



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 5, No. 39, Session 5

Meeting of the Parliament

Wednesday 9 September 2020

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

1. Portfolio Questions: Questions on Environment, Climate Change and Land Reform and then on Rural Economy and Tourism were answered by Cabinet Secretaries and a Minister.

2. Hate Crime and Public Order (Scotland) Bill: Liam Kerr moved S5M-22636— That the Parliament believes that hate crimes are a blight on society in Scotland and must be dealt with robustly; notes that the right to freedom of expression is the cornerstone of democracy and must never be compromised; believes that the significant number of responses to the Scottish Government consultation on its proposed Hate Crime and Public Order (Scotland) Bill highlight the significant and valid concerns that the Bill would be an attack on free speech, and urges the Scottish Government to accept these criticisms, remove its proposed Bill and immediately begin work with stakeholders and others to draft the legislation that is needed to tackle hate crime in Scotland, while not threatening to make free speech a crime.

The Cabinet Secretary for Justice (Humza Yousaf) moved amendment S5M-22636.4—

As an amendment to motion S5M-22636 in the name of Liam Kerr (Hate Crime and Public Order (Scotland) Bill), leave out from second “believes” to end and insert “agrees that tackling hate crime is central to building the Scotland that all people want to see, a Scotland free from hatred, prejudice, discrimination and bigotry; acknowledges the importance of ensuring that hate crime legislation in Scotland affords sufficient protection for those that need it; agrees with the

unanimous decision of the Justice Committee to afford the Bill rigorous and detailed scrutiny over the coming months; recognises that there are concerns about aspects of the Bill, including in relation to the stirring up of hatred offence provisions, which will benefit from further engagement with stakeholders and Parliamentary scrutiny; further recognises that there is a clear need to tackle misogyny in Scotland, and that the Scottish Government is committed, in principle, to developing a standalone offence of misogynistic harassment and is establishing a working group to take this forward, and agrees to seek common ground and compromise to ensure that effective legislation can be agreed that protects those affected by hate crime and prejudice in Scotland while respecting freedom of expression.”

After debate, the amendment was agreed to ((DT) by division: For 58, Against 55, Abstentions 6). As a result, amendments S5M-22636.3 and S5M-22636.1 were pre-empted.

Rhoda Grant moved amendment S5M-22636.3—

As an amendment to motion S5M-22636 in the name of Liam Kerr (Hate Crime and Public Order (Scotland) Bill), leave out from “, remove” to end and insert “; has serious concerns about Part Two of the Bill as currently drafted and considers that it will require substantial revision if it is to be fit for purpose, and urges the Scottish Government to work with stakeholders and the Parliament throughout the legislative process to amend the Bill so that it does deal robustly with hate crime, protect individuals while protecting the privileges that people enjoy with regard to free speech and builds consensus that prejudice and hatred have no place in Scotland.”

John Finnie moved amendment S5M-22636.2—

As an amendment to motion S5M-22636 in the name of Liam Kerr (Hate Crime and Public Order (Scotland) Bill), leave out from “notes” to end and insert “considers that the development of hate crime law in Scotland has been carried out in a piecemeal fashion, resulting in fragmented legislation; notes that calls have been made for the consolidation of hate crime law for more than a decade; believes that freedom of expression is a critically important human right, and that Article 10 of the European Convention on Human Rights (ECHR) protects it within the context of factors such as the prevention of crime and protecting the rights of others; recognises that stirring up racial hatred has been the basis of criminal offences since 1986 and is clearly compatible with ECHR; welcomes the Scottish Government’s commitment to examine the development of an offence on misogynistic harassment and looks forward to the working group on misogynistic harassment’s output on this matter, and commits to listen to all serious views on ways to improve the Hate Crime and Public Order (Scotland) Bill as part of the normal process of parliamentary scrutiny and to consider how best to ensure that all forms of hate crime are taken seriously.”

After debate, the amendment was agreed to ((DT) by division: For 31, Against 30, Abstentions 58).

Liam McArthur moved amendment S5M-22636.1—

As an amendment to motion S5M-22636 in the name of Liam Kerr (Hate Crime and Public Order (Scotland) Bill), leave out from second “believes” to end and insert “recognises the significant number of responses to the Justice Committee’s call for evidence on the Scottish Government’s proposed Hate Crime and Public Order (Scotland) Bill highlighting serious and substantial concerns in relation to its potential impact on free speech, and calls on the Scottish Government to set out the steps that it plans to take to address these concerns, specifically in relation to Part 2 of the Bill, in time for the Committee to hear evidence and give them due consideration.”

The motion, as amended, was then agreed to ((DT) by division: For 89, Against 30, Abstentions 0).

Accordingly, the Parliament resolved—That the Parliament believes that hate crimes are a blight on society in Scotland and must be dealt with robustly; considers that the development of hate crime law in Scotland has been carried out in a piecemeal fashion, resulting in fragmented legislation; notes that calls have been made for the consolidation of hate crime law for more than a decade; believes that freedom of expression is a critically important human right, and that Article 10 of the European Convention on Human Rights (ECHR) protects it within the context of factors such as the prevention of crime and protecting the rights of others; recognises that stirring up racial hatred has been the basis of criminal offences since 1986 and is clearly compatible with ECHR; welcomes the Scottish Government’s commitment to examine the development of an offence on misogynistic harassment and looks forward to the working group on misogynistic harassment’s output on this matter, and commits to listen to all serious views on ways to improve the Hate Crime and Public Order (Scotland) Bill as part of the normal process of parliamentary scrutiny and to consider how best to ensure that all forms of hate crime are taken seriously.

3. Fisheries Bill - UK Legislation: The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing) moved S5M-22670—That the Parliament agrees that the relevant provisions of the Fisheries Bill 2020 introduced in the House of Lords on 29 January 2020 relating to provisions on fishing, aquaculture and marine conservation and connected purposes so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.

The motion was agreed to (DT).

4. Business Motion: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22655—That the Parliament agrees—

(a) the following programme of business—

Tuesday 15 September 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions

followed by Scottish Government Debate: Migration and Care Workers

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 16 September 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Justice and the Law Officers; Constitution, Europe and External Affairs

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 17 September 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body Questions

followed by Portfolio Questions: Economy, Fair Work and Culture

followed by Scottish Government Debate: Employment Support

followed by Business Motions

followed by Parliamentary Bureau Motions

5.05 pm Decision Time

Tuesday 22 September 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions

followed by Standards, Procedures and Public Appointments Committee Debate: Complaints Against MSPs - Amendment of the Scottish Parliamentary Standards Commissioner Act 2002

followed by Scottish Government Business

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 23 September 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills; Health and Sport

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.10 pm Decision Time

followed by Members' Business

Thursday 24 September 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Communities and Local Government

followed by Stage 1 Debate: Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.05 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 14 September 2020, in rule 13.7.3, after the word “except” the words “to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or” are inserted.

The motion was agreed to.

5. Stage 1 Timetabling: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22656—That the Parliament agrees that consideration of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill at stage 1 be completed by 23 December 2020.

The motion was agreed to.

6. Designation of Lead Committee: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22657—That the Parliament agrees that the Equalities and Human Rights Committee be

designated as the lead committee in consideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill at stage 1.

The motion was agreed to (DT).

7. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22658—That the Parliament agrees that the Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 [draft] be approved.

The motion was agreed to (DT).

8. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22659—That the Parliament agrees that the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2020 [draft] be approved.

The motion was agreed to (DT).

9. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22660—That the Parliament agrees that the Scottish Parliament (Disqualification) Order 2020 [draft] be approved.

The motion was agreed to (DT).

10. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22661—That the Parliament agrees that the Greenhouse Gas Emissions Trading Scheme Order 2020 [draft] be approved.

The motion was agreed to (DT).

11. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22663—That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/241) be approved.

The motion was agreed to (DT).

12. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22664—That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/251) be approved.

The motion was agreed to (DT).

13. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22665—That the

Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/242) be approved.

The motion was agreed to (DT).

14. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-22666—That the Parliament agrees that the Representation of the People (Electoral Registers Publication Date) (Coronavirus) (Scotland) Regulations 2020 [draft] be approved.

The motion was agreed to (DT).

15. Decision Time: The Parliament, under Standing Orders Rule 11.3.3, took decisions on items debated on 8 September 2020, and then took decisions on items 2, 3, 6, 7, 8, 9, 10, 11, 12, 13 and 14 as noted above.

16. Tackling Dirty Camping: The Parliament debated S5M-22367 in the name of Murdo Fraser—That the Parliament understands that there has been a recent increase in incidents of so-called dirty camping across Mid-Scotland and Fife and the rest of the country; notes that this sees people set up camp near lochs, beaches and forests and carry out carry out irresponsible actions such as cutting down trees, lighting fires and leaving abandoned tents, litter and waste; believes that these abhorrent practices have led to substantial expense to local authorities and landowners, who are left to clean up the mess; acknowledges that it is unrelated to traditional wild camping, which involves leaving no trace of one's presence; notes that Perth and Kinross Council has established a multi-agency approach to tackle dirty camping, which involves Police Scotland, the Scottish Fire and Rescue Service and communities, and sees action taken where necessary and runs a communication campaign to promote good behaviour, and notes the calls for similar approaches to be adopted across Scotland and for solutions, such as local permit schemes, to be explored.

The meeting closed at 7.14 pm.

David McGill
Clerk of the Parliament
9 September 2020

Appendix

(Note: this Appendix does not form part of the Minutes)

Committee Reports

The following report was published on 9 September 2020—

Health and Sport Committee, 10th Report, 2020 (Session 5): Subordinate Legislation considered by the Health and Sport Committee on 8 September 2020 (SP Paper 803)

New Subordinate Legislation

Negative Instruments

The following instrument was laid before the Parliament on 9 September 2020 and is subject to the negative procedure—

Building (Scotland) Amendment Regulations 2020 (SSI 2020/275)
laid under section 54 of the Building (Scotland) Act 2003

Other Documents

The following document was laid before the Parliament on 9 September 2020 and is not subject to parliamentary procedure—

Care Inspectorate: Weekly Care Home deaths report –periods up to 6 September 2020 SG/2020/176 laid under Section 79A(3) of the Public Services Reform (Scotland) Act 2010

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