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Official Report

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Thursday 28 May 2015

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CONTENTS

	Col.
GENERAL QUESTION TIME	1
Teacher Recruitment (West Lothian).....	1
European Commission (Meetings).....	2
Secretary of State for Work and Pensions (Meetings).....	3
Road Safety (A92 in North East Fife).....	3
ScotRail (Club 50 Scheme).....	4
Home Ownership.....	5
Emergency Eye Care (NHS Greater Glasgow and Clyde).....	6
Modern Apprenticeships (Deaf People).....	7
Housing Associations (Affordable Rents).....	8
FIRST MINISTER'S QUESTION TIME	10
Engagements.....	10
Secretary of State for Scotland (Meetings).....	14
Cabinet (Meetings).....	18
Queen's Speech (Scottish Government's Response).....	19
Land and Buildings Transaction Tax and Landfill Tax (Revenue).....	20
Scottish Qualifications Authority (Higher Mathematics Examination).....	21
PEAT (EXTRACTION FOR HORTICULTURE)	23
<i>Motion debated—[Rob Gibson].</i>	
Rob Gibson (Caithness, Sutherland and Ross) (SNP).....	23
Claudia Beamish (South Scotland) (Lab).....	25
Stewart Stevenson (Banffshire and Buchan Coast) (SNP).....	27
Jamie McGrigor (Highlands and Islands) (Con).....	28
Graeme Dey (Angus South) (SNP).....	30
The Minister for Environment, Climate Change and Land Reform (Aileen McLeod).....	32
HISTORICAL CHILD ABUSE	35
<i>Statement—[Angela Constance].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Angela Constance).....	35
SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL: STAGE 1	49
<i>Motion moved—[John Swinney].</i>	
The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Econom (John Swinney).....	49
Bruce Crawford (Stirling) (SNP).....	52
Jackie Baillie (Dumbarton) (Lab).....	55
Alex Johnstone (North East Scotland) (Con).....	57
Rob Gibson (Caithness, Sutherland and Ross) (SNP).....	59
John Pentland (Motherwell and Wishaw) (Lab).....	61
Linda Fabiani (East Kilbride) (SNP).....	62
Alison McInnes (North East Scotland) (LD).....	64
Stuart McMillan (West Scotland) (SNP).....	66
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab).....	68
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP).....	70
Graeme Pearson (South Scotland) (Lab).....	72
Roderick Campbell (North East Fife) (SNP).....	73
Alison Johnstone (Lothian) (Green).....	75
Annabel Goldie (West Scotland) (Con).....	77
Lewis Macdonald (North East Scotland) (Lab).....	80
John Swinney.....	82
SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL: FINANCIAL RESOLUTION	86
<i>Motion moved—[John Swinney].</i>	

PARLIAMENTARY BUREAU MOTION	87
<i>Motion moved—[Joe FitzPatrick].</i>	
Alison McInnes (North East Scotland) (LD).....	87
The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney)	88
DECISION TIME	90

Scottish Parliament

Thursday 28 May 2015

[The Presiding Officer opened the meeting at 11:40]

General Question Time

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is general questions.

Teacher Recruitment (West Lothian)

1. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what additional financial support it has provided to West Lothian Council to recruit additional teachers in line with the Government's policy on class sizes. (S4O-04384)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government has provided a total of £51 million in the current financial year to maintain teacher numbers and pupil teacher ratios across Scotland. That is a central element of our priority to raise attainment and deliver the best outcomes for all our children. Maintaining teacher numbers will clearly have an impact on class sizes.

Of the sum referred to, £41 million has been released in the local government settlement, and West Lothian Council's share of that is £1.604 million. The additional £10 million will be available when the teacher and pupil censuses are published in December and we have ascertained whether local authorities have met the teacher numbers commitment. West Lothian Council's indicative share of the additional sum is £382,000.

Neil Findlay: I am surprised that the Cabinet Secretary for Education and Lifelong Learning is not here to answer the question. West Lothian Council will have had its budget savaged by the Government to the tune of £89 million by 2016-17. To meet the cabinet secretary's demand on teacher numbers the council needs 42 more teachers, but it has additional funding for a grand total of seven. Does the minister know what services the cabinet secretary suggests be cut in her constituency to meet those grossly underfunded demands?

Dr Allan: As I have indicated, for West Lothian Council, which is what the question was about, £382,000 is the indicative share of the additional £10 million. I mentioned the £10 million because that was the figure that the Convention of Scottish Local Authorities requested and the figure that was provided.

The member asks about hard choices and competitive budgets. Given the way in which the Scottish Government is protecting the share of money that goes to local government, it would be nice if, once in a while, the member asked a few questions about why the Scottish Government finds itself with declining budgets every year.

The Presiding Officer: Question 2, in the name of Jim Hume, has not been lodged. The member has provided an explanation, but it is not acceptable.

European Commission (Meetings)

3. Jim Eadie (Edinburgh Southern) (SNP): To ask the Scottish Government when it last met the European Commission and what was discussed. (S4O-04386)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): The Scottish Government meets the Commission regularly, including through our frequent attendance at the European Council. For example, Richard Lochhead met the Commissioner for Agriculture and Rural Development, Phil Hogan, at the 20 April agriculture and fisheries council meeting. Commissioner Hogan will be visiting Scotland in June.

On 19 May, I attended the culture and audiovisual council, where I led for the United Kingdom Government in preliminary discussion of the digital single market as it affects audiovisual markets and the Commissioner for Digital Economy and Society, Günther Oettinger, made a presentation on the digital single market strategy.

Next week, Roseanna Cunningham will participate in a panel discussion in Brussels on how to address unemployment in the European Union, alongside Marianne Thyssen, the European Commissioner for Employment, Social Affairs, Skills and Labour Mobility; and Richard Lochhead will participate in a panel discussion next week alongside the Commissioner for Environment, Maritime Affairs and Fisheries, Karmenu Vella, during green week 2015.

Jim Eadie: I welcome the leadership that the Scottish Government has shown on the transatlantic trade and investment partnership negotiations in calling for greater transparency within the negotiations and for a double lock to be enshrined in the TTIP agreement that will explicitly exempt the national health service. Can the cabinet secretary give an assurance that she will continue to make representations to the European Commission to ensure that the Scottish Government is not at the mercy of any future legal action if it decides to act to protect our national health service and other vital public services in Scotland?

Fiona Hyslop: Yes, and I acknowledge the member's continuing interest in the issue. The Scottish Government will continue to press the case with the Commission and the UK Government for explicit protection for the NHS and other vital public services to be on the face of any TTIP agreement. We will also argue for the right of the Scottish Government and the Scottish Parliament to regulate in the public interest without fear of legal action. Following European Commissioner for Trade Cecilia Malmström's helpful response to the European and External Relations Committee's report on TTIP, arrangements are being made for Scottish ministers to meet her to discuss TTIP and seek assurances on these important matters.

Secretary of State for Work and Pensions (Meetings)

4. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government when the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights last met the Secretary of State for Work and Pensions. (S4O-04387)

The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil): Along with the Cabinet Secretary for Fair Work, Skills and Training, I have written to the Secretary of State for Work and Pensions concerning the range of issues that span our portfolio areas. I look forward to receiving his reply and discussing some of those very important issues. I have not yet had the pleasure of meeting the Secretary of State for Work and Pensions formally.

Linda Fabiani: Given the persistent refusals by the appropriate secretary of state and ministers to attend the Welfare Reform Committee during the term of the previous Westminster Government, when he meets his Westminster counterparts will the cabinet secretary press upon them the need for them to attend the Devolution (Further Powers) Committee to properly discuss benefits that are to be devolved to Scotland?

Alex Neil: I am more than happy to do that. Respect is a two-way process: they require respect from us and we require respect from them. The issue that the member raises is one of the issues that we will be dealing with in terms of respect, and I am keen to ensure that the Secretary of State for Work and Pensions adheres to the spirit of the recent settlement on devolution in terms of the transfer of welfare powers, as well as to the letter of what will become the law.

Road Safety (A92 in North East Fife)

5. Roderick Campbell (North East Fife) (SNP): To ask the Scottish Government what can

be done to improve road safety on the A92 in North East Fife. (S4O-04388)

The Minister for Transport and Islands (Derek Mackay): More than £24 million has been invested in the A92 since 2007 to ensure that it is well maintained and operates safely. Our operating company, BEAR Scotland, has completed a route accident reduction plan report covering the A92 between Halbeath and the Tay road bridge. The aim of that report was to develop a prioritised list of improvements to the A92, and those will enhance road safety. Many of the safety improvements that were identified in this report have already been delivered, and others are programmed for this financial year.

We continue to assess the safety performance of the A92, alongside other trunk road routes, on an annual basis, and look to improve the safety of the route to support anticipated traffic levels.

Roderick Campbell: The minister will be aware that transport officials recently visited Freuchie, in my constituency, where there have been two fatalities in recent months, to witness traffic flow and behaviour. Although an options report for improvements to the road is to be published shortly, there is concern about the financial constraints that might impact on that report. Will the minister agree to meet me following the report's publication to discuss it further?

Derek Mackay: Yes, of course. I am happy to meet the member, and I have other meetings arranged regarding concerns about this route. Following the publication of the report, I will be happy to review the road safety recommendations, including those at Freuchie. The Scottish Government will of course continue to take all appropriate action to maintain and safely operate the A92 corridor.

ScotRail (Club 50 Scheme)

6. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what impact it expects replacing the ScotRail club 55 scheme with club 50 will have on the number of older travellers from the Highlands using services. (S4O-04389)

The Minister for Transport and Islands (Derek Mackay): Club 55 has been withdrawn by ScotRail, and club 50 is a completely new scheme that is being introduced. Promotional fares are a commercial matter for the operator, and the Scottish Government does not specify or regulate such fares. Club 50 is open to all travellers of 50 and over, and it will offer substantially discounted off-peak rail travel on all routes and all days right across Scotland. By comparison, club 55 was available only at limited times during the year. We anticipate that club 50, together with a range of

new ticket offers, such as advance purchase tickets from £5 between any two Scottish cities, will lead to an increase in the number of older travellers from all areas, including the Highlands, using ScotRail services. We recognise that there may be a few instances in which individuals who benefited under club 55 could be disadvantaged, and we have asked ScotRail to look at that issue. Although the club 55 name will no longer be used, in future ScotRail plans to offer similar discounted ticket offers indirectly to the club 55 audience.

Rob Gibson: Speaking on behalf of older travellers, I point out that, under the club 55 scheme, in the months for which the scheme ran, people could walk up, show proof of age and get on an off-peak train. Club 50 has annual membership fees, and all tickets have to be reserved in advance and online and are subject to availability. That seems to me to be a very different level of service that disadvantages long-distance travellers. We do not know what the figures were for the number of people who used the club 55 scheme. What has Abellio done to ask the travelling public whether the new scheme is better? It could impact on older travellers and result in their not using the railways at all.

Derek Mackay: I have made no judgments on the age of Rob Gibson and I do not define members of the public who are 50 or over as old.

I expect ScotRail to promote the new scheme, to get an understanding of usage and to reach the targets that we have set in the key performance indicators. Of course, there are penalties if ScotRail does not do that. I want ScotRail to use the information sensitively to ensure that, particularly during off-peak periods, we maximise the use of the increasingly popular railways and support those who are 50 and over to take advantage of the fantastic routes that we have. I will certainly share any information that I have on that with Rob Gibson and any other interested member.

Home Ownership

7. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government what plans it has to assist people who aspire to home ownership. (S4O-04390)

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government has a number of initiatives in place to support people into home ownership. Those include support for people with lower incomes to buy houses through our low-cost initiative for first-time buyers—LIFT—schemes, which include £70 million for 2015-16 to help first-time buyers through the open market shared equity scheme. We are also providing help through the £305 million help-to-buy (Scotland) and small

developers schemes and through initiatives such as our rural rent-to-buy pilot, which operates in the Highlands. We are also working with lenders and the industry, including Homes for Scotland, to consider the need for future support for home buyers and the housing market.

Alex Johnstone: Given that the main help-to-buy scheme budget has been cut this year, is the minister surprised to discover that the scheme ran out of money a full seven weeks earlier than it did last year? Is it her intention to reduce the budget still further in years to come? Would it not simply be easier for the Scottish Government to decide that it does not support those who aspire to home ownership and give up altogether?

Margaret Burgess: The Government assists people into home ownership. I have outlined exactly how we do that. The help-to-buy scheme has always been a demand-led and cash-limited scheme. The industry asked us for £225 million and, to date, we have provided £305 million. Initially, the industry reckoned that we would assist 4,500 people into home ownership through the scheme, and we estimate that, by the end of the scheme, we will have assisted 7,500 people. The Government supports home ownership and has a number of schemes available. We continue to work with industry.

John Scott (Ayr) (Con): The minister will be aware of the growing problem of people on interest-only mortgages being invited to pay them back by their mortgage provider, perhaps becoming homeless as a result if they have insufficient funds to repay those mortgages. Is the Government content with the schemes to support such people? Is anything further envisaged to help people who find themselves in that predicament?

Margaret Burgess: The Government has already considered allowing the home owner support fund to take in cases involving interest-only mortgages when someone finds themselves in debt. We are already looking at that, and we will look at it further. We have taken that into account and we continue to monitor the situation and the number of people who might fall into it.

Emergency Eye Care (NHS Greater Glasgow and Clyde)

8. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government what recent discussions it has had with NHS Greater Glasgow and Clyde regarding the provision of emergency eye care. (S4O-04391)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): The planning and provision of services to local people are matters for local health boards, including NHS Greater Glasgow and Clyde, taking into account national

guidance, local service needs and priorities for investment.

Neil Bibby: I was recently contacted by a constituent, Mr Kenny Caffrey from Paisley, who regularly needs hospital eye care treatment. He raised concerns about the implications of recent changes to emergency eye care in the Clyde area and the inconvenience that they could cause him and other patients. I will write to the cabinet secretary on Mr Caffrey's behalf.

How does the cabinet secretary think that we can improve emergency eye care using improvements in electronic referrals?

Shona Robison: I will write to Neil Bibby about the particular issues that his constituent faces.

I am aware that in April Greater Glasgow and Clyde NHS Board introduced a new short-notice ophthalmology appointments system across the Clyde area. Any patient who is experiencing an eye problem can attend their community optometrist or general practitioner, who can refer them to be seen by an ophthalmologist in a hospital setting, should that be felt necessary. I understand from the board that that system has already successfully been put in place across greater Glasgow and that it has resulted in a major reduction in waiting times and quicker access to treatment in Glasgow. It is hoped that it will offer the same benefits to patients in Clyde but, as I said, if Neil Bibby wants to write to me about the circumstances of the patient whom he mentioned, I will make sure that he gets a detailed reply.

Modern Apprenticeships (Deaf People)

9. Mark Griffin (Central Scotland) (Lab): To ask the Scottish Government how many deaf people have undertaken a modern apprenticeship in the last five years. (S4O-04392)

The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham): The information that Skills Development Scotland publishes is not broken down by disability. The member will be aware that information on individuals who take part in a modern apprenticeship is gathered on the basis of self-declaration, so it may be an underrepresentation of the true picture.

However, SDS is currently undertaking a data-matching exercise, which will provide an indication of the potential underreporting of disability and other health factors. That exercise, which is in its final stages, will provide a more accurate picture of disability participation in the programme.

In addition, the £500,000 funding for SDS that was announced in Parliament on 13 May will support the final development and delivery of an equalities action plan for MAs and will include

specific improvement targets for disabled participation.

Presiding Officer, I apologise for my voice.

The Presiding Officer: It was very attractive.

Mark Griffin: I thank the cabinet secretary for struggling through that answer.

I welcome the investigation that the cabinet secretary mentioned, but we know from the statistics that we have that the proportion of deaf school leavers who enter the jobs market is particularly low in comparison with the proportion of those from the hearing population who do so. Given that an apprenticeship represents one of the best ways of entering the jobs market, how does the Scottish Government plan to improve the deaf awareness of employers of apprentices and to increase the number of deaf apprentices?

Roseanna Cunningham: A number of initiatives are in place to help with that. "A Template for Success" is an SDS initiative that is aimed at post-school transition for deaf young people. There are also careers information and guidance workshops that highlight apprenticeship opportunities through the Commonwealth apprenticeship initiative, which is dealt with through the hearing impairment unit at St Roch's school in Glasgow and which is particularly targeted at deaf young people. In addition, there are equalities-funded programmes that are targeted at those with disabilities, who include deaf young people.

The member will be aware of the concerns that exist about the proposals from Westminster that could cap access to work provision, which would have a particular impact on deaf young people. We are talking to the Department for Work and Pensions about that.

There are other specific projects that are funded by the Scottish Government, including a Deaf Action project and a Deaf Connections project. There are projects that are specifically designed to get young deaf people into employment. The difficulty with the modern apprenticeship programme is that we leave it entirely up to young people to choose whether to declare that they have a disability, and I have spoken to young people who have told me that they would not and did not declare themselves as having a disability.

Housing Associations (Affordable Rents)

10. Bob Doris (Glasgow) (SNP): To ask the Scottish Government what recourse is available to tenants in the social rented sector who believe that their housing association rent cannot be considered an affordable rent. (S4O-04393)

The Minister for Housing and Welfare (Margaret Burgess): Social landlords in Scotland

have a responsibility to set rents and service charges in a way that balances the level and cost of services provided with affordability for tenants. Landlords also need to demonstrate transparency in how rents are calculated and have a legal duty under the Housing (Scotland) Act 2001 to consult tenants and registered tenant organisations about rent increases.

Bob Doris: There is an additional problem for constituents of mine who are on housing benefit and who are seeking employment. When housing benefit is withdrawn, rents can be challenging to pay, which can be a disincentive to finding employment and can fuel in-work poverty. I encourage the Scottish Government to examine potential solutions to that significant problem.

Margaret Burgess: If anyone in social sector housing is struggling to pay their rent, they should speak to their landlord as soon as possible. They might wish to seek free, independent advice.

The affordability of rents is important to the social rented sector and the Scottish Government. We certainly do not want there to be any disincentive to tenants going into work.

The Presiding Officer: Before we move to the next item of business, members will wish to join me in welcoming to the gallery Mr Jan Peumans, the Speaker of the Flemish Parliament. *[Applause.]*

First Minister's Question Time

12:01

Engagements

1. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-02815)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: For months, teachers have been telling Scottish National Party ministers about problems with the new national examinations. In February, teachers told the Parliament that there could be a catastrophe and headteachers warned of a disaster. They asked to delay the new highers, but ministers chose to ignore those warnings.

Last week, it all ended in tears—the tears of pupils trying to sit higher mathematics, which has widely been condemned as flawed and too difficult. More than 17,000 pupils and parents have signed a petition in protest. What has the First Minister done about it?

The First Minister: The picture that Kezia Dugdale seeks to paint of our exams is unfair. It is unfair to pupils who are studying hard right now for those exams. The annual exam diet is a tense time for students and their parents. Young people work hard throughout the year and they do not deserve that kind of characterisation of the system.

We are aware of concerns that have been expressed about the recent higher mathematics exam and we take them seriously. The Scottish Qualifications Authority is responsible for ensuring that exams are set clearly and to the correct standards. It is also responsible for ensuring that rigorous processes are in place to give candidates fair treatment every year and maintain standards. The SQA has assured us—and, more important, the people of Scotland—that no candidate will be disadvantaged if any exam paper is proven to be more demanding than it was intended to be.

That is why the processes are in place. They are in place every year and they exist to make sure that our students who work so hard get the best treatment, because that is what they deserve.

Kezia Dugdale: With respect, I am bringing to the chamber the concerns of teachers and parents.

The First Minister is right that the SQA has said that it will change the pass mark, but changing the pass mark can help only candidates who tried the

questions. Those who were too upset to complete the exam or who spent too long trying to interpret the questions will get no benefit.

That was the SQA's answer; I asked what the First Minister is doing about the situation. The minister

"is perfectly happy to sit back and allow the Scottish Qualifications Authority to attract all the accusations and criticism ...' It was the minister who forced the authority to introduce the new examination"

and the minister

"should have been able to prevent such a 'deplorable outcome'". [*Interruption.*]

I hear that the SNP back benchers are not happy with that, but those are not my words—they are the words of Nicola Sturgeon when she was shadow education minister back in the last SQA crisis. Does the First Minister agree with Nicola Sturgeon that politicians should stop passing the buck?

The First Minister: Kezia Dugdale is referring to the episode under the previous Labour Government—[*Interruption.*]

The Presiding Officer (Tricia Marwick): Order.

The First Minister: —when there was a comprehensive failure of the administration of the exam system. What we are talking about here is the content of the exam paper for a particular subject. I am sure—at least, I hope—that Kezia Dugdale is not seriously suggesting that the First Minister or any other politician should set or mark the exams that our young people sit.

The SQA's responsibility is to ensure that exams are set to the correct standard. It has given assurance that the live question paper for the maths exam was designed according to the course assessment specification for higher maths. It was developed by experienced teachers, and both the current and the new higher maths papers were overseen by the same principal assessor.

More important, as I said in my original answer, the SQA issued a statement last week that makes it clear that it has in place not new processes to take account of the situation but standard processes to moderate results each year if a paper proves to be unexpectedly difficult or easy. The point of that is to ensure that consistent standards are maintained year on year.

The SQA has emphasised that no candidate will be disadvantaged if this year's exam is proven to be too difficult. It has also said, as I assume that Kezia Dugdale knows, that it will take account of the distress felt by pupils sitting the exam who thought that it was more difficult than they expected it to be.

Those are the processes that are in place to ensure that we have a consistent—and a consistently high—standard in our exam system. It is right that that is overseen by the professional SQA. I assume that that assurance is positive for Kezia Dugdale and, more important, parents and the public across the country to hear.

Kezia Dugdale: We are talking about the prospects of thousands of children across Scotland. In January, I alerted the First Minister to the SQA's appeals system not being fit for purpose. Access to the system depends on a school's ability to pay, and appeals have been replaced by reviews and re-marks, which take no account of the circumstances on exam day.

Parents in private schools are paying for a second mark of their children's exams. They can even pay extra for a priority review—that costs just £39.75, as advertised on the SQA website. The appeals system is about to be tested to destruction by this year's higher maths exam. It has been four months since I raised the issue. Has the First Minister done anything to fix that unfair and unjust system?

The First Minister: The implication that lies behind Kezia Dugdale's question—that better-off parents can somehow buy better exam results for their children—is simply not true. The SQA introduced its new post-results service in 2014 to replace the former appeals system. The new service is the result of wide-ranging consultation among the SQA, schools, colleges and other education professionals, who all recognised that a review of the appeals service was required. The new service was introduced precisely so that a fairer and more rigorous system would be in place.

I say in all sincerity to Kezia Dugdale that the issues are important. I do not for a second deny or demur from that point. However, it is not fair to pupils around the country to come here with particular concerns such as the concern over the higher maths paper, which has been and will be addressed by the Scottish Qualifications Authority, and to suggest somehow that our entire exams system is flawed. Why is that not fair? Because it undermines the efforts—and is in danger of undermining the results—of those students who have worked so hard to achieve exam passes.

When issues are raised by pupils and parents, as was the case with the maths exam, they will be addressed and responded to. We will do that responsibly; we will do that while wishing all the students across the country who are still sitting exams the very best of success.

Kezia Dugdale: The First Minister questions the unfairness. Perhaps I can remind her of what Larry Flanagan said when I last brought the matter up:

“Appeals should be based upon the professional judgment of teachers rather than on the wishes of the parent and what is now happening is fundamentally wrong.”

There are serious concerns, which the First Minister should reflect on.

We heard this week that 25 per cent of medical students come from private schools. Some of the pupils who have been defeated by this unfair exam in maths, and those sitting chemistry today, might have been hoping to change that. They are afraid that their chance could be gone, and so are their parents. [*Interruption.*] SNP back benchers are guffawing, but here are a couple of quotes.

Chloe Thomson from Hawick said:

“I have studied very hard all year in preparation for my exams in the hope of attaining 5As in order to apply to university to study medicine, this dream now seems completely out of reach due to the awful maths exam that I endured yesterday.”

Allana McCrone from Dumfries said:

“My son studied hard for this exam, he came home devastated afterwards and this has added extra stress to him he still has exams to sit.”

The First Minister took two pages of the *Daily Record* this week to tell us how well she was served by the education system. Perhaps she should worry more about what is happening in our schools today.

The appeals system and the new exams need sorted out. The First Minister said that education is her “sacred responsibility”. Surely it is time for some divine intervention from the First Minister.

The First Minister: It is clear that Kezia Dugdale was not listening to a word that I said in my earlier answers—or perhaps she was listening but could not change her script to respond. She read out the distressed comments of somebody who sat the higher maths paper. I have huge sympathy for anybody who sits an exam and comes out of it feeling like that, but surely Kezia Dugdale’s responsibility is to relay to that young person the assurances and reassurances that the SQA has given and that I have outlined today.

Let me repeat that no young person sitting the higher maths exam will be disadvantaged if it is found that the exam was more difficult than intended. How can we say that with confidence? Because the SQA has the processes in place every single year to moderate results and take account of the fact that an exam might be found to be easier or harder than was intended. Those systems are in place precisely to protect against the understandable fears that the young person who was quoted expressed. Instead of playing up those fears, surely Kezia Dugdale’s responsibility is to join us in reassuring that young person. That would be more responsible.

In relation to—

Drew Smith (Glasgow) (Lab): Back to the script.

The Presiding Officer: Order.

The First Minister: I do not think that Labour members who are shouting abuse across the chamber are remotely interested in our young people’s fortunes. As always, the top priority of Labour members is simply to hurl abuse at the SNP, and that will not be lost on anyone.

I will come on to the second substantive and important point that Kezia Dugdale raised, which was on the new system for appeals. It is important to emphasise that, as with all SQA charges, local authorities will meet the costs of requests by any public sector schools to use the service. The Association of Directors of Education in Scotland made it clear in a statement back in February that no young person will be disadvantaged under the new system.

Headteachers are clear that decisions are made on an educational basis, not on a cost basis. Ken Cunningham, general secretary of School Leaders Scotland, said:

“The decision to appeal will not be reached based on looking at the books, but on what schools feel is right for their pupils.”

Those are the kinds of assurances that are important for our young people. Instead of trying to scaremonger, Labour should be doing its bit to get those assurances out there.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-02817)

The First Minister (Nicola Sturgeon): No current plans.

Ruth Davidson: The First Minister is meeting parents from the fair funding for our kids programme today. Fair funding for our kids is a campaign group dedicated to ensuring that promises made on childcare are actually delivered.

We spoke to representatives of the group this morning, and they raised the case of a single mum in Glasgow called Marisa. She is working now but, last year, when she tried to get back to work, she had to turn down three separate jobs because she was restricted to three hours of nursery each morning for her four-year-old daughter. For a woman who is trying to get back into the workplace, that is not good enough. She needs to be able to fit nursery hours around the demands of her job, not to have to reject jobs to fit around nursery hours. Parents should be able to take their

free nursery hours whenever and wherever they want. Surely the First Minister would agree with that.

The First Minister: Yes, I have a lot of sympathy with that. Ruth Davidson is absolutely right to say that I, with the Cabinet Secretary for Education and Lifelong Learning, will meet representatives from the fair funding for our kids group later this afternoon. It will be the second time that I have met them.

I will be happy to look into the case that Ruth Davidson has cited, but let us put the issue into context. The Government has increased entitlement to childcare for three and four-year-olds by almost half. It has gone up from the 412.5 hours that it was when we took office to 600 hours a year, and we have ambitions to go even further. That commitment is fully funded and uptake is high. Every child is offered a place and there is no evidence to suggest that children are not being offered places.

The substance of the discussions that I will have later with fair funding for our kids is that some parents believe that there is insufficient flexibility and choice in the implementation by local authorities to enable them to take up their entitlement. An example might be a parent who is offered a place at a council nursery that does not suit their working patterns but who cannot get funding in a partnership nursery.

We have given a commitment to look at how to improve the gathering of data so that we can get a better idea of the extent of that particular problem. We will also look at how we work with local authorities to make sure of an increasing level of flexibility and choice in the system. There are examples of good practice around the country, and I commend to Ruth Davidson the examples of the councils in Edinburgh and Dumfries and Galloway, which offer places in any of their partnership nurseries as long as a place is available.

We will continue to look at how we can improve the system, but let me be clear: these issues arise out of an expanding system. They are coming up because we are improving the provision of childcare and we will continue to do that.

Ruth Davidson: Once again we have an acknowledgement of the issue and warm words; we are told that it is someone else's problem, but there is no clear plan. Having listened to the First Minister just then, I believe that it is no wonder that fair funding for our kids said this morning:

"There is a great deal of smoke and mirrors around ... the free nursery policy ... no-one is on top of how it is being delivered."

It is certainly not delivering for people like Marisa. As always, it is not the better-off families who are

hurt most: it is the single parents or families on low incomes who have no other options.

The 600 hours of childcare is there to help families, but it helps only if they can choose when to take it. Can the First Minister assure us that we have seen enough of the smoke and mirrors and that, when she meets the parents today, she will simply promise to give them something like more flexibility and a real plan for its delivery?

The First Minister: I do not expect the leaders of any of the Opposition parties to listen to my answers and treat them fairly, but any objective person who was listening to the answer that I gave to Ruth Davidson would not have heard me say that it is someone else's problem. They would have heard me talk in quite some detail about the work that we are seeking to do with councils, which are statutorily responsible for implementing early care. Many parties frequently and wrongly accuse the Government of being centralising, but when we trust local authorities to implement policies, they tell us that we should centralise those responsibilities. Those parties should make up their minds what side they are on.

Ruth Davidson is right that this issue is important to parents in Scotland, the majority of whom are accessing and benefiting from the policy. A small number of parents believe that the system is not sufficiently flexible. We need to understand how many that is, which is why I am committed to further work, but we seek to introduce that greater flexibility on an on-going basis. We have introduced a statutory responsibility on local authorities to consult parents about the required flexibility. As I said, many councils across the country are already delivering the policy in a more flexible way than some others. The work is on-going; we will get on with doing it and let the Opposition carp.

Jenny Marra (North East Scotland) (Lab): As the First Minister knows, porters at Ninewells hospital are in a long-running pay dispute, because they are being paid less than other porters in NHS Tayside hospitals. This is a matter of fairness, and I should note that the porters are here in Parliament today. Will the First Minister now ask NHS Tayside to bring in the Advisory, Conciliation and Arbitration Service to resolve this dispute fairly and let the porters get back to work?

The First Minister: First, I take this opportunity to welcome the Tayside porters to the gallery. They are a fantastic bunch of people, and I had the privilege of meeting some of them a few weeks ago at the congress of the Scottish Trades Union Congress. More important, they and porters right across the national health service do an absolutely fantastic job. They are often among the unsung heroes of our health service and, without them, the

health service would not be able to deliver the excellent patient care that it does deliver.

As Jenny Marra will be aware, discussions around this particular dispute are on-going. The Scottish terms and conditions committee, which is the appropriate body within the national health service bargaining framework, is involved, has spoken to both sides and has had a number of exchanges over the past two weeks, and I am very hopeful that that process will lead to a resolution. I think that it is right and proper for the process to run its due course, but I am hopeful that it will lead to that successful resolution. I also hope that all of us will join in thanking not just the Tayside porters, but porters everywhere across our national health service.

Jamie McGrigor (Highlands and Islands) (Con): To relieve Scottish fishermen from the financial burden of new European Union rules on the discarding of fish, Ian Duncan MEP secured a change in EU law, ensuring that the Scottish Government covers the cost of transporting and storing unsellable catch. However, it has emerged from correspondence with the Shetland Fishermen's Association that Marine Scotland is refusing to foot the bill, despite its new obligation under EU law. Can the First Minister explain why the Scottish Government will not support Scottish fishermen? Furthermore, can she explain why, in not complying with the law, the Scottish Government is willing to pay financial penalties to Brussels that are greater than the cost of supporting the Scottish fishermen in the first place?

The First Minister: Jamie McGrigor has raised what certainly sounds like an important and serious issue, and I undertake to look into it and discuss it with the fishing secretary, who is sitting a couple of rows behind me. We will write to the member with a detailed answer to the question and if, when he receives that detailed explanation, the member wants to meet Richard Lochhead, Richard Lochhead will be very happy to meet him.

Nigel Don (Angus North and Mearns) (SNP): The First Minister will be aware of a very serious road accident that occurred last Friday on the A90 at the Laurencekirk south junction in my constituency, and I am sure that she shares my concern for those who have been affected by it. Given that the junction has already been identified as one that needs to be grade separated, can the First Minister give me any assurance on how quickly that will be done?

The First Minister: I am sure that this is the case for everyone across the chamber, but my first thoughts are with the individuals involved in the accident, and I extend my very best wishes to those who were injured for a speedy and full recovery.

The circumstances of the particular accident that the member has highlighted will obviously need to be fully investigated, but he will know that the Scottish Government, working alongside the north east of Scotland transport partnership, Angus Council and Aberdeenshire Council, is examining whether improvements are required to the Laurencekirk junction. Indeed, Transport Scotland is publishing a study next month that will help to inform how access to the junction can be improved, and I know that when that study is published the Minister for Transport and Islands will be very happy to meet Nigel Don to discuss it further.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-02814)

The First Minister (Nicola Sturgeon): Matters of importance to the people of Scotland.

Willie Rennie: A freedom of information request has found that 350,000 Scottish photographs have been added to the police national database, and the Biometrics Commissioner is concerned about access to that database through new facial recognition technology that does not have any legal underpinning. Does the First Minister agree with the Biometrics Commissioner?

The First Minister: In all of these things, the right balance has to be struck between the need to protect the public and keep communities safe and the need to safeguard the rights of individuals. Police Scotland operates in accordance with human rights and data protection legislation, and Scottish legislation regulates the information that is uploaded by Police Scotland and the length of time that that information is kept for. Legislation also outlines the alignment of case information and associated retention periods for these records. As a result, rules, regulations and safeguards are in place.

As for the facial recognition technology issue that Willie Rennie has raised, he will be aware that, as I certainly understand it, the way in which Police Scotland uses that technology is more restrictive than it is for certain other police forces in other parts of the United Kingdom. Only images of those who are convicted of or arrested and/or charged with an offence will be uploaded to the police national database and only images of those who are convicted will be kept on it. When we look at the balance between the need to protect the public and the important need to protect civil liberties, it strikes me that we have it right in this case. Of course, such things continue to be kept—and, rightly, will always be kept—under review.

Willie Rennie: My question and concern is not about the retention of the photographs in the database but about the photographs taken to check against the photographs in the database. There are strict rules on taking fingerprints and DNA to check against databases, but the same rules do not apply to the photograph database. The concern relates to people's privacy if the police can take photographs at football matches and political demonstrations to compare those photographs with the database, using the new technology. Safeguards are in place for fingerprints and DNA, but does the First Minister think that there are adequate safeguards covering photographs?

The First Minister: I am very happy to look at that point in more detail and perhaps correspond or discuss it with Willie Rennie in the future.

I suspect—although these are matters for front-line police officers and those involved in the investigation and detection of crime—that most routinely it will be images from closed circuit television cameras that will be used to try to identify people through the images held on the police national database. I am only speaking personally here, but if I or a member of my family was a victim of an assault in the street, for example, and there were CCTV images of someone who was suspected to be guilty of the assault, I would want those to be used to see whether the perpetrator of the crime could be identified. Let us not lose sight of the purpose and objective of such databases, which is to apprehend criminals and bring them to justice, which is a good thing.

Yes, civil liberties and human rights are important. As technology advances, we have to keep the ways in which we protect those civil liberties under review and we will always do that. I will look at the particular point raised by Willie Rennie and come back to him with more detail once I have had the opportunity to consider it.

Queen's Speech (Scottish Government's Response)

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what the Scottish Government's response is to the Queen's speech. (S4F-02823)

The First Minister (Nicola Sturgeon): The Scottish Government will be a constructive critic of the programme set out in the Queen's speech. However, the proposals from the Tory Government fail to recognise that Tory policies were roundly rejected by the Scottish electorate earlier this month. Where we disagree with the provisions in the Queen's speech, we will make our opposition to the plans very clear. We will not support policies that continue with austerity, that

put more children at risk of poverty or that put Scotland's membership of the European Union and our valuable human rights protections at risk.

Kenneth Gibson: Does the First Minister share my concerns that the Scotland Bill that was published this morning will not deliver the Smith commission proposals in full, as promised, let alone those pledged in the pre-referendum vow?

The First Minister: The United Kingdom Government had a very clear test today, which was to deliver a bill that lived up in full—in spirit and in letter—to the Smith commission. The bill was published within the last hour or so and, from my glance at it, I think that it falls short in almost every area.

For example, the bill does not contain the full welfare powers recommended by the Smith commission and it retains—unbelievably, given the amount of concern that was expressed—a veto for the UK Government on key policy areas. If, for example, the Scottish Parliament wants to abolish the bedroom tax, as I hope that we do, the UK Government would still have a right of veto over whether we could. I am sorry, but that is not devolution.

I hope that all parties will support us and the recommendations of the all-party Devolution (Further Powers) Committee as we seek to get a Scotland Bill that lives up to and delivers the Smith commission recommendations.

Land and Buildings Transaction Tax and Landfill Tax (Revenue)

5. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister how much revenue has been raised by the land and buildings transaction tax and the landfill tax since April 2015. (S4F-02821)

The First Minister (Nicola Sturgeon): Land and buildings transaction tax was successfully introduced by Revenue Scotland on 1 April. Revenue Scotland published its first set of monthly statistics on 21 May, based on returns submitted in April. Those show a successful first month, with more than 7,500 returns received and almost £18 million collected in tax from residential and non-residential property sales.

Those results are in line with our expectations. We are of course in discussion with the United Kingdom Government on the impact of forestalling, for which the UK Government has agreed to compensate us.

Scottish landfill tax is collected quarterly and the first returns from landfill operators are due in August. Revenue Scotland will publish quarterly statistics for Scottish landfill tax from September 2015.

I am sure that even Jackie Baillie will agree that this is an encouraging beginning for Revenue Scotland, which launched on time and on budget.

Jackie Baillie: If one was to look at the overall figures anticipated by the Cabinet Secretary for Finance, Constitution and Economy, one would probably be looking at figures of about £41 million in the first month of operation. I absolutely accept that house buying is seasonal and there was some forestalling, and that the figures may well improve. However, the figures demonstrate the variability of the taxes, which will also be the case for the new tax powers in the Scotland Bill. There is a direct relationship between tax variability and ensuring continued funding for our public services. Given the importance of that relationship, what capacity is the Scottish Government developing to support better forecasting and a robust fiscal framework?

The First Minister: Yes, there is variability, as Jackie Baillie rightly acknowledges. That is why we make predictions on the basis that we do. The early LBTT results are in line with our expectations; we always anticipated a degree of forestalling, which is precisely why the Deputy First Minister is in discussion with the UK Government about how we are compensated for that.

Jackie Baillie's wider point was that we need to ensure that we have robust information underpinning our modelling and projections. That is precisely why we are taking steps to put the Scottish Fiscal Commission on a statutory footing and why we are making sure that, as we take more responsibility for more tax powers, the Scottish Fiscal Commission is properly equipped to do that very important job.

Scottish Qualifications Authority (Higher Mathematics Examination)

6. Liz Smith (Mid Scotland and Fife) (Con):

To ask the First Minister what the Scottish Government's position is regarding the concerns expressed by parents and pupils about the recent Scottish Qualifications Authority higher mathematics paper. (S4F-02830)

The First Minister (Nicola Sturgeon): As I said earlier, we all know that this time of year, with its annual exams, is a tense time for students and their parents, but young people work really hard throughout the year and for many the exams are the culmination of that hard work. We are aware of the concerns expressed about the recent higher maths exam. As I said earlier, the SQA is responsible for ensuring that exams are set fairly and to the correct standards, and it has in place rigorous processes to ensure that candidates get fair treatment.

Liz Smith: I listened extremely carefully to the First Minister's response to Kezia Dugdale's question. The issue is not so much that the maths higher was seen as particularly hard—which the SQA can address, as the First Minister rightly pointed out—but that the structure of some of the papers and the style of questioning does not appear to be in line with what many schools adopting the new higher had in prelims. Half the schools opted to have the old higher. Does that, combined with the concerns of the criticisms that we have had this past week, reflect deeper concerns about the deployment of exemplar materials for the exams?

The First Minister: It does not necessarily do that, although we will want to study those issues very carefully.

The double running of the old and new highs this year, for one year only, was a result of careful consultation and agreement that that was the right thing to do. Liz Smith rightly acknowledges that processes are in place to moderate results based on the difficulty or otherwise of exams compared with what they are intended to do. Of course, if other issues are raised after the experience of the exam diet this year, the education secretary will raise them with the SQA. I am sure that the SQA would be very happy to meet Liz Smith to discuss those issues in more detail.

Peat (Extraction for Horticulture)

The Deputy Presiding Officer (John Scott): Moving swiftly on, the next item of business is a members' business debate on motion S4M-13158, in the name of Rob Gibson, on peat extraction for horticulture. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises what it sees as the importance of peatlands for biodiversity, carbon and water and also toward cultural identity and in serving as historical archives and notes the view that stronger measures are needed to end the commercial extraction of peat for horticulture in Caithness, Sutherland and Ross and across the country to ensure the restoration and protection of peatlands and to help develop a long-term viable industry that can provide sustainable soil and growing conditions to help amateur and professional gardeners and growers.

12:35

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Peatlands are a vital part of Scotland's natural capital and provide some of our best open landscapes. They are important for biodiversity, carbon and water, for our cultural identity, and as historical archives. Globally and nationally, there are major commitments to the conservation and restoration of peatlands. As species champion for the rusty bog moss, which is one of the emblems of the health of peat bogs, I have a particular interest in my constituency in the issue.

One of the threats to peatlands is from the commercial mining of peat for the garden retail and the professional horticulture industry. In a chapter entitled "Peat as a manure", a book called "Peat and its Products", published in 1905, provides the testimony of

"A well-known horticulturist, Mr. James Kennedy, of the Nursery, Greenbrae, Dumfries".

Writing to "The Scottish Peat Industries" in 1904, Mr Kennedy said:

"Considering the fact that it was on July 17th that the plants were potted, the photo taken on October 19th proves the success of the experiment, also that a good crop of tomatoes can be grown on peat in little over three months."

He went on to say:

"I am so satisfied with the results already obtained that I intend to test peat as a good material for growing other plants as well as tomatoes and have every confidence of recommending it to other growers."

That was more than a century ago, and the use of peat is a practice that has expanded over many decades.

At the same time, advances in the development of alternatives, including recycled materials, mean that Scotland could develop a long-term viable

industry to provide sustainable soil conditioners and growing materials for amateur and professional gardeners. Clear Scottish targets for ending commercial peat extraction are needed, along with fiscal measures and incentives to support a vibrant market in sustainable horticultural products.

The global importance of peatlands, particularly for biodiversity and climate change, has been well established through the International Union for Conservation of Nature commission of inquiry on peatlands. Scotland is at the forefront of international policy to protect and restore peatlands, and it has a draft national peatland plan.

Lowland peatlands in Scotland are estimated to store 64 million tonnes of carbon in the peat, which is more than 18 years' worth of Scotland's transport emissions. Commercial extraction involves the stripping of peat-forming vegetation, drainage and extraction, which results in the stored carbon being released to the atmosphere. In the United Kingdom, consumption of peat leads to annual carbon dioxide emissions of more than 630,000 tonnes, at a cost to society of £32.5 million, arising from the climate change impact.

Commercial extraction—or mining—of peat for use as a growing media or soil conditioner has developed over the past 100 years, and peat has replaced traditional loam and leaf-mould-based composts. The industry mainly removes peat from lowland raised bogs because of their deep peat layer, developed over millennia, and their relative accessibility for heavy machinery. I have some raised bogs in my constituency, as will many other members.

No up-to-date records are kept by the Scottish Government on peat extraction planning permissions. Earlier data shows that, in 2003, there were 72 commercial extraction sites in Scotland, with 20 still active, 16 expired and 33 awaiting confirmations. Current Scottish planning policy permits commercial extraction only in areas suffering historical, significant damage as a result of human activity, and where the conservation value is low and restoration is impossible. Despite the fact that most damaged peatlands are capable of being restored, developers have continued to seek new permissions or extensions to existing permissions. A number of recent applications are currently being considered by local planning authorities.

Concerns about the impact of peat extraction on important wildlife habitats and the climate implications of removing ancient natural carbon stores have led to calls for a halt to peat extraction, which are supported by leading authorities such as the Royal Horticultural Society. There are now many alternatives to peat

composts—including some high-profile brand names—which are already widely available in garden centres across the UK. Today, many peat-free composts work as effectively as peat ones. Much of the material used for peat replacement, such as commercial green compost, also contributes to recycling or uses by-products such as wood brash and other forestry waste. Advances are also being made in more technical applications such as the commercial growing of plants, with B&Q announcing a peat-free bedding plant range.

In 2010, the Department for Environment, Food and Rural Affairs set out proposals—now adopted by the UK Government—for retail supplies in England to be peat-free by 2020 and for commercial horticulture to end peat use by 2030, although advances in commercial peat-free products should mean that that target could be brought forward. Unfortunately, UK Government figures for 2012 show that 57 per cent of compost sold in the UK is still peat based and that there has been little reduction in peat use.

I ask the minister to consider establishing legal, binding targets for an end to peat in retail sales of growing media, soil conditioners and commercial horticulture; introducing carbon accounting for the use of peat-based products; immediately ending the procurement of peat by Government and public bodies; introducing fiscal measures to support the development of sustainable peat-free products; ensuring that the Scottish ministers are informed of all development planning proposals for commercial peat extraction; and biannual Scottish Government reporting on progress towards targets. If we are able to do that, we will have peat-free growing conditions that are good for plants, good for our climate and good for our natural environment.

12:42

Claudia Beamish (South Scotland) (Lab): I welcome the opportunity to speak in the debate, and I extend my warm thanks to Rob Gibson for bringing the protection of the Scottish peatlands to the chamber's attention today—not for the first time and, I am sure, not for the last. Today, the discussion is specifically on horticulture, as we heard in his comprehensive coverage of the issues.

Peatland preservation is tied in with numerous other environmental issues and is extremely important. Its inclusion in the Scottish Government's second report on proposals and policies—RPP2—was a significant step in the right direction, promising significantly more protection and conservation by 2027.

Sphagnum moss, often the main component of a peatland bog on the surface, is one of nature's

heroes. It is the living surface of the bog, with a spongy quality enabling it to soak up and filter eight times its own weight in water, preserving the materials below. That makes it a natural barrier against flooding and improves the water quality of an area.

The biodiversity of peatlands must also be celebrated. Braehead moss, near where I stay, is a raised peat bog in South Scotland. It is a fantastic example of a complex ecosystem with interesting species such as the round-leaved sundew—a carnivorous plant. A number of birds with RSPB red status can be spotted there, including the dunlin and the yellowhammer. Members may have seen the black egg sculpture in the Parliament garden, which symbolises the pink-footed goose—another resident of Braehead moss in the winter.

Peatlands provide a quiet and precious habitat for some of Scotland's most interesting and often endangered species, such as the moss that Rob Gibson—our Rural Affairs, Climate Change and Environment Committee convener—champions. One of the most damning arguments against the commercial extraction of peat lies in the enormous stores of carbon that are held in these bogs. Peatlands account for 3 per cent of the world's surface but hold 30 per cent of all soil carbon. When damaged or drained, those substantial carbon stores are liable to oxidise and release greenhouse gases into the atmosphere. It is estimated that, in part due to the overuse of peat in horticulture, 2 gigatonnes of carbon dioxide are released across the world each year. That is an enormous, dangerous and disproportionate volume.

The RPP2 commitment to peatland restoration is encouraging. Peatlands are living systems and should be treated with respect. UK amateur gardeners account for 66 per cent of extracted peat, so each of us as individuals can have a real impact on the issue. The Royal Horticultural Society offers excellent advice on the variety of reasonably priced and effective alternatives that are available to purchase and which would help sustainable agriculture. Between 2007 and 2009, peat use fell by only 1.63 per cent in the UK. A change in attitude is required.

As an eco-schools co-ordinator, I took pupils out on to Braehead moss to explore and learn. They created a joyous tapestry that tells the story of the moss and which now hangs in the school entrance. Educating children and communities is vital for a step change in both professional and amateur gardening practices and to ensure that those fascinating landscapes are not forgotten.

The word “bog” does not conjure up the most inspiring of images, but peat bogs are unique and precious. They are a product of history that

develop only millimetres each year. That, combined with their acidic conditions, offers unrivalled preservative qualities and has led to the discovery of bog bodies—perfectly preserved people, such as the 250-year-old Gunnister man, who was found in Shetland. More recently, sphagnum moss was sent south from Scotland to be used in antiseptic wound dressings in the first and second world wars.

With plentiful alternatives, the use of peat in horticulture seems to me to be entirely nonsensical. I encourage the Scottish Government to stop the procurement of peat, as a signal to the public and as the convener of the Rural Affairs, Climate Change and Environment Committee has highlighted, and I ask it to consider the recommendations that he highlighted, which are supported by the Scottish Wildlife Trust and the RSPB. Surely the time has come to set targets for an end to peat extraction for retail and commercial horticulture.

12:47

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I congratulate the champion of the rusty bog moss on securing this debate, and I thank my intern, Shane O'Brien, who did some research for me and provided me with my speaking notes—I did not just conform to stereotypes and ask him to do that because he is from Ireland and I thought that there would be a natural fit.

As others have said, peat is a commodity that we need to protect, particularly in Scotland, where we have vast rural areas that are covered by it. We have about 10 per cent of the world's blanket bog. With raised bog, those are important parts of our ecosystems.

In global terms, peat is a somewhat rare commodity, which is one of the particular reasons why we should protect it. Others have referred to the very important climate mitigation benefits that are derived from it. Scotland has a special place because of our proportion of peat.

I am a little uncertain—perhaps the minister can clarify this for me—whether the calculation of our carbon impact fully takes account of the contribution that peat makes to the mitigation of the effects of human activity on our climate. That might be a further incentive for us to look closely at the subject.

Originally, peat was essentially a domestic heating product. It is now not a particularly common one. Indeed, I am not aware whether a single house in Scotland is solely reliant on peat for its warmth, but I may find that small numbers of houses are. We can certainly accept that the numbers are not significant. In doing his research

for me, Shane O'Brien found that there were certainly none of those on Uist. I am not quite sure why he found that, but he did.

Peat was, of course, a comparatively cheap and available fuel. It was on the doorsteps of many people in parts of Scotland. Along with other primary sources of fuel such as coal, oil and electricity, peat was at one time among our most important fuel sources.

The method of producing peat was through the back-breaking task of cutting out the peat from the peat banks, latterly by using a machine taking smaller slabs as tractors dragged it across, increasing the exploitation and the damage that we are doing to our peat bogs.

Rob Gibson: In this debate, I wanted to focus on horticultural peat and not the extraction of peat for heating homes, because that is a small part of the picture, while extraction for horticulture is a very large industry.

Stewart Stevenson: The member is correct to focus on that. It is important that we recognise that peat is used for a variety of purposes. The debate focuses on horticultural peat, which we continue to use long after we have passed on from using peat as a fuel.

The bottom line is that peat is valuable to us. It has effects on our everyday lives. When we take it out for horticulture produce, we diminish its ability to contribute in other areas of our lives. Claudia Beamish referred to its filtering effects and benefits to the water supply. Those of us who enjoy the occasional malt whisky particularly benefit from the use of a small amount of peat in that industry.

More interestingly, the existence of peat bogs touches significantly on natural ways of mitigating the effects of flooding. When we extract peat for horticulture, it has much wider effects than perhaps many of our urban dwellers are likely to be aware of. They will participate in recreational use of peatlands, such as angling and walking, for a uniquely Scottish experience.

I hope that the Government will look to reduce the use of peat in compost. The damaging impacts need to be reduced. We need to substitute peat in our horticultural products. I give all my support to the motion that Rob Gibson has brought to us today.

12:52

Jamie McGrigor (Highlands and Islands) (Con): I draw members' attention to my agricultural interests in the register of members' interests and I, too, congratulate Rob Gibson on securing the debate.

Scotland holds a high proportion of the European and world blanket bog resource of peat—it has about 15 per cent of the global total for the habitat. North-west Scotland has the highest percentage cover of peatland of anywhere in Europe. It is an internationally important resource that we must cherish and make the most of. I see that the flow country has been added to the tentative list for United Nations Educational, Scientific and Cultural Organization world heritage site status.

As Rob Gibson said, our peatlands are critical in terms of biodiversity, carbon and water. Their value as a carbon sink is massive; Scottish peats are estimated to hold about 1,620 megatonnes of carbon. They can play a part in meeting our climate change and emission-reduction targets, because peatlands in good condition can sequester up to an additional 2.8 tonnes of carbon dioxide equivalent per hectare per year. We have consistently supported efforts to restore damaged peatlands and, while recognising the efforts that are being made on peatland restoration, we believe that there is significant potential to extend the work.

The peatlands support much biodiversity—much more than conifer plantations, many of which are planted on areas of peat that were open peatland before. They also support low-level grazing of sheep and deer, which produces income as well.

Scottish planning policy confirms that planning authorities should seek to protect areas of peatland and states that extraction of peat for horticulture is

“only acceptable in areas of degraded peatland which has been significantly damaged by human activity and where the conservation value is low and restoration is not possible.”

That planning policy must be adhered to and enforced.

We recognise the Scottish Government’s stated willingness to support market-led initiatives to reduce the demand for and use of peat in horticulture and we would encourage greater efforts on that as the UK seeks to phase out the use of peat in the horticultural sector by 2030 at the latest.

We should recognise the progress that has been made to date—for example, B&Q is to be commended for rooting its bedding plants in virtually peat-free compost—but we should be aware that further research and development is required to identify appropriate cost-effective and quality alternatives to peat and to give users confidence that those alternatives will meet their needs at minimal risk to their businesses.

Another issue that we need to consider is ensuring that there is a level playing field across

Europe. We need to gain European and international consensus on a strategy for peat use reduction. I believe that the significance of peat should have been included when the land classification parcels were drawn up in the new common agricultural policy—I have referred to that many times in the past.

If those areas of peatland are so important, surely they should draw down a level of subsidy that ensures that land managers will keep them in their present condition or try to improve them. The fact is that most peatland attracts a payment of €10 per hectare, whereas arable land attracts €220—that is 22 times as much. That may be fair for food production but it does not take into account the public good that peatland produces.

Although it is too late for this round of CAP negotiations, I feel that any new round should include a figure that takes in the public good element that farmers with peat on their ground produce for everybody else. A recognition of the importance of such land would make an enormous difference to hill farmers in the Highlands and Islands, who have difficulty in sustaining their livelihoods on the payments that are received under the CAP.

I call for a derogation for crofters who still burn peat, which Rob Gibson mentioned. Someone recently said to me, “You get four heats from burning peat: first, when you cut it; second, when you turn it; third, when you carry it home; and fourth, when you finally burn it.” Home consumption of peat is a tradition that does little harm, and it would be sad to lose the famed peat reek that is remembered in the traditional poetry and songs of Highlands and Islands culture. Equally, the peat-smoked salmon and sea trout from the Hebridean Smokehouse in North Uist and other smokehouses are delicious and I thoroughly recommend them.

12:56

Graeme Dey (Angus South) (SNP): I thank Rob Gibson for securing a debate on what is, as Claudia Beamish acknowledged, an extremely important subject. Outwith we peatland anoraks—I acknowledge that my friend Mr Gibson is the anoraks’ anorak in this area—the majority of people might not understand the pressing need to better protect our peatlands.

Scotland is home to around 60 per cent—covering around 1.9 million hectares—of the UK’s peatlands, which represent our most significant carbon store. Scottish peatlands hold almost 25 times the amount of carbon that is stored by all other UK vegetation. To put that in perspective, the carbon stored in Scotland’s peatlands is

equivalent to 180 years of our current carbon emissions.

It is the carbon below the bogs' surface that is so important and which must be protected. Releasing just 1.6 per cent of those carbon stores would be equivalent to the total annual human carbon emissions from Scotland. Ensuring that those carbon stores are secure is vital to reduce the effects of climate change.

Of course, carbon storage is not the only benefit from those vast peatlands, because their relationship with water is also beneficial, as is their relationship with vegetation and wildlife. Raised bogs support many rare and declining species, such as bog rosemary, cranberry and the large heath butterfly, and blanket bogs are known for their multiple moorland breeding birds.

Unfortunately, there are a number of threats to those valued areas, such as burning, drainage, overgrazing and commercial peat extraction, to name but a few. Those threats are making a huge dent in our peat soils. It is estimated that 70 per cent of Scotland's blanket bogs and up to 90 per cent of the raised bogs have been negatively affected and would benefit from restoration. Scotland's area of intact raised bog has declined from 28,000 hectares to 2,500 hectares, and it is recognised that commercial peat extraction for horticulture is one of the main reasons for that.

I agree that that level of extraction cannot continue and that the already damaged areas must be restored, but some understanding must be shown towards industries that rely on peat for agricultural purposes and which are taking voluntary steps to reduce usage. One of the industries that use extracted peat is the soft fruits sector. For example, Angus Growers, which is based in my constituency, is a group of 19 soft fruit producers that use peat to produce numerous fruits, but particularly strawberries and raspberries. Peat's specific qualities enable soft fruits and vegetables to be produced in Scotland in volumes and for values that would be otherwise impossible. The peat has worked particularly well for the strawberry and raspberry crops because of its stability, predictability and cheapness. The peat's ability to buffer water and nutrients allows for a larger margin of error and easier management when growing fruit.

Alternatives exist, but the best alternative—coir—costs about 30 per cent more and is imported from Sri Lanka. I am told that, since funding for half of the difference in cost has been available to producer organisations through the fresh fruit and vegetable scheme, Angus Growers has begun using coir rather than peat. In 2014, it reduced its use of peat by almost 8,000m³, which is a drop of 40 per cent. All its new raspberries and blackberries are planted in pots with coir, not

peat, and about 25 per cent of its strawberries were planted in coir this year.

However, those advances have not been without difficulties. Growing techniques and crop nutrition have had to be adapted to maintain production, which has been possible only with Angus Growers' in-house team of agronomists carrying out many trials across many crops. Of course, that takes time.

Although those advances are impressive and replication of them should be encouraged across the country, we should acknowledge that other groups do not have the same resources and will not be able to adapt as quickly as Angus Growers has. That is why a managed move from peat to alternative substrates such as coir is necessary. We cannot simply stop peat extraction immediately—I accept that that is not what Mr Gibson seeks.

Angus Growers' turnover from Scottish fruit alone last year was £31 million, which represents a huge amount of money going into Scotland's economy. Since incentives such as the fresh fruit and vegetable scheme have been introduced, a change has been made in how soft fruit is grown. That should be recognised.

I strongly agree that commercial peat extraction must come to an end to protect peatlands and allow them to thrive as they should. However, that should not be done in an abrupt way that is to the obvious detriment of specific agricultural industries and our hugely successful food and drink sector.

13:01

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Like others, I congratulate Rob Gibson on securing the debate, which recognises the importance of Scotland's peatlands and their need for protection. It is the second time this month that we have had a members' business debate on peatland issues. That demonstrates how much we all value the recognition of an important component of Scotland's soils.

As I indicated during Christian Allard's debate on 5 May on north-east mosses, the recognition of our soils is timely this year, which is the United Nations year of soils. Scotland holds an important share of the global peatland resource.

I am conscious that, in celebrating peatlands, I will repeat aspects of what I said on 5 May. However, those aspects are relevant and contextual to today's discussions, which focus on the commercial extraction of peat for horticultural use.

The Scottish Government has long recognised the importance of peatlands. Last year, with

Scottish Natural Heritage, we consulted on a national peatland plan, which sets out the benefits of peat and peatland habitats and highlights the actions that are being and can be taken to support land managers to protect, manage and, where needed, restore peatlands. Building on that consultation, I look forward to launching the finalised plan in the near future.

Currently, 63 per cent of blanket bog, 60 per cent of raised bog and 72 per cent of fen, marsh and swamp features on designated sites are assessed as being in favourable condition, although others are not. Action is needed to improve those peatlands and maximise their benefits and contribution to Scotland. That is why we are highlighting work to restore peatlands under our priority projects for action in the biodiversity route map to 2020, which will be published soon.

For many decisions, potential trade-offs between different land uses need to be considered, and our land use strategy, which is due to be refreshed by next March, is an important articulation of that. Many of those trade-offs relate to sensible and appropriate questions about which use is the most appropriate—for example, forestry, agriculture or conservation management. Each use is appropriate in the right area and the right context and should be seen as a relevant choice.

The debate has highlighted the need to protect the peatlands that we have, and we have focused on the themes of protecting and managing well. I welcome that, because much recent consideration has been about restoration opportunities. Those are important, of course, but they are reactive to historical actions and we are well placed to learn from those lessons.

Extracting peat for horticultural use is different. The Scottish Government agrees that there are better sources for achieving horticultural outcomes, which I appreciate is of value to gardeners and horticulturists across Scotland. We are committed to working with others to develop alternative commercial products that deliver what is needed.

Tomorrow, I will visit the gardening Scotland event, where I expect to see such alternative products. As Rob Gibson said, new technology provides good and effective alternatives to peat.

Where it has been able to, the Scottish Government has taken appropriate action. Scotland's national planning framework 3 recognises the important habitat and carbon-store roles of peatlands. Scottish planning policy states that development plans should protect areas of peatland, but it also establishes a policy approach for situations in which commercial extraction of peat might occur. That is a proportionate approach

that recognises that there may be a wish for some peat extraction and provides direction on the limited circumstances in which that might be permitted. Planning authorities need to consider applications for peat extraction against the relevant development plan policies and parts of Scottish planning policy and the national planning framework 3.

The Scottish Government believes that there are better sources of compost than peat. I take the point that Jamie McGrigor made about the importance of peat extraction by crofting communities. We recognise that that is a cultural and traditional activity that reflects the absence of alternatives such as wood and coal in many of our remote rural communities. That is a practical point.

From the environmental perspective, most extraction for horticulture comes from our limited resource of lowland raised bogs whereas, as Jamie McGrigor said, crofters cut their peats on the much more extensive and widespread blanket bogs. I am advised that, where good practice is employed, such as replacing turf and ensuring that cut-over areas are kept wet, that is much more sustainable than commercial extraction over large areas.

I thank Rob Gibson for bringing this useful debate to the Parliament. I agree with all the members who have highlighted the value that our peatlands provide and the need to protect them, both of which are reflected in our planning policy.

I also agree about the need to avoid using peat for things such as horticulture when alternatives exist. Ending that use is not a Scottish challenge; it is a global one, and the Scottish Government is committed to playing its part. The Government is committed to supporting the phasing out of peat in horticulture. We will use the finalised peatland plan to press that agenda further forward, and I will certainly carefully consider the further recommendations that Rob Gibson made.

13:07

Meeting suspended.

14:30

On resuming—

Historical Child Abuse

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business this afternoon is a statement by the Cabinet Secretary for Education and Lifelong Learning, Angela Constance, on the historical child abuse inquiry. The cabinet secretary will take questions at the end of her speech and there should therefore be no interventions or interruptions.

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): On becoming the Cabinet Secretary for Education and Lifelong Learning, I gave a commitment to establish an independent inquiry into historical abuse of children in institutional care, with full statutory powers to compel witnesses and demand evidence. On 17 December 2014, I announced to Parliament that we would consult survivors and others on the inquiry's remit and the appointment of a chair. We took a careful, consultative approach to try to build consensus. I can today report to Parliament on the outcomes of that work.

It is important to emphasise that, although no inquiry can right the wrongs of the past, that is not a reason to fail to act. We have listened to the views of survivors on the shape and scope of the inquiry. I am grateful to those who have given of their time and knowledge, but I know that many have yet to come forward. I sincerely hope that survivors will use this opportunity to tell of their experiences and testify to the inquiry.

The inquiry will aim to shine a light in the dark corners of the past, to shape how we respond in the present and to guide how we go forward in future. We need to learn all we can to ensure that no institution becomes a hiding place for those who abuse positions of trust to prey on children. We want to make Scotland the best place for all our children to grow up. Children and young people must grow up feeling cared for, nurtured and loved, as well as being protected from harm, abuse and neglect. We have a particular commitment to our most vulnerable young people—those for whose care and protection the state is directly responsible. Accordingly, we will listen carefully to the inquiry's eventual recommendations and make whatever changes may be necessary to policy, practice or legislation.

It has been challenging to reach a decision on the scope of the inquiry, given the wide range of views, even among survivors. The remit cannot be so wide that survivors lose hope of the inquiry ever reaching clear and specific conclusions. I am

mindful of the urgency of that last issue, given the age and health of some survivors.

The inquiry will examine any instance in which a child was abused in care, including residential care; children's homes; secure care; and borstals and young offenders institutions. It will also include those placed in foster care. "In care" will carry a broader interpretation, to include allegations affecting boarded-out children; child migrant schemes; school hostels; and healthcare establishments providing long-term care for children. Independent boarding schools are also included. Although parents were responsible for the placement of their children in those institutions, the state, too, had a responsibility to ensure a standard of care.

The starting date for the inquiry's scope will simply be within living memory. The inquiry's chair will determine the exact end date, but it will be no later than 17 December 2014. That timeline goes further than originally envisaged and has been informed by the views of survivors and others. The inquiry will be asked to report to ministers within four years of the date of commencement, which is to be no later than 1 October.

I expect the inquiry to take a human-rights-based approach, to be inquisitorial rather than adversarial and to enable people with little experience of legal processes to engage with it. Crucially, the inquiry will examine the on-going effects of abuse on survivors and their families in order to improve our understanding of the issues they face and help us to improve support for them now and in future.

Taking all that into account, the inquiry needs a chair who can rise to those challenges while gaining and maintaining the confidence of survivors. I am pleased to announce that Susan O'Brien QC will chair the inquiry. Ms O'Brien is an experienced advocate in civil litigation, including on issues pertinent to the inquiry, and has a knowledge of and expertise in human rights. Crucially, she also chaired the Caleb Ness inquiry in Edinburgh in 2003. I am grateful to her for agreeing to take on this significant task.

Of course, the inquiry forms a significant part of the Scottish Government's wider response to the Scottish Human Rights Commission interaction plan. As significant as this will be, it does not stand alone in demonstrating our commitment to survivors of abuse. Survivors have told me about childhoods lost as a result of abuse. Their experiences have impacted adversely on their adult lives too. Restoring what has been lost is vital.

Scotland is one of only a few countries to develop and implement a dedicated support strategy for survivors of historical abuse in any

setting. For 10 years, SurvivorScotland has delivered services that many survivors describe as their lifeline. We now intend to build on that and to do more. I am announcing today that we will set up a dedicated support fund for survivors of abuse who were placed in care by the state. That will enable survivors to identify their own personal goals and access the right support to achieve them. Work on that will begin immediately, with £13.5 million allocated over the next five years to develop a dedicated in-care support service.

I am also announcing an additional £1 million to enhance the support that is available to all who have been abused, whether in care or not, through the SurvivorScotland development fund.

Through the interaction process, many of those who were abused in care as children called for the right to seek reparation. That would involve removing the time bar that requires a civil case for compensation to be brought to court within the three-year limitation period. At the heart of the issue is the reality of childhood abuse. It can take decades for a survivor to have the strength to challenge their abuser in court.

Having listened to survivors and examined the legal position carefully, I can announce that this Scottish Government intends to lift the three-year time bar on civil action in cases of historical childhood abuse since September 1964. We will consult in the summer on how best to do that. To further demonstrate our commitment to the issue, we will produce a draft bill by the end of this parliamentary session. With regard to cases before September 1964, I must be clear that there are considerable challenges regarding human rights. We will, of course, continue to listen to views on what, if anything, can be done to remove barriers pre-1964.

I believe that all that I have set out demonstrates that this is a dynamic process and that we are a Scottish Parliament that listens, hears and acts. Although we cannot undo the deeds of the past, we can acknowledge them, address their impact and learn how to do much better in the future to protect Scotland's most vulnerable children.

As a Parliament, we can and must give a voice to those who have been silenced for too long. We can and must recognise the abuse that they suffered as children. We can, we must and we will do everything that we can to ensure that the same thing never happens again.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions.

Iain Gray (East Lothian) (Lab): I thank the cabinet secretary for her statement and for early sight of it.

We sincerely welcome today's statement. We very much want the inquiry to succeed, and we want to work with the cabinet secretary to ensure that that happens. It must be a bright and unfettered light that we shine into this dark corner of our nation's recent past. Above all, the survivors of abuse must have total confidence that we will not flinch and that we will face that past without fear or favour.

In 2008, the then minister told the chamber that no further inquiries were required in Scotland and that the time bar must remain. Therefore, today's announcement is great and welcome progress, but we have to recognise that it has taken a very long time.

The chair of the inquiry is central to the survivors' confidence. We have seen that all too clearly in England. Survivors expected a High Court judge to lead the inquiry. What assurances can the cabinet secretary give us that she knows that Ms O'Brien's appointment is acceptable to survivors?

The breadth of the inquiry is also crucial. For the avoidance of doubt, will the cabinet secretary confirm that establishments that have been run by religious institutions or religious orders are within the scope of the inquiry?

Angela Constance: I will start by answering directly the last question that Mr Gray posed. The answer to that question is yes. I hope that that is crystal clear.

I reassure Mr Gray that the voice of survivors has been absolutely central. It is fair to say that there is a range of views in the survivor community about a chair, and I have taken all those views on board. There were many debates about whether the chair should be someone in Scotland, someone outwith Scotland, someone within the legal profession or someone not within it. However, I am confident that we now have the right person to chair the inquiry.

Perhaps it would be useful to share a bit more information about Susan O'Brien. She has been in practice as a Queen's counsel since 1998. She was a solicitor for six years before she was called to the bar in 1987. She has represented abuse victims, and she took a test case on time bar in historical claims to the House of Lords in 2008. I know that she understands the issues that are so important to survivors.

I also know that Susan O'Brien is a highly competent woman. She was the legal chair of the panel of three that investigated the death of baby Caleb Ness and produced a report on it in 2003.

That was a highly significant report not just for social work services but for health services right across Scotland. I was a social worker when that report made its recommendations, and I know the impact that it had on the social work profession and other establishments. The report led to significant changes in the city of Edinburgh.

In the 1980s, Ms O'Brien was also on the steering committee that set up the Scottish Child Law Centre. I am confident that we have struck the right balance with someone who has the necessary legal skills and experience and who also, crucially, understands first and foremost the needs of survivors.

All that I can say to Mr Gray on the passage of time is that I am painfully aware that it was Chris Daly who first brought a petition on the matter to the Parliament away back in 2002. If we are to move forward together united in the chamber, we all have to reflect on the passage of time and on how long it has taken to get to this point. I know that a wealth of work has taken place since the establishment of the Parliament and that we can demonstrate that we collectively are a Parliament that listens and acts, but we all have to do much more.

In that spirit of co-operation, I welcome Mr Gray's words. We should not flinch and we should act without fear or favour. That applies to us all as we look to the future and move on together.

Liz Smith (Mid Scotland and Fife) (Con): I thank the cabinet secretary for prior sight of the statement. We strongly commend the Scottish Government for the way that it has handled the situation, which is obviously very sensitive. It is absolutely imperative that the Parliament is united in the way that we move forward.

The cabinet secretary said very carefully at the start of her remarks that the scope of the inquiry has been shaped by the consultation of survivors, which is extremely important, as is the £13.5 million support fund. Would it be possible to have a little more detail as to how the support fund might work? These very brave survivors need that support, but in addition there is a duty to ensure that we support and protect those who are currently working in some of the institutions that may at some stage be under investigation.

Secondly, will the principles of the investigation that underpin the structure of the report be the same as for the United Kingdom investigation? Obviously, there will be situations in which there are cross-border implications.

Angela Constance: As announced in the statement, there is an additional £13.5 million to be invested over a five-year period—2015 to 2020—with £1.5 million available for this financial year and £3 million a year thereafter rolling

forward. There is also the £1 million through SurvivorScotland for all survivors.

The rationale for that investment is to ensure that survivors get a personalised service and that they get support that is based on their needs for as long as they need. I expect the in-care survivors support fund and the enhanced support for all survivors of abuse to be operational this year.

We will work very closely with survivors to consult and listen to them as we go through the procurement and tendering process for services. This is about having a one-stop shop for survivors where they can access practical support, whether it is employment, education or bus fares to services or whether it is about accessing the more specialist support that people need, particularly when they have experienced great trauma in their life. It is designed to be bespoke and personal to the needs of each survivor.

On the principles that underpin the inquiry, we have indeed looked very closely at developments with the UK inquiry. As Ms Smith touched on, it is important that we do not look at inquiries in isolation, although we are in different jurisdictions and the scope and remit of the inquiry in Scotland is different to that in England.

My officials are very grateful to officials in the Home Office and others south of the border for their sharing of knowledge and experience. Although the inquiry south of the border has had its issues and we have sought to learn from them, there are also things about the inquiry south of the border that we would seek to learn from more positively. For example, a reference group for survivors is being set up to keep them informed of progress as the inquiry proceeds, and a small selective expert panel has been set up to support the chair. There will of course have to be appropriate protocols between inquiries because no one wants to see overlap.

On the third point raised by Ms Smith, it is important to recognise that the vast majority of people who work to support our vulnerable children do a grand job, and the inquiry will have to think about how all those who are designated as core participants are treated fairly and supported accordingly. My officials have certainly been in touch with agencies such as the national health service and local authorities. I am happy to supply further information.

Roderick Campbell (North East Fife) (SNP): As the cabinet secretary is aware, in September 1984 the law on prescription was amended so that the long-stop 20-year prescription period was removed from cases such as these, but that change was not retrospective. That means that any claims prescribed before September 1964

were not revived and that to seek to revive them now would raise considerable legal issues. Can the cabinet secretary tell the Parliament anything further about this issue?

Angela Constance: Mr Campbell will be aware from his own professional background that this area is technical and complex. I will just take a minute to run through it for the parliamentary record.

As we know, the Prescription and Limitation (Scotland) Act 1984 applied a 20-year prescription period to obligations to make representation in respect of personal injuries. The 1984 act came into force on 26 September 1984 and, accordingly, cases where the right of action arose prior to 26 September 1964 were not revived under the law as it stood. As the law presently stands, it is therefore not possible to bring before a court any child abuse case where the relevant abuse took place prior to 26 September 1964.

The Government acknowledges the difficulties—which the Scottish Law Commission and others have referred to and which Mr Campbell touched on—that might arise should attempts be made to revive personal injury claims that were extinguished by the negative prescription through the legislation on 26 September 1984. There are obvious concerns about applying liability retrospectively to someone for events in the past when they are currently not liable for those events and about how that may contravene the person's human rights and, specifically, article 1 of protocol 1 of the European convention on human rights.

I apologise for that very technical, legal explanation. However, I emphasise that I gave a personal commitment to survivors that we as a Government would be very clear about our position on the time bar when we came back to this chamber. What I have announced today is a significant step forward and a significant movement because we have the intention to lift the time bar in terms of post-1964 cases. We will have to consult carefully on how we do that, but there are real legal issues in terms of pre-1964 cases. We will nonetheless have a dialogue with all partners, particularly survivors, because we are in the business of opening doors, not closing them, and of finding solutions.

Neil Bibby (West Scotland) (Lab): I join other members in paying tribute to survivors, some of whom are in the public gallery this afternoon, for their commitment and tenacity throughout this long process.

The cabinet secretary said that she hopes that survivors will use the opportunity to testify to the inquiry and tell of their experiences, but she will be aware that a number of survivors will need financial, practical and legal support to do that.

Will survivors be offered from the survivor support fund legal aid and financial support, including expenses, in order to allow them to participate fully in the inquiry?

Angela Constance: I reassure Mr Bibby that, in terms of the issues in and around legal aid, all the usual processes that apply to everybody will also apply to survivors who seek assistance. I tried to be as flexible as possible in the lead-up to establishing the inquiry. When survivors have approached the Government for support in order, for example, to participate in the consultation process, we have shown willing and responded positively to requests in a pragmatic manner.

On how survivors are supported pragmatically to participate in the inquiry, that is obviously a matter for the chair of the inquiry and the inquiry itself. However, I reassure the member that we are acutely aware of the needs of survivors and that we need to have a very supportive process.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I welcome the very significant advance made in this cause by the cabinet secretary today. I am keen to know how allegations involving clear criminal wrongdoing will be dealt with. What measures will be put in place to ensure that disclosures made in the inquiry will be channelled to the appropriate criminal justice agencies? In that regard, can the cabinet secretary provide reassurance that consideration will be given to an examination of facts to enable survivors to have their day in court to tell their story, because the key issue for them all is to be believed and have trust in the system?

Angela Constance: Absolutely. I concur with Ms McKelvie's views and the sentiments that she expressed. The inquiry has been set up in such a way as to give survivors every opportunity to tell what has happened to them, and they can be assured that they will be believed. Although the detail of the operation is a matter for the inquiry, in getting to this stage we have worked closely with the Crown Office and Procurator Fiscal Service, and Police Scotland, to ensure that where testimony suggests that a criminal investigation is appropriate, it can be undertaken. The inquiry is not to establish guilt or innocence in a civil or criminal way; it is to establish the facts, provide a national record, and enable us to allow voices to be heard that have previously not been heard, so that we as a Government and as a country can learn from past failures.

Liam McArthur (Orkney Islands) (LD): I, too, thank the cabinet secretary for early sight of her statement. I very much welcome its contents, particularly the intention to lift the time bar, notwithstanding the inherent difficulties that she fairly articulated. She will be aware that one demand of the survivors has been about access to

third-party advocates, and she wrote to my colleague Alison McInnes earlier this year, suggesting that perhaps advocates could be appointed by the chair of the inquiry to give testimony on behalf of survivors. Can the minister say whether that is part of a personalised service, or would it be more appropriate to support third-party advocates chosen by survivors themselves?

I think that the four-year timetable is entirely reasonable for completing an inquiry of this complex and sensitive nature, but what reassurances can the minister give that lessons for the future will be learned now? Will she commit to updating Parliament and taking steps to address the concerns raised about current child protection arrangements in Scotland?

Angela Constance: Yes, of course. While the inquiry proceeds, the business of local and national government, as well as our responsibility to protect children in Scotland in the here and now, continues. Of course the Government must be scrutinised over its responsibilities in that area, and whether it is me, Fiona McLeod or Aileen Campbell when she returns from maternity leave, I anticipate and expect such scrutiny to be a firm feature of our involvement and accountability to Parliament.

As I said when I wrote to Ms McInnes, the position with regard to third-party advocates is the same. Of course, advocates can be used by survivors in a way that is about their personal support, and the chair will be able to come to a view about the role of advocates in the inquiry process. That is quite clear, although some of the matters are, indeed, for the chair and the inquiry.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I remind the cabinet secretary that issues with the handling of the UK inquiry into historical child abuse and the distress that has been caused by that have been fairly well documented. How will she ensure that this inquiry will not make the same mistakes?

Angela Constance: My answer to Mr Coffey is, in part, a reiteration of my answer to Liz Smith. This is a difficult process. We have looked at inquiries in other jurisdictions—the ones in England, Northern Ireland and Jersey—to learn from their experiences, positive and negative. We have worked extremely hard with survivors and have had an extensive consultation period, with different types of consultation opportunities, to do our utmost to ensure that the inquiry gets off to the best start. As I said to Liz Smith, although the English inquiry has not been without its difficulties, there are positives that we can learn from that inquiry, too.

Graeme Pearson (South Scotland) (Lab): I am grateful to the cabinet secretary for early sight

of her statement. Thirteen months ago, I led a members' business debate and called on the then cabinet secretary to initiate a public inquiry. That call was denied. Survivors, some of whom are in the public gallery today, have waited eight years for the Scottish National Party Government to make today's announcement. During that time, and in recent months, survivors have died. Can the cabinet secretary, knowing the trauma that is faced by survivors, confirm some fresh details of the psychological support that will be available to survivors from today?

Angela Constance: I gave a number of very personal commitments to survivors. One of those commitments was that, despite being a politician and a political animal, irrespective of what anybody in the chamber said to me, I would not rise to it. As I said to Mr Pearson's colleague Mr Gray, the first petition calling for an inquiry was in 2002. I think that we can all reflect on our past involvement in the issue. As I often say to Mr Gray in other exchanges regarding education, I am not that interested in the past; I am interested in the here and now and how we move forward in the future to do a far better job of protecting all of Scotland's children. I hope that that is received in the spirit that is intended.

I hope that Mr Pearson will recognise that a substantial announcement has been made today on movement in addressing time bar issues, and on a significant investment in survivor support services. That is about dealing with the practical issues and helping people to get access to services for trauma.

The Presiding Officer: This statement is of great importance to people in and outside the chamber, and it is obviously very sensitive. I have a duty to protect the time for the next debate as far as possible, but I intend to allow the questions to continue for as long as necessary, in recognition of the importance of the issue to people outside. There will be an impact on the following debate. I ask members to try to keep their questions as brief as possible, but I will not curtail the questions. I intend to ensure that everybody who wants to ask a question can ask one. I ask members to help me to protect as much time as possible for the next debate, which is important to the Parliament.

Michael Russell (Argyll and Bute) (SNP): I warmly welcome the cabinet secretary's announcement. As she knows, one of the most important contributions in getting to this point was the work done by the Scottish Human Rights Commission with others in the interaction process, which is a process that enables reconciliation and dialogue. I ask the cabinet secretary to ensure that that approach continues to underpin the Scottish Government's attitude to the issue so that, as a society, we not only call to account those who

committed these dreadful crimes but find ways of healing the hurt so that survivors can anticipate a time in which they not only survive but go on and flourish.

Angela Constance: Mr Russell is right that the interaction process has played an absolutely crucial role in getting us to where we are today. I am extremely grateful to everyone who has taken part in that process, not least the survivors, who had a central role. I also pay tribute to my friend and colleague Mr Russell for his role in getting us to where we are today.

It is important to emphasise that the Scottish Human Rights Commission's national action plan and survivors engagement are not processes that the Government controls. If survivors and the Scottish Human Rights Commission wish to get together to continue that collaborative process, the Government will be more than happy to participate fully and in good spirit.

Alex Fergusson (Galloway and West Dumfries) (Con): I take issue with one part of the cabinet secretary's statement. She said:

"Survivors have told me about childhoods lost as a result of abuse."

She went on to say:

"Restoring what has been lost is vital."

With huge respect, I do not think that we can restore a lost childhood. However, if we get the process right, we can go a huge way towards bringing closure for the victims of childhood abuse.

To that end, as others have done, I enormously welcome the decision to look at ending the time bar, even with the constraints relating to going back before 1964. I asked about that last December and the cabinet secretary cleverly passed the buck to her colleague Paul Wheelhouse. In that regard, will she—or indeed he—undertake to keep Parliament fully updated on the Government's progress towards a bill and on the proper legal safeguards that will have to remain in place during that process?

Angela Constance: Absolutely. I said at the start of my statement that although we cannot undo the past or right all the wrongs, that does not give us an excuse not to act. I am conscious that, as I made my way out of the chamber the last time I made a statement on the issue, Mr Fergusson challenged me and told me that I had not answered his question. I acknowledged that I had not really answered it, so I am pleased to be able to give a far more definitive answer. This Government is about opening doors and addressing the time bar issue.

However, it will not be easy. There are problems, particularly with pre-1964 cases, and I

will certainly not demur from highlighting those problems. The last thing that I want to do is lead people up the garden path only to dash their hopes, but we are in the business of opening doors and finding solutions. Mr Wheelhouse has had a lot of contact with survivors on the issue. We relish the prospect of keeping Parliament informed, because we will look to benefit from the brains of the brightest and the best in the Parliament. We have some thorny issues to solve, and I look forward to Mr Fergusson's contribution to that process.

Jackie Baillie (Dumbarton) (Lab): I very much welcome the lifting of the time bar, and I know that it will help my constituents. I also welcome the cabinet secretary's announcement of a support fund.

The cabinet secretary will be aware that, in Ireland, the Government made an interim payment of €10,000 to every survivor—that was in addition to a support fund. She will recognise that, in the past six weeks, a number of survivors have died. On that basis, will she consider making interim payments to survivors, as was done in Ireland?

Angela Constance: Support and access to justice have been very much the basis of the investment that we are making in the survivor support fund and the steps that we are taking to remove the time bar.

This is not the end of the process. I will not try to second-guess what all the solutions might be; we are still on a journey. I am aware that some local authorities have made interim payments on an ex gratia basis, and I am looking closely at experiences in other jurisdictions. Although we do not have all the solutions here and now, we are on that journey and we are in the business of finding solutions.

Gil Paterson (Clydebank and Milngavie) (SNP): I thank the Presiding Officer for allowing these questions to be asked.

I welcome the fact that the cabinet secretary is reporting to Parliament on a matter that is extremely complex, as other members have highlighted.

Will the cabinet secretary expand on why she has used the definition of "in care" that she outlined in her statement?

Angela Constance: For the purposes of the inquiry, the definition of "in care" refers to a child who was in the care of a person or organisation other than the child's natural or adoptive parents or other family members.

As I set out in my statement, we have gone much further than was originally envisaged with the definition of "in care" to bring a much wider group of people into the ambit of the inquiry. I

have done that for two reasons. First, I have sought to strike a balance between the need for the inquiry to investigate those issues that survivors have said are most important to them and the need for it to report on systemic issues within a reasonable timescale. Secondly, we have an opportunity to shine a light on the dark corners of our past to shape how we respond and go forward in the future.

Margaret Mitchell (Central Scotland) (Con): I very much welcome the cabinet secretary's statement and the allocation of funding for the national strategy and the SurvivorScotland development fund. I also acknowledge and very much welcome the wide definition of "in care".

However, given that the vast majority of childhood sexual abuse happens in the community and in a family setting, can the cabinet secretary confirm that the SurvivorScotland development fund's core funding will continue annually, and that the £1 million that she announced for the fund is an additional £1 million? If the funding will continue, over what timescale will it do so?

Angela Constance: I am acutely aware that the majority of abuse occurs within the family or community. The purpose of the inquiry is to examine the systemic failures where the state or its apparatus made decisions that involved children being looked after elsewhere and, as Margaret Mitchell rightly welcomed, we have used a broad definition of "in care".

The survivor support fund is funded, I think, annually at £800,000, and the £1 million is, indeed, additional.

Cara Hilton (Dunfermline) (Lab): I very much welcome the cabinet secretary's statement and, in particular, the dedicated support fund that has been announced. What is the eligibility of survivors who suffered child abuse in Scotland but who now live elsewhere, either in another part of the UK or abroad? Will they be able to access the support fund too?

Angela Constance: Between now and autumn this year, we will work closely with survivors on the funding criteria. I do not have a direct answer to the question, but we will work closely with survivors on it, and I will ensure that Ms Hilton is kept up to date on that pertinent point.

John Wilson (Central Scotland) (Ind): Is the cabinet secretary confident that the inquiry can be completed within the four-year timescale that she has set out? Has a budget been set aside for the inquiry to take place, including financial support for the survivors and their advocates?

Angela Constance: Mr Wilson asks a fair question. In setting the timescale for the inquiry, we sought to strike a balance. It is probably

Scotland's biggest public inquiry. It is a massive undertaking. That is why we have thought very carefully about who to appoint to chair it. The inquiry needs someone with exceptional management skills, who is pragmatic, has legal knowledge and is acutely aware of, and attuned to, the needs and views of survivors.

I am also conscious that time stands still for no one and that everybody wants to see some clear recommendations and our labours on this difficult and significant matter come to fruition for many survivors who are elderly or in poor health. I am confident that we have struck the right balance. I am not saying that it will be easy to do the work in the timescale.

The budget will be there. The inquiry will be supported appropriately. It is not an insignificant undertaking, as Mr Swinney is aware, but, if we want justice to be done, it will cost money, and it will not be an insignificant amount.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate the cabinet secretary and welcome her statement and her great personal commitment on the issue. I have already written to her on behalf of a constituent, and I know that he will ask whether he can be guaranteed that his terrible suffering will be listened to. Will she guarantee that all people who are affected will be listened to under the arrangements that she outlined?

Angela Constance: We are working very hard to be alert to the needs of individual survivors. Many survivors will want to give evidence formally—they will want to give their testimony to an inquiry. Other survivors might wish to do that through third parties or in writing.

Although the national confidential forum's role is separate from that of the inquiry—there are two separate legal bases to their establishment—there will have to be a protocol and connectivity between the two. The purpose of the inquiry is for people to be listened to and for those voices to be heard.

Scottish Elections (Reduction of Voting Age) Bill: Stage 1

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-13285, in the name of John Swinney, on the Scottish Elections (Reduction of Voting Age) Bill. The run-over from the preceding statement will have some impact on the debate. I expect speakers in the open debate to have four minutes. The opening speakers will have their usual allocation but, if they could shave any time off it, that would be extremely helpful to debate management.

15:15

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): Presiding Officer, I intend to restrict my speech to help as you requested. I am sure that Parliament appreciates enormously the decision that you made about the statement.

I am delighted to open the debate on the principles of the Scottish Elections (Reduction of Voting Age) Bill. I express my thanks to the Devolution (Further Powers) Committee for its detailed scrutiny of the bill and to those who contributed to the consultation process.

Eligibility for 16 and 17-year-olds to vote was taken forward in the independence referendum legislation. In the referendum's aftermath, everyone judged that to be a successful initiative that enabled young people to participate fully in the settling of our country's future. On the basis of that initiative's success, we propose to extend to 16 and 17-year-olds eligibility to vote in local authority and Scottish Parliament elections.

The bill that is before Parliament lowers the voting age to 16 for Scottish Parliament and local government elections and any other elections that adopt the local government franchise. It provides for modifications to electoral registration forms to capture the details of all those who are eligible to register; it provides for how young people in particular situations are to be dealt with in existing electoral registration systems; and it sets out specific protections to be placed on any data that is collected on electors when aged under 16.

I turn to the committee's recommendations and the Scottish Government's proposals on how we will take them forward. First, I will deal with political literacy education and the discussion of election issues in schools and colleges. The committee noted that it heard evidence of inconsistency in local authorities' approaches during the referendum. In its report on the

arrangements for the referendum, it recommended that Education Scotland, the Association of Directors of Education in Scotland, the Electoral Commission and others should

"consider how rules within schools during"

a future pre-election

"period should be applied to ensure that"

young

"voters ... are able to discuss the issue freely in school in particular through discussions with teaching staff."

In its stage 1 report, the committee recommended that Education Scotland should review its guidance to bring more clarity about the activities that may be considered to be best practice in schools, particularly during pre-election periods.

As I said in evidence to the committee, there is existing guidance on political literacy education. That guidance takes the right approach. It respects teachers' professional discretion to determine what is taught in the classroom while encouraging schools and teachers to enable young people to develop their political literacy skills through a variety of engaging activities. That point was made to me strongly by a group of young people who I met this morning under the auspices of Young Scot, who raised the importance of access to quality and objective information in the school estate, which enables young people to formulate their views. I was grateful to them for their advice and their contribution.

I am pleased to say that Education Scotland is reviewing and updating its suite of political literacy educational resources and that it is working with a wide range of stakeholders, including young people and youth groups, to do so. That work is due to be ready in September.

I agree with the committee that further guidance to bring clarity on the activities that might be undertaken in schools in pre-election periods would be helpful. I encourage all the organisations with an interest to work together in considering how the guidance could be developed to further support schools and colleges to engage confidently with election issues. It will be important for school and college leaders, teachers, parents and—most important—young people to be involved in the process.

It is crucial that the guidance continues to respect teachers' professional discretion and ensures impartiality and balance in the information that young people receive about elections. I am sure that all those involved will want all young people to be given every opportunity to reach a fair and dispassionate understanding of political processes and of their choices.

I turn to political donations and young voters. The committee noted that restrictions on the data that will be published about young voters might mean that political parties would have difficulty in identifying that a young voter was registered to vote and therefore an eligible donor under the Political Parties, Elections and Referendums Act 2000.

The committee considered potential solutions, including the possibility that a young person could seek written confirmation from the relevant electoral registration officer that they were registered. That approach has considerable merit, and the Scottish Government is considering the form of amendments that could be lodged at stage 2 to provide for that suggestion.

Another issue that was raised was the possible implications for the Scottish Courts and Tribunals Service of not showing attainment dates for 16 and 17-year-olds on the published register. The Scottish Courts and Tribunals Service was concerned that that could affect its ability to identify those who are eligible for jury service, for which the qualifying age is 18. Again, I offer a positive response, in that the Scottish Government plans to lodge an amendment at stage 2 to provide that the published register will include attainment dates for 16 and 17-year-olds, which will address the Scottish Courts and Tribunals Service's concerns. Of course, no information on those who are aged under 16 will appear on any published version of the register.

I will now deal with local authorities' duties towards looked-after children. As I have noted, the bill includes a duty on local authorities to promote awareness and provide assistance to enable the registration of looked-after children. Like the committee, I have some sympathy with organisations such as the centre for excellence for looked after children in Scotland, which takes the view that the duty should be extended to care leavers. I have asked my officials to discuss with the Convention of Scottish Local Authorities whether there is a proportionate and practical approach that could assist, while avoiding unreasonable burdens on local authorities.

The committee noted that the Electoral Commission raised an issue about the interpretation of the bill with respect to the registration deadline for young voters. The intention in the bill is that the registration deadline should be the same for young voters as for all other voters—that is, 12 days before a poll. Having reviewed the relevant section, the Scottish Government is satisfied that it does not result in a later registration deadline for young voters and that no amendment is needed. My officials are in discussions with the Electoral Commission on that

basis and we will write to the committee about the outcome of those discussions.

I will now touch on ensuring that registration and electoral information is accessible to children with additional support needs. Of course, I share the objective of the committee and of organisations such as Children in Scotland that the registration and electoral process should engage and be accessible to children with additional support needs. I do not believe that there is a need to amend the bill, but I am happy to support work to review relevant materials.

I thank the committee for the thoughtful work that it has done on the bill to date. There is some way to go before the bill completes its passage, but I am encouraged by the broad support that it has received in Parliament and among key stakeholders. I take the opportunity to thank the United Kingdom Government and the Electoral Commission for the assistance that they have provided with a number of practical issues related to registration forms and the digital service—and, not least, for our ability to embark on introducing the bill by virtue of the co-operation on the required section 30 order.

The bill builds on the outstanding success of the participation of 16 and 17-year-olds in the referendum. It extends that opportunity to elections under this Parliament's control, which will give younger people a stronger stake in our democracy. Young people grasped the opportunity with energy and enthusiasm during the referendum, and I urge members to support the general principles of the bill.

I move,

That the Parliament agrees to the general principles of the Scottish Elections (Reduction of Voting Age) Bill.

The Presiding Officer: Mr Swinney, I am indebted to you.

I call Bruce Crawford to speak on behalf of the Devolution (Further Powers) Committee. You have a maximum of nine minutes.

15:23

Bruce Crawford (Stirling) (SNP): I will try to abide by what you said earlier, Presiding Officer, and shorten my speech a bit.

I welcome the opportunity to speak on behalf of the Devolution (Further Powers) Committee, which is the lead committee in consideration of the Scottish Elections (Reduction of Voting Age) Bill. I thank everyone who provided evidence on the bill to the committee, whether during formal evidence sessions or through the online call for evidence. In particular, I thank the clerks—specifically Heather Galway, the lead clerk involved in much of the work on the bill. I also thank all the committee's

members for their constructive approach to the bill and for our unanimous report.

We received 17 responses from organisations such as the Electoral Commission, Young Scot, the Scottish Youth Parliament and Children in Scotland. They and all others were welcome contributions.

In addition to receiving written and oral evidence, the committee tried to connect with as many young people as possible to hear their views and ensure that their voices were heard on this important issue. As part of our wider Parliament days, we visited Levenmouth and Fort William and met more than 200 16 and 17-year-olds. The key finding from the committee's discussions with the 16 and 17-year-olds who voted in the independence referendum was that school pupils felt that they had shown that they are fully capable of making informed decisions.

As well as our call for evidence, we did an online survey that was completed by more than 1,000 16 and 17-year-olds. The results were very clear: more than 79 per cent of respondents agreed that 16 and 17-year-olds should be allowed to vote in future elections to the Scottish Parliament and local authorities. The survey highlighted how politically engaged 16 and 17-year-olds had become since being allowed to vote in the independence referendum. Since then, 26 per cent of those who responded to the survey said that they had joined a political campaign or taken part in campaigning or political activities, and a further 63 per cent had found out more about politics.

I am delighted to say that all five political parties that are represented on the committee unanimously support the general principles of the bill. I can also confirm that, in the evidence that was provided to the committee, we received no substantive objection to the bill's main objective—to reduce the voting age to 16 for Scottish Parliament and local government elections.

I will briefly go over some of the key issues for the committee should the bill receive approval at stage 1. The first is awareness among young people of their right to vote and education-related issues. The committee welcomes the work that the Electoral Commission and its partners are doing to raise awareness among young people of their rights and the process for registration and voting. The committee received strong oral evidence from numerous witnesses that highlighted the importance of schools as a forum for discussion for young people. One of the main problems that school pupils and youth organisations highlighted was the lack of consistency across schools and colleges on political engagement. We heard that some schools gave many opportunities to discuss political issues in the run-up to the independence

referendum but, in others, pupils were advised that they could not have organised discussions, especially during the latter stages of the campaign, which naturally coincided with the point at which young people became most engaged.

One pupil I spoke with in Levenmouth told me how she had tried to arrange a debate with politicians from the yes and no campaigns but was advised that it was not allowed in the school. Similar issues were highlighted on numerous occasions; that was frustrating and confusing for many school pupils.

In light of that, the committee saw the need for national guidelines to be produced to ensure consistency across local authorities about what is permitted in schools by way of discussion on such matters. I am pleased that the cabinet secretary recognised that in his announcement about Education Scotland making further guidance available. We agreed with the Deputy First Minister when he said to the committee that no aspect of the education system should prevent young people from reaching a fair and dispassionate understanding of the political process and their choices. I am sure that what he has announced today will help to ensure that the relevant education authorities support the discussion of election issues in schools and colleges across Scotland.

The second key issue that I will raise is data protection, which is very important. The inclusion on the electoral register of people who are under the age of 16 brings with it matters of data and child protection. The committee wanted to be sure that personal information that is held on the electoral register would be available only to electoral registration officers and their staff. The committee heard evidence from the Deputy First Minister, the Electoral Commission and the Information Commissioner's Office on the issue. As a result, we are confident that processes will be put in place to safeguard information about younger voters. I am pleased that the Deputy First Minister clarified the practical point about the selection of juries during his opening speech.

The final key issue that the committee highlighted in its report and which other speakers might bring up is whether young offenders should be allowed to vote. As drafted, the bill does not amend section 3 of the Representation of the People Act 1983. That can be achieved only by legislation that is enacted at Westminster, so convicted persons in penal institutions, including those who are under 18, will not be able to vote in future Scottish Parliament elections. We received written evidence on the point from the Law Society of Scotland and the Howard League. I reiterate the committee's view that whether a provision is within the Parliament's legislative competence is solely a

matter for the courts but, in light of the Presiding Officer's opinion on legislative competence and the Deputy First Minister's response during our committee's proceedings, we are satisfied to proceed with scrutiny at this stage.

I must point out briefly that, although the bill allows 16 and 17-year-olds to vote in elections to the Scottish Parliament, it does not allow them to vote in elections to Westminster, and I understand that they will not be allowed to vote in an in/out referendum on the European Union. Although this is not strictly an issue for the debate on the bill, I find it ironic that we are set to pass the bill at stage 1 while, elsewhere, a bill is being published in which the franchise will not be extended to 16 and 17-year-olds.

I am pleased and honoured to recommend that the Parliament should agree to the bill at stage 1 and take the next step in permitting young people in Scotland to continue to exercise the democratic rights that we in this Parliament trust them with. I sometimes think that, when we do our job in this Parliament, we get so involved in the detail that we do not always recognise that we are making history, but that is exactly what we will do at 5 o'clock if the Parliament votes to pass the bill at stage 1 and agrees to the principle of 16 and 17-year-olds voting in future Scottish Parliament and local government elections.

15:31

Jackie Baillie (Dumbarton) (Lab): I welcome the opportunity to participate in the debate and intend to follow the example set by the cabinet secretary and the committee convener in striving for brevity.

Giving the vote to 16 and 17-year-olds has been a long-standing ambition of many people in the chamber, and I am very pleased that we are taking steps to extend the franchise not only for Scottish Parliament elections but for local government elections, by-elections and elections to public bodies such as the Loch Lomond and the Trossachs National Park Authority—and I note that the national park covers areas in my constituency and Bruce Crawford's.

To be honest, I think that this is a no-brainer in policy terms on two counts. First, we need only think back to the debate during the independence referendum and the energy, interest and sheer dynamism that 16 and 17-year-olds brought to it. That shows exactly why they should be allowed to vote. Young people in schools across Dumbarton, the Vale of Leven and Helensburgh took part in debates in the classroom, at home with family and with friends on Facebook and other social media. I often thought that they were the most educated section of the electorate, and they asked the

hardest and most searching questions. As a result, it is only right for their voice to be heard in next year's Scottish Parliament elections. Indeed, I believe that no debate about the future of our country should take place without the future of our country being involved. Secondly, there is something to be said for the view that anyone who is old enough to pay income tax is old enough to have a say in how that tax is spent.

With regard to the committee's stage 1 report, I thank the members and clerks for their effective scrutiny, which has allowed us to get to this stage 1 debate. I find little to disagree with in the report's recommendations, and I note that, in the short time available to him in his opening speech, the cabinet secretary addressed many, if not all, of those recommendations. However, I will in the interests of time touch on one area that the committee highlighted: the question of how we register attainers—in other words, those young people under the age of 16 who might because of the election's timing appear on the register in advance of their 16th birthday. For the referendum, there was a separate register of young voters. There will be no need to create such a register for future elections.

That said, there is a note of concern about making public, even in restricted circumstances, the details of any person under 16. The helpful provision in the bill is that there will be a prohibition on disclosure, except when the registers are supplied to candidates in advance of the election. Those registers will therefore contain data on those under 16. From an election point of view, that is necessary for candidates and their teams to be able to contact all the electors, but we need to assure ourselves that child protection professionals have no concerns. Obviously, there are sensitivities about making public any data on those under 16; indeed, those sensitivities were first considered in the pilot elections to health boards and then in the referendum vote, but the proposals in the bill are slightly different from both of those. I know that a privacy impact assessment has been carried out, which is very useful, but it would benefit all of us if these provisions could be checked again with appropriate child protection professionals.

Turning to consultation with young people, I commend the Parliament's infographic summarising the results of the Devolution (Further Powers) Committee's survey of 16 and 17-year-olds, because the simplicity with which it reveals the data is wonderful. A staggering 85 per cent thought that it was right for 16 and 17-year-olds to be able to vote in the referendum—I suspect that 100 per cent of members agree that that was right—44 per cent thought that they were well informed, 30 per cent thought that they were quite well informed, 80 per cent watched at least one of

the televised debates and 63 per cent discussed the referendum online. Those and all the other statistics that were highlighted by Bruce Crawford show that young people were very engaged during the entire process.

I want to share with the chamber the views of two young constituents who are active in our local community. One is Stephanie Thomas, who is soon to be the member of the Scottish Youth Parliament for Helensburgh and Lomond, and the other is Alex Robertson, who will be taking up her post as MSYP for Dumbarton and the Vale of Leven in the summer. Members may recall that, although MSYPs are probably the youngest democratic voice in Scottish politics, the Scottish Youth Parliament is older than the Scottish Parliament by one day—it opened one day before the members of the Scottish Parliament met for the first time in 1999.

Here is what Stephanie Thomas had to say:

"I definitely think that it would be a good idea to allow 16 and 17 year olds to vote. It will get them more involved in politics and let them make choices on things that affect them... With the education that you gain now you know how to vote and also how the voting systems work but by the time you turn 18 you have then forgotten most of the stuff you learnt."

Alex Robertson told me:

"I feel as a 16 year old myself that having a say in my future is a very important thing. At 16, a young person is allowed by law to make many complex decisions such as getting married or leaving school to enter into further education or jobs. I feel that it is impossible to justify the exclusion of 16 and 17 year olds from the right to vote when we are already able to take on a wide range of responsibilities."

She continued:

"I also believe that including 16 and 17 year olds in voting will help to engage them into our expanding democracy. In the Scottish Youth Parliament elections in March this year, 70,000 young people aged 12-25 voted to elect their local MSYP. This itself demonstrates that young people, when given the chance to vote are passionate about having a voice in matters that have an effect on them not only at a local level but at a national level too."

I could not have put it any better myself.

Labour members are happy to support the bill to give 16 and 17-year-olds the right to vote.

15:37

Alex Johnstone (North East Scotland) (Con):

I begin by commending the Presiding Officer for the action that she took earlier to ensure that the business that preceded this debate was given adequate time.

The Scottish Elections (Reduction of Voting Age) Bill is important and we should give it due reverence. However, given the degree of agreement that exists between the parties,

perhaps there will be less argument today than we have seen on some other subjects recently.

The Scottish Conservative Party opposed the extension of the franchise of 16 and 17-year-olds in the Scottish Independence Referendum (Franchise) Bill last year. We had a number of reasons for doing that, some of which still concern us today. However, the experience of seeing how 16 and 17-year-olds contributed to the debate, participated in the activities that went on during the referendum campaign and then came out in large numbers to vote on both sides indicates the willingness of that age group to participate in our electoral process.

If we look carefully, there is a huge opportunity to engage young people at a stage at which they will be enthused by politics so that they continue to participate in the electoral process as they get older. That contrasts with the situation in some places, including south of the border perhaps, where young voters are reluctant to become involved even at the age of 18 and vote in much smaller numbers until they are significantly older.

However, there are a number of inconsistencies that need to be addressed. In the Parliament we often talk about the appropriate age for individuals to be given certain responsibilities. It is easy to blame the Government for inconsistency, but it is something that any Government could be blamed for, because arguments are always being made for increasing age limits, for example to 21 for buying alcohol in an off-licence, at the same time as we are talking about reducing the voting age to 16. Perhaps as we go forward, beyond the legislation, we should take a more coherent attitude to how we give responsibility to young people. I always take the view that encouraging young people to take responsibility early is the best way to make them responsible citizens.

Concerns that the Conservatives expressed previously have been addressed in the processes of preparing the bill and analysing it at stage 1.

There are two diametrically opposing needs when we take young people on to the register: the need to have transparency—to know that everything is fair and above board—and the equally or perhaps more important need to ensure that the identities of young people and information about them are appropriately protected. The bill does a great deal of work to ensure that those who are taken on to the register before the age of 16 will be given appropriate protection.

In the cabinet secretary's opening speech we heard that progress is being made on some key issues. Issues of looked-after children and care leavers are vital, and I am delighted to hear that they are being addressed. Data protection will be key.

One of my biggest concerns, which has been discussed by a number of people already, is how education—our schools and colleges—will take responsibility for political and electoral discourse during future elections. It is my experience that, in the past, it was not unusual for a school to invite candidates at election time to address a cross-section of classes. However, that was at a time when fewer children stayed on at school until the age of 18 and very few had a vote while they were at school. The fact that most of our young people now stay on later in the education system and will have a vote as early as 16 means that real political campaigning could be taken into our schools for the first time.

To return to my experience of the referendum campaign, I was particularly disappointed by some of the decisions that were made about the involvement of schools in Aberdeenshire. Schools were involved in the process at a very early stage, a year before the referendum took place, but in the latter days of that campaign, just as young people were becoming enthused, the school authorities appeared to clamp down on any engagement.

There is always a legitimate concern that people in positions of responsibility in our schools might somehow abuse their position for political gain. That has never happened in my experience as either a pupil or a parent. In fact, I have perhaps mentioned that the two ladies who inspired me to become involved in politics were teachers at my secondary school. They are now enjoying their retirement in a slightly heartbroken way, because they were both paid-up members of the Labour Party, I believe. They taught me not what to think but how to think.

I believe that the bill is vital. It is at the leading edge of these decision-making processes. We will be making history when we invite 16 and 17-year-olds to participate in the election for this chamber next year. The experience of the referendum has taken me and one or two other members in the chamber to a place where we are comfortable with engaging with younger people in the electoral process and I look forward to a chamber that is elected by an electorate that includes everyone in Scotland from the age of 16 up. I hope that it will be a better political environment as a result.

15:44

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I am very pleased to take part in the debate and I will focus on the public awareness campaigns in schools, which have been mentioned already. I will refer to evidence that we took during our scrutiny of the Referendum (Scotland) Bill. I asked Bruce Robertson, representative of the Association of Directors of Education in Scotland, about discussions about

the referendum in personal and social education and modern studies classes. He said:

“I do not want to get into the technicalities of the curriculum. Not every school offers modern studies, so we need to ensure that there are opportunities in every secondary school’s curriculum. That is where work in collaboration across the 32 education authorities and with School Leaders Scotland, which is the association of secondary headteachers, will enable people clearly to understand what is happening. That is what we all aspire to. We cannot have a situation in which a set of children in Helensburgh has an opportunity to engage that is very different from the opportunity that children in Helmsdale get.”

Mary Pitcaithly, wearing her hat as a council chief executive, agreed that she would be interested to ensure that the guidance was consulted on and said that she would

“expect schools to use the material that is made available”.—[*Official Report, Referendum (Scotland) Bill Committee*, 21 March 2013; c 291.]

Although I am delighted that the Deputy First Minister has talked about that in relation to this bill, it is clear that Bruce Robertson’s advice was not adhered to in the referendum campaign, which left many school pupils at a great disadvantage.

The committee’s report recommended that

“Education Scotland should review and update its guidance in order to ensure consistency in this area, in the context of the extension of the franchise to a much larger number of school pupils, including the types of activities that can be permitted in schools as best practice, during any period of ‘purdah’. Such guidance should be communicated to all local authorities and all schools.”

That is key to ensuring that there is no risk aversion in schools. The educative role of teachers will not be breached but enhanced. I want to ensure that people understand that their role is not to clamp down on debate but to increase it, and to increase participation.

In Alness academy, near to where I live, 12-year-olds in the debating society were prevented from debating the subject in hand. It is an example of risk aversion among headteachers and, possibly, among local authorities. The evidence that we received when we asked local authorities about their guidance led us into a maze of gobbledygook. We found that many children were denied the right to take part in debates, which is why I welcome the role that has been given to Education Scotland and the fact that we will have a chance, at last, to set a new standard in our schools for awareness raising about campaigns.

I am delighted that MSPs from across party lines voted overwhelmingly in favour of extending the right to vote in Scottish Parliament and local elections to include 16 and 17-year-olds. One of the greatest achievements of last year’s independence referendum was that it extended the franchise to young adults. As many members

have said, young people grasped with both hands the opportunity to become involved in the democratic process. This bill embeds their right to vote in Scotland's national and local elections. I welcome this move, which, as Bruce Crawford said, is historic.

15:48

John Pentland (Motherwell and Wishaw) (Lab): When we debated the right to vote in the referendum, I said then that the right to vote should be extended to 16-year-olds in all elections. Any doubt about extending the franchise to 16 and 17-year-olds was surely put to bed when their vote helped to deliver a turnout of nearly 85 per cent. That showed that they had motivation and maturity and knew that their vote would and could change things.

If we have confidence in young people, surely we can trust them to take part in electing a Government for five years.

The Deputy Presiding Officer (Elaine Smith): Mr Pentland, I ask you to move your microphone round slightly. I am not sure whether the volume is lower this afternoon, but I am having trouble hearing you.

John Pentland: To argue against that would be out of sync with what happens in other areas where young people are considered sufficiently mature to make up their own minds. They can join the army, they can get married, they can work full time and they can even fly a glider, so it is absurd to exclude 16 and 17-year-olds from voting.

Of course, we might also need to review what else young people can and cannot do at particular ages for the sake of consistency, but that is a discussion for another day—it is a discussion that they may end up having a say in, if we agree to the bill. I can see that it would be quite tempting to seek the votes of 16 and 17-year-olds by promising them more rights to go alongside the franchise.

During the referendum campaign, I visited schools, including St Aidan's high school, where I participated in a hustings with Alex Neil and Margaret Mitchell. Everyone was very well behaved, even without Glenn Campbell to keep us in order.

During that campaign, I met many young voters from all parties, some of whom took the next step and became energetic and enthusiastic participants in leafleting, canvassing and street campaigning. That enthusiasm needs to be harnessed and maintained, and I hope that extending the franchise for the Scottish elections will help to do that.

The other side of the coin, however, was the real eye-opener, as young voters witnessed the ugliness associated with the campaign: posters being trashed, people being followed by people with cameras, and physical and verbal intimidation. The social media debate was often not much better; sometimes it was disgustingly worse, which was not the best advert for political involvement. If we want young people to develop a lifelong commitment to democratic debate based on political principle, we need to strive for higher standards of behaviour and greater respect among the so-called grown-ups, who should know better.

Many technical aspects of the bill will be reviewed in more detail as the bill progresses through Parliament. One of the most important aspects is the mechanism for ensuring that young people are registered to vote. I know that a large percentage of eligible voters under 18 were successfully included on the register for the election. That was no doubt helped by the inclusion on the register of attainers—young people who could become eligible to vote while the register was current.

Similarly, if we agree to lower the franchise age, we will need to ensure that young attainers aged 14 and 15 are included on the register. The bill therefore includes provisions that will allow electoral registration officers to access education records. That will require consideration of how the system works in conjunction with other legislation that is designed to protect the interests of those under 16.

In addition to changes that may result from lowering the franchise age, there are of course other changes to registration that are being brought into operation this year. The bill has technical provisions that are made with those issues in mind, but those provisions must be subject to thorough scrutiny to ensure that they are truly fit for purpose.

This is the final stage of a long journey for the minimum voting age, which has travelled from being 21—or 30 for women when they first got the vote—via the reduction to 18 in 1970. At each stage, voices have been raised about the extension of the franchise but time has settled those arguments. I cannot see us going further than 16, but I suspect that adopting that voting age for other elections is just a matter of time.

We are blazing a trail with 16 and 17-year-olds voting in Scottish elections. It is a significant step forward for our democracy, and one that I hope paves the way for the UK to follow suit.

15:53

Linda Fabiani (East Kilbride) (SNP): I note John Pentland and Jackie Baillie's concerns about

the vulnerability of attainers in going on to the register. The issue of extending the franchise extensively is one that some of us who are on the Devolution (Further Powers) Committee looked at when that committee was the Referendum (Scotland) Bill Committee.

The Scottish Government's view is that the bill is different from the referendum legislation because of the order made under sections 30 and 63, which allows flexibility in the approach that can be taken, as detailed in the committee's report. The experts who have given evidence did not seem to disagree with that view in any way. However, I concede that the issue is so important that there is no harm in looking at it again.

The Deputy Presiding Officer: Ms Fabiani, can I stop you for a second? I am going to ask broadcasting staff whether they can consider turning up the microphones slightly. I do not usually have an issue with hearing you in the chamber—

Linda Fabiani: Thanks very much, Presiding Officer.

The Deputy Presiding Officer: —but I am afraid that this afternoon I do.

Linda Fabiani: Would you like me to yell, Presiding Officer?

The Deputy Presiding Officer: That is better. Thank you.

Linda Fabiani: Okay. You threw me there.

I really enjoyed the scrutiny this time round, because it was underpinned by absolute joy that we were extending the franchise beyond the referendum to Scottish Parliament elections. To follow on from what John Pentland said, I hope that we can extend it in all elections sooner rather than later.

The committee's report says:

"The key finding from the Committee's discussions with first-time voters was that the pupils believed they had shown they were fully capable of making an informed decision at the Independence Referendum and ... agreed that the franchise should be extended to allow them to vote in future Scottish Parliament elections."

That is really important. It was absolutely wonderful to hear about their knowledge and confidence from many young people who gave evidence to us.

The convener of the committee, Bruce Crawford, mentioned one of the committee's studies, but we can look beyond that to other studies that have been carried out. In February 2015, 70 per cent of respondents in Scotland to a BBC survey believed that it was important to vote, and 67 per cent of respondents in Scotland agreed that politics was an effective way to make a

difference to the country. Those figures were the highest in any part of the UK. I think that that was a direct result of people, but particularly young people, becoming engaged in the referendum process.

I have four senior schools in my East Kilbride constituency—Calderglen high school, Duncanrig secondary school, St Andrew's and St Bride's high school, and Sanderson high school—and I have been fascinated by the very articulate, sensible and thoughtful way that young people, not just those who are 16 or over, but those going into senior school and even those in some primary schools, can engage and understand the issues. They want to be part of where their country is moving forward to. That is extremely important.

For me, the best of all the evidence that we received when the committee discussed those issues came from Louise Cameron, the chair of the board of trustees at the Scottish Youth Parliament. It was lovely. She said of the referendum vote:

"we ... were so happy that the vote was extended to 16 and 17-year-olds. It is even better that it will be extended ... in all future Scottish elections ... getting the chance to vote in future elections is such a great opportunity, because it really does encourage political participation among young people."—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 16.]

Some might say, "Oh, yes, young people would say that." However, that evidence is backed up by academics, including Dr Jan Eichhorn of the University of Edinburgh, who made it very clear that, although

"The Referendum was a special occasion",

the long-term engagement from having engaged in that special occasion is marked.

Dr Eichhorn also made it very plain that the issues that Rob Gibson spoke about are extremely important. We found disparities in how different local authorities applied the rules. John Pentland said that North Lanarkshire Council allowed politicians into schools, but that did not happen in South Lanarkshire. There was just one big debate, which all the schools in South Lanarkshire were allowed to send a few representatives along to. That was not good enough. It is good that everyone who knows best has come forward and said that national guidance would be the best way forward. I urge everyone to engage with that as far as possible to ensure that we extend not just the franchise to our young people, but the right to be properly and well informed.

15:59

Alison McInnes (North East Scotland) (LD): The Scottish Liberal Democrats have long campaigned for votes at 16. We are delighted at

the cross-party consensus that has emerged on the issue, and we will, of course, support the bill at decision time.

Given the chance to vote for the first time, young people undoubtedly embraced the opportunities that the independence referendum presented, and young people on both sides spoke eloquently at public meetings and joined us all on the campaign trail. Schools throughout my North East Scotland region held hotly contested mock referendums, but thousands of pupils were also able to take part for real. I know that not all local authorities allowed such activity, so I welcome the committee's recommendation that Education Scotland should review and update its guidance to ensure that there is more participation in debate.

Having spoken to young people on the doorstep, it was evident to me that they were among the best informed and most engaged of the electorate. I was really heartened to see them stride into the polling stations with a real sense of purpose—I have never seen anything quite like it in my 20 or so years of involvement in politics.

We must ensure that young people's appetite to be involved and their palpable excitement at casting their vote are not a one-off. Of course it is incumbent on us to help sustain their interest in how our country is run, from local council chambers to Westminster. I am hopeful that the bill will act as a catalyst for wider reform, not just in Scotland but across the UK.

I never doubted the ability of young people to make informed decisions; if anybody did, they should doubt it no longer. At 16, young people can join the forces, get married and, crucially, pay taxes. If a Government can take their earnings, it should also accept their vote. Civic responsibilities should be balanced with civic rights.

I am proud that Liberal Democrats played a key role in our reaching this point. It was, of course, Liberal Democrats in the UK Government who delivered the provision that allowed 16 and 17-year-olds to vote in the referendum through the Edinburgh agreement. We ensured that the devolution of the powers that members are discussing today was fast tracked so that, from next May, young people can have a say in who represents them.

The vote later today is an important step, but I am also under no illusions: there are young people who will continue to be disengaged and disillusioned with politics, parties and politicians— young people who do not believe that they are represented—and we will need to find other ways, aside from lowering the voting age, to address that apathy and strengthen our democracy.

I appreciate that the scope of the bill is tight. However, it is important to note that it will not grant

every 16 and 17-year-old the vote. As the committee's report highlights, it does not amend section 3 of the Representation of the People Act 1983, and it is regrettable that around 100 young people in Cornton Vale, Polmont and HMP Grampian will remain disenfranchised.

Members might recall my attempt to extend the referendum franchise to some short-term prisoners, which was blocked by this Government. I have to say that I was therefore surprised yesterday to find an ally in the former Cabinet Secretary for Justice, Kenny MacAskill. In the latest of a string of crises of conscience, he reportedly told a newspaper that it was "shameful" of the SNP to continue to deny prisoners the vote. He said that the party could no longer hide behind the franchise being reserved to Westminster.

Why did Mr MacAskill and the Scottish Government not extend the franchise when they could have done? According to Mr MacAskill, it was for fear of negative headlines in the right-wing press, or, as he put it, fear of "needless distractions" that might damage the campaign for independence. The Scottish Government-backed blanket ban on prisoner voting is not legal, fair or progressive. I look forward to the day when that matter is resolved.

The importance of 16 and 17-year-olds to our society is finally being properly recognised. Today we can celebrate the next step towards giving thousands of young people the opportunity to vote in elections to this Parliament.

16:03

Stuart McMillan (West Scotland) (SNP): I welcome the debate and I look forward to voting for the bill at 5 pm this evening. The key provision in the bill is to lower the voting age to allow 16 and 17-year-olds full representation in democracy in Scotland.

I have been having this discussion with my daughter and I have been explaining to her what we are trying to do. She is a wee bit disappointed that she will not get a chance to vote for her father next year, but at the moment she is only eight— she will be nine next year. I have explained to her that it might take a bit longer for people of her age to get to vote—maybe another 40, 50, 60 or 70 years. We will see how that progresses.

Alex Johnstone: I remind the member that one of the things that came out of the research that was done in advance of the bill was that children do not necessarily follow their parents in their voting intentions.

Stuart McMillan: I know that I have not followed my mother's voting intentions, but I am sure that my daughter will follow her father's.

The committee took evidence from various respondents as well as conducting the online survey, as we have heard. There was overwhelming support for extending the franchise to younger voters.

The online survey that our committee undertook across Scotland asked 16 and 17-year-olds who had participated in the independence referendum for their views on, and experience of, voting in the referendum. As the committee convener said earlier, we received more than 1,000 responses to the survey, with 85 per cent agreeing that it was right to allow 16 and 17-year-olds to vote in the referendum and 79 per cent agreeing that 16 and 17-year-olds should be allowed to vote in elections for the UK Parliament, the Scottish Parliament and local authorities. The results from the online survey also highlighted that nearly 36 per cent of respondents had campaigned for either side of the referendum debate and one in four had actually joined a political party. I do not think that anyone could argue that that did not present a positive case for extending the franchise for the people of Scotland.

The level of engagement by younger people in politics, particularly in Scotland, was also seen in a survey by BBC Newsbeat that was conducted in February 2015. The survey found that, following the referendum, 18 to 24-year-olds in Scotland were more politically engaged than young people in any other nation or region of the UK. It highlighted that 70 per cent of respondents in Scotland believed that it is important to vote, which was the highest percentage of any region or nation in the UK; that 67 per cent of respondents in Scotland agreed that

“politics is an effective way to make a difference to the country”,

which was also the highest percentage of any region or nation; and that 76 per cent of respondents in Scotland agreed that

“voting is an important part of being involved in society”,

which, again, was the highest percentage of any region or nation.

Those two surveys highlight the interest of, and even the demand from, younger voters to get engaged in electoral politics. Almost 110,000 16 and 17-year-olds registered to vote in the independence referendum and, according to an Electoral Commission survey, 75 per cent of those young people voted, with 97 per cent of those who reported voting saying that they would vote again.

Support for the change in the franchise that we are considering was obvious from the evidence that the committee received from a number of people who responded as individuals or as representatives of a range of organisations. My colleague Linda Fabiani touched on the views of

Louise Cameron, from the Scottish Youth Parliament, so I will not go over that evidence again. However, the committee also heard evidence from YouthLink Scotland, which stated that the bill addresses the inequality that young people aged 16 and 17 have historically faced in terms of the discrepancy between their democratic rights and their responsibilities—as we know, 16 and 17-year-olds can join the armed forces, enter employment, be taxed, get married and drive a car but have been deemed too immature to cast a vote in an election.

Through the independence referendum, we have experienced in Scotland the blossoming of a new political generation as younger voters have become engaged not just in voting but in being active in politics. It is therefore unfortunate that, as well as not having the opportunity to vote in the recent UK general election, 16 and 17-year-olds will not be allowed to take part in the EU referendum. I hope that that situation will change in the future and I urge the Conservative members in this chamber to talk to their colleagues at Westminster about extending the franchise for the upcoming EU referendum.

I whole-heartedly welcome the key findings from the committee’s discussions with first-time voters who were school pupils: they believed that they had shown that they were fully capable of making an informed decision in the independence referendum, and a significant majority agreed that the franchise should be extended to allow them—

The Deputy Presiding Officer: Mr McMillan, you need to close, please.

Stuart McMillan: —to vote in future Scottish parliamentary and local elections.

The Deputy Presiding Officer: Many thanks. I ask members to keep to five minutes, please.

16:08

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I welcome this important bill and the beneficial consequences that I think will flow from it in terms of empowering young people and increasing their engagement in politics. I am sure that all in the chamber were hugely encouraged by the level of interest and engagement that we saw from young people during the referendum. I am equally sure that we all took part in meetings with young people and were impressed by their level of knowledge and questioning, which was at least the equal of that of older people. We now have an opportunity to ensure that that participation lasts and becomes a salient feature of our political culture.

I am glad that that reasoning is now widely shared among the political parties. The Labour

Party committed to votes for 16 and 17-year-olds across the board in its recent election manifesto and the SNP, the Greens and the Liberal Democrats adopted that policy at an earlier time. I think that all those parties understand the positive consequences that giving the vote to those young people could have for tackling the disillusionment that many young people feel when it comes to politics. I regret that the current UK Government has not accepted that position for elections to its Parliament, as well as more immediately for the forthcoming EU referendum—obviously I hope that it will change its mind.

We know that some people are still sceptical about this issue, whether in Scotland or further afield, and I ask them to reflect on two points. The first concerns a piece of incontrovertible evidence, because we should listen to the voices of the young people who voted in September, and hear the effect that inclusion in that referendum had on that generation of voters. Bruce Crawford and Jackie Baillie have referred to some of that evidence, and I will also mention it in a moment. The second point that I hope those who are sceptical about the bill and similar proposals will bear in mind is that such a measure could have positive outcomes, not just for political knowledge and civic participation, but for our education system. I will come on to those points if I have time.

I will not mention the figures that have already been cited from the Devolution (Further Powers) Committee's survey, although I commend the committee on that work, as well as the report more generally. Some 92 per cent of the young people surveyed voted in the referendum—a significant turnout by any standards—and 840 of the voters felt that it was easy or quite easy to vote. Forty-four per cent of young voters felt well informed about the major issues involved in the referendum debate, with almost 30 per cent feeling quite well informed—I think that means even better informed. That is a large majority of the young voting demographic who stated that they had done the reading, taken on board the messages, and made an informed choice.

Reading into the small detail of voter engagement, I see that 16 to 18-year-olds went to a variety of sources for information, with 68 per cent reading official campaign materials online or via social media, and 65.5 per cent using traditional media. The general conclusion I would draw from that is that young people took the issue very seriously and made sure that they were very well informed. That is an incredible legacy, as well as an opportunity to learn how young people interact with contemporary politics—some of us are trying to catch up with our use of social media and other things.

My second persuasive argument for lowering the voting age is that it could provide a catalyst for updating political education in our schools, and the curriculum could benefit from the kind of lessons in citizenship and civic power that may not have been afforded to many of us older voters. In the Democratic Audit UK report, "Should the UK lower the voting age to 16?", research associates Richard Berry and Sean Kippin made clear that lowering the voting age is an important part of the solution to disillusionment and a kind of politics that is done to, rather than done with, citizens. They made clear that it is not the only answer to the problem, but it is an important part of the debate. The committee made recommendations on that matter, and I heard what the cabinet secretary said. I think that I would prefer to have a more radical development of curriculum for excellence in order to ensure that people of 16 and 17 are extremely well informed with regard to the voting that they would be entitled to do.

During the general election—I am sorry to mention that twice in one speech—Ed Miliband, and Labour more generally, talked about a redesigned curriculum to prepare 16 and 17-year-olds to vote. Obviously, that applied to England rather than Scotland, but I hope that curriculum for excellence will take the opportunity, in a Scottish context, to develop political and civic participation as part of this process.

16:13

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): It strikes me that referenda are a bit like buses: there are none for ages then, suddenly, there are two in a close period of time. Scotland is, perhaps, at the vanguard of a yes/no voting strategy. In our referendum, we recognised the importance of giving 16 and 17-year-olds the right to express a view on their future, and more than 109,000 registered to do just that—and, boy, did they give us their opinions. They also want to give us their opinions in next year's Scottish elections.

People in that group, including my 16-year-old son, who became involved and engaged in politics, were rightly frustrated at being denied the opportunity to vote in the Westminster elections. They are to be denied it again in the EU referendum, unless the combined resources of our Labour, SNP and Liberal Democrat colleagues and, I hope, some of our Conservative colleagues, realise an amendment to change that.

Voting structures, like democracy itself, need to evolve and change to reflect the needs of society. We have moved on from a time when only the landed gentry could vote, women were excluded and the poor had no political voice at all. I welcome my Conservative colleagues' conversion

to supporting the bill. Maybe they will encourage some of their colleagues at Westminster on the issue.

One of the fundamental principles of the Scottish Parliament is that of equality. Our hybrid system, with constituency and list votes, may have some issues, but most people agree that it is a far better option than first past the post. However, no system is unbreakable and no democracy can be unaccountable. Change that improves access and engagement in political life has to be a big positive.

People in Scotland have learned that they have a voice, and they have used it. They have learned that they can genuinely make a difference to the future of their country. By “people”, I mean everyone with a critical opinion, including 16 and 17-year-olds. Teenagers have a fundamental right to express their views and opine about their future. Who owns the future? Who will make the money, pay the pensions for us, buy the houses, raise their families and acquire the skills to run a prosperous economy? The answer is obvious.

Way back in 1967, when Dr Winifred Ewing won her House of Commons seat in the constituency of Hamilton, which I now represent, she used her maiden speech to campaign for a lowering of the voting age to 16. We are still waiting for London to catch up, but we can be proud that, in Scotland, we are working to achieve that, with cross-party support. We look likely to achieve that aim within 15 years of our Parliament being set up. Why Westminster needs centuries to pass such fundamental legislation remains a bit of a mystery to me. I find it astonishing that Westminster did not give the vote to 16 and 17-year-olds in the previous century and that it plans to deny EU nationals the right to vote in the EU referendum.

For the moment at least, and while our MPs work for change at Westminster, we can lead from the front at our elections next year. Even the Smith commission, which was not renowned for its forward-thinking views on devolved powers, recognised that Scotland must have the right to give younger people the opportunity to vote.

I ask for that not just for my son—although, believe me, he is watching on the telly now to ensure that I ask on his behalf—but for all those young people who had the right to vote in the referendum. It is for all our sons and daughters in Scotland, so that they can lead the way not just in the independence referendum but in every election in which they have a stake. Let us encourage the political engagement that was so evident among Scottish young people in the referendum. Let us give them the right to express a view on the future of the Scottish Parliament, on their future and on the future for their children. I will support the bill at decision time tonight.

16:18

Graeme Pearson (South Scotland) (Lab): I wholeheartedly support the general principles of the bill. I acknowledge the work that the Devolution (Further Powers) Committee and its convener have done for the Parliament in seeing the bill on its way. It is an important move forward.

To one who is old enough to remember the heat that there used to be in the debate about whether we could trust our young people to make conscious political decisions, we seem very relaxed today. That applies even to our colleague from the Conservative Party who, through the benefit of his education, was led into politics. Although he almost breached consensus at one point, he saved the day with his summation of the benefits that can be achieved by involving our young people.

I welcome Mr Swinney's acknowledgement of the sensitivities in relation to education and the part that schools will play. In that context, my experience with secondary schools in the south of Scotland showed that schools are capable of taking a sober approach to the topic of politics. It might benefit those who make decisions on the way forward to look at the experience of Stranraer academy, which played a substantial part in the project Parliament initiative that all parts of the Parliament fed into, whereby modern studies students learned about the Parliament's democratic processes and hosted a debate in their school, to which each of the parties in the Parliament contributed. The debate was undoubtedly a challenging evening that showed that 16 and 17-year-olds are keen to play their part in Scottish politics and that they understand the role that politics plays in their day-to-day experience.

I reaffirm the commitment that Bruce Crawford made on his committee's behalf to ensure that the safety of our young people is protected in the management of data. That is a serious issue, and I know that the Government will take seriously the mistakes that can be made. In this exciting time, we could overlook the needs of looked-after children, those who are in secure accommodation and those who have additional support needs. In preparing the way forward, we can sometimes be too glib in deciding how we might manage things on their behalf. We need to think soberly about their needs if we want to be genuinely able to say that there is social justice in Scotland and that we include people who are often forgotten and who are too often overlooked and left behind.

When we have made a commitment to engaging as widely as we can, we must take an extra step on behalf of young people who are not fortunate enough to have the support of their families around them, even though that will take time and

might cause additional expense. If we are to bring with us those young people who, in many respects, are deprived of a modern way of life, we must give them the opportunity to become involved in politics and to understand the issues that we discuss in the Parliament and connect them with their experience of day-to-day life. Only by engaging with them in that fashion can we truly give them access to modern life and public life and allow them to feel that they are part of what we do in the Parliament.

I will make a point that has not yet been made and which relates to my experience. By engaging with young people of 16 and 17, we ensured—as a result of the pressure that they put on their parents—that their parents became involved in the political process again. In the south of Scotland, we found that young people forced their parents to come with them to the school to take part in the debate. That was a most invigorating experience, which I commend to my colleagues.

16:23

Roderick Campbell (North East Fife) (SNP): I welcome the opportunity to speak in the debate. The current political re-engagement of many of the population that has been evident since the run-up to the independence referendum has resulted in a significant shift in attitudes to and interest in politics generally in Scotland. That change has been especially marked among 16 and 17-year-olds who, having been offered the prospect of making a decision on their future, developed a significant interest in politics the closer polling day came.

As other members have said, the online survey of 16 and 17-year-olds that the committee conducted found that 80 per cent of respondents watched at least one of the major televised debates, that 63 per cent found out more about politics and, most impressively, that 26 per cent joined a political party. That represents some evidence, at least, of how engaged young people were.

It is vital that we respond to that. As a result of the referendum, that engagement seems to have continued. In his written submission to the committee, Dr Jan Eichhorn of the University of Edinburgh said that 63 per cent of 18 and 19-year-olds in Scotland—who would have been 16 and 17-year-olds during the referendum campaign—said that they were certain to vote in the 2015 general election, as opposed to only 27 per cent of 18 and 19-year-olds in England. In no other age group was the difference so substantial, which implies that there might be more than a general referendum effect, which we would have seen across all age groups.

By contrast, since the general election, Ipsos MORI has conducted a poll that suggests that, throughout the United Kingdom, only 43 per cent of 18 to 24-year-olds voted, as opposed to three quarters of pensioners. I have not seen any Scottish breakdown, but it is clear that there is work to be done throughout the UK. Work by the Pew Research Center suggests that the gap between American youth turnout and overall turnout has changed little in 40 years whereas, in Britain, the gap has widened dramatically. That is clearly a cause for concern in the UK as a whole.

We live in an age in which one of the preferred public fora and means of communication is social media. As masters of that medium, 16 and 17-year-olds have potentially greater access to information than ever before. However, schools have an important part to play. As Bruce Adamson of the Scottish Child Law Centre said in his evidence to the committee, the state's primary duty is to provide education for children. As Dr Jan Eichhorn said,

"Discussing political issues in schools increases students' political confidence in ways nothing else does."

We know how important it will be to ensure that such information—not propaganda, but informed guidance—is replicated in every school throughout Scotland.

Early engagement with politics and understanding of the political process is vital. It is only right that, when young people are expected to move on to the next stage in their lives—whether in education, an apprenticeship or full-time employment—we invite them to participate fully at the earliest opportunity in the democracy that we all value.

Research evidence from Norway and Austria suggests that 16 and 17-year-old first-time voters and people who vote in the first election in which they are eligible to vote are more likely to vote in the future. They get into the habit of voting and continue to do so. Therefore, it is important to get them into that habit at the earliest opportunity.

I hope that the high turnout during the independence referendum and the slightly lesser turnout in the recent general election, which was still much better than that in 2010, gave us all some satisfaction in Scotland. Even in traditionally low-voting areas such as Glasgow North East, turnout improved considerably.

Under the new Conservative Westminster Government, we approach the prospect of a European Union referendum but, instead of embracing the gold standard for that referendum, we seek to exclude not only EU citizens such as my colleague Christian Allard but 16 and 17-year-olds. We are happy to allow citizens of Cyprus and Malta who are not long-term residents in the

United Kingdom to vote, but not citizens of other EU states.

We are implementing the Smith commission's recommendation on votes for 16 and 17-year-olds in Scotland, but Westminster is again behind the times. Westminster now includes Mhairi Black MP, the youngest member of that Parliament since 1667. I commend her fantastic achievement. If ever there were an example of how a young person can become involved in politics from the earliest opportunity, she is one. Of course, our First Minister, Nicola Sturgeon, joined the Scottish National Party at the age of 16.

It is clear that there is cross-party support for the bill. There is an air of inevitability about it, but we clearly have a bigger battle to win at Westminster. As we know, old habits die hard there. It would be good if the Scottish Parliament could encourage the 15, 16 and 17-year-olds of Scotland to use the time before the European Union Referendum Bill becomes law to let Westminster know loudly and clearly at every stage that it should think again. Let us progress the Scottish Elections (Reduction of Voting Age) Bill so that we can demonstrate to Westminster that we really do things better in Scotland.

16:28

Alison Johnstone (Lothian) (Green): I, too, thank our first-class clerks and well-informed witnesses and all who contributed to our stage 1 report on the Scottish Elections (Reduction of Voting Age) Bill.

The committee supports the general principles of the bill—principles that have long been part of Scottish Green Party policy. Just as last week's debate on the draft clauses based on the Smith agreement was a result of the engagement that we witnessed in the referendum, this debate is an incredibly positive reflection of that increased political engagement and a concrete step towards making it possible for it to continue to its fullest extent in the act of voting for 16 and 17-year-olds.

The Scottish Youth Parliament campaigned for votes at 16 in the referendum, followed by all other elections and referenda. It is not alone. The votes at 16 campaign says:

"Since 1998 we've been calling for votes at 16, and last year's indy ref was proof we're ready."

Who could argue with that? Even those who were previously unconvinced recognised the involvement of young people as appropriate, important and, quite frankly, right.

We experienced first hand the contribution that young people can make to the democratic process, and was it not inspiring? I am delighted that we are on the road to enabling 16 and 17-

year-olds to vote in Scottish Parliament and Scottish local authority elections. I have no doubt that, were the UK Government to pass similar legislation at Westminster, it, too, would witness the passion and dedication that come when young people are allowed to be fully involved in the democratic process and when they are given the right to vote.

Many believed, and now we all know, that democracy is better when young people are involved. When young people cannot vote, we squander energy and passion. Can we afford to do that at a time when politics is so poorly regarded and when we all too often have woefully low voter turnout?

Votes at 16 says:

"We want our political system to recognise the abilities of 16 year olds. To properly include us in our society and show us the trust and respect that society expects of us by giving us the right to vote."

My committee colleagues agree that our evidence-taking session with the Scottish Youth Parliament, Young Scot and the National Union of Students Scotland was particularly lively, engaging and informative. Louise Cameron of the Scottish Youth Parliament was an inspirational witness. She pointed out that 16 and 17-year-olds challenged their families about not going to the ballot box. She said:

"Maybe parents or others who have been disengaged from the political system have had their engagement revitalised."—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 30.]

There are those who still insist that young people are not equipped or well enough educated to vote. I disagree whole-heartedly, as do those colleagues who took part in debates where young people engaged and debated in an articulate, passionate and well-informed way.

We have heard in media debate this week about the need to extend the franchise for the proposed EU referendum. We know that young people are very well informed. They are able to access information and, indeed, have exposure to information that some older voters will never see. Social media are, as we have heard in this debate, transforming how we do many things, and their impact on politics and campaigning was clear to see in the referendum.

Many pupils benefited from taking part in fairly chaired debates with balanced panels. As colleagues have noted, that was not the case in every local authority, and action to overcome the reluctance to host such debates, which seemed to stem from concern about being partial, is essential. Bill Scott from Inclusion Scotland summed it up perfectly when he said:

“there is everything to gain from having national guidelines, because they could break down those barriers and encourage education authorities to take a risk. That risk is worth taking, because everybody has to take risks. One of the rites of passage of growing up is for young people to begin to make their own decisions and take chances. We need to allow people to make decisions for themselves rather than doing it for them.”—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 26.]

Absolutely. Curriculum for excellence aims to create confident individuals who are effective contributors and responsible citizens and who participate responsibly in political, economic, social and cultural life. Involvement in our democratic process is a perfect way to enable such development.

Louise Cameron noted that, although the school system this time missed some young people,

“practically everyone nowadays is on Facebook and Twitter, so that is a valuable way to catch people.”

She said that there was a

“hashtag on Twitter on the day before the referendum and the day of the referendum to encourage people to go to the ballot box, and it received huge publicity.”—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 26-7.]

With amendment, we can ensure a more equal playing field as the bill progresses.

The votes at 16 UK Facebook page says:

“The EU referendum will be a historic, once in a lifetime, vote. 16 and 17 yr olds took their right to vote in the Scottish referendum, with over 75% turnout. Now it is time for the government to give them a vote in the EU referendum.”

Westminster, I hope, is listening.

Our work on the bill is clearly the beginning and not the end of a process. The bill will be amended as it proceeds through Parliament. I hope that our experience in Scotland will demonstrate to those who still require convincing that the time has come to give all 16 and 17-year-olds the right to vote.

16:34

Annabel Goldie (West Scotland) (Con): This has been a positive and interesting debate. I, too, thank the Devolution (Further Powers) Committee for its work in producing the stage 1 report on the bill.

There is nothing like the zeal of the convert, and my party has moved from an anxiety about the reduction in the voting age to enthusiasm in supporting it for the Scottish Parliament and local government elections. As many others have indicated, our view changed when we saw at first hand the levels of engagement, interest in and knowledge of the issues in the referendum debate,

as was displayed so impressively by young people.

I was privileged to sit on the Referendum (Scotland) Bill Committee, chaired by that parliamentary deity, Mr Bruce Crawford.

John Swinney: Oh, my!

Bruce Crawford rose—

Jackie Baillie: A divine intervention?

The Deputy Presiding Officer (John Scott): I will allow a divine intervention from Mr Crawford.

Bruce Crawford: I am just wondering whether, when Annabel Goldie is in the House of Lords, she might, given her new enthusiasm for votes at 16, table an amendment to the European Union Referendum Bill to allow that to happen there, too.

Annabel Goldie: One step at a time, Mr Crawford. The change in my party's attitude in this Parliament to reducing the voting age has been a very challenging experience for us to adjust to. Nonetheless, we adjust with pleasure.

On the Referendum (Scotland) Bill Committee, we were able to explore thoroughly what a reduction in the voting age for the referendum might involve, what issues would arise and areas where we considered that care would be necessary. I hope that that exercise has been useful to the successor committee, the Devolution (Further Powers) Committee.

I do not propose to dwell on the mechanics of creating a voting system for 16 and 17-year-olds. The system has been tried and tested, and I am sure that any lessons can be learned or necessary adjustments can be made.

The broader issue is how we inform young people of the issues on which they will be voting, bearing in mind that some of them will still be attending school. As other members have indicated, the balance to be struck is the ready provision of that information without veering into propaganda by local authorities, teachers or other school staff.

That is of particular importance if young people are to have the reassurance that, outwith the home, they can access such information, listen to debates or even organise and participate in debates themselves, thinking through the issues for themselves. I do not believe that it is for Governments to tell local authorities how to do their business, but some consistency of practice by local authorities is desirable.

I am indebted to the Scottish Parliament information centre for its excellent paper on the issue, entitled “Approaches of Local Authorities to the Scottish Independence Referendum and

Schools". I will quote from that paper. It found that, at top-line level, 25 authorities agreed

"a policy on whether and how discussion of the SIR was to be permitted or encouraged in schools".

The SPICe paper goes on to note:

"Some authorities stated that their guidance had emphasised the importance of ... neutrality",

that is,

"councils staff not wearing badges, symbols or emblems belonging to either of the campaigns or using slogans supporting one or other campaign ... ensuring that all council staff retained neutrality on all issues relating to the SIR ... emphasising the right of pupils to express their views freely."

On more specific issues, almost all local authorities permitted, encouraged or actively supported schools to hold debates on the referendum. Aberdeen left the decision to individual schools, whereas other councils stated that debates were "not discouraged". That was the position of East Renfrewshire Council—hardly a ringing encouragement to young people.

Only one local authority specifically said that debates on the referendum were not permitted in schools. That was Renfrewshire Council, in my home area, although it did organise four major

"hustings events at which parity of access to the new school aged voter constituency by Better Together and Yes Scotland was ensured."

As other members have indicated, participants in such debates seemed varied. Sometimes they were local, and sometimes they were national politicians. Interestingly, North Lanarkshire and West Lothian discouraged such external participation, whereas Inverclyde supported it. Some local authorities permitted mock referenda, but Dundee City Council, for example, did not.

I give those illustrations, provided by the SPICe paper, mainly to indicate that there was a disparate approach. In fairness to local authorities, some of them may have felt nervous about permitting too much activity, fearing that they might breach election law or their obligations of neutrality. However, with one election experience of the reduced voting age behind us, it may be that those authorities will now feel more relaxed, observing what other authorities did. There are examples of good practice.

I hope that, in considering the guidelines, Education Scotland will have a look at the models contained in that SPICe analysis paper. I hope that local authorities can be innovative as we approach next year's Scottish Parliament election. This is an exciting time for politics, which is heightened by the prospect of engaging thousands of new young voters in the electoral process. Our

democracy in Scotland will be stimulated by their participation.

I have pleasure in confirming that my party will support the bill at stage 1.

16:40

Lewis Macdonald (North East Scotland)

(Lab): Some new laws lead social change. The ban on smoking in public places that the Parliament enacted 10 years ago was a good example of that. Other new laws do not so much lead as follow, and this bill is an example of such a law. From today's debate, it is clear that the time is indeed right. In some previous cases, extensions of the franchise have been bitterly contested, from votes for working men in the 19th century to votes for women in the 20th century.

Other changes, such as the extension of the franchise to 18-year-olds in 1969, quickly gained support because they reflected the spirit of the times. Before then, young people could not vote until they were 21, even though the school leaving age was lower than it is now. Extending the franchise to over-18s made sense in the 1960s because youth culture was emerging as it had never done before and young people's access to education and knowledge was growing exponentially. Those young people of 1969 are now approaching the end of their working lives and, a generation later, the time has come for another change in the voting age.

A generation between changes in the voting age is long enough. It might also be the right length of time to leave between referendums on the same question, as the First Minister said not so long ago. The next referendum on Europe will take place 40 years after the previous one and is therefore a case in point.

The bill also raises some important questions to which answers need to be offered. A number of colleagues have mentioned looked-after children, young offenders and young people who have additional support needs. Protecting the privacy of 14 and 15-year-olds prior to their attaining the newly reduced voting age of 16 is clearly important. I was glad to hear the Deputy First Minister respond to the point about selection of jurors. There is no good reason why the date of attainment of 16 and 17-year-olds should not continue to appear in the electoral register as it does at present, even if and when the voting age is reduced to 16 across the board.

Of course, there is nothing uniquely Scottish about constitutional referendums or about votes at 16. The German Land of Lower Saxony can claim to have led the way on that. The Scottish angle has, of course, come out of last year's referendum and the high levels of engagement among 16 and

17-year-olds in that referendum moved the debate on decisively.

A number of the other questions that were raised during the committee's consideration of the bill are also significant. The introduction of individual electoral registration has ended the practice of a householder registering everyone in his or her household just at the point at which a larger number of younger household members will qualify to vote than ever before. That is inconvenient on one level, but it provides a double incentive to ensure that those who are entitled to register to vote are given every opportunity to do so. A falling level of voter registration would be disappointing in all age groups, but particularly if it happened among younger voters.

It is important to see in detail why the Scottish Government believes that there is no ambiguity around the registration deadline in the bill. I hope that Mr Swinney's letter on that subject will be issued in advance of stage 2.

The independence referendum engaged young people from both sides of the debate and posed some new challenges for schools. Senior secondary school students were no longer confined to holding mock elections after they reach the age of 18 at some point in their final year. They were voting for real from fourth year onwards.

It is perhaps not surprising that schools and education authorities became anxious and dealt with the challenges in different ways. Teachers are also voters who form their own views, so schools realised that teachers could not be seen to influence how pupils chose to vote, but they also did not want to be seen to close down debate. The referendum was a one-off event but the bill turns that novel challenge from last September into a permanent feature of school life, which means that schools must accommodate the debate and discussions that go with any election campaign but they must do so in the right way.

Schools stand in loco parentis; they act for and in place of parents for the duration of the school day, and that relationship of trust between the school, the student and his or her family or carers applies at 16 or 17—or indeed 18—as well as at a younger age. That is the responsibility that lies with the school, and its role in this context is not just to provide instruction in how the system works or a forum for debate. It also has a particular duty to equip young people with the critical faculties that they will need to deal with the choices that they will face as independent adults. The ability to think for oneself matters to young people in all sorts of contexts, not least in evaluating and making judgments about things that are said in an election campaign.

John Swinney told the Devolution (Further Powers) Committee that young people should be enabled to reach

“a fair and dispassionate understanding of the political process and choices”—[*Official Report, Devolution (Further Powers) Committee*, 30 April 2015; c 8.]

and I welcome the tone that he has taken in addressing these issues this afternoon. However, I am sure that he will agree that that must not mean giving political parties a platform in schools to make their case to an uncritical captive audience. It must mean teaching school students the skills that they need to ask the tough questions that they should ask of all concerned and the support that they need to do so with confidence. As Alison Johnstone said, democracy is not just about the right to vote; it is also about being able to make informed choices and having a culture of mutual tolerance of opposing views. Those are the values our schools should transmit, and the revised guidance that Education Scotland is to provide should support them in that work.

Today's debate has, of course, gone beyond the terms of the bill, because the general principles of providing for votes at 16 can be applied to other Parliaments besides this one. Just as we had a referendum last year that made votes at 16 an established fact, so we will very soon have another referendum that will be just as significant for the younger generation. Ten years ago, Scotland's devolved Parliament led the way on the smoking ban, and, with this bill, we will lead the way again on votes at 16.

The bill as it stands is not the last word on the subject, but it points the way forward. I have no doubt that, where this Parliament leads, others will follow.

The Deputy Presiding Officer: I now call John Swinney. You have nine minutes or thereby, Mr Swinney.

16:46

John Swinney: Presiding Officer, Mr Macdonald—

The Deputy Presiding Officer: Or perhaps 10.

John Swinney: Thank you, Presiding Officer.

Mr Macdonald just remarked that it would be unhealthy if debate took place without there being a tough and critical audience. I feel that I frequently face such audiences when I appear in the Parliament. However, today has been a slightly different occasion, with greater unity of opinion. Mr Crawford was absolutely correct to say, in a point echoed by Mr Pentland, that this is a moment of history in which Parliament is essentially regularising, for the purpose of our elections and local authority elections, the

participation of 16 and 17-year-olds in the electoral process.

One of the most pleasant parts of the debate has been the enthusiasm that has been shown; indeed, Ms Goldie described the way in which Mr Johnstone expressed his opinion as the “zeal of the convert”. I unreservedly welcome that and I say formally to the Conservatives that I welcome their more positive and enthusiastic stance on the matter. It is to their credit that they have come to their conclusion having looked at the experience of the referendum. However, I felt that Mr Johnstone took things a bit far in speculating that the addition to the register of 16 and 17-year-olds might create better political times. If that was a note of optimism that all 16 and 17-year-olds might vote Scottish Conservative in future elections, I think that it was perhaps a heroic assumption, but I wish him well in pursuing that objective the length and breadth of Scotland.

As Alison McInnes pointed out, the provision of votes for 16 and 17-year-olds was part of the Edinburgh agreement, which I think she said was delivered by the Liberal Democrats. I am not sure where that leaves the Conservatives, who were her coalition partners until a few weeks ago, but the subject might still be too sore to talk about. Of course, the principal author of the agreement was the much-respected former secretary of state Michael Moore, who is a very fine individual. Indeed, I am sure that there are a few Liberal Democrats wishing that he had remained the Secretary of State for Scotland, given the current embarrassment of their most recent secretary of state.

Nonetheless, we welcome the co-operation of the UK Government that enabled us to undertake the exercise of extending the franchise in 2014 for the referendum and the platform that that created for the longer-term application of the provision.

Many members from across the political spectrum advanced a substantial point about the fact that 16 and 17-year-olds were able to participate in the Scottish referendum and will be able to participate in Scottish Parliament and local authority elections, but were excluded from participation in the Westminster election, and, it appears, will be excluded from the EU referendum.

That point was made strongly to me by a group of young people from Young Scot, some of whom had voted in the referendum last September but were unable to vote in the Westminster election a few weeks ago. It is an inconsistency that it would be best to resolve. My colleagues in Westminster will try to advance that argument, and I hope that we can make progress on it.

Christina McKelvie: The cabinet secretary will be interested to know that our colleagues are advancing that argument as we speak. The UK Government has just published the European Union Referendum Bill, which excludes 16 and 17-year-olds as well as EU nationals. Will he impress on our Conservative colleagues the need to take the opportunity to push for an amendment to that bill?

John Swinney: That was the sense of my remarks a moment ago. I applaud the Conservative Party in Scotland for coming to the view that it has on the issue, and I hope that it is one that can be advanced. Perhaps Mr Johnstone has a direct line that he is about to tell me about.

Alex Johnstone: I am afraid that I have no direct line. Does the cabinet secretary agree that there is a certain symmetry in the fact that we are taking the opportunity to decide who will vote in the elections that elect the members of this chamber next year and that the House of Commons will decide who will vote in its referendum or future elections?

John Swinney: I accept the symmetry of the argument, but the arguments that have brought Mr Johnstone and Miss Goldie to the conclusion that they have reached about the welcome participation of 16 and 17-year-olds are just as compelling in relation to the UK general election or the EU referendum. I will leave them to advance those arguments.

Linda Fabiani made a substantial point about the fact that the participation of individuals in the referendum established in their minds the norm of participating in the democratic process. I am struck by some of the research that I have seen that suggests that the referendum was such a compelling debate for Scottish citizens that it activated many who had previously been alienated from the democratic process, reconnecting them to it. The fact that the turnout in Scotland was 85 per cent—a higher turnout than in any election in which I have been a participant—perhaps validates the point that the referendum reconnected individuals to the democratic process.

There are two specific questions that I want to address, the first of which relates to education. I sympathise with Rob Gibson’s points on that issue. There was a timidity among some in the local authority and education sectors around whether, by enabling the debate, they were somehow taking sides in it. Enabling the debate to happen, as long as it is balanced, is something to which no one should take exception. Miss Goldie’s explanation of the SPICe research on the variability of decision making around the country rather makes that point. I will reflect further on that in relation to the guidance that we believe would be appropriate. We should not be timid on that

question, as long as the debate is balanced and objective.

Secondly, Jackie Baillie raised substantial issues about data protection and child protection. The reason why we are in a different situation from the referendum register is that we did not know that the referendum register was going to be a recurring register.

We have to be satisfied that, when information is gathered on the 14 and 15-year-olds who will be attainers on the register, there is absolute security in electoral registration offices around handling that information and ensuring that it is shared with nobody outwith the electoral registration process. However, when the register is shared for electoral purposes, there will be a moment when the names of individuals who are over 15 years and 46 weeks will be disclosed.

I will look again at all the provisions, given the issues that have been raised today, because we need to be absolutely certain that we are taking the right steps in that respect. I believe that extensive consultation has taken place with representatives of child protection organisations and electoral registration officers to ensure that those issues are properly addressed, but I do not in any way dispute their significance. I will look afresh at those questions before stage 2 to ensure that the legitimate points that Jackie Baillie and others have raised are properly addressed before then.

Comments have been made in the debate about the election as the MP for Paisley and Renfrewshire South of Mhairi Black, a 20-year-old woman who has already made a strong, profound and distinctive contribution to our politics. That is indicative of the contribution that young people can make to the process, which was evidenced by the enthusiasm of young people to participate in the referendum. I saw some of that in my discussion with young people from Young Scot this morning, when young people came from all parts of the country to question me about the issues around the bill and to express their enthusiasm to be full, active participants in our country's decision making. We should feel very privileged that we have young people with such aspirations to participate in our democracy, and we will take an important step in facilitating those aspirations when we pass the bill that is before Parliament today.

Scottish Elections (Reduction of Voting Age) Bill: Financial Resolution

16:57

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-13146, in the name of John Swinney, on the financial resolution to the Scottish Elections (Reduction of Voting Age) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Elections (Reduction of Voting Age) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*John Swinney.*]

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

Parliamentary Bureau Motion

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion. I ask Joe FitzPatrick to move motion S4M-13267, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Public Services Reform (Scotland) Act 2010 (Part 2 Extension) Order 2015 [draft] be approved.—[*Joe FitzPatrick.*]

The Presiding Officer: Alison McInnes has indicated that she wishes to speak against the motion.

16:58

Alison McInnes (North East Scotland) (LD): We do not support the Scottish statutory instrument. When the Public Services Reform (Scotland) Bill was first debated in the Parliament, Scottish Liberal Democrats raised our serious concerns about the powers that part 2 would confer. Section 10 allowed ministers to

“make any provision which ... would improve the exercise of public functions”.

That included

“modifying, conferring, abolishing, transferring, or”

delegating

“any function”.

It also included abolishing, creating or amending the constitution of public bodies.

Part 2 allowed potentially radical changes to a number of bodies to be made without any ability for Parliament to make amendments. Instead, changes were to be brought to Parliament by statutory instrument. As Jeremy Purvis said at the time,

“Parliament will have a final say, but it will not have a full say in potentially large scale changes”.—[*Official Report*, 25 March 2010; c 25018.]

The cabinet secretary assured the Finance Committee that the powers in part 2 of the Public Services Reform (Scotland) Act 2010 had been used in

“a relatively small number of orders ... to make important but small-scale changes”.—[*Official Report, Finance Committee*, 20 May 2015; c 2.]

He thought that that should “provide reassurance” that the powers should be extended for another five years. I do not agree. I do not doubt his good intentions, but I point out that scale is in the eye of the beholder.

We remain opposed to the powers as set out in part 2. They are too wide. The powers were used

to bring forward an SSI to abolish prison visiting committees. To my mind, and to many prisoners and organisations, that was not a small-scale change. Visiting panels played an important role in the lives of people serving prison sentences and their families. That change should have been subject to thorough, proper parliamentary scrutiny, not made through an SSI.

Today’s SSI is about not simply how the powers have been used to date but how they could still be used. We are right to work to ensure that the Parliament has all the scrutiny and amending powers that it requires. A continuation of the order-making powers undermines our powers in Parliament. For that reason, Scottish Liberal Democrats will not support the SSI.

17:00

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): Alison McInnes said that she did not doubt my intentions in introducing the order to extend the provision that Parliament put into primary legislation back in 2010. Back then, these were the words of her former colleague Robert Brown, who I think doubted my intentions:

“John Swinney seems to want the royal dispensing power that was claimed by the Stuart kings and which led to their removal in 1649 and again in 1688. I wonder whether he, like Charles I and James VII, regards Parliament as an administrative inconvenience.”—[*Official Report*, 7 January 2010; c 22581.]

I will list for Parliament the instances on which the powers have been used. They were used to declassify the General Teaching Council for Scotland as a public body and turn it into an independent, profession-led organisation—that is hardly the royal dispensing power of the Stuart kings. They were used to transfer the functions of the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland to a new Commissioner for Ethical Standards in Public Life in Scotland, at the request not of ministers but of the Scottish Parliamentary Corporate Body—hardly the royal dispensing power.

The powers were used to create the roles of prison monitoring co-ordinators and independent prison monitors and to transfer the roles and functions of prison visiting committees, to which Alison McInnes referred. They also provided the basis for measures to provide more confidence in the working relationship between landlords and tenant farmers; enabled ministers to recover the costs of Education Scotland carrying out inspections of independent further education colleges and English language schools; helped to streamline and simplify the planning system in two

specific areas; and allowed NHS National Services Scotland to provide shared services across the public sector with a view to improving efficiency and productivity.

We took the powers to enable us to undertake modest public service reform without resorting to primary legislation. We gave that commitment in 2010. The eight occasions on which we have used the powers are evidence that we have used them judiciously and wisely, and we seek Parliament's consent to extend that for five more years. I assure Parliament that I have no aspirations to exercise the royal dispensing power; I wish only to exercise due administrative efficiency over the public sector in Scotland.

The Presiding Officer: The question on the motion will be put at decision time, to which we now come.

Decision Time

17:02

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business. The first question is, that motion S4M-13285, in the name of John Swinney, on the Scottish Elections (Reduction of Voting Age) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Scottish Elections (Reduction of Voting Age) Bill.

The Presiding Officer: The next question is, that motion S4M-13146, in the name of John Swinney, on the financial resolution to the Scottish Elections (Reduction of Voting Age) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Elections (Reduction of Voting Age) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S4M-13267, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (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)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)

Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 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)
 Hilton, Cara (Dunfermline) (Lab)
 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)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)

The Presiding Officer: The result of the division is: For 99, Against 2, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Public Services Reform (Scotland) Act 2010 (Part 2 Extension) Order 2015 [draft] be approved.

Meeting closed at 17:04.

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