, which used to be in my constituency but is now admirably represented by my colleague Hugh Henry, were faced with the closure of the last bank in the village, they used the Scottish Parliament’s land reform legislation to buy the property for the community. The benefits have not simply been about the use of that building, because the Neilston Development Trust has become a driving force for improving the landscape of the village, bringing people together for events and other activities, and the trust is now on course to establish the ownership of a wind farm, the income from which will go directly to the village. That demonstrates that what on the face of it looks like an issue to do with property and land ownership is, in essence, about the rights, needs and wishes of the local community.

Like many members, I am grateful to the Economy, Energy and Tourism Committee for the work that it has done to highlight a number of issues in the bill, particularly the issue of beneficial interests and ownership, with particular regard to the transparency and accessibility of information relating to that issue. The bill does not do quite enough in that area, so I am pleased that the committee has recommended that

“the Scottish Government should reflect further on options for ensuring that the land registration system reduces the

scope for tax evasion, tax avoidance and the use of tax havens, and that the Government should explain prior to Stage 2 what additional provisions can be included, whether in the Bill or otherwise, to achieve this objective.”

Similarly, on access and transparency, the only electronic system that is in place is predominantly geared towards lawyers and conveyancers. I am pleased that the committee has flagged up that point and I whole-heartedly agree with its recommendations in that regard.

I would like to raise some other points—about prescriptive claimants; common land; and section 108, which I noticed was raised only by the lawyers or former solicitors in the chamber, but is still an important point—but, given that my time is up, I will end by welcoming the work of the committee and saying that I am pleased to support the general principles of the bill.

14:55

Fergus Ewing: I have thoroughly enjoyed the debate. There have been useful contributions from all sides. If I do not reply in my short speech to some of the suggestions and, in particular, questions asked of me, I will ask my officials to ensure that I do so before stage 2 begins.

I was not entirely expecting the revelation from Ken Macintosh that part of him is a communist. As far as I can recollect, we did not hear much about that during his leadership campaign, but it was an engaging revelation.

In the light of that, I begin by addressing the remarks that Rhoda Grant, initially, made about the land reform agenda. The purpose of the bill is not to reform the law of property but to update, modernise and make more efficient, accessible and user friendly the law of registration of property in Scotland. That may be a pedantic, lawyerly point—others will be the judge of that—but this is therefore not the forum for reform of our property law, although I fully recognise the deeply held views that many members, from most of the parties represented in the chamber, have on the matter. In making that point, I do not belittle the arguments that were put, nor do I dismiss out of hand the points that were made; it is simply that it is not the function of the bill to deal with those matters.

Nonetheless, as a minister who always prefers to concentrate on the good news rather than the negative, I am sure that Rhoda Grant will join me in congratulating the Scottish Government on the announcement on 20 February that the Scottish land fund will help more rural communities purchase their own land, with £6 million available over the next three financial years. I am sure that that point is understood.

Beneficial ownership was raised, but that, too, goes beyond the province of the bill, because the position of the keeper is that the keeper must register who owns the land of Scotland. That is the keeper's duty on receipt of an application for registration of land. It is not the purpose of the keeper to reform the law of trusts, of companies or of taxation. Indeed, the latter matter is largely reserved to Westminster.

Patrick Harvie *rose*—

Fergus Ewing: I will carry on for a bit, if I may.

Mr Harvie acknowledged that point, as did others. I can tell him that we have had some discussions on the matter and officials are looking to see whether we have the powers to deal with any of the matters referred to in relation to beneficial ownership, which might reduce the scope for tax evasion, tax avoidance and the use of tax havens but—before Mr Harvie gets up—I do not want to raise his hopes, because I think that that would require the transfer of the powers to the Scottish Parliament.

Patrick Harvie: Will the minister allow his officials to have discussions with Opposition members prior to stage 2, so that we understand the limits of what the Government thinks it can do and can lodge the most useful amendments on the issue?

Fergus Ewing: I always do that.

Why are reserves necessary? First, because the keeper cannot have access to consolidated funds; she must balance her budget. She does not have recourse to knock on Mr Swinney's door and ask for a top-up because things are not going well. The reserves have been far in excess of £75 million in the past 10 or 15 years. In a sense, that is a good thing, because it has allowed the keeper to deal with the losses that have been incurred over the past few years.

I draw members' attention to the fact that applications have reduced from 438,000 in 2007 to only 245,000 in 2010-11. They have nearly halved, so the income from them has nearly halved. The keeper must have reserves to deal with the loss-making potential because, sadly, such situations arise.

Secondly, the keeper needs to keep reserves because land registration provides a state-backed indemnity. If something goes wrong, we pay out. That is one benefit of land registration. In one case south of the border, in England, our colleagues had to pay out £8 million for one case, so members can see that the keeper needs to be prudent.

The keeper also needs a reserve for investment in, for example, ARTL. In that context, Stuart McMillan sensibly devoted his speech to a

practical matter. I take seriously the evidence that we heard from various solicitors about the ARTL system's efficiency, and we will ensure that we consult on all such matters.

How long do I have, Presiding Officer?

The Deputy Presiding Officer (John Scott): You have another four minutes.

Fergus Ewing: Oh good. I thought that I needed to finish.

Alex Johnstone (North East Scotland) (Con): Oh, no.

Fergus Ewing: Members will be relieved that there was no premature conclusion to my remarks and that I am allowed to say a little more, which is jolly good, of course.

Liam McArthur (Orkney Islands) (LD): Will the minister take an intervention?

Fergus Ewing: Well, why not?

Liam McArthur: I am grateful to the minister for taking an intervention while he gathers his thoughts. I am sure that, like me, he has been having flashbacks this afternoon to his experience of the Crofting Reform (Scotland) Bill. He visibly winced when Paul Wheelhouse referred to ransom strips.

I think that every speaker has talked about the importance of accelerating the process of registration. I would not necessarily subscribe to the view that a target is needed. However, during the passage of the Crofting Reform (Scotland) Bill, ministers were willing to give an indication of the rate at which they expected mapping to take place, through community mapping or whatever. Can the minister give an indication of the timeframe that he expects is likely for progress to be made on registration?

Fergus Ewing: I cannot really, although I discussed the matter with Rob Gibson in John o'Groats on Monday—and indeed in Thurso and Wick. The matter is important, but it is not in itself impeding the ability of people to develop businesses, jobs and opportunities. The primary purpose of the register is to provide a safe, effective and reliable means of transacting property in Scotland, as Mr Malik said. It is a commercial tool, first and foremost. That is its purpose and its function, and that is its benefit, as Ms Goldie said.

Of course we all want to complete the register as quickly as possible, but the only way to do that would be by making registration compulsory, which would require people to pay fees to lawyers and to the keeper. We do not think that that is reasonable, especially in a recession. There are fine judgments to be made about whether public bodies use their scarce resources to spend money

on voluntarily registering large tracts of Scotland. There is a case for an upgrade, as it were, in the number of titles of large properties, whether in the private or public sector, and I have argued that the current fees structure creates an in-built incentive to register. I have discussed the matter with, for example, Scottish Land and Estates, and I think that there was a meeting of minds about encouraging but not requiring registration.

On keeper-induced registrations, I say in response to Annabel Goldie that section 29 is necessary, because there will be properties that the keeper, using her judgment, will feel that it is sensible to include, to complete the register. For example, if Acacia Drive has 29 semi-detached properties, one of which is not registered, it is advantageous to the keeper to bring the final property on to the land register. I think that people can see the sense of that from a practical, operational point of view. In those circumstances, there would of course be no fee to the person who was required to register their title.

Hanzala Malik: Will the minister take an intervention?

Fergus Ewing: I just want to finish my response to Mr McArthur, who quite rightly raised the issue—he did so in a perfectly fair way, which summed up the tone of today's debate. We all want the register to progress as quickly as possible. We are using the voluntary registration method and the word "voluntary" is key; we want to encourage people to register and not compel them to do so.

I am happy to take another intervention—I see that I do not have time to do so. I have to close, and so soon.

I am grateful to the committee for its work, which helped us a great deal. There is much work to be done at stages 2 and 3. Section 108 is entirely necessary and is supported by the Lord Advocate, the Solicitor General for Scotland and the Scottish Crime and Drug Enforcement Agency. Honest solicitors have nothing to fear, but the tiny minority of dishonest ones will not be happy when the provisions on the new offence become law. It will be a very good thing to stamp out mortgage fraud in this country.

Alcohol (Minimum Pricing) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-02305, in the name of Nicola Sturgeon, on the Alcohol (Minimum Pricing) (Scotland) Bill. I call the cabinet secretary to speak to and move the motion whenever she is ready.

15:05

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I am pleased to open the debate on the general principles of the Alcohol (Minimum Pricing) (Scotland) Bill. I do so with a sense of déjà vu, although I hope that that will be dispelled by reaching a different outcome this time from the one the last time the subject was debated.

I thank the organisations and individuals who have helped to shape our minimum pricing policy—some of them are represented in the public gallery. I thank Duncan McNeil and the Health and Sport Committee and its clerking team for the committee's careful and robust scrutiny of our proposals and the considered conclusions that it reached in its stage 1 report. Similarly, I thank colleagues on the Finance Committee and the Subordinate Legislation Committee for the part that they played in scrutinising the bill. I am also grateful to the many and varied witnesses who provided invaluable evidence to the committees.

I offer final thanks to the Liberal Democrats and the Conservatives. I have many differences with them, but it is to their great credit that, since the last vote on the issue, they have decided to join the Scottish National Party and the Greens by giving minimum pricing a chance.

Before discussing the substance of the Health and Sport Committee's stage 1 report, I will take some time to remind members why the measures in the bill are important. I make it clear at the outset, as I hope I have been clear all along, that the Scottish Government is not anti-alcohol. We are not against drinking, but we are very much against the problems that are associated with excessive consumption of alcohol.

The hard fact is that, over the years, Scotland's relationship with alcohol has got increasingly out of kilter and needs to be rebalanced. Since at least 2000, enough alcohol has been sold each week in Scotland to allow every adult to exceed the recommended weekly limit for men. It might be uncomfortable for any of us to admit it, but sales figures suggest that we drink almost a quarter

more than do people in other parts of the United Kingdom.

In the past 15 years, a significant shift has taken place not just in how much we drink but in where we drink. Nearly 70 per cent of alcohol is now sold through the off-trade, and that shift has been driven largely by price and affordability. In 2010, the average price of a unit of alcohol in the on-trade was £1.34, in comparison with just 45p in the off-trade. In real terms, the affordability of alcohol in the on-trade has remained fairly static, but the affordability of off-trade alcohol has shifted significantly.

As all of us know from our constituency experiences and from other sources, excessive drinking is taking its toll on every age group, every socioeconomic group and every community across the country. It places huge pressure on our national health service, our police service and our local authorities. The associated costs are immense, at more than £3.6 billion every year, which is £900 for every adult in the country.

The cost tells only part of the story. In human terms, too, we pay a heavy price. In the past few decades, rates of chronic liver disease have trebled, alcohol-related deaths have doubled and alcohol-related hospital admissions have quadrupled. Of course, we also suffer from alcohol-related crime and disorder. In 2009, half of Scottish prisoners and 77 per cent of young offenders admitted to being drunk when they committed their offence.

I have no doubt at all that if we are to achieve our ambition—which I believe everyone in the Parliament shares—of a self-confident Scotland in which alcohol can be enjoyed sensibly as a pleasurable part of life, we need to take firm action now to rebalance our relationship with alcohol.

It is also important to say again, as I have said all along, that our alcohol industry is an important part of our economy. As we do now, we will continue to offer support to businesses to grow, including in the export market, and we will work with those businesses to use all the levers that are at their disposal to assist in reducing alcohol consumption, including, for example, where appropriate, promoting lower-strength products.

Patrick Harvie (Glasgow) (Green): I have made this point before but I will make it again. Does the Government share the view that we should also think about the ownership structure of the alcohol industry? We allow that industry to supply recreational drugs throughout Scotland. We should be much clearer about regulating that industry and taking back control from the hands of a tiny number of multinationals whose profits come from volume sales instead of quality.

Nicola Sturgeon: The bill seeks to deal with bigger issues than that. Our alcohol industry has a great deal to offer our country and its economy and it is in the industry's interests as much as it is in the interests of the rest of us to deal with the overconsumption of alcohol. I guess that my central point is that our plans for minimum pricing and the other measures that we are taking and a thriving drinks industry are not mutually exclusive. We all stand to benefit from the reduction of alcohol-related harm.

The other contextual point that I want to make is one that I have again made many times in the past and will make many times in the future. There is no single or simple solution to the problems that we experience with alcohol. If we are to tackle the problem effectively, we need to have a broad package of measures. I remind members that our alcohol framework contains 41 separate initiatives.

It is also true that the Government cannot do it alone. Each and every one of us has a role to play by reflecting on our own drinking, how it affects our health and how it impacts on those around us—children, family, friends, colleagues and communities. This is a cultural issue, and price is a part of that. In recent discussions that I had with Jackson Carlaw and Ruth Davidson, they rightly chose to stress the issue of culture.

We are making good progress and we must continue to make good progress in implementing our framework for action. I say openly to Labour that we are open to considering any proposal that is made, including those that Labour published yesterday, some of which we have discussed before. I remain open-minded about anything that can contribute to dealing with the issue and I look forward to having discussions about some of the proposals.

My fundamental point is, however, that no strategy will be complete if it does not address price. The link between price and consumption and between consumption and harm is irrefutable. When prices go down, people drink more and when prices go up, people drink less. The more that people drink, the greater the associated harm. We need to act decisively to stem the flow of cheap, high-strength drink. It is worth noting that that view is shared by a range of interested parties, such as doctors, nurses, academics, the police, children's charities, faith groups and, indeed, other political parties. As I have said before, minimum unit pricing is not some sort of magic bullet that will solve all our nation's problems with alcohol, but if we are to make a significant contribution to reducing consumption, it is an essential measure.

To those who say that we should be using alcohol duty to raise prices, I say that my argument against that is not just that we do not

have the power to do that in this Parliament; even if we did have the power, my view is that it would not be as effective as minimum unit pricing. Duty impacts on all drinks and all drinkers, so those drinks that are already responsibly priced would be affected, as would all moderate drinkers. We would see prices in pubs, nightclubs and restaurants go up as well as prices in the off-trade. Minimum unit pricing targets the cheap, high-strength alcohol that is more favoured by harmful drinkers, so it is a more targeted approach than that taken by increasing duty, hence it is more proportionate.

I turn now to the stage 1 report. I am pleased that the committee acknowledged the need for our relationship with alcohol to be challenged and I am pleased that it endorsed the wider package of measures that we are pursuing. I am also delighted that the majority of the committee supported the general principles of the bill and were persuaded that minimum unit pricing has a significant contribution to make.

The stage 1 report highlighted a number of things that I have been asked to consider. I say again that I am open-minded to anything that would either improve the bill or help to support its implementation, particularly in relation to the evaluation programme.

Let me begin by addressing the report's points about the merits of a sunset clause. We inserted a sunset clause in the previous bill and, in my evidence to the committee, I said that I was open to being persuaded to do so again. Having given the issue further consideration, I have come to the conclusion that it is right and proper for Parliament to have the opportunity to review the policy after five years. I know that Jackson Carlaw intends to lodge an amendment to that effect at stage 2 and I can confirm that the Scottish Government will support it.

On the specific minimum unit price, I am happy to reaffirm my commitment to the committee to announce the price and, indeed, the rationale for it before the stage 3 vote. I hope to do so during the stage 2 proceedings. We are considering all the evidence in relation to a specific minimum price and are mindful of the need to ensure proportionality. In setting a price, we will be impacting on the market, so we need to ensure that the impact is justified by the level of societal benefits that we will achieve. When we clarify the price, we will also say what we intend to do about future reviews of it, to ensure that it remains at a level that delivers the desired benefits.

The report also addresses the question of notifying the bill under the terms of the European Union technical standards directive. As I said in my evidence to the committee—I am happy to reaffirm this today—we are confident that the bill's

provisions are capable of complying with EU law and that the bill itself does not need to be notified. However, as I informed the committee last week, I intend to notify the order that will set the minimum unit price.

One of the stage 1 report's constant themes is the need for effective evaluation of the impact of minimum pricing on different groups of the population, on business and on unintended consequences, such as illicit internet or cross-border sales. I assure the chamber that our existing and proposed plans for assessing the impact of minimum pricing are both comprehensive and robust. They will examine how minimum pricing contributes to a reduction in alcohol-related harm in the population as a whole and in different groups, and the extent and impact of any unintended outcomes or displacement effects, particularly those that affect health inequalities.

The impact on business is, inevitably, much more difficult to assess, not least because of the sensitivities about sharing commercially confidential information. However, we are happy to work with business interests in that respect and will consider carefully all of the areas highlighted at stage 1 to ensure that they are taken into account in our evaluation programme.

I again thank the Health and Sport Committee for its positive stage 1 report. As members will know, I deeply regret that our previous attempts to introduce minimum pricing were voted down, but I have always firmly believed that it is better, wherever possible, for political parties to reach consensus on public health policies, particularly when they are as important as minimum pricing. Tackling alcohol misuse is one of the most important public health challenges facing Scotland today. The fact that we now have a broad consensus across Parliament shows how serious we all are in our bid to reduce alcohol-related harm.

I hope that those members who have yet to pledge their support will, even at this late stage, reflect on their position and decide to back minimum pricing. I have great pleasure in moving,

That the Parliament agrees to the general principles of the Alcohol (Minimum Pricing) (Scotland) Bill.

15:19

Dr Richard Simpson (Mid Scotland and Fife (Lab)): This is not the first time, nor even the second time, that alcohol excess has become a major issue of public alarm in Scotland and the United Kingdom—in fact, it is the third. As with the previous two periods of excess, the current one will not be overcome with a single measure. The precise character of each period of alarm has

been different, but they have a common theme, which has been a cultural tolerance of excessive drinking. The second explosion of excess, which was in the late 19th and early 20th centuries, was overcome by growing public awareness and even resentment, coupled with a strengthening temperance movement. Those were aided latterly by a reduction in the strength of beer and by limitations on availability during the first world war, which, when combined, added to the lowering of consumption. The trend was well into a reduction when the magic bullet of the era came into effect, namely prohibition—and we all know the effects of that.

With the current wave, the main concern is not just the 45 to 55-year-old hardened drinkers; it is also the 18 to 24-year-olds who binge drink as part of a pub and clubbing culture, sinking shots until they are intoxicated or at least unsafe. Friday and Saturday nights stretch police and ambulance services, and accident and emergency units can look like war zones. In 2001, when I was the Deputy Minister for Justice, Labour recognised the problem and created the Nicholson inquiry, which led to the Licensing (Scotland) Act 2005. As public awareness has grown, in part through the parliamentary debate that we have been having ever since that time, consumption has stopped growing. The number of deaths a year has declined by 15 per cent or 200 deaths—it is down from 1,546 a year to 1,318 over a four-year period, which is a decline of 40 a year. Self-reported hazardous drinking among men has dropped, from 28 per cent to 22 per cent of men. Although the hard number is almost certainly underreporting, the methodology of repeated health surveys is valid, so the trend, which is downward, is meaningful.

We all agree that something needs to be done. The Alcohol etc (Scotland) Act 2010 set about ending discounts that are based on volume, but we have now discovered that the Government was briefing that there was a loophole even before the act was introduced. I fail to understand why the SNP would undermine its own policy, especially when it had support across the political divide. We tried to amend the Alcohol etc (Scotland) Bill to tackle pre-mixed caffeinated alcohol. That measure has now been shown to be valid by America's ban, which was introduced subsequently to that debate, and by Professor Stockwell's support for caffeinated alcohol limitation and the support of Dr Laurence Gruer, a Scottish public health specialist.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I remind Dr Simpson that Labour's attempt to introduce a measure on caffeinated drinks came very late in the day—I know because I was there. The Health and Sport Committee at the time had been given

no evidence on that and therefore could not deal with the matter, which was made plain at the time.

Dr Simpson: I have said that we thought that the evidence was there, and that was confirmed two weeks after the debate by America's ban. The evidence is now there.

We also tried to introduce alcohol treatment and testing orders, but that measure was blocked on the ground that it was beyond the scope of that bill. Those are the facts. Now that the SNP has a majority, it would have been good if it had offered a general discussion on how to tackle the problem.

Nicola Sturgeon: I have already said that I am happy to discuss with Labour all the proposals. The question for Richard Simpson is: what does Labour propose to do about the pricing of alcohol?

Dr Simpson: I will come to that but the fact is that, since the election, we have not been offered any discussions on the problem at all.

The SNP has said repeatedly that minimum unit pricing is not a magic bullet, but it is an absolute fact that the SNP has introduced a bill that is so narrowly drawn that it is incapable of being significantly amended. I agree that we need to do more. I spent much of my career as a doctor working with people with alcohol addictions, so I would not oppose a measure if I genuinely believed, on balance, that it would be beneficial. The SNP has tried to use against me my careful words at the beginning of the debate on minimum pricing in 2008 but, as the *Official Report* shows, I said that the idea was a novel one, but it needed close examination before we decided whether it should be supported or rejected. After careful study, I recommended rejection to the Labour Party.

I will make my reasons for that clear but, before I do so, I point out that I accept that the bill will have an effect on some of the very serious harmful drinkers, such as those in Professor Chick's study, who drink on average 200 units a week. However, those people constitute a small minority of the minority of 7 per cent of Scots who are harmful drinkers, which means that they drink more than 50 units a week. There are, I believe, better-targeted and more constructive ways of tackling those highly dependent, damaged drinkers.

Why have we opposed the Government's minimum pricing proposal? The proposal is based on a single, untested, theoretical mathematical model—the Sheffield model. Yes, the model has been peer reviewed and is supported by many; nonetheless, there is no overwhelming evidence for it, only opinion. It is a model whose authors, in evidence last session, admitted that it was as reliable as weather forecasting—a model according to which, as Mary Scanlon pointed out, the real data applied retrospectively do not match

its predictions. It is also a model that has not examined binge drinking, which is a particular concern of this wave, as I have said, and that, crucially, has not studied the response of retailers to the massive windfall profits of more than £100 million—a response that the Institute for Fiscal Studies has suggested could undermine the benefits of the policy. It is a model that shows clearly that the smallest effect will be on 18 to 24-year-olds.

Nicola Sturgeon: Richard Simpson must take care not to misrepresent the Sheffield model. The Sheffield team found a slightly smaller but still significant impact on 18 to 24-year-olds. I know that he is engaging in fig-leaf politics today, but I think that he is taking it too far.

Dr Simpson: I am sorry if I am getting under the cabinet secretary's skin, but it is important that we lay things out. I quote specifically from the Sheffield report and ask her whether she thinks that it is a good reduction. For 18 to 24-year-olds, a minimum unit price of 45p would result in a reduction of 0.6 per cent. For every 100 pints that young adults drink, they are predicted to drink one pint less. I do not regard that as being significant. It may be statistically significant, but I cannot believe that it is clinically significant.

Even the harmful drinkers who, according to the Sheffield report, drink an average of 58 units a week—29 pints or two bottles of vodka a week—will reduce their drinking, on average, only by 5 units, or two and a half pints. It was Ross Finnie who pointed that out last session. They will still be harmful drinkers. I accept that those are averages—of course they are. However, when the Sheffield study states that the average consumption for moderate drinkers is only 5 units—two glasses of wine—a week, I wonder about the model.

My concerns have gone further, as those who have listened know. The number of hazardous drinkers increases with each decile of increasing income, and it is that pattern of hazardous drinking that we have simply got to change. The proportion of cheaper alcohol in the basket of alcohol purchased is less in the higher-income groups but it is still significant, and minimum unit pricing will barely touch the wealthier 70 per cent of the population—they can absorb with ease any proportionate price increase that the cabinet secretary cares to name. Minimum unit pricing will punish those who are less well-off if they are moderate drinkers at a higher level. For example, a man of modest means who drinks 20 units a week—a bottle of vodka a week—will now pay a minimum unit tax of £200 a year, which I do not regard as appropriate. The less well-off, who are drinking safely and moderately, will have to pay a price for those who are drinking irresponsibly.

The cabinet secretary has referred to other concerns such as internet sales, cross-border purchasing and increased black market or counterfeit sales. Those are concerns, but they are lesser concerns. Nigel Hawkes, writing in the *British Medical Journal* the other week, said:

“a deal which gives the retailers, who are part of the problem, over 100 million pounds and takes away millions from the taxpayer is a deal not worth doing.”

We urgently need measures to change the culture. We must confront those who get intoxicated on our streets. We need a return to a culture in which getting drunk is not acceptable. A general taxation approach is preferable, building on Alistair Darling's alcohol duty escalator, which the coalition is continuing, along with new measures from the coalition, which include changing the definition of cider and encouraging lower-strength beer. Those measures will have an effect. A taxation or levy approach would be much more equitable and would generate revenue for the public purse, not for alcohol retailers.

It is ironic that, despite complaining that it does not control alcohol duty, the SNP is refusing to implement the social responsibility levy that the Parliament passed. Labour still believes that introducing minimum unit pricing with no adequate clawback mechanism risks doing more harm than good by generating windfalls in excess of £100 million.

However, we are responding to the cabinet secretary's welcome and more measured tone both at committee and today—with her agreement to notify on the legality and to insert the sunset clause—in the hope that she will also refer the research measures to the new chief scientist, Professor Andrew Morris. Therefore, despite our continued real reservations about the unintendeds of the bill, we have lodged our reasoned amendment, which I hope that the cabinet secretary will accept, to allow us to move forward unanimously.

On that basis, I move amendment S4M-02305.1, to insert at end:

“but, in so doing, strongly believes that the Scottish Government should bring forward proposals to eliminate the windfall to large retailers arising from the minimum unit price by means of the proposed public health levy or other targeted levy.”

The Deputy Presiding Officer: I call on Duncan McNeil to speak on behalf of the Health and Sport Committee. You have 10 minutes, Mr McNeil.

15:30

Duncan McNeil (Greenock and Inverclyde) (Lab): Thank you, Presiding Officer. I apologise to

you and the cabinet secretary for missing her opening remarks. There was a bit of confusion.

The eyes of the world are upon us. Several witnesses said as much during our stage 1 consideration of the bill. *The Washington Post*, RTE, the *Chicago Tribune*, Fox News and, would you believe, even *The Guardian* have been reporting on minimum pricing. The international scrutiny is welcome, but it is as much to do with our renowned affinity with alcohol as with the policy that has been proposed.

From the glasses that are raised at Burns suppers and the biggest hogmanay party in the world to the mischief of “Whisky Galore” and the lyrics of Gerry Rafferty’s music as he wound his way down Baker Street, drink plays a starring role in Scottish life. It is centre stage in so much of our culture, our sense of identity and our popular imagination, and hence in the image that we project to others. Whisky is one of the symbols most commonly associated with us. It is part of our identity, along with tartan and golf.

That is a gift in terms of global marketing, export sales and the strength of our economy. What country would not wish for such a calling card? However, increasingly we face the sobering reality that alcohol can be a destructive force for many people. I was shocked—like others, I am sure—to learn that at least 900 children in Scotland were damaged by alcohol before they were born, that thousands more children live with a drink-dependent adult, and that one Scot dies every three hours from an alcohol-related cause.

Children 1st told the Health and Sport Committee:

“Scotland needs to shift its attitude and behaviour towards and relationship with alcohol.”—[*Official Report, Health and Sport Committee*, 17 January 2012; c 878.]

We recognise that that will not be an easy change to bring about. Professor Tim Stockwell, a respected academic in the field, said:

“minimum pricing is felt to be an attack on individual freedoms; the right to drink is very dear to many people”.—[*Official Report, Health and Sport Committee*, 10 January 2012; c 786.]

Other witnesses spoke of the link between social deprivation and the incidence of drink and indeed substance abuse, which is a further complication.

The committee heard a good deal about the impact of alcohol misuse, not just on individuals but beyond that, on our health and social services, our justice system and the family members who bear the burden and are left to pick up the pieces. Alcohol Focus Scotland told us:

“It is very easy to point at young people and say how antisocial and irresponsible their drinking behaviour is, but all they are doing is reflecting the adult society that they see ... an environment that promotes access and excess

and which saturates them in images of alcohol”.—[*Official Report, Health and Sport Committee*, 10 January 2012; c 760.]

That Scotland’s relationship with alcohol can rightly be described as unhealthy, damaging, problematic and dysfunctional is beyond question. The Health and Sport Committee is not alone in that conviction. Along with the Scottish Government, the medical profession, academia, the police, children’s charities, the drinks industry, retailers, civic society, media commentators and others, the committee believes that we must act to counter the generational harm that is caused by drink, for our misuse and abuse of alcohol are problems that not just merit our attention but demand our remedy.

Some people consider minimum pricing to be an integral part of that remedial action, while others are not so readily persuaded. The committee agrees that a range of initiatives must be pursued, from awareness-raising campaigns for young people and parents to interventions with individuals and packages of intense support. We believe that such a multifaceted approach is essential if we are to challenge and overcome Scotland’s booze culture.

A majority of the committee—boosted by one since last Thursday, or so it would appear—is persuaded by the assertion that the bill will help to reduce alcohol consumption. The members in that majority considered the evidence we heard to be overwhelming and compelling. In their view, minimum pricing can cut alcohol consumption by harmful drinkers and reduce the impact of alcohol misuse on public health, crime, productivity and the economy. Professor Stockwell told the committee:

“You will be doing something that—from the scientific point of view—will without a shred of doubt save lives, reduce healthcare costs, prevent death and injury on the roads, prevent birth defects, and reduce public violence”.—[*Official Report, Health and Sport Committee*, 10 January 2012; c 786.]

That majority believes the bill to be a significant contribution to the package of measures that is necessary to curtail Scotland’s dangerous affinity with alcohol.

A minority of the committee remains sceptical but is hopeful that the health and social benefits suggested by the Scottish Government may transpire. Some are still unconvinced by the ability of minimum pricing to produce the desired result, and they believe that a universal approach could have an unfair impact on moderate drinkers and those on lower incomes.

Among other concerns is the market response—“the big unknown”, as the Institute for Fiscal Studies puts it. It was not covered by either the Sheffield modelling or the evidence from Canada.

We simply do not know how producers or retailers will react to minimum pricing, nor do we know the extent to which profits will be accrued from the policy by some businesses. As the Centre for Economics and Business Research told us:

“The retailers stand to make windfall profits at the expense of poor consumers”.—[*Official Report, Health and Sport Committee*, 10 January 2012; c 742.]

The question of legality in a European context is also an issue in the minority view. Much depends on the level at which the cabinet secretary decides to set the price and on the balance struck between market intervention and health benefits. I welcome her letter to me last week stating that she intends to notify the order setting a minimum price to the European Union. I shall file the correspondence under “P” for progress. The cabinet secretary’s recent pronouncement on the merits of a sunset clause was similarly encouraging, and the committee will no doubt consider that matter at stage 2.

Christine Grahame: I do not want to take on the committee’s convener, but I am going to. From the tone of his speech, I am not quite sure whether he is speaking for the committee, the majority of which I understood to be fully in favour of the bill, or with a tinge of Labour policy on the matter.

Duncan McNeil: I regret the intervention and the inference that I am not responding correctly or appropriately to the committee’s report. The report laid out a majority view and a minority view. I am sure that I will be judged by my committee members at the end of the day, but I am confident that I have tried effectively to represent both views. If members will let me complete my speech, I will do so.

I want to highlight the positive and constructive nature of the committee’s work on this bill. We speak as one in stating that Scotland’s relationship with drink must change. A number of committee witnesses spoke about the link between social deprivation and drink and substance abuse. In written evidence, the Salvation Army said that

“people living in the most deprived areas of Scotland are eight times more likely to be admitted to a psychiatric unit with an alcohol-related disorder”.

It argued that there is a disconnect between those who live with poverty and those who do not. When life becomes a daily struggle, as it does for many, drinking can be seen as a coping mechanism in dire circumstances. This is a complex social and cultural problem, and all of us on the committee recognise the need for a range of actions.

We acknowledge the public health motivations behind the bill and endorse the wider programme for tackling alcohol misuse detailed in the Scottish Government’s framework for action. Certainly, what the committee heard in evidence, opinion

and argument—a good deal of it alarming, most of it cogent and not all of it consensual—made clear that the time has come to throw off the stereotype of the drink-sodden Scot, to embrace the word “moderation” without fear of ridicule and to work towards the goal of a healthier and happier society.

Our stage 1 report details the committee’s consideration of the bill and sets out our conclusions and recommendations. I hope that it will also provide a solid contribution to the work that lies ahead to achieve the desired goal. There may be differences of opinion on the policy, but supporters and sceptics alike welcome further debate. We look forward to the cabinet secretary’s decision before stage 3 on the level at which she will set the minimum price.

15:40

Ruth Davidson (Glasgow) (Con): Despite the cabinet secretary’s sense of déjà vu, the Scottish Conservatives approach this debate rather differently from our approaches to previous debates on minimum pricing policies for the 2010 Alcohol etc (Scotland) Bill. I feel that it is incumbent upon me to explain why that is the case.

We have always appreciated that many problems arise from the irresponsible use of alcohol. My area of Glasgow suffers from some of the most acute alcohol-related health and social problems in the United Kingdom. The fact that there is an issue that needs to be addressed is not seriously in dispute in the chamber, but when the state enters this arena, we should be mindful that many of the policies that we propose will come to very little if society is unwilling to move with them. We need a change in the attitude and relationship that many Scots have with alcohol. Price has a part to play—but only a part—and we hope that once minimum pricing is resolved we can move the debate on much further to changing the culture. That is why we must view minimum pricing not in isolation, but as a building block in a wider range of initiatives.

In 2010, Scottish Conservatives were sceptical. After all, new powers over alcohol misuse had recently been introduced, with little time to come into effect. The evidence that was presented to the Health and Sport Committee on the minimum pricing proposals was less than convincing. However, the updated Sheffield study goes some way towards demonstrating that the bill before us has the potential to provide meaningful benefits to Scottish communities. In addition, I recognise and welcome the evidence from Canada, which has been useful in providing some empirical rather than theoretical support for the Scottish Government’s position.

While the suggested benefits to Scotland are difficult to prove, conversely it is extremely difficult to suggest that minimum pricing will have no clear benefit for health and social problems. The case suggesting that lives may be saved, or that there may be a reduction in the enormous number of acute hospital admissions linked to alcohol, is worth pursuing. With such high stakes, it is reasonable that we are open minded.

In 2012, while we remain sceptical, we are prepared to support the bill, subject to several important caveats. First, we intend to introduce a sunset clause amendment at stage 2, which the Scottish Government has indicated that it will support. A five-year period will allow us all to examine whether minimum pricing can have a material impact in Scotland and will give us the data that Dr Simpson wants to see. However, that will happen only if we are prepared to allow a robust study of the policy's impact. We have proposed that outcomes be measured against a control group from a similar area elsewhere in the United Kingdom where minimum pricing has not been implemented.

We must give the bill every chance to succeed in helping with Scotland's alcohol problem and assess its benefits rationally, based on the evidence. If minimum pricing does not make the difference, the legislation should not be left on the books; if it does, the Parliament will have the opportunity to refresh it in the next session.

Are the proposals legal within EU law? The Scottish Government has stated that it is confident in its position that minimum pricing is entirely legal, but we favour further evidence rather than assertion, given the previous case load of the European Court of Justice and statements that the European Commission has made on the subject. We have therefore proposed that minimum pricing be subject to voluntary notification to the European Commission, which will in turn offer an opinion on its compliance with EU law. We are under no illusions that that opinion will be the last word on the matter. That certainty can be provided only by the European Court of Justice.

Jackie Baillie (Dumbarton) (Lab): It would be helpful if the member clarified whether the Tories intend that the entirety of the bill, or simply the order-making power, should be notified to the EU.

Ruth Davidson: We would like quite comprehensive notification to the European Commission. In making a voluntary submission, we will have discharged our duty of full diligence in the legislative process.

I welcome the cabinet secretary's agreement to voluntary notification, but I seek clarification today of the precise form that that notification will take; the detail of the timescale in which she intends to

refer the matter; and an indication of the date by which she expects a response. This is not a side issue. I hope that the Government, having agreed to voluntary notification, will get on with it.

I have dealt with technical and procedural matters; let us turn to the substance of the proposals. Even if we assume that the policy will have a measurable impact, we are under no illusion that it will be a silver bullet. Underage people will still consume alcohol, there will still be crime and disorder, and drink-fuelled domestic abuse will still be a blight on our nation. There is no panacea for those issues, and we have realistic expectations of what can be achieved, even if minimum pricing is successful in meeting its objectives.

That is why, in the discussions and correspondence involving our health spokesman Jackson Carlaw, myself as the party leader, and the cabinet secretary over many weeks and months, Jackson Carlaw and I have sought to highlight the Conservatives' commitment to further working in areas of education and community support and on further public health measures in order to effect a cultural shift across Scotland in relation to alcohol. I thank the cabinet secretary for her straight dealing with both of us in that time and for her recognition of our good faith while the discussions continued. We sought assurances from her that we can look beyond price and work on other measures to address the alcohol culture in Scotland. As a party, the Scottish Conservatives are committed to working more closely in that area with the Government.

Although the Scottish Conservatives remain healthily sceptical, particularly about the assertion that the duty system would be less effective, we sincerely hope that the policy will work. It has been a political priority for Jackson Carlaw and me, as the deputy leader and leader of our party respectively, for Conservatives to play our part in helping to tackle one of the gravest social concerns of our time, which costs this country hundreds of millions of pounds and has immeasurable costs in lives. To give the legislation the authority that only cross-party support can confer, and given the amendments that we intend to lodge and the assurances that the cabinet secretary has indicated that she is willing to provide, I invite other members who may as yet be unconvinced to reconsider their position on the bill.

15:47

Bob Doris (Glasgow) (SNP): We will take forward the Alcohol (Minimum Pricing) (Scotland) Bill as a majority Scottish Government. That brings certainty to the process. However, I am pleased that the Scottish Government seeks to maximise

cross-party support for minimum pricing, irrespective of that majority. That is significant.

I welcome the backing of the Green Party and the Liberal Democrats for minimum pricing, and the more recent lending of support by Conservatives in Scotland. It is clear that nearly all the parties see minimum pricing as an opportunity to improve Scotland's relationship with alcohol and to push forward with a much-needed public health initiative. The case for minimum pricing is so persuasive that even the Labour Party in England wishes to give it a go. That leaves Scottish Labour badly isolated, not just politically but in relation to almost every other group in society that has considered minimum pricing. Labour's isolation is most dramatic in relation to the medical profession and the academic world.

SNP colleagues will address various aspects of the bill in the debate. Jim Eadie will talk about the legal position; Richard Lyle will speak about how he was personally influenced by the committee's evidence as it was taken; and Gil Paterson will talk about business aspects of minimum pricing, including alleged windfall profits.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): As the member knows, I supported the arguments for minimum pricing that the cabinet secretary put forward, and I still do. However, I found it rather odd that she did not refer to Labour's amendment, which I also support. Will the member give either a personal view or the Scottish Government's view of the sensible proposal in Labour's amendment?

Bob Doris: The Scottish Government always takes a sensible approach to taxing the supermarkets—something on which the Labour Party has not been consistent.

I want to discuss some of the evidence that has been used to underpin minimum pricing, much of which is contained in the work that was done by the University of Sheffield. The Sheffield study is not a single piece of evidence; it marshals a wide range of the evidence available to analyse the link between price and consumption, and between consumption and harm. All parties on the Health and Sport Committee, including the Labour Party, acknowledged that those links existed. Indeed, all parties agreed that the University of Sheffield's modelling work was valuable and reliable.

There is direct evidence from here in Scotland to demonstrate just how robust that work was. The university was asked to do modelling work for the Scottish Government's alcohol multibuy ban before it was introduced. The results predicted that beer sales would fall by 8 per cent; they did. They predicted that wine sales would fall by 6.1 per cent; they fell by 5 per cent. They predicted that the sale of spirits would fall by 2.7 per cent; it fell

by 3 per cent. It is clear that the impact of the multibuy ban closely mirrored the predictions.

With that in mind, let us look at some of the predictions from the Sheffield study on the potential benefit of minimum pricing if the unit price is set at 45p in the first year. It is predicted that there would be 36 fewer alcohol-related deaths, 950 fewer hospital admissions and 310 fewer violent crimes, and that £36 million would be saved in related costs. Those are estimations of course—the real numbers may vary to a greater or lesser extent within a margin of error—but those are impressive statistics, which are backed up with robust evidence. Of course, no price can be put on the benefit to an individual whose life is not ruined by alcohol or to the family or community in which they live.

The committee took evidence from Canada, where various forms of minimum pricing exist. Strong evidence from Canada is already starting to emerge, particularly with regard to a dramatic reduction in admissions to hospitals in British Columbia because of alcohol-related incidents. In giving evidence to the Health and Sport Committee, Professor Stockwell, who is assessing Canada's experience, said that the Scottish system was far better than the systems in Canada and that we can expect to see positive results once the bill has been implemented.

Jackie Baillie: Will the member take an intervention?

Bob Doris: I do not have time.

I want to examine some of Labour's misleading claims against minimum pricing, for instance in relation to binge drinking. The Health and Sport Committee heard that while minimum pricing may not reduce the frequency of bingeing, in all likelihood it will reduce the amount of alcohol consumed at each binge episode. Labour claimed that minimum pricing would not be effective with harmful drinkers. Not even the research that Labour cited substantiates that claim. The committee discovered that research from the Centre for Economics and Business Research did not look at the types of drink that each group of drinkers was consuming. It took no account of whether the drink being consumed was from the on-trade or off-trade, nor of the average price paid by each group for alcohol. Those are all key components of any modelling work.

Even with all those research deficiencies in Labour's evidence, it still predicted that there would be an impact on harmful drinkers, although slightly less than for other groups. Every other piece of evidence, including the peer-approved, robust and reliable Sheffield study, said that harmful drinkers would be the most affected. Labour is in denial about the evidence.

In low-income groups, 80 per cent would be almost unaffected and only 20 per cent—the most harmful drinkers—may pay more. The price differential between those groups and higher income groups was just 0.7 per cent—a price worth paying for the social benefit that our deprived communities will reap from minimum pricing. Every party in the chamber except one is now on board for an opportunity to change Scotland's relationship with alcohol. Now is the time for Labour to step up to the plate and support minimum pricing at stage 1 and throughout the bill process.

15:54

Graeme Pearson (South Scotland) (Lab): It is with some concern that I enter the debate. Over the decades, I have become used to the notion that when alcohol is present in any discussion it can cause violence and upset. This is the only chamber that I am aware of in which people get upset, tending towards violence, even when they are simply discussing alcohol. I hope that we are beginning to arrive at a sober conclusion as we take matters forward.

We are definitely dealing with a conundrum wrapped up in a quandary. A commercial business and industry competes to deliver higher volumes of its product to citizens who are determined in their endeavours to consume that product, while civic and public Scotland tire of paying the price for that consumption in terms of ill health—and, indeed, death—criminality, social disruption, family breakdown and the heartache that goes along with that.

John Finnie (Highlands and Islands) (SNP): Given the member's background and his knowledge of the effect of alcohol on society, are the views that he is expressing his or his party's?

Graeme Pearson: The views that I have expressed thus far are based on my experience of nearly 40 years in law enforcement. The member is familiar with the debates that have taken place in the Parliament and I hope that he accepts that, although we may separate in our views on the way forward, our views are honestly held and the background to them is firmly researched.

We all know that we face a challenge that has caused problems for centuries, such as those depicted in Hogarth's 18th century "Gin Lane", which led to the creation of the Salvation Army, the Pioneers and Alcoholics Anonymous to name but a few. The problem is well known to us and is broadly recognised. The time is right to deliver some responses.

I welcome the cabinet secretary's inviting of contributions to the strategy to deal with the abuse of alcohol. In that connection, on behalf of the

Scottish Labour Party, I offer six proposals that are informing our considerations as we prepare for a bill that will include justice provisions that are designed to deliver a positive outcome on the issue.

The cabinet secretary is quite right to say that there is no silver bullet. No one is confident that the solutions are to hand. Those who abuse alcohol seem to be completely committed to destroying their lives by doing so, regardless of the evidence that is provided to them.

We suggest that consideration should be given to the introduction of alcohol bottle tagging. That development, which was piloted in Dundee city, was found to be most useful in identifying those premises that were the source of liquor for young people who abused it in a binge fashion in various public areas away from overall review.

We propose, and invite consideration of the idea, that alcohol fine diversion is a way forward. Rather than criminalise those who are found to be indulging in alcohol abuse, we should, at an early stage of their involvement with alcohol, divert them towards an education process involving a series of courses and support, much as we do with speeding drivers. That would give them the opportunity to consider their position before they become involved in the heartbreak of a lifelong indulgence in alcohol.

We propose the creation of an alcohol arrest referral scheme, alongside the drug referral scheme. That would allow people who sit in our cells regularly of a weekend at times of crisis to take the opportunity to seek advice and support.

Drinking banning orders could be applied to individuals who have been identified by the courts not only to have engaged in criminality, but to have abused alcohol in a public place. Breaches of those banning orders would bring them back before the courts. That measure would focus on the source of many of those people's problems.

We also propose alcohol treatment and testing orders as an extension of the current drug treatment and testing orders. If we think that those who engage in drug abuse should be subjected to regular testing and that that has a significant effect in disciplining their lifestyle and bringing them back to a healthy way of living, why should we not apply the same rigours to those who engage in alcohol abuse, which kills many more people in our communities?

Christine Grahame: Those are all superb and worthy examples, but it would certainly be possible to have minimum unit pricing alongside the measures that the member very reasonably puts forward.

The Deputy Presiding Officer (Elaine Smith): The member has 30 seconds left.

Graeme Pearson: We are here to debate our way forward in that regard, and I have no doubt that, at the debate's conclusion, we will all make our choices.

Alcohol offences information sharing is a final element of the proposal with regard to justice. It would be the courts' responsibility to refer the details of those who are convicted of an offence to their general practitioner. There would be no need to share the detail of the offence, but an awareness that alcohol played a major part in the circumstances would allow for intervention.

The Deputy Presiding Officer: The member must come to a conclusion.

Graeme Pearson: I support the Labour Party's proposals and I am grateful to be able to make my contribution.

16:00

Jim Eadie (Edinburgh Southern) (SNP): Today we have the opportunity to progress legislation that will not only change the lives of the people of Scotland, but help to save the lives of our fellow citizens.

We have heard this afternoon that alcohol misuse is one of the greatest public health challenges—if not the greatest such challenge—to face our society. As the Health and Sport Committee makes clear, alcohol costs our society three lives every day, and more than 1,000 lives are lost to alcohol every year.

The damage, pain and distress that alcohol misuse causes—not to mention the crime and disorder that it engenders—are no longer acceptable. It is right that we as a Parliament take all necessary action to address the problem. No one is suggesting, as the cabinet secretary rightly reminded us, that minimum pricing is a silver bullet, but it is an essential and necessary weapon in our nation's armoury if we are to tackle Scotland's relationship with alcohol successfully.

We heard that message time and time again from the doctors, nurses and other healthcare professionals who work in the field. They included those who work in alcohol or addiction services, and the staff who must cope with the consequences of alcohol misuse in accident and emergency departments week in, week out or in general practitioners' surgeries day in, day out.

The evidence that the Health and Sport Committee received was, in the words of the committee report, "overwhelming and compelling". The report went on to state:

"The Committee believes that there is strong evidence to link price with alcohol consumption and that there is a direct link between consumption and harm."

There is no doubt that progress has been made in achieving consensus during the committee stage. In the previous session of Parliament, Labour, the Conservatives and the Liberal Democrats each claimed that the evidence from the University of Sheffield had been discredited on the basis of a Centre for Economics and Business Research report that had been commissioned and funded by the alcohol industry.

This time round, the Health and Sport Committee agreed, on balance, that it was persuaded of the value and reliability of the Sheffield work. The meta-analyses, the observational studies, the econometric modelling and now the emerging empirical evidence from Canada all support minimum pricing. All the witnesses agreed that minimum pricing had a vital role to play.

As the addiction specialist Dr Peter Rice said in evidence to the committee, the bill will create a situation in which

"Instead of power lying in the hands of the retailers ... one of the very most important determinants of our health will be under the watch of the Parliament".

Professor Stockwell from Canada addressed the issue of the supermarkets' profits directly when he stated in evidence:

"On private profits, part of me thinks from a public health and safety point of view that it does not matter who takes the profits; rather, what matters is having fewer dead and sick people and more healthy babies."—[*Official Report, Health and Sport Committee*, 10 January 2012; c 753, 794.]

Jackie Baillie: Will the member take an intervention on that point?

Jim Eadie: I will gladly take an intervention in the hope that, even at this late stage, Labour may come on board and join the growing consensus in favour of minimum pricing.

Jackie Baillie: Does the member recall that Professor Stockwell stated in evidence to the committee:

"Minimum pricing will be more in your favour if you can apply the levy that I thought was going to go ahead".—[*Official Report, Health and Sport Committee*, 10 January 2012; c 797.]

Should we not agree to claw back the profits from the supermarkets?

Jim Eadie: I am grateful to Jackie Baillie for that intervention. We should agree with Professor Stockwell's evidence in the round and not cherry pick the evidence as some people seek to do.

In direct response to Jackie Baillie's point, that is exactly what the Scottish Government has done: the measure is called the public health levy, and

when she had the opportunity to support it during the budget process, she chose not to do so.

Drew Smith (Glasgow) (Lab): Will the member take an intervention?

Jim Eadie: I would like to make further progress.

Just as the evidence that the Health and Sport Committee received supported minimum pricing, so too has the political support and momentum in favour of the policy grown in recent weeks.

The Liberal Democrats quite sensibly reviewed their policy and decided to support minimum pricing. I pay tribute to Willie Rennie for the leadership that he has shown on the issue. The Conservatives in Scotland were originally sceptical about the policy, but they have listened to the evidence, reviewed their position and changed their policy in light of the evidence. They, too, deserve credit for changing their stance.

That brings me to the Labour Party in Scotland. I pay tribute to former Labour health ministers, Susan Deacon and Malcolm Chisholm, for the lead that they have given by supporting minimum pricing. I also pay tribute to the convener of the Health and Sport Committee, Duncan McNeil, who has sought at all times to behave in a constructive and consensual fashion. However, when it comes to Labour's official position, it will surely be for future generations to analyse the behaviour of Labour on this issue and to seek to understand why a progressive party of the left of centre refused to support a public health measure that had the support of every health professional organisation in the country, a policy that was backed by each of the four chief medical officers in the United Kingdom, a proposal that was endorsed by the medical royal colleges and a bill that was supported by many others across society. It beggars belief for Labour to proclaim not just that it knows best, but that it knows better than all those people and organisations.

This is a defining moment in public health policy in the UK. This is the moment when support for a policy that has been firmly established for some time in the wider policy community can finally be reflected by support for that policy from across the political spectrum. The Parliament must seize this opportunity to call time on Scotland's relationship with alcohol and to do what the committee calls on us to do and support a measure that we on these benches are confident will save lives, prevent hospital admissions and improve the health of the people of Scotland.

16:06

Willie Rennie (Mid Scotland and Fife) (LD): I can only say that I agree with Jim Eadie. His

remarks about the leader of the Liberal Democrats were absolutely spot on, and I will listen to him more carefully in future debates.

My dad was a grocer in Auchtermuchty and Strathmiglo, and I used to work in the shop in the evening after school and on Saturdays. The price of the drink that my dad sold—bottles of vodka and whisky—is not greatly different from the price of drink now, 30 years later. The evidence that has been produced for this debate shows that alcohol is between 44 and 69 per cent more affordable than it was at that time, which confirms my recollection of the prices at that period. The price of alcohol has gone up by 22 per cent, but incomes have gone up by 97 per cent, according to some of the studies, which means that alcohol is much more affordable than it used to be.

Those figures can be tied to consumption, which has risen by 22 per cent since 1980. The committee's report says clearly that

"there is a body of evidence that links price to consumption, and consumption to harm."

That is a simple, straightforward statement, and I agree with it.

When I worked in the shop, I saw alcoholics coming in. I could smell the drink on their breath and knew that they came in every day—sometimes at eight o'clock in the morning, buying their cans of Special Brew. They had serious problems with drink, even back then. The problem has multiplied since that time. When I was the MP for Dunfermline and West Fife, people would come traipsing through the door to ask about how they could get access to specialist support in hospitals for their severe alcohol problems. I saw a variety of other cases as well, including pensioners who were deeply concerned about antisocial behaviour outside their houses night after night.

The problem is severe. Since 1980, the annual alcohol-related death rate has doubled from 641 to more than 1,300. The evidence is clear, and we should accept that we need to put in place a serious measure.

There is a correlation between how difficult something is to do and the impact that can be made. Education is easy. Politicians can always call for more education. We can send out leaflets and give talks, but the impact of that is not great. The stuff that is hard to do politically is to rig prices, but that has the biggest impact. We have to bite the bullet. The devastation that cheap alcohol causes in communities—it sometimes has the biggest impact in the poorest communities—means that we have a duty to make an impact on the problem.

We have the evidence from the experts, who almost all agree with minimum pricing. The British

Medical Association, Alcohol Focus Scotland and the Royal College of Psychiatrists have overwhelming evidence. Consider the time and effort that they have committed to the campaign and the number of doctors and nurses who write to me and say, "You have to do something about this." That shows us their view. They have the evidence. There will be debates about the stuff on the edge, but if there will be fewer deaths—the evidence is there that there will be—we should support minimum pricing.

We have the expert groups on side, we know about the problem and we have part of the solution, which is to deal with price, so we need to get on with it. Even Tesco is on side. Lucy Neville Rolfe from Tesco stated:

"We can't put up our prices because that would be commercial suicide, and we can't act together to put up prices because that would be against competition law. The only safe solution is for the government to bring forward legislative proposals which Tesco and others in our industry can support."

Tesco is asking for minimum pricing, although others disagree. I am pleased to say that some have now backed off and are not as vociferous as they were.

We have changed our position. I have personally always supported the minimum pricing of alcohol, because I thought that it was the right thing to do. For our party, the position was previously finely balanced, but I am pleased that I have persuaded it round to my point of view and we are now on the right track.

I think that everybody accepts that price is a factor. I think that even Labour accepts that price is a factor and we are now debating who gets the financial benefit. I am not sure why Labour has lodged an amendment that calls for the profit to come back to the taxpayer—I do not quite understand that aspect. If Labour is saying that price is not a factor, I take back my comment. Almost everybody else agrees that price is a factor. Even the Conservatives, when they were opposed to minimum pricing, wanted an alternative solution, which was to do the same through the use of duty. That implies that they thought that price was a factor.

Dr Simpson: No one disagrees that price has an effect. Our amendment is about the fact that nobody is looking at the market response. The Institute of Fiscal Studies says that the market response will have a significant effect on the policy by reducing price just above the level of the minimum unit price, so the basket will remain just the same.

Willie Rennie: The evidence that I have received from some of the supermarkets is that the differential will remain and that we will get rid

of some of the very cheap brands and the others will remain. If Dr Simpson has another point of view, that is fine.

The Health Committee in the House of Commons has said that the policy should involve a combination of duty and price. The benefit of the UK coalition seeming to come round to minimum pricing is that we could perhaps find a solution using that methodology. We support such an approach.

I appeal to the industry not to go down the route of the tobacco industry and to fight the proposal tooth and nail, because there is a will in the Parliament to deliver minimum pricing. I appeal to the industry: let us get on with it.

16:13

Gil Paterson (Clydebank and Milngavie) (SNP): I come to the debate as a lifelong non-drinker. However, I have no hang-ups about alcohol consumption; in fact, I like going into pubs because I enjoy the atmosphere and the chat. While I am there, I drink the other national drink: Irn-Bru. As they say in Paisley, alcohol is not my cup of tea.

During the recent parliamentary elections, I was asked, from time to time, about my views on minimum pricing. Of course, my answer was that I support it, based on my experience in business, which is that when the price of a commodity is increased, the result is a decrease in the amount of it that is sold. Although I was aware of the Sheffield study and the projected outcomes, I was already convinced by how markets work. My stock answer to people was that we had to give minimum pricing a go in any case, because of the serious effects of overconsumption of alcohol on people's health and because of alcohol's direct and indirect involvement in violent assaults and high levels of antisocial behaviour.

Supermarkets' strategy is to identify products that they can pile high and sell cheap in order to entice more people into the store. Alcohol has been a dominant loss leader in that context, and when minimum pricing kicks in, the supermarkets will simply swap to another commodity to draw in the crowds. The only product that I know of that defies the laws of gravity—in the business sense—is shares. The more expensive they are, the more that are sold—particularly to financial institutions, which queue up to buy them.

Now that I have had the benefit of following the Health and Sport Committee's work, my views have been reinforced. The vast weight of opinion that the committee heard was in favour of minimum pricing, and the best argument from people who are opposed to the approach has been that it will not work as well as we think it will.

We have been told that the introduction of minimum pricing will create a bonus for retailers—the alcohol windfall, as it is commonly known. That is a totally bogus claim that is without foundation; submissions to the committee never actually said that there will be such a bonus, but only that there might be such a bonus.

I will explain why I think the claim is bogus. When minimum pricing is introduced, consumption will fall. That means that production will fall and costs per unit will increase. Does any member who has a basic knowledge of market forces really think that manufacturers will be generous enough not to put up costs at the factory to compensate for lost revenues on sales? I do not think so. What will happen is that as margins are calculated they will be shared relative to costs. I predict a profit-neutral situation, within reason, for all concerned, whatever sector we are talking about. No one will get particularly rich as a result of the policy.

I find it extraordinary that Labour members who heard the high-quality evidence that came from Canada are still not in favour of minimum pricing. I acknowledge that there is a massive difference between the Scottish plan and the Canadian plan; the Canadians put the price up for financial gain and to increase revenue, whereas our policy is for the benefit of public health.

At any rate, differences to do with who and where do not matter; the research into what happens when the price of alcohol goes up is the defining evidence. Professor Stockwell has shown without a shadow of doubt that when price goes up consumption goes down and that, ultimately, harm goes down, too. In his evidence to the committee he said:

“Theoretically, you are in a much better position. Yours is the purest approach because you are starting from the public health aspect. Usually, minimum prices are introduced to protect Government revenue while health considerations, if they were ever there, are not at the forefront of people’s minds.”—[*Official Report, Health and Sport Committee*, 10 January 2012; c 792.]

He also said:

“Many people object to pricing strategies, but minimum pricing is perhaps one of the least objectionable strategies. I am sure that that is why you are considering it in Scotland. All pricing strategies have the most impact on heavy drinkers, but minimum pricing especially targets heavier and younger drinkers, because they mostly prefer cheaper drinks. Minimum prices can be adjusted so that they are higher for more hazardous products, which the Scottish Government proposes to do.”—[*Official Report, Health and Sport Committee*, 10 January 2012; c 785.]

Labour has produced a fig leaf to cover up the fact that it has ignored extremely high-quality evidence on minimum pricing, in particular from Professor Stockwell. However, I am sure that as the debate in England crystallises around the need for minimum pricing and Ed Miliband follows—as

he is bound to do—David Cameron on the matter, Labour will do what it always does and follow orders.

The Deputy Presiding Officer: Can you begin your conclusion, please?

Gil Paterson: Thank you, Presiding Officer. I conclude by saying to the cabinet secretary, in the Gaelic, *slàinte mhath*, which sums up her great intentions on the issue: good health for the people.

16:20

Kezia Dugdale (Lothian) (Lab): As today is no smoking day, it is perhaps worth remembering the historic decision that Parliament took to ban smoking in public places, the effects of which have been well evidenced many times over and most recently in last week’s figures on premature births. When members made that decision, they did not just change the law that day—they changed Scotland’s culture. I do not believe that the Alcohol (Minimum Pricing) (Scotland) Bill provides a smoking-ban moment.

It is widely accepted by many members—even by the Government—that minimum unit pricing is not a magic bullet. Labour’s position is clear and consistent: we cannot endorse a measure that will do more to boost retailers’ profit margins than it will to improve our nation’s public health. That is why the reasoned amendment that we have lodged is about recouping the increased profit for public benefit. If the Government accepts the amendment, we will accept that minimum unit pricing is a worthy experiment that is worth voting for.

I believe that support for minimum unit pricing comes from a desperate will to do something—anything—to address Scotland’s drink culture. There is no MSP who is not troubled by the country’s booze culture. I say to Bob Doris and Jim Eadie that it belittles Parliament and the stature of our debates to label any opposition to the bill as being driven by party politics. The fact that we disagree with the SNP does not mean that we care less. To suggest that is cheap and offensive and does nothing but reinforce the view that we as politicians are more interested in squabbles and point scoring than in improving the nation’s health.

Bob Doris: Will the member give way?

Kezia Dugdale: If there is one person who is likely to introduce squabbles and point scoring into the debate, it is Bob Doris.

Bob Doris: I thank the squabbler for taking an intervention. In relation to point scoring, if the Labour Party is so worried about supermarket profits, why was it against the retail levy that the

Scottish Government proposed in the previous parliamentary session?

Dr Simpson: We supported that.

Kezia Dugdale: My colleague tells me that we supported the measure. I was not a member then, of course.

It is perhaps worth mentioning that the Alcohol etc (Scotland) Act 2010 put the social responsibility levy on the statute books. The SNP Government intends to leave it there but has no plans to use it. [*Interruption.*]

The Deputy Presiding Officer: Can we hear the member, please?

Kezia Dugdale: The principles that I have described apply as keenly to the bill as they do to the debate, which is why we in the Labour Party are desperately disappointed that the bill is so narrowly drawn that it cannot be meaningfully enhanced or—realistically—amended.

Last September, when I spoke in James Dornan's members' business debate on alcohol, I said that the bill would do little to shift the alcohol culture in this country. I will discuss three groups of drinkers, the first of which is hazardous drinkers. People who live in Edinburgh or walk about in Edinburgh regularly will know that a group of hazardous drinkers sits in Hunter Square—or at least they used to, before the police moved them on. Those people drank all day, swore and caused antisocial behaviour before they were eventually moved on to Bristo Square, which is further up the road. In the university community there, they did the same drinking and swearing and caused the same problems, until they were moved on. Yesterday, I drove past those individuals as they sat on the grass at the back of the Dumbiedykes housing estate, which is just across the road from here. They are now out of sight and, therefore, out of mind. As Richard Simpson said, minimum unit pricing will do little for those people. A raft of alternatives could be used to help them.

Jim Eadie: Will the member take an intervention?

Kezia Dugdale: No, thank you, Mr Eadie. I am sorry.

Jim Eadie: Will Kezia Dugdale take an intervention on the specific point?

Kezia Dugdale: Okay.

Jim Eadie: Does Kezia Dugdale accept that the evidence that we received from the University of Sheffield states explicitly that the impact on 18 to 24-year-olds who drink hazariously would not be huge but would be significant and would lead to reductions in harm? Surely that is a prize that is worth seizing.

Kezia Dugdale: Mr Eadie promised an intervention on the point that I had made. I was talking about people who are perhaps homeless and who are certainly marginalised in society, whom he knows well and walks past, too. Minimum unit pricing will do nothing for those individuals.

The Government and the SNP-Lib Dem council in Edinburgh have stripped back support services for such people by closing down crisis services and removing support workers from the people who need help the most. That is duplicitous and represents double standards.

Problem drinkers look like you and me, Presiding Officer. They hold down jobs and bring up families, and they go home and drink a bottle of wine, night after night. Minimum unit pricing will do little to change the impact of the cost of a bottle of wine and it is key to the cultural shift that we need in this country. Education is critical to that—not just education of adults, but of children. In the 1980s and 1990s, we ran campaigns such as smokebusters that got kids to go home and bin or hide their mum's fags. We need a similar education campaign that tells mums and dads, "Please don't drink that four-pack" or "You don't need that bottle of wine tonight." Education is critical to the culture change that we need in this country.

A couple of weeks ago, we had a cross-party group meeting in Parliament at which children and young people came together to talk about parental drug and alcohol misuse. Two young Prince's Trust ambassadors were there, and they were heartfelt in their view that our education system should do more than just tell young people about the dangers of drugs and alcohol. They told us that our education system must teach young people how to cope with the misuse of drugs and alcohol by their parents. That is the type of intervention that I would like the Government to make. It is about a wider range of interventions to change the cultural framework and do so much more than simply looking at price, as in this narrowly drawn bill.

Finally, I want to talk about future generations of young people for whom price is not yet an issue. There are five, six and seven-year-olds who are watching their parents drinking, and seeing billboard and bus-shelter advertisements promoting drink as an answer to how to have a good time. We need to ban the advertising and do so much more to make sure that the generations who follow do not have the same problems with alcohol as the current generation has.

16:26

Kenneth Gibson (Cunninghame North) (SNP): What a pleasure it is to speak in a debate on legislation that I am confident will be a major step towards creating a Scotland that is better able to address its deadly relationship with alcohol, which will result in a far safer, healthier and happier society.

To address Kezia Dugdale's point about education, I say that I am afraid that the World Health Organization disagrees with her and says that education is less effective than legislation.

To their credit, the Liberal Democrats and the Conservatives now realise the merits of the proposed legislation, but I am saddened to see that the Labour Party obstinately refuses to accept the overwhelming weight of evidence from the medical profession, the police, alcohol addiction services, and religious institutions. Richard Simpson is becoming the King Canute of Scottish politics with this issue; he is trying to hold back the waves of evidence that are being presented. If Labour members possessed a shred of humility, they would be ashamed of themselves and admit that they have got it wrong. A "Mea culpa" in politics is sometimes appropriate, and the Conservatives and Liberals will suffer no harm by accepting that the proposed legislation should proceed.

Of course, the vote is not until 5 pm, so I ask members, rather than just staying in the trenches, to think carefully and to listen to the arguments that are being made this afternoon before pressing their buttons this evening. The evidence about the impact of minimum pricing is compelling, and I do not want to go over again what colleagues have said about Professor Stockwell. However, NHS Scotland showed that setting a unit price of 45p would have an almost immediate impact and a growing effect over the years. A minimum price of 50p would be even more effective. In the first year of a 45p minimum price, we will see 50 fewer deaths and 1,200 fewer hospital admissions. In year 10, those figures will have risen to 225 fewer deaths and 4,200 fewer hospital admissions per annum.

Of course, it must be remembered that it is not only the health and wellbeing of drink misusers that will improve. Jon Stoddart of the Association of Chief Police Officers said:

"Research shows that as price has decreased, consumption has increased—the average person is drinking more than 11 litres of alcohol a year, more than twice the average consumption in the 1950s. The introduction of a minimum price per unit of alcohol would make alcohol less affordable thus reducing consumption and in turn the associated harm."

The police know about the effect of alcohol misuse and they strongly support minimum pricing to

reduce crime. We are talking not just about crimes of domestic violence and disorder but about serious crimes such as murder, which often have alcohol as a contributing component.

Earlier today, leaders of nine major children's charities signed a letter calling on Parliament to back minimum pricing, pointing out how important it will be in reducing violence against children at home, and in tackling

"the physical, emotional and developmental scars of alcohol misuse during pregnancy".

Kezia Dugdale: I have that letter in front of me, and it says that a pricing level must be appropriate and

"applied as part of a wider framework for action".

Is Mr Gibson satisfied that the Government is doing enough?

Kenneth Gibson: We are working in a range of areas to deal with the issue. The problem with the Labour Party is that it will consider everything but minimum pricing, which is why it is condemned in the debate. What serious person can look anyone in the face and argue that the legislation will not tackle one of the greatest challenges to our society?

The Finance Committee, of which I am the convener, took evidence from the Scotch Whisky Association, the Scottish Grocers Federation and the team behind the bill. Paragraph 23 of the financial memorandum states:

"Alcohol misuse acts as a brake on Scotland's social and economic growth, costing an estimated £3.56 billion each year ... For the mid-point estimate, this includes £866 million in lost productivity, a cost of £269 million to the NHS and £727 million in crime costs."

That affects real people and real lives, and we are trying to do something about it.

The SWA said that a minimum price of 50p per unit of alcohol would impact negatively on global sales of Scotch whisky to the tune of 14.5 per cent. That would, however, require that dozens of countries create illegal trade barriers, as the bill team pointed out. The Scotch whisky industry is booming not because whisky is cheap to export, but because it is a highly sought after, high-quality luxury product.

The SGF claimed that minimum unit pricing is a regressive policy that would affect low-income families and individuals. It should be remembered, however, that the alcohol-related death rate in the most deprived 20 per cent of our population is five times higher than it is in that of the least deprived. Legislation to reduce alcohol consumption must be tried in order to help the most deprived section of the population, because they are most likely to suffer harm as a result of alcohol. The claims of the SWA and the SGF do not stand up to scrutiny.

The economic health benefits of the policy are clear and far outweigh any supposed adverse impacts. I, for one, am proud that this Government is taking action to tackle Scotland's dangerous relationship with the bottle. The overwhelming majority in this Parliament will vote to create a safer, healthier, more prosperous and happier Scotland.

Labour's feeble attempt to try to distract people from the bill with a members' bill of its own, which will include just about anything but minimum pricing, will be seen for the desperate spoiling tactic that it is. I say that more in sorrow than in anger.

Alan Cochrane is not a man whom I quote very often, but in today's *Daily Telegraph* he wrote that Labour's stance is not

"so much a policy as a smokescreen designed to mask the party's stupidity in allowing itself to be outflanked and ultimately isolated on this crucial aspect of social strategy."

With regard to the nonsense about profits for supermarkets, Labour voted against the health supplement, which will bring in £95 million over three years from large retailers that supply alcohol. Let us forget Labour's nonsense—it is against minimum pricing because the SNP has introduced it, and will be embarrassed when it is a success. I am astonished by the position that is being taken by Dr Richard Simpson—a member of the medical profession—on the issue.

16:32

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am wearing two hats today—my old hat represents my role as a convener of the previous session's Health and Sport Committee, which heard all the evidence on minimum unit pricing, and my new hat represents my current role as convener of the Justice Committee. The evidence was, and remains, overwhelming.

I say to Kezia Dugdale, who is a lady who has merit, that she should not just look at the streets of Edinburgh, but read the evidence from all the professions, including the academic evidence on the impact of minimum unit pricing. It is not the be all and end all, but it is one part of a whole programme to reduce binge drinking and the alcohol-fuelled society in Scotland.

I am pleased that the Conservatives and the Liberals support minimum pricing. Their suggestion that a sunset clause be included is right and sensible, as are their monitoring proposals.

The great difficulty with the Labour amendment is that it refers to

"the windfall to the large retailers".

From my recollection, apart from Tesco—there might be another one now—the large retailers are opposed to minimum unit pricing. If they were going to make a lot of profit from minimum unit pricing, they would be in favour of it. Therefore, if they oppose it, they are opposing an increase in their profits. Labour is exercising a strange logic.

Dr Richard Simpson mentioned that Labour will address caffeinated drinks in its bill, but when that issue was raised at the Health and Sport Committee, Dr Alasdair Forsyth told us:

"There is no research that suggests that mixing caffeine and alcohol is related to moods in any way—that it makes people either more or less aggressive."

Moreover, Chief Superintendent Bob Hamilton said that

"we have no evidence that that type of caffeinated product is a cause of violence or increases violence."—[*Official Report, Health and Sport Committee*, 15 September 2010; c 3308.]

Dr Richard Simpson is shaking his head, but that is evidence; it is not hearsay or something that I have just heard.

Dr Simpson: Let me be clear. Is Christine Grahame saying that the US Food and Drug Administration's decision to ban pre-mixed caffeinated alcohol is founded on absolutely no evidence whatsoever?

Christine Grahame: I am saying that the evidence that was presented to the committee by the police and academics was that caffeinated alcohol does not lead to aggression. When Helen Eadie asked about the matter, she was told that the issue is not really what people drink, but why they drink it, and that it is not so much the steady heavy drinker that we are concerned about in relation to violence in society, but the binge drinker who drinks anything that they can lay their hands on and, most important, the cheapest thing. The impact of that is that people stay at home to drink. They front-load before they go out, because they say that they cannot afford the prices in restaurants and pubs. Therefore, they buy the cheap stuff to get themselves going. The only reason why people do that is to bevvv themselves out of their minds.

Duncan McNeil clearly set out the results of that. I am sorry that he is not in the chamber now—I was a bit hard on him, but he deserved it.

Jackie Baillie: No, he did not.

Christine Grahame: He certainly deserved it, given the tone of his speech, which he was making as convener of the Health and Sport Committee. Perhaps he will learn. This is important, because he has a fine record on the issue. The committee report states:

“The Committee draws particular attention to the issue of protecting children who may be growing up in a household where alcohol is being abused and the detrimental effect that this can have on their care, development and wellbeing.”

I commend Duncan McNeil, as he has chased for 12 years the issues of the effects of alcohol and drugs on children in households. We are considering the impact on the next generation. To speak with my Justice Committee convener’s hat on, there is evidence that domestic violence is fuelled by alcohol. Even the loss of a football game can mean that some woman is sitting at home wondering what the consequences will be for her because somebody is fuelled by alcohol.

Graeme Pearson said a lot of grand things and set out good ideas, which is why I say to him that minimum unit pricing is only one of a range of measures. I say to the Labour back benchers, as one back bencher who breaks the party’s whip, that they can break the whip and survive if they believe in the principles. I know that Malcolm Chisholm has occasionally done that.

The cost to Scotland is not just on health issues. This could be a justice debate or one on homelessness—Kezia Dugdale mentioned homelessness among people who drink too much alcohol. Alcohol causes a range of problems in society. I say to Kezia Dugdale, who is new to the Parliament, that she should think hard on the evidence that two committees of the Parliament have heard. Everything rams home the fact that minimum unit pricing will, as part of a programme, have a serious and important impact on Scotland’s alcohol problems through the generations.

16:38

Helen Eadie (Cowdenbeath) (Lab): I support the amendment in the name of Jackie Baillie. I applaud everyone, of every political party and of none, who works to help diminish a problem that is without doubt the gravest concern of our nation today. No one in Parliament disagrees that excessive alcohol consumption is one of the biggest challenges in Scotland. However, in my judgment, there are two big objections to the Government’s proposal.

The first is that it will give away in excess of £100 million per year through what has become known as a windfall tax to the private profiteers. It is not only me who says that. That point was not challenged at any time in the evidence to the previous Health and Sport Committee, which I served on up to 2011. An Institute for Fiscal Studies report states that, if the measure were to be applied across the United Kingdom, a minimum alcohol price of 45p per unit

“could transfer £700 million from drinkers to firms”.

That is not conjecture; it is from the Institute for Fiscal Studies.

My second objection is about the lack of any definitive evidence or certainty from the European Commission. The Law Society of Scotland and the whisky industry have cast serious doubt on the proposal and have suggested that the Scottish Government could break European Union laws. The Conservative and Liberal Democrat members, whose parties are coalition partners at UK level, need to reflect on whom the Commission will find culpable if EU law is broken. Will Westminster be charged as having broken EU law, or will it be the Scottish Government? I know, from reading a research paper of the House of Commons library, that that question has exercised the minds of senior civil servants and has caused them a fair amount of activity. Ruth Davidson and Willie Rennie need to read that research paper and speak again to their leaders. I am sure that they would not want to land either David Cameron or Nick Clegg in it by having such scant regard for EU law.

I will deal with the concern about the windfall tax first. Had the Government given a clear commitment in the course of its current bill that it would honour the commitment that it gave to the Health and Sport Committee when I served on it, taking evidence on the bill, then one of my biggest objections would have been addressed. It is clear, from the briefing that has been sent to members from the British Medical Association Scotland, Alcohol Focus Scotland and Scottish Health Action on Alcohol Problems—SHAAP—that those organisations have been seriously misled by the Government.

Nicola Sturgeon: Will the member take an intervention?

Helen Eadie: In the briefing, those organisations talk clearly about the Scottish Government’s proposal to introduce a public health levy on the big retailers who profit substantially from the sale of alcohol. Well, I have a newsflash for those organisations: there is no such proposal. The Government has changed its course from its work on the first such bill that came before Parliament, and those organisations need to speak urgently to the Scottish Government on those issues.

Nicola Sturgeon rose—

Helen Eadie: Do the BMA Scotland and SHAAP feel comfortable with the fact that the windfall of £100 million a year will go to the shareholders and not to the public purse through a social responsibility levy or a public health levy? To me, that has been a persuasive point, as I have stated. Do all the back benchers in the SNP, the Lib Dems and the Tories feel comfortable with that? I

am not surprised that the Tories prefer that course of action.

Jackson Carlaw: Ahoy! Will Mrs Eadie take an intervention? [*Laughter.*]

Helen Eadie: I am sure that there will be some shuffling in their seats and discomfort among some of the back benchers of the other parties. If there is not, then shame on them. According to the Institute for Fiscal Studies, the biggest beneficiaries will be Tesco, Asda and Sainsbury's, as well as the stores that sell alcohol most cheaply—the discount retailers Aldi, Lidl and Netto. Waitrose, the Co-op and Marks and Spencer will gain relatively little because they do not sell much cheap alcohol.

Jim Eadie *rose*—

Helen Eadie: Some of the gains will be made not only by retailers, but by manufacturers. I was not elected to this Parliament to put money in the pockets of those who are already rich. I was sent here to tackle why people in my constituency who need treatment cannot get it because the already-strapped NHS budgets in Fife are being further starved of cash by cutting of treatment budgets—but, hey ho. Who cares if a highly respected nurse from Lochgelly cannot get her alcohol treatment as long as Tesco and Asda get their profits? Let her life crumble: it's the rich what gets the profit, it's the poor what gets the pain. Tartan Tories—that is what the SNP members are.

Members: Oh!

The Deputy Presiding Officer (John Scott): Order.

Helen Eadie: Other members have spoken about the Institute for Fiscal Studies and the Centre for Business Research. One of the key points about the centre's work was its finding that the Scottish Government has never undertaken an impact assessment on jobs—no one has—following what the whisky industry's submission said. In shaping policy, that is just one facet, but it is not an insignificant aspect for Scotland. The Government is determining policy without knowledge of, or data on, the impact of the bill on jobs across the Scottish drinks industry. I concede that health must be a top priority, but the Government should not show what is perceived to be scant regard for that important consideration. [*Interruption.*]

The Deputy Presiding Officer: Order.

Helen Eadie: In the current financial climate, jobs are at a premium nationwide. Woe betide the politician who does not show regard for employment and trade issues.

The Deputy Presiding Officer: The member must close now, please.

Helen Eadie: I thank the Presiding Officer for the opportunity to take part in the debate.

16:44

Richard Lyle (Central Scotland) (SNP): I have been called many things in my life, but I have never been called a tartan Tory.

In her speech at the weekend, the cabinet secretary had a confession to make: she had got her prediction wrong about the number of seats that we would win in Glasgow—we actually won one more. In a spirit of honesty, I, too, have a confession to make. In my maiden speech last year, I welcomed the reintroduction of the bill but, to be honest, I did not support minimum unit pricing prior to coming to Parliament. However, after nearly a year as a member of the Health and Sport Committee, I have been convinced by the evidence of the benefits of the proposal, and I pledge my full support to the committee's report on the bill.

It is the overall health and wellbeing of the people of Scotland that the bill addresses. Scotland faces many health problems, such as obesity, and we do not want alcohol abuse to add to them and continue to worsen the country's health. Liver disease is already the second most common cause of death in the under-65s. Scotland has a noticeable problem with alcohol misuse compared with the rest of the UK, and we must acknowledge it as a concrete issue.

Off-licence sales of pure alcohol in Scotland increased by 52 per cent between 1994 and 2010, and off-licence sales of vodka in Scotland are almost 2.5 times higher than in England and Wales. If we consider that the Scottish population is minute in comparison with our English neighbours, those statistics are worrying enough to warrant the introduction of minimum unit pricing of alcohol as a disincentive for binge drinking and alcoholism.

The measure will benefit not only the younger generation, for whom binge drinking has become a culture, but those young people who have to deal with alcoholism in their families. It is estimated that 65,000 children live with a parent with an alcohol problem, and excessive drinking by a partner is cited as a contributory cause in one divorce case in three. We must consider not only the immediate health effects but the detrimental collateral damage that is caused by alcohol misuse.

Scotland has previously toyed with the idea of introducing a minimum price at less than which a unit of alcohol must not be sold, but the proposals have always been removed at the later stages of the consideration of legislation. That happened back in 2009. I believe that a significant proportion of the cases that are reflected in the statistics

could have been avoided if the Government had been able to follow through with its plans at that time.

Feedback has been received from the variety of sectors that are involved. The committee issued its call for written evidence on 1 November 2011, and 95 submissions were received. Some 85 per cent were in favour, and 15 per cent against. Those who were in favour of the proposal were from the health, licensing and on-trade sectors, and those who opposed it tended to be from the alcohol manufacture and off-trade sectors. Although the committee recognises the manufacturers' concerns, it is our job to see beyond that and listen to the statistics, which resonate loudly. They show us that Scotland has an alcohol misuse problem that is detrimentally affecting our health and our society, and minimum unit pricing might help us to tackle that.

Minimum unit pricing will be the most effective and efficient way in which to reduce alcohol consumption. That is why we propose—and I accept—that method over banning the sale of low-cost alcohol or increasing duty on alcoholic drinks.

As has been confirmed today, the bill already has the support of the Conservatives, the Liberal Democrats and the Green Party. The Labour Party still opposes the bill and, although it has made an effort to present an alternative set of regulations, they would not combat the Scottish relationship with alcohol as effectively as the setting of a minimum unit price. It is the correlation between low prices and high-strength alcohol that has to be changed.

The relationship between minimum unit pricing and health benefits is supported widely in the academic world as well as the political world. Tim Stockwell, a professor at the centre for addictions research of British Columbia, when talking about a report on whether minimum pricing reduces consumption, concluded:

"This is significant information for policies to prevent the substantial toll of death, injury and illness associated with hazardous alcohol use".

Some manufacturers are adamant that there is no correlation. However, empirical evidence—I like those words—has shown that minimum unit pricing has been beneficial. The Health and Sport Committee held a videoconference with Professor Stockwell and, although we agreed that each society reacts differently to policies so they cannot be directly compared, the evidence thus far shows that minimum unit pricing has led to positive outcomes both for health and in other areas that are connected with alcohol abuse, such as crime. Professor Stockwell assured the committee:

"Theoretically, from a purely public health perspective, the idea of pricing ethanol in such a way that the more

ethanol someone purchases for their consumption, the more expensive it will be, what is proposed in Scotland is perfect."—[*Official Report, Health and Sport Committee*, 10 January 2012; c 798.]

Therefore, as a back-bench MSP, I urge every party and every member to support this proposal to tackle alcohol misuse in Scotland.

I am a smoker. I did not support the smoking ban, and I was wrong. I did not support minimum unit pricing at first, and again I was wrong, but I now support the bill.

16:50

Drew Smith (Glasgow) (Lab): As another member of the Health and Sport Committee, I associate myself with the cabinet secretary's opening remarks about Duncan McNeil, the members of the committee and the clerking team.

Many areas of consensus emerged from the committee's consideration and scrutiny of minimum pricing per unit of alcohol. We all agreed that Scotland has a negative relationship with alcohol, and that that relationship should be challenged. That is a bold statement.

Through its production and sale, alcohol is an important and integral part of our economy. It is a part of life. We drink to wet the baby's head and we buy pints for our friends, when—if not before—they reach the date of majority. We celebrate success with champagne—or some of us do—and some of us drink to unwind or to socialise in the pub on a Friday afternoon, or we go home to a glass of supermarket wine. After our debates in the chamber this afternoon, many members will head downstairs to mark Commonwealth day. An alcoholic beverage will be offered at the bottom of the steps and a proportion of members will accept a glass, some perhaps keeping an eye out for a second one. Alcohol creates jobs and sustains industries. We know that it is a popular part of life.

I do not believe that we need to ban alcohol from this building or from our supermarkets. The negative impact of alcohol comes because of harms that are largely a result of alcohol abuse and overreliance on drink—that is what separates drinking from smoking, at least to some extent. Tackling Scotland's drinking problem, by which we mean tackling drinking that has become a problem, along with tackling the problems that lead to alcohol abuse and those that abuse can cause, is an issue on which we agree in the chamber. We do not need to divide on it, or imply any division or lack of commitment on the part of others.

As a committee, we agreed that tackling problem drinking requires a range of responses. I welcome and agree with much of the alcohol framework, which was written in partnership with

experts, and I commend everything that the Government has done to advance that agenda. Similarly, I welcome the proposals introduced by my colleagues Dr Richard Simpson, who is a former consultant in addictions, and Graeme Pearson, who has served at every level of policing in Scotland. They are both much more expert than I am and, indeed, than many of the rest of us are. The Government believes, and the cabinet secretary has argued, that minimum pricing is the most pressing legislative change that needs to be made next, and now.

Before I came to this place, I had no strong view on minimum pricing, but I was certainly aware that my party's opposition to it had not brought us any particular electoral advantage. Now I am here, and find myself a Health and Sport Committee member, and I discover that the majority view of committee members is that the evidence that we received in support of minimum pricing was "overwhelming and compelling". The witnesses from whom we heard, and their range of views, were interesting, intriguing and persuasive in some cases, but that their evidence was overwhelming and compelling was not the conclusion that I reached.

Indeed, when the cabinet secretary gave evidence, she did not claim that an overwhelming and compelling case existed somewhere else in the world, or from hypotheses, to show that minimum pricing would definitely work exactly in the way that a theoretical model suggested, with no unforeseen consequences and no disproportionate impact on those with lower incomes. Instead, she argued, perfectly legitimately, that on balance there was a case for trying the measure, and she accepted that even if it delivered all that she hoped for it would not be a silver bullet. I ask Parliament to draw its own conclusions about how a majority of committee members managed to find the Government's proposals even more impressive than the Government itself claimed them to be.

I do not dispute that there is a link between price and consumption, and I agree that overconsumption can undoubtedly lead to harm. The evidence for both those things is well understood and the world did not need a report from our committee to tell it that. My concerns are not based on the legality or otherwise of the measure, although witnesses did express such a concern. I would prefer notification of the policy to Europe, and I welcome the commitment to that. I would want to have a better idea of how the market might respond. I hope that a sunset clause and proper robust evaluation will help if the market responds in a way that makes things worse by changing pricing structures or the marketing of specific products.

However, those problems do not explain my unease about the bill. Increasing by law the price of goods in supermarket baskets will take money from consumers and pass it on to retailers. I hope that that is understood. If someone has money, that is fine, but if someone is on a low income, even if they drink moderately, safely and legally within all the guidelines, they will be disproportionately penalised by the minimum pricing measure. They will spend a higher proportion of their income on their weekly shop, which many of us already find hard to afford. Some, like Bob Doris, see that as a price worth paying to get a particular policy prescription agreed, no matter that heavier and problem drinkers and young drinkers are less likely to be price sensitive or that poorer people already drink less than wealthier people. If someone cannot afford the increased price of your safe and legal tittle, which they enjoy responsibly, then tough—it is a price worth paying because it might reduce overall consumption at population level.

I hope that we will all reflect on that when we go downstairs to our next reception or to the bar where we can use our salaries to buy a drink in the full knowledge that the minimum pricing measure will have no impact on us. For the reasons that I have given and others, I support the amendment in Jackie Baillie's name, which calls for the totality of the windfall that will accrue to supermarkets from lower-income people as a result of the measure to be eliminated by a social responsibility levy, which is a measure that was accepted before.

The cabinet secretary has said previously:

"we suggested that we work together to use the social responsibility levy to claw back increased revenue for reinvestment in our services."—[*Official Report*, 10 November 2010; c 30143.]

However, what is the Scottish Government's position now? It has no plans to implement the social responsibility levy. Without a proper measure to claw back the windfall that will go to supermarkets, minimum pricing is not just a tax on the poor but a simple transfer of money from the poor to the rich.

16:56

James Dornan (Glasgow Cathcart) (SNP):

There has been a lot of talk about the cost of alcohol and the culture of alcohol in this country. Unlike Gil Paterson, I am not a lifelong teetotaller. I used to be a typical west of Scotland drinker. I would go out on a Friday night with my mates, I would run football teams on a Saturday and I would go out on a Saturday night. I decided after one weekend that I was not going to do that any more. I reckon that for two years I was drinking as I always had for one reason only: because it was

the culture and I was scared to stop. I was not scared to stop because I loved drinking, because to be honest I could take it or leave it. However, I wondered what I would do if I did not drink and where I would go on a Friday or what I would do on a Saturday.

I just kept on doing the same thing until I thought, "I'm not doing this any more," and stopped it. Afterwards, the biggest problem was how my friends treated me, because they do treat you differently until they get used to it. The first thing that they do when you come in the pub is ask, "What do you want? What do you mean Irn Bru? Here's a pint"—blah, blah, blah. It takes a while, but they get used to it and you move on.

That is the culture that we are up against in Scotland and which most or many of us have to face. There is no doubt that, if we really want to battle alcohol, we have to fight the culture. The bill is about minimum unit pricing, but a lot of the work that has been done by the Government, and even a lot of the work that Graeme Pearson and others have talked about today, is about changing the culture of Scotland. We have a very difficult task ahead of us and we should take it very seriously.

On the financial cost of alcohol to this country, my partner is a nurse who has worked in general nursing. She used to work in the medical receiving ward in a hospital that I will not name. She said that she hated the weekends because 90 per cent of the cases then were alcohol related. It was not just the problems that people came in with, which might include injuries from violence or liver problems, it was the fact that many people who were already in the hospital and needed treatment were not getting treatment because of the emergency cases that came in with what were almost self-inflicted wounds. The health service did what the health service does and treated everybody according to their needs and gave people a great service, but there was a bit of resentment among staff because they saw for example, a suffering old woman in hospital who was perhaps not getting the treatment that she needed because somebody else needed it.

We therefore have a real issue here and it upsets me to see politicians from a party that I used to support, which is meant to be based on looking after those who cannot look after themselves, who blindly refuse to support a position—I do not care what they say—only because it came from us. The cabinet secretary has bent over backwards to try to get the other parties on board. *[Interruption.]* I hear, "Rubbish!" from one of the Labour members. I suspect that that is because, if they close their ears, they will hear nothing.

The Conservatives and the Lib Dems came along—Willie Rennie made a very good speech—

and the Greens came along at a very early stage. The issue is important.

Helen Eadie: Will the member take an intervention?

James Dornan: I am sorry, but we heard enough from Helen Eadie earlier on. *[Interruption.]*

The Deputy Presiding Officer: Order.

James Dornan: This is an important part of the parliamentary process. Kezia Dugdale mentioned the smoking ban. That ban is, without a doubt, the Parliament's greatest achievement, but let me give a wee history lesson. The smoking ban proposal started with Kenny Gibson; it then went to Stewart Maxwell, and then to Jack McConnell. I was working for Stewart Maxwell at the time. I assure members that the Labour Party did not support the smoking ban, but it saw the evidence, changed its mind, took the bill and strengthened it, and we got a better bill because of that. I would like the Labour Party to do that now. With the smoking ban, Labour members put aside the fact that a proposal came from us, took that proposal and made it theirs. The SNP and the Parliament supported the bill, and we got the best piece of legislation that it has ever passed.

It is not too late. Kenny Gibson said 5 o'clock. Oh, dear—a missed deadline. It is just after 5 o'clock, and Labour members have an opportunity to get together and vote on another piece of legislation that will make us proud.

The bill is not the end result. Graeme Pearson made a great speech, but his conclusion was madness. He took us right up to the line, and all that he needed to do was say, "All these things have to be in place plus minimum unit pricing," and his contribution would have been perfect, and he would have been a credit to himself and his party. That is what we need.

Tim Stockwell said:

"without a shred of doubt"

this will

"save lives, reduce healthcare costs, prevent death and injury on the roads, prevent birth defects, and reduce public violence".—*[Official Report, Health and Sport Committee, 10 January 2012; c 786.]*

[Interruption.] Did Duncan McNeil say that?

Duncan McNeil: Yes.

James Dornan: That is good. Were you drunk at the time?

The Deputy Presiding Officer: Can we have debates through the chair, please?

James Dornan: Alcohol misuse and violence go hand in hand. A World Health Organization paper reports that economic modelling strongly

suggests that minimum pricing will work, and that a 1 per cent increase in the price per ounce of alcohol would reduce the incidence of intimate partner violence against women by 5.3 per cent. Surely Labour members should support that.

Jackie Baillie: Will the member take an intervention?

James Dornan: Yes, I will.

The Deputy Presiding Officer: No. The member is in his final minute, so he will not do so.

James Dornan: In that case, I will not. I am sorry.

Labour members have, rightly and commendably, strongly condemned violence against women and anybody else. Surely anything that will tackle that problem should be supported.

The cabinet secretary has done everything that she can. There are a few minutes to go. I beg members to support the proposal; we can then move on to stage 2.

17:02

Jackson Carlaw (West Scotland) (Con): The cabinet secretary began with a round of congratulations to various people who assisted her in drafting the bill. I was reminded of a comment that she once made that made me blush in my early days in the chamber. She stood up and said that Jackson Carlaw could tempt her to do many things. My scepticism has surrendered to the concessions of her advances as the bill has progressed through the chamber.

I say to the cabinet secretary that not every Conservative is in a swoon at the prospect of supporting the bill. That is an important point. The two concessions of principle and substance that she has offered are therefore important to us. The first, which relates to the sunset clause, arises from the evidence of Professor Brennan, who is the author of the Sheffield study. He said:

"If minimum pricing turns out to be completely ineffective or a counterproductive policy, for reasons that are not included in the modelling and which have not been included elsewhere, that is evidence, and evidence should be included in policy making."—[*Official Report, Health and Sport Committee*, 24 January 2012; c 919.]

The sunset clause is therefore a vital necessity in addressing the scepticism that still rests around the policy—which Dr Simpson and, in particular, Drew Smith detailed perfectly legitimately—but which some of us are nonetheless prepared to set aside to give minimum pricing its chance.

The second concession is the requirement to establish the legal position. The cabinet secretary has said that she adheres to the position that she is under no obligation, which we are happy to

endorse, but that she will voluntarily notify the pricing mechanism to the European Union. It is important for the Parliament that that process should begin at the earliest possible date and that, before the Parliament considers the bill at stage 3, we are assured that we have done everything that we can to clarify the position with the European Union.

A number of points have been made and I want to respond first—in case I run out of time—by paying tribute to the performance of Helen Eadie, which I would characterise as quite magnificent. She was impervious to entreaties, from all round the chamber, for the chance to intervene. She asked the position of the United Kingdom coalition. I do not know the answer, but I hope that the coalition will follow Ruth Davidson's lead and that London will be governed by the Scottish Conservatives from Edinburgh in supporting what I hope will be a policy that can be pursued across the whole of the United Kingdom. It is perfectly legitimate to raise the issues of internet selling and cross-border selling, but they could be set at rest if this policy were pursued across the whole of the kingdom.

Christine Grahame: Will the member take an intervention?

Jackson Carlaw: Oh, I had better.

Christine Grahame: On the issue of cross-border selling, is the member aware that Scottish Borders Council voted unanimously for minimum unit pricing some years ago? I think that the motion was introduced by a Tory councillor.

Jackson Carlaw: Mrs Grahame always surprises me, and she does so again today.

For Gil Paterson to say that it was totally bogus to be concerned about the windfall was to overstate the case. In her letter to Ruth Davidson, even the cabinet secretary accepts that there might be a windfall and that it will have to be considered. I also sound a cautionary note to Gil Paterson: all those carbonated drinks could be bad for his teeth and could, at his age, give him quite bad wind. If I were him, I would have the occasional non-carbonated drink.

Gil Paterson: I agree with Jackson Carlaw because, just last week, I got my front teeth knocked out. He was not being clairvoyant.

No one in the committee was definitive: the words used were "may" and "could", not "will". The committee did not say that there was evidence on what exactly would happen. My argument may have been the opposite of someone else's; I was offering a different perspective, that was all.

Jackson Carlaw: I understand, but I would rather not be so absolute. It is Parliament's

responsibility to anticipate what might happen and to find ways of dealing with it.

I enjoyed Mr Eadie's contribution. Until this afternoon, I had not known that he was a comedian. He said that the Labour Party was cherry picking from the evidence, which I thought was a bit rich in the circumstances. However, Mr Eadie and Mr Doris take a step too far for me when they become evangelistas for this legislation. Why did Mr Eadie use the phrase "call time"? I thought that we had agreed that we would not. The determination to cull any scintilla of doubt does the legislation a disservice. Even the cabinet secretary accepts that we are embarked on an experiment. It is one that we all hope will succeed—and, in her case and in Mr Eadie's case, believe will succeed. However, to try to will from the debate anybody's scepticism is to raise an expectation in the public mind that may go beyond the scope of the bill in assisting in addressing the whole alcohol issue.

I am glad that we are going to draw a line and move forward. We must tackle Scotland's cultural association with drink—and we have not even begun to scratch its surface. If you ask children where their eyes, nose, ears or mouths are, they can answer, but if I were to ask people in the chamber where their pancreas, liver or kidneys were—the organs that are damaged by alcohol—they would probably point to all the wrong places. People do not understand the difficulties that they are creating for their own health in later life—not necessarily through excessive drinking, but through the repeated, consistent and sustained drinking of alcohol. Dealing with the association between drink and Scotland is a battle that we have still to fight.

I asked the Labour Party to consider this concluding point. If the jury is out on whether this legislation can work, its chances will be all the greater for the authority that cross-party and all-party support will give it. Now is the time to give minimum unit pricing its chance, which is why we will vote with the Government tonight.

17:09

Jackie Baillie (Dumbarton) (Lab): Across the chamber, we have all acknowledged the real concern that exists about the overconsumption of alcohol in Scotland. We consume 23 per cent more than our counterparts in the rest of the UK. As Jim Eadie rightly pointed out, the consequences of that can often be seen in our ambulances, our hospitals and our prisons. We need a range of actions to tackle what is a complex problem.

Parliamentary arithmetic means that the bill will succeed, so our focus has been to mitigate

people's genuine concerns about minimum unit pricing. I say at the outset that we have always agreed that there is a relationship between price and consumption—Labour members have never doubted that—but minimum unit pricing is simply one pricing mechanism. Our consistent preference has been for the use of targeted taxation measures on a UK-wide basis.

The concerns about MUP include concerns about the windfall—which is the subject of our amendment—the legality of MUP and its impact. I will deal with each of those in turn.

The University of Sheffield has estimated that a minimum unit price of 45p will generate a windfall of £103 million; at 50p, the windfall rises to £125 million; and at 55p, it is estimated to be £146 million. That money will be generated each year and all of it will go into the pockets of supermarkets and large retailers. Not one penny of it will go to alcohol education, enforcement or treatment. At a time of tightening budgets, when resources are scarce and when the alcohol treatment budget is being cut in real terms—it has been reduced by 7.5 per cent, which amounts to a cut of more than £3 million—the SNP Government is intent on giving the supermarkets increased profits through that windfall.

We need to consider what the supermarkets will do with the money. I understand that the cabinet secretary thinks that they will make bananas cheaper. I say to her, as gently as possible, that that is a very naive view of the way in which the market behaves. A recent Institute for Fiscal Studies report discussed some of the economic issues to do with minimum pricing. It said that we needed to have an understanding of the measure's indirect impacts. How will retailers change the price of alcohol that is currently sold at a level above the proposed minimum price or the price of other products? How will manufacturers change the range of alcohol products that are available once cheap goods are no longer competitive on price? As yet, we do not have clear answers to those questions, but such secondary effects are extremely important in assessing the overall impact of minimum pricing.

We know that the sale of alcohol is important for the retail sector. Some retailers have sought to be creative to get round the discount ban, and they are likely to do the same with MUP. I can already picture some of the market responses and the unintended consequences—a depression in the price of premium brands and shelves and shelves of own-brand spirits.

We supported the social responsibility levy in the Government's Alcohol etc (Scotland) Bill, but it is not to be implemented. During stage 3 consideration of that bill, Nicola Sturgeon said about the social responsibility levy:

“Next, they said”—
by “they”, I think she meant us—
“that it would increase supermarket profits.”

That is true. She went on to say:

“They were knowingly misrepresenting the figures”.

That is not true, because the figures came from the Sheffield study, which the Government commissioned. She continued:

“but, even so, we suggested that we work together to use the social responsibility levy to claw back increased revenue for reinvestment in our services.”—[*Official Report*, 10 November 2010; c 30143.]

We agreed to do that, and that is what we did. What a shame that the cabinet secretary has made it clear that there are no plans to implement the social responsibility levy until the economic circumstances are right.

Nicola Sturgeon: Will the member give way?

Jackie Baillie: In a minute.

However, the Government has introduced a public health levy that is aimed at large retailers that sell alcohol and tobacco. We supported that measure in the Local Government and Regeneration Committee. When it started life, it would have taken £110 million from the supermarkets over three years, but that was reduced to £95 million. The profits for supermarkets that will arise from MUP over the same period range from £310 million to as much as £450 million, which is three or four times more than the public health levy would collect.

Nicola Sturgeon: I wondered when someone in the Labour Party was going to talk about the public health supplement. Labour members voted against the budget that included it.

Will Jackie Baillie concede that she misrepresented the figures and that she has done so again? She always says that all the moneys would accrue to supermarkets when, in fact, they would be spread across the industry. Surely the key thing is that we should get minimum pricing working and then work together on these issues—that is what Labour should do instead of using them as a fig leaf for its opposition.

Jackie Baillie: It is disappointing that raising genuine concerns about the efficacy of the Government’s legislation is apparently a fig leaf. We have been consistent on the issue, no matter how much the cabinet secretary may seek to deny it.

The cabinet secretary should feel free not to listen to me—she does not have a history of doing so.

Members: Oh!

Jackie Baillie: The debate is not so consensual now.

Professor Stockwell gave evidence to the Health and Sport Committee in support of minimum unit pricing and on Canada’s experience of social pricing. However, the key difference is that there is a state monopoly in Canada, which effectively owns its off-licences. I am not suggesting that the SNP should introduce plans to nationalise Scotland’s off-licences, but Professor Stockwell expressed his disappointment to the committee when he said:

“Minimum pricing will be more in your favour if you can apply the levy that I thought was going to go ahead”.—[*Official Report, Health and Sport Committee*, 10 January 2012; c 797.]

How disappointing it is that the levy is not going ahead.

We have lingering concerns about the legality of minimum unit pricing. I note that the cabinet secretary is offering to notify the price-setting order to the European Union, but she asserts that there is no need to notify the bill. Others disagree, and argue that notifying only the regulations will not allow for full and proper scrutiny. The bill describes how minimum pricing will be applied and contains the mechanism for calculating the price of products on the market, so it sets an important context.

Ruth Davidson is right: there is no indication at which stage notification will be made. The cabinet secretary should surely just notify the whole bill and end any doubt and uncertainty. I am sure that that is what the Tories wanted, but it is not being delivered in full. The Law Society of Scotland also has reservations on that point.

On the question of impact, I say to Bob Doris that there is little impact on young people and binge drinking, and no impact on caffeinated alcohol products such as Buckfast. Where consumption of particular drinks—namely wine—is increasing substantially, minimum unit pricing does not begin to touch it at all. Where consumption within a particular demographic—namely middle-class, middle-income women—is increasing substantially, there is virtually no impact at all.

In the Government’s early rhetoric, the policy was supposed to be a silver bullet and a magic solution to overconsumption of alcohol. Indeed, despite the Government protesting—as it is doing again—that this is not so, it has produced a bill that is so tightly written that it is incapable of being amended. Members should make no mistake about it: that was deliberate. [*Interruption.*]

The Deputy Presiding Officer: Order.

Jackie Baillie: I am conscious of time, but I must address what Christine Grahame and James Dornan said. Domestic abuse is not caused by alcohol. That is to misunderstand the nature of the abuse and its underlying cause—ultimately, it is an abuse of power. To quote the Government's own rhetoric back at it, there is no excuse for domestic abuse.

What has always struck me is the question why, since the prices in Scotland and in the rest of the United Kingdom are largely the same, alcohol consumption is 23 per cent higher in Scotland than in the rest of the UK. It is clearly about much more than price.

I am genuinely disappointed in the SNP's position. We on the Labour side of the chamber were prepared to meet the Government halfway. Our concerns were not a fig leaf, but a real opportunity for the Government to move forward collectively if it wanted to do so.

I simply cannot understand why the SNP is signing up to put hundreds of millions of pounds into the pockets of supermarkets such as Tesco, which reported a £3.8 billion profit last year—that is £10 million each day, and I have not even begun on the others. The SNP wants to give them more. I am bemused, and the people of Scotland will be too. We are prepared to support the Government, but the SNP is stuffing the pockets of supermarkets with gold—

The Deputy Presiding Officer: The member must close.

Jackie Baillie: —when budgets across the public sector are tight and the alcohol treatment budget is being decimated. I urge members to support the amendment.

17:19

Nicola Sturgeon: The debate has been a good one on most sides of the chamber. There have been some excellent speeches—I will not remember everyone, but I single out Bob Doris, Jim Eadie, Willie Rennie, Gil Paterson, Ruth Davidson, Kenny Gibson, Christine Grahame and Richard Lyle. Jackson Carlaw, once he got past the first couple of minutes of his speech, made an excellent contribution.

The debate has illustrated how most members of the Parliament have managed to come together to do the right thing. The Parliament will now move on to the next stage of the bill, and for that I am very grateful.

Labour has been utterly and depressingly predictable. All that we have heard today are desperate attempts to find any excuse, no matter how weak, to justify a position that I am sad to say

has little to do with public health and everything to do with petty party politics.

Jackie Baillie, in a speech that was all about covering up her embarrassment at her ineptitude on this issue, managed to get through literally the entire speech without mentioning the public health benefits of the policy. That sums up Labour's position.

In his opening speech, Richard Simpson asked the rhetorical question, "Why does Labour oppose minimum pricing?" When we strip everything else away, the answer to that question is really simple. Labour opposes it because the SNP proposes it—end of story. That is why the reputation of a party with a once-proud record on public health is as low with the public health community as it is possible to get.

There are many flaws with Labour's position, but today I will highlight three of them. One is its suggestion that we only have the Sheffield model—a suggestion that completely ignores the value of econometric modelling in the development of many other policies, including the minimum wage policy that Labour introduced at Westminster. It also ignores Professor Stockwell's empirical evidence. I thought that one of the low points, if not the low point, of Richard Simpson's opening speech came when he quoted Professor Stockwell as supporting action on caffeinated drinks. Jackie Baillie also quoted him as supporting a levy on supermarkets. However, both completely ignore his evidence when he says that minimum pricing is the right thing to do. That sums up how pathetic Labour's position is.

The most depressing aspect of this debate is that Labour's position seems to boil down to one of rejecting the proposal not only because it is an SNP proposal but because nobody else has done it first. Labour's position is a recipe for doing nothing new about anything ever. It is a pathetic betrayal of responsibility on such an important issue.

The second flaw in Labour's position that I want to address is demonstrated by what can only be described as Richard Simpson's statistical somersaults and contortions, which he engaged in in an attempt to demonstrate that the impact on some groups is less than it is on others and might be less than it is on the population as a whole. I stress that he does not say that there will be no impact on those groups; just that it might be less. I will give members the statistics that they will not hear from Labour, which have been referred to by Bob Doris, Jim Eadie and others. Based on a 45p minimum price, consumption reduces by 3.5 per cent. That rate is 5.6 per cent for hazardous drinkers and 9.9 per cent for harmful drinkers. Further, by year 10 of the policy, alcohol-related deaths go down by nearly 200 a year; hospital

admissions go down by more than 4,000 a year; there are 2,000 fewer crimes every year; and 20,000 fewer work days are lost through absenteeism. Those are the public health benefits of minimum pricing that Labour is blind to and is closing its eyes and ears to.

The third big flaw in Labour's position is that it has absolutely no credible alternative. Speaker after speaker gets to their feet and says, "We know price matters and we accept there's a relationship between price and consumption and harm", but not only do they not support minimum pricing, they do not suggest any credible alternative, either.

Jackie Baillie: Will the member give way?

Nicola Sturgeon: Let me finish this point.

The best that we get is some vague reference to tax, which completely ignores the fact that this Parliament cannot introduce such a tax and, more important, the fact that tax is neither as targeted an approach nor as proportionate an approach as minimum pricing. On all those issues, and more that I am glad to say that I will come on to, Labour's position is deeply flawed.

On that note, I give way to Jackie Baillie.

Jackie Baillie: I remind the cabinet secretary of a little bit of history. Last summer, we brought forward alternative, worked-through proposals that were supported by the Conservatives, the Liberal Democrats and the Greens. That is consensus. However, of course, the cabinet secretary does not understand the meaning of consensus.

Nicola Sturgeon: I think that what Jackie Baillie previously proposed was a floor price of tax and duty that would add up to a minimum price of 20p. [*Interruption.*]

The Presiding Officer (Tricia Marwick): Ms Baillie.

Nicola Sturgeon: If I do not do consensus, how is it that I have every other party in the chamber on my side and Ms Baillie is completely and utterly isolated? Jackie Baillie would not know consensus if it bopped her on the nose, because for her this has always been about opposing the SNP.

Labour's amendment has to be the biggest fig leaf of all. I could say that Jackie Baillie is putting a blanket over her head on the issue—that would be better than her use of blankets to talk down our national health service.

Jackie Baillie and Labour's latest fig leaf is windfall profits to the supermarkets. Labour ignores—conveniently, because this is an inconvenient truth for Labour—the fact that just a few weeks ago it voted against a budget that introduced a public health supplement that will raise £95 million over the next three years. The

real flaw in this part of Labour's argument is that although the Sheffield model shows that the alcohol industry as a whole will gain financially from minimum pricing, that includes producers, retailers and small corner shops as well as big supermarkets. It also includes the on-sales trade, because customers might return to the pubs that I think we all want to see survive and thrive across the country.

If the windfall issue that Labour raises is one that we need to deal with, we have mechanisms through the public health supplement and the social responsibility levy to deal with it, but it is not a reason not to introduce minimum pricing. We need to tackle price, and the evidence base shows that minimum pricing is the most effective and efficient way to do that.

If Labour was serious about the windfall issue, it would vote for minimum pricing and work with us to deal with it—if it needs to be dealt with—rather than use it as yet another pathetic excuse for its rather pathetic opposition on the issue.

Labour can go on as much as it likes about other measures. I have said that where it brings forward measures that amount to more than a rehash of things that it has failed to produce evidence for, this Government will consider them.

I thought that Kenny Gibson summed up the situation rather well. Whereas we accept that minimum pricing is not a silver bullet and that there has to be a package of measures, Labour's position is that it is prepared to support a package of measures only if it has a great big hole in the middle of it where an effective pricing mechanism should be. That is the weakness in its position.

I accept that there are people who remain sceptical. That is understandable in relation to a policy that is groundbreaking, but all the evidence from the doctors, the nurses, the police officers and the public health experts is that the policy can work and that it will have an impact. In the words of Professor Stockwell, who Labour was keen to quote on other matters, the policy will "save lives".

That is why it is time to stop the excuses, it is time to cast aside the fig leaves and it is time to get behind our front-line health professionals and our front-line police officers, who deal daily with alcohol misuse, by backing the policy, getting it on to the statute book and letting it start to make a difference. I am delighted that we have consensus among the other parties in the chamber. It is a shame that Labour remains in abject isolation.

Alcohol (Minimum Pricing) (Scotland) Bill: Financial Resolution

17:29

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-02163, in the name of John Swinney, on the financial resolution on the Alcohol (Minimum Pricing) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Alcohol (Minimum Pricing) (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Nicola Sturgeon.*]

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

Business Motions

17:29

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-02324, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 21 March 2012

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by European and External Relations Committee Debate: EU priorities for 2012

followed by Scottish Government Debate: Housing Benefit Reform

followed by Public Body Consent Motion: National Endowment for Science, Technology and the Arts

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 22 March 2012

9.15 am Parliamentary Bureau Motions

followed by Scottish Labour Party Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time
Rural Affairs and the Environment;
Justice and the Law Officers

2.55 pm Scottish Government Debate: The UK Government response on the future of Remploy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 28 March 2012

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 29 March 2012

9.15 am Parliamentary Bureau Motions
followed by Scottish Government Business
 11.40 am General Question Time
 12.00 pm First Minister's Question Time
 2.15 pm Themed Question Time
 Health, Wellbeing and Cities Strategy
 2.55 pm Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business.—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of three business motions in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out stage 1 timetables for bills. I ask Bruce Crawford to move motions S4M-02325, S4M-02326 and S4M-02327 en bloc. If members do not object, I propose to put a single question on the motions.

Motions moved,

That the Parliament agrees that the deadline for consideration of the Criminal Cases (Punishment and Review) (Scotland) Bill at Stage 1 be extended to 20 April 2012.

That the Parliament agrees that consideration of the Social Care (Self-directed Support) (Scotland) Bill at Stage 1 be completed by 14 September 2012.

That the Parliament agrees that the deadline for consideration of the Police and Fire Reform (Scotland) Bill at Stage 1 be extended to 11 May 2012.—[Bruce Crawford.]

Motions agreed to.

Parliamentary Bureau Motions

17:31

The Presiding Officer (Tricia Marwick): The next item of business is consideration of two Parliamentary Bureau motions. I ask Bruce Crawford to move motion S4M-02341, on approval of a Scottish statutory instrument, and motion S4M-02343, on approval of guidance.

Motions moved,

That the Parliament agrees that the Public Services Reform (Recovery of Expenses in respect of Inspection of Independent Further Education Colleges and English Language Schools) (Scotland) Order 2012 [draft] be approved.

That the Parliament agrees that the Scottish Social Housing Charter be approved.—[Bruce Crawford.]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:31

The Presiding Officer (Tricia Marwick): There are six questions to be put as a result of today's business. The first question is, that motion S4M-02304, in the name of Fergus Ewing, on the Land Registration etc (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Land Registration etc. (Scotland) Bill.

The Presiding Officer: The next question is, that amendment S4M-02305.1, in the name of Jackie Baillie, which seeks to amend motion S4M-02305, in the name of Nicola Sturgeon, on the Alcohol (Minimum Pricing) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)

Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McLetchie, David (Lothian) (Con)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 86, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-02305, in the name of Nicola Sturgeon, on the Alcohol (Minimum Pricing) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McLetchie, David (Lothian) (Con)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 86, Against 0, Abstentions 32.

Motion agreed to,

That the Parliament agrees to the general principles of the Alcohol (Minimum Pricing) (Scotland) Bill.

The Presiding Officer: The next question is, that motion S4M-02163, in the name of John Swinney, on the financial resolution on the Alcohol (Minimum Pricing) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McLetchie, David (Lothian) (Con)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 86, Against 0, Abstentions 31.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Alcohol (Minimum Pricing) (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S4M-02341, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Public Services Reform (Recovery of Expenses in respect of Inspection of Independent Further Education Colleges and English Language Schools) (Scotland) Order 2012 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-02343, in the name of Bruce Crawford, on approval of guidance, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Social Housing Charter be approved.

Commonwealth Week 2012

The Deputy Presiding Officer (Elaine Smith): The final item of business is a members' business debate on motion S4M-01999, in the name of Sandra White, on Commonwealth week 2012. The debate will be concluded without any question being put.

I am delighted to welcome to the Parliament the special envoy for the Commonwealth Parliamentary Association Scotland branch, Annie Lennox. You are most welcome. [*Applause.*]

Motion debated,

That the Parliament considers that the Commonwealth has a valuable role in strengthening relationships between nations across the world; welcomes the continued contribution of Scotland and its people to those relationships; reaffirms its support for the work of the Commonwealth Parliamentary Association (CPA); notes that the CPA Scotland Branch and the Scottish Government have, as a key focus, continued to develop relationships with Malawi; notes Scotland's longstanding links throughout the Commonwealth; acknowledges the work of organisations such as the British Council Scotland; notes that 2012 is also the Year of Creative Scotland, and therefore commends the theme of Commonwealth Day this year, Connecting Cultures.

17:37

Sandra White (Glasgow Kelvin) (SNP): It is a privilege to open the debate to celebrate Commonwealth week 2012. I welcome all our guests to the Scottish Parliament, including Annie Lennox, our special envoy, who is to be applauded for the dedication and commitment that she has shown to the role since being appointed in 2010. She undertakes the role alongside other humanitarian work, such as the sing campaign, which I understand that we will have the opportunity to learn more about at this evening's event. She might even be persuaded to sing one of my favourite songs, "Sweet Dreams (Are Made of This)"—perhaps I will speak to her about that after the debate.

I had the privilege of speaking in the members' business debate to mark the Commonwealth's 60th anniversary. The theme was—aptly—serving a new generation, given that the Commonwealth is moving into a new era and, when that debate took place, the Commonwealth covered almost 2 billion people, half of whom were under 25. Much may have changed in 60 years in Scotland and around the world, but the Commonwealth's enduring principles, such as the promotion of democracy, human rights, liberty and world peace, are as relevant now—if not more so—as they have been at any time in the Commonwealth's history.

This year's theme—connecting cultures—also resonates with the times. In a world of increased

globalisation, increased communication through news and social media and increased awareness of the world around us as a result, it is essential that we gain a comprehensive understanding of and a healthy respect for the wide variety of cultures in the Commonwealth and beyond.

The Queen's message for Commonwealth day talks of the

"extraordinary cultural tapestry"

that makes up

"this unique gathering of nations".

Commonwealth Secretary-General Kamallesh Sharma talks of connecting cultures as encouraging us to

"explore how we can use culture to build bridges of exchange and understanding."

In a world in which, each year, there are new challenges and new uncertainties, by celebrating our cultural diversity while building on basic rights such as equality and freedom, we can turn those challenges into opportunities and overcome our uncertainties. The Commonwealth is an ideal vehicle for achieving those aims. During the past 60 years, Commonwealth countries have worked together to improve the rights of many of its members across the world.

The changes have come about as the result of a collective approach and they have come about through the Commonwealth's many programmes in a number of areas, such as women's rights, democracy, education, and youth empowerment, amongst others. As we look to the future to see how such a collaborative approach can continue to deliver further positive change, CPA Scotland is playing its part.

The convener of the Scottish Parliament's Public Petitions Committee was recently invited to visit South Africa to address a conference about our positive committee. Many members and people in Scotland take the Public Petitions Committee for granted, but in many countries it would be unimaginable that people could write to Parliament and have it investigate and, where possible, offer solutions to issues, or that members could call Government ministers to account and bring debates to the floor of the Parliament. That is truly a wonderful achievement and we should share it. When I think about it, it sounds incredible, but the system works and many countries—not just those in the Commonwealth—want to replicate it. We should be proud of the positive contribution that we in the Scottish Parliament and the Scotland branch of the CPA make to the Commonwealth and beyond.

Sarah Boyack MSP is currently in Bangladesh, speaking about our world-leading climate change legislation, which I hope will be used to inform and

shape other nations' responses to climate change. Scotland, and the CPA in Scotland, is sharing its knowledge and aspirations with many nations. Although they might have different cultures, they have at their hearts shared goals and a common purpose, and they are playing their part in connecting cultures.

I have mentioned MSPs. They might be the ones who are getting out and about and talking to people, but I also thank all the staff at the CPA Scotland branch in Parliament for their hard work and dedication. Without them, the branch would not be as dynamic and successful as it is. I give a special mention to Margaret Neal, CPA Scotland's secretary, and congratulate her as I believe that she became a gran at the beginning of this week with the birth of baby Sam.

Special mention must be made of Malawi. We know that Malawi is experiencing difficult times at the moment, but the Scotland branch of the CPA retains a special relationship with Malawi, and we continue to work alongside elected members and members of the public there. Two interns from the National Assembly of Malawi are currently working in the Scottish Parliament. We continue to work with people in Malawi, and with elected members, with the help of the CPA Scotland branch secretariat.

The 2014 Commonwealth games in Glasgow must have a special mention, and not just because I am a Glaswegian and I represent the Kelvin constituency.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Heaven forfend.

Sandra White: Heaven forbid, as Christine Grahame says.

The games will bring together people from all cultures and backgrounds, and will provide a fantastically positive opportunity to highlight all that my city of Glasgow can bring to the international stage, as well as what the other countries of the Commonwealth can bring to Glasgow and the rest of Scotland. We have many concerns about what is happening throughout the world, but the Commonwealth games is an opportunity to bring together all people of the world, and I look forward to playing my part.

I believe that the Commonwealth will continue to be a great organisation for a long time to come. As we have said, connecting cultures is about celebrating diversity and sharing the goals that bring us together. Perhaps the words of my other favourite Annie Lennox song say it all just as well, although I certainly will not sing them:

"Another day goes by
Still the children cry
Put a little love in your heart.

If you want the world to know
We won't let hatred grow
Put a little love in your heart."

17:44

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I congratulate Sandra White on securing this debate. I apologise in advance to you, Presiding Officer, and to Sandra White because I will have to leave immediately after my speech as I have a constituency engagement. I sincerely regret not being able to stay to hear colleagues' contributions and to celebrate this important day with them later.

The theme for the debate and for Commonwealth day is connecting cultures—the thought of which has prompted a number of images to flash through my mind. The first is the image of the Malawian singers and dancers who flooded through Parliament's doors into the garden lobby to entertain us in their inimitable and joyfully exuberant way. We could not stop their performance that night, but I do not think that anybody wanted to, because we were all enjoying ourselves far too much. I have never witnessed members of this Parliament dancing in the garden lobby either before or since that event. The joy in the music of others allowed us to share that unique experience.

I also recall the ancestor ceremonies in which I participated in Australia and which take place before any major public event. They remind Australians that they hold the land and country in trust for those who come after them, and that those who came before also matter and should be remembered.

I recall, too, hearing Jack Mapanje, the Malawian poet, reading some of his poetry at the St Magnus festival in Orkney. The attentive audience learned more about Malawi in an hour with him than they would have learned by reading numerous briefings and guide books about the country. The power of the words and the voice of one man were testament to the condition of his country.

Culture also allows us to hold a mirror to our own experience and to see ourselves in context. I recently attended an excellent event in a primary school in my constituency. The children were celebrating, as many have done, the award of an eco-flag. They had done a tremendous amount of work and had even created working musical instruments from cornflakes packets and washing-up liquid bottles, which they used to accompany the school choir.

That visit reminded me of another school—a very different school—in Malawi, where the children played musical instruments that were

made of oil cans and plastic bags. They were not deliberately recycling; they were using what they had in order to express the music that they love and enjoy.

Jack Mapanje is a celebrated poet who has won countless awards and much recognition, but his poetry collection "Of Chameleons and Gods" led to his arrest in 1987, because his words were seen as being critical of the Banda regime.

The power of culture in its broadest sense is that it challenges our experience, brings joy to our lives, understands our sadness, moves our economy, challenges power and gives a voice to the oppressed. We must value and connect with culture and recognise it as the important tool that it really is in so many aspects of our lives.

The connections that we share within the Commonwealth emphasise what we have in common and what binds us. As Sandra White correctly said, we will be able to celebrate and demonstrate that personally in the Commonwealth games in Glasgow in 2014. I hope, as we celebrate Commonwealth day, that Scotland will continue to play its part in the Commonwealth for many years to come.

17:48

Margaret Mitchell (Central Scotland) (Con): I thank Sandra White for securing this important debate to mark Commonwealth day. The CPA consists of 175 national, state, provincial and territorial Parliaments. It has a membership of approximately 17,000 parliamentarians, all with a community of interest in respect for the rule of law and individual rights and freedoms, and in the pursuit of the positive ideals of parliamentary democracy.

The Commonwealth itself has been described by the Queen, who is the head of the Commonwealth, as

"a unique gathering of nations ... an extraordinary cultural tapestry",

and one which, nonetheless, shares

"one humanity, and this draws us all together."

My first experience of the CPA was as a Scotland branch delegate at the 53rd plenary conference, which was held in New Delhi in 2007. For me, that provided an amazing insight into a sphere of politics that is inhabited by a rich diversity of people. At the conference, hugely important issues were discussed, including human trafficking. The discussion on that concentrated parliamentary minds on the need to improve co-operation, increase understanding and raise awareness of the issue in an effort to tackle and eradicate that vile trade. In New Delhi, I was privileged to represent the Scotland branch at the

first meeting of the Commonwealth women parliamentarians.

The work of the Scotland CPA branch has grown and progressed, most notably by addressing specific issues such as HIV, which affects the life expectancy and health and wellbeing of many women and girls in the Commonwealth. At this point, I welcome to the public gallery pupils of Coatbridge high school and St Margaret's high school in Airdrie, which are in my Central Scotland constituency. Those schools participate in the healthy lifestyle project, which promotes positive and healthy lifestyles to primary and secondary pupils, parents and residents in the area. I have seen at first hand the impressive emergency life skills aspect of the project. However, one particular strand of the healthy lifestyle project is the aiming higher in Malawi scheme, which runs in conjunction with partner schools in Malawi and the Forum for African Women Educationalists. The project has many different elements, such as the girls go for health initiative. As part of the programme, several of the young people who are in the public gallery today will travel to Malawi in June.

More generally, the healthy lifestyle project provides a forum for girls to engage in after-school activities such as debates, study groups and discussions about HIV and AIDS mitigation. In short, the partnership between the schools in Scotland and Malawi is an excellent model that I hope can be replicated in other schools. That link is representative of the relationship between Scotland and Malawi, which has developed over recent years since the signing of the Scotland-Malawi co-operation agreement in 2005. Both countries have benefited immensely from their continuing affiliation.

That relationship is typical of the empathy, friendship and bonds that the Commonwealth fosters among its people and among parliamentarians from the legislatures of its 54 countries. This evening, we are proud to celebrate Commonwealth day and this year's theme of connecting cultures, which highlights and applauds the wealth and diversity of culture and experience across the Commonwealth, with its shared humanity from which we all continue to learn.

17:53

Tavish Scott (Shetland Islands) (LD): I associate myself with Sandra White's comments in her eloquent introduction to the debate. I thank her, Margaret Mitchell and Patricia Ferguson for their understanding of my presence at board meetings, given that I am the only member of the weaker sex who is present during their esteemed

considerations of the issues that face us on behalf of the Scottish CPA branch.

As Sandra White and others have said, the theme for this year's Commonwealth day and Commonwealth year 2012 is connecting cultures and promoting understanding of peoples across the Commonwealth, including in Scotland. That is about an understanding of the diversity that makes the movement so strong. This morning, I was taken by an interview that I heard on the radio in which an American commentator argued that we should stay the course in Afghanistan and that Obama is showing no leadership, and then sabre-rattled on the potential war in Iran. I disagreed with his analysis and his argument about Obama. He did not even mention Syria and what the world is not doing about the humanitarian disaster and catastrophe that unfolds further there every day.

However, as I listened, I reflected on what the Commonwealth has done over many decades, and which I have no doubt it will continue to do for many years to come: the binding together of peoples and the upholding of the rule of law, of freedom of speech and of respect for human rights and parliamentary democracy, which is occasionally an unmentioned—or ill-mentioned—concept in how we look at the Commonwealth.

As World Bank figures show, there are still too many people—a majority across the globe—living on under \$2 a day. Where education, literacy and good standards of health cannot be guaranteed, never mind taken for granted, we have much to do.

In the Queen's diamond jubilee year, her Commonwealth day message highlights the power of musical composition as a medium for bringing peoples together. As Sandra White said, Parliament is honoured to have Annie Lennox as our special envoy. In passing, I should say that I made the usual phone call to my 11-year-old son last night and he said, in his usual way, "So, are you meeting anyone famous tomorrow?" I said, "Annie Lennox" and—I hope that she will forgive me—he said, "Who?" He is 11 years old. His mum said, "No way!" I guess that that just goes to show that some of my generation who grew up with the Eurythmics still, and always will, remember them.

The way in which Annie Lennox advocates for a wide range of people—particularly women and children in situations that we can hardly describe or understand—and her ability to make Governments listen, understand and do things, are incredibly important and valuable. For me, those who had the foresight to recognise the part that she could play not just for Parliament, but for the United Nations and the other roles that she undertakes, recognised the power of an international star who brings force of personality

and campaigning zeal in a very positive way to the challenges that many nations face.

I also share the enthusiasm that exists for the Commonwealth games—I was grateful for the very good briefing that the Minister for Commonwealth Games and Sport gave to some of us earlier today—and the excitement that is being generated around that event. The theme of using sport as a medium to bring peoples together is, for me, at the heart of the Commonwealth.

Whatever is the essence of the Commonwealth in this year of cultural connections, let us ensure that the Parliament plays a constructive and positive role in strengthening and appreciating diversity not just here in Scotland, but afar off as well.

17:57

John Mason (Glasgow Shettleston) (SNP): One of my first memories of the Commonwealth as a concept is of my visit to Zambia in 1979. It was my first trip outside Europe. At that time, southern Rhodesia was the focus of many problems, and Zambia was suffering bombings, food shortages and suchlike. I was 22 at the time, and I remember my mother being asked whether she was worried about my going to Zambia. She said that she was not, because the Queen had just been there for the Commonwealth heads of government summit, so it must have been okay.

One of the things that came out of the Lusaka summit in 1979 was the “Lusaka Declaration on Racism and Racial Prejudice”. It is worth reading out a little bit of it tonight.

“We, the Commonwealth Heads of Government ... have decided to proclaim our desire to work jointly ... for the eradication of all forms of racism and racial prejudice. The Commonwealth is an institution devoted to the promotion of international understanding and world peace, and to the achievement of equal rights for all citizens regardless of race, colour, sex, creed or political belief, and is committed to the eradication of the dangerous evils of racism and racial prejudice.”

I could read the whole thing, but time does not allow it. The declaration resonates as much in 2012 as it did in 1979.

Different ideas probably come to different people’s minds when they think of the Commonwealth. Three ideas come to my mind. The first is that the Commonwealth is friendly. Many of us automatically think of the Commonwealth as a group of friends, when compared to other international groupings such as the United Nations and NATO. We have family ties with people in many Commonwealth countries—especially Australia, New Zealand and Canada, although when I was in Zambia and Malawi I was struck by the number of Scottish place names

there and the links that we have with those countries, too.

The second idea that comes to my mind is that the Commonwealth is not the empire. The British empire is a historical fact—some of us may like the concept and some of us may loathe it. Either way, the empire has now given way and been replaced by the Commonwealth. It is hard to mention the transition from empire to Commonwealth without thinking of all the nations that used to be ruled from London but are now free. What a good idea.

The third thing that comes to mind is the Commonwealth games, which have already been mentioned. Members will not be surprised that the subject is of particular interest to me, as much of the games in 2014 will take place in my Shettleston constituency. Members who are not aware of that will be soon, I hope, as I plan to keep on reminding them of it over the next two years.

Specifically, in the east end of Glasgow, we will have the opening ceremony at Celtic park, the athletes’ village just across the road, and the velodrome and indoor sports arena across another road. Not much further away, we will have the swimming at Tollcross and the hockey at Glasgow green.

I thank all members who took part in the publicity event with the giant trainer in the Parliament last week, and I thank those who wore their trainers on Monday to promote the games. One of the good things about the games is that Scotland competes on her own and our athletes do not get into trouble for waving the saltire. For that reason, I am much more interested in the Commonwealth games than I am in the Olympics.

Finally, it is worth noting that the Commonwealth includes both republics and countries that accept the Queen as their head of state. That certainly seems to be a reasonable arrangement to me. Whether or not Scotland continues to have a monarchy or decides to be a republic in due course, we can still be a full member of the Commonwealth.

18:01

Alex Fergusson (Galloway and West Dumfries) (Con): I am delighted to take part in the debate. I join others in commending Sandra White for bringing the motion to the chamber, and indeed for the eloquent way in which she opened the debate.

I am particularly struck by the opening sentence of the motion that we are debating, because in this day and age many people ask themselves whether the Commonwealth has much of a role to

play and even, perhaps, what it is for. To be perfectly honest, I used to ask myself those questions, until fairly recently. I would like to share with members two experiences that will, I hope, help to provide answers to those questions.

The first experience stems from the early days of my time as Presiding Officer, when I hosted a dinner at Borthwick castle that marked the end of the 19th Commonwealth parliamentary seminar, which took place here in Scotland. It was, as members can imagine, a relaxed event, with the representatives from all corners of the Commonwealth having got to know each other fairly well over the preceding days, and they were clearly enjoying the opportunity of their final session together.

Sitting on my left at the dinner was the representative from Pakistan—a very senior political figure who was representing his nation and its population of more than 187 million people. Sitting on my right was the representative of Norfolk Island, which I freely admit I had not heard of before, and which is an island dependency of the Commonwealth of Australia, albeit one with a large degree of self-governance. Its representative, who was an equally senior political figure in Norfolk Island, was representing its population of 2,302 people—not 2,302 million, but 2,302. In effect, I had 187 million people sitting on one side of me and 2,302 people sitting on the other, yet the realisation struck me that, almost entirely due to being members of the Commonwealth, the two representatives sat as absolute equals at the table. Surely that is one of the immense strengths of this unique family of nations.

The second experience that I would like to share with members is from when I visited Malawi just over a year ago with our special envoy, Annie Lennox. I join others in welcoming her to the chamber this evening. We visited Malawi on behalf of the CPA Scotland branch. There is a picture on display in the members' lobby that shows Annie and me reading a letter with a pupil from a school near Lilongwe. We had taken the letter, with many others, from a school in Glasgow that wanted to be linked with the Malawian one that we were to visit and had asked us to take the letters.

When we handed out the letters, their provenance having been explained to the pupils by their teacher, there was a stunned and prolonged silence, which I originally interpreted as disapproval and disappointment but which turned out to be sheer, unadulterated astonishment and delight that schoolchildren in Scotland should want to make friends with their peers in Malawi. It was incredibly moving, and to me it encapsulated the very essence of the strength of the Commonwealth.

If we dissect the word “commonwealth” into its two constituent parts, I believe that we find the strength of the organisation as a whole. The first word is “common”, and surely any organisation within which the representative of 187 million people can sit as an equal with the representative of 2,302 people has to be worth preserving and supporting. Equally, any organisation that encourages schoolchildren to reach out across the globe, across our very different cultures and our often imagined adult divides, to share and profit from a combined wealth of knowledge can only be a force for good in a world where such forces are all too scarce. The Commonwealth is, I believe, unique in that regard.

I finish by commending the CPA Scotland branch's on-going work, which is greatly valued within the Commonwealth. I am very happy indeed to support the motion before us.

18:05

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): I welcome the debate, which has been secured by Sandra White in recognition of Commonwealth day, and I welcome the contributions of members.

The theme of this year's Commonwealth debate is connecting cultures and, as many members will know, this is also the year of creative Scotland. This August, ministers from Commonwealth countries and beyond will gather here in the Scottish Parliament to focus on the power of culture in forging and fostering international relationships and dialogue between nations. The summit is a collaboration between the Scottish Government, the United Kingdom Government, the Edinburgh international festival and the British Council, and it will bring together culture ministers to discuss how culture in its widest sense enriches the lives of people around the world and contributes to the wellbeing of nations. The importance of cultural diplomacy in our international affairs cannot be overestimated. It can open doors and strengthen and support Scotland's international ambitions.

The announcement of the timetable for the referendum means that the world's eyes will be on Scotland in 2014, when we are hosting a number of world-class events, and we are now seeing a step change in the level of international attention on and engagement with Scotland. In that context, it is vital that we continue to strengthen our relationship with our Commonwealth friends around the world, to share knowledge and experiences and to forge the links that can bring tangible benefits to our countries.

Our national touring fund helps Scotland's performing companies to travel the world every

year. Most recently, the National Theatre of Scotland has been touring Australia and New Zealand with "Beautiful Burnout". In celebration of the 20th Commonwealth games in Glasgow, an excellent project has been developed with India, Canada, New Zealand, South Africa and Botswana. The idea is to create a large-scale choral music performance, inspired, created and performed by young citizens from across the Commonwealth. The project is being led by Scottish Opera, and is supported by the British Council and the Scottish Government.

In November, I celebrated St Andrew's day in Canada. During my visit, it was clear to me that our two countries share so many important historic, cultural and economic links. While I was there, I had the pleasure of launching a Canada-Scotland parliamentary friendship group in Ottawa—another example of our strong ties with that country—and in April, as part of Scotland week in North America, I will be returning to Canada to continue to promote those links.

On international women's day last week, I attended the launch of a production called "Ana", which is a collaboration between the Imago theatre company from Montreal and Stellar Quines from Scotland.

Scotland's historic and modern links with India are very evident. Over 3,000 Indian students have chosen to study at our educational institutions and our universities and colleges continue to build on existing exchange and research programmes with Indian universities.

The Scottish Government has also provided funding for Scotland's saltire scholarships, which each year give 50 awards each to Indian and Canadian students. Last month, we sponsored an exhibition at the Robert Burns birthplace museum on the theme of Robert Burns and Tagore, two hugely influential national poets connected by common themes and specifically by Tagore's translation of two of Burns's works. The exhibition also took place in Kolkata and marked the year-long celebration in India of Tagore's 150th anniversary. Historic Scotland's Scottish ten laser survey project is digitally recording five Scottish world heritage sites and five international sites, which now include the Rani Ki Vav—the Queen's Stepwell—in Gujarat.

With less than 900 days to go until the Commonwealth games, never before has there been a more exciting time for our nation. It is clear that the games are already having huge benefits: the east end of Glasgow—John Mason's constituency in particular—is being transformed; across Scotland jobs are being created and sustained; and businesses are winning major contracts from London and Glasgow. The £10 million games legacy get active fund will provide

funding to sports and community-based facilities to help people engage more with sport and be active. We recently launched the £5 million Scottish Sport Relief home and away programme, which is jointly funded by Sport Relief and the Scottish Government. The programme will provide support to projects that benefit some of the most disadvantaged people in Scotland and in the poorest countries across the Commonwealth.

Key to our legacy aspirations is to allow our young people to become responsible global citizens with an understanding of the Commonwealth, the world and Scotland's place in it. Curriculum for excellence provides the framework for education practitioners to use the Commonwealth games as a context for learning, with the ability to create the sustainable, international connections that are required in our 21st century, globalised society.

Our cultural programme being developed for the 2014 games will feature high-quality events inspired by the Commonwealth that will engage Scotland's communities and reinforce our international image as a land of creativity and innovation. We have secured three London 2012 pre-games training camps with Commonwealth countries—Namibia, Zambia and Cameroon. We will work with local communities to ensure that they receive a fantastic welcome and build lasting links that can be sustained as we welcome them back in 2014.

Of course, our Government's international development policy demonstrates our commitment to supporting countries in the developing world. As part of that, I am incredibly proud of the unique and special relationship between Scotland and Malawi. It is not just a relationship at Government level, as formalised in the co-operation agreement, but one that recognises and encourages the many links across all the villages, towns and schools in Scotland and civic society in particular. The Scottish Government has committed over £5.5 million to projects in Malawi over the next two financial years. We have also recently closed a funding round for the Malawi development programme and I look forward to making announcements on successful applications in April. In 2013, we will mark the bicentenary of David Livingstone's birth, which will be a wonderful opportunity for Scotland to showcase the activity that we are carrying out with our partners across sub-Saharan Africa and celebrate the legacy of David Livingstone's work.

Through funding provided by the International Development Fund we are also supporting work in sub-Saharan Africa and in south Asia to help establish Scotland as one of the world's first fair trade nations. In south Asia, we are supporting 19 projects in India, Pakistan, Bangladesh and Sri

Lanka to support poverty alleviation. In sub-Saharan Africa, we are working in Rwanda, Tanzania and Zambia. In addition to Malawi, we have recently closed a funding round for sub-Saharan Africa. Drawing on Scottish expertise, we will also look to support work on water, climate change and renewable energy.

It is vital that we continue to progress that work, but we must also work together to face new challenges on climate change and in other areas. In so many ways, we are connected to the countries of the Commonwealth and we want to celebrate our culture and our connections. The Government will continue to push forward new initiatives in the years ahead. With regard to the Commonwealth, we can say that there is much to celebrate but there is also much to do.

The Deputy Presiding Officer: Thank you. I thank all our visitors for attending this evening's debate, but I thank in particular our special envoy, Annie Lennox.

Meeting closed at 18:13.

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e-format first available
ISBN 978-1-4061-8517-1

Revised e-format available
ISBN 978-1-4061-8530-0

Printed in Scotland by APS Group Scotland
