



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 17 June 2015

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Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 13:15]

Business Motion

The Deputy Presiding Officer (John Scott): Good afternoon, everyone. The first item of business is consideration of business motion S4M-13530, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Community Empowerment (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Community Empowerment (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2:	30 minutes
Groups 3 to 6:	55 minutes
Groups 7 to 10:	1 hour 20 minutes
Groups 11 to 14:	1 hour 50 minutes
Groups 15 and 16:	2 hours 35 minutes
Groups 17 to 20:	3 hours 10 minutes
Groups 21:	3 hours 40 minutes
Groups 22 to 27:	4 hours 20 minutes.—[Joe FitzPatrick.]

Motion agreed to.

Scottish Cot Death Trust

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-12916, in the name of Gil Paterson, on the 30th anniversary of the Sudden Cot Death Trust. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges that 2015 marks the 30th anniversary of the founding of the Scottish Cot Death Trust; understands that the aims of the trust have remained consistent during this time; notes that it is committed to funding medical research in the hope of finding an answer to why babies and young children die, reducing the number of deaths by promoting the "reduce the risk" message and supporting people who have experienced such a tragedy; believes that it carries out vitally important work, not only by raising public awareness and through the use of multiagency professionals, but also in its support for parents, sometimes for years, who have lost a healthy child without explanation; understands that the trust works in partnership with NHS boards to provide the Next Infant Support Programme for bereaved parents in Clydebank and Milngavie and across Scotland who go on to have further children; believes that the trust offers apnoea monitors as well as a bespoke support service throughout pregnancy and for the first year after birth; notes that it has worked with the Scottish Government in producing the leaflet, *Reduce the Risk*, which highlights safe sleeping positions and the associated factors that are considered to raise the risk of sudden unexpected infant death; further notes that the leaflet provides information such as the view that, in the first six months of life, the safest place for the babies to sleep is in their own cot in the parental bedroom; understands that ways to reduce risk include avoiding sleeping on a sofa or chair with a baby, not smoking during pregnancy or around a baby after birth, avoiding sharing a bed with a baby if either parent is excessively tired, is a smoker, has drunk alcohol or has taken any medication that might cause drowsiness and avoiding letting a baby sleep on a surface that is neither firm nor flat, including infant swings, beanbags, bouncer chairs and infant car seats; understands that, although such seats can be fitted onto a pram chassis, they are not suitable places for infants to sleep; commends the trust on ensuring that these points are the main thrust of its 30th anniversary message to all parents, and wishes it every success in promoting this.

13:16

Gil Paterson (Clydebank and Milngavie) (SNP): First, I thank you, Presiding Officer, for agreeing to the request to bring forward this members' debate from this evening to this afternoon. That has allowed a number of the Sudden Cot Death Trust's trustees to attend. Members will be aware that we have a late decision time at 8 o'clock, so I am very grateful that the debate was allowed to happen, particularly on this day. I also thank those colleagues who signed the motion and helped to secure the debate.

As a parent and a grandfather, I can think of nothing more difficult to imagine or in any way

comprehend than the devastation that must happen when a baby has passed away. For that to happen at all would be hard enough for any parent and family to withstand, but not to know the reason for the loss is beyond all natural senses. Therefore, it is with some comfort, relief and respect that we have people who understand the gravity of such a horrendous human experience and who aim to help in a number of ways.

First, those people know that considerable support is needed for parents, siblings and extended family members when such tragedies strike. Secondly, they recognise that action is needed to fund medical research in the hope that the cause of the tragedies can be identified. With the available information, campaigns are launched to educate and inform those who care for babies and young children with a view to reducing the number of people who experience this particular horror.

How does that valuable work come about? For 30 years, the Scottish Cot Death Trust has been in the vanguard of doing that very work on our nation's behalf. A group of individuals volunteering to do what must be the most difficult matter possible: counselling parents who have just lost their baby—many of whom, as a starting point, blame themselves for the death of their child—to the syndrome known as cot death.

The dedicated people of the Scottish Cot Death Trust ask for little in return from the Scottish Government or this Parliament, other than help to bring the issue to the wider public's attention and to bring together those agencies that respond in the most appropriate way whenever a tragedy strikes.

When I was asked to lodge the motion in the hope of securing cross-party support and holding a debate, it was the very least I could do. Indeed, members in this Parliament appreciate greatly the need to give time to highlight the sterling work of the charity and to raise awareness of the counselling and support available for those in need. I hope that this debate will draw attention to some of the dangers for new parents, even if they already have children, which will go to reducing the numbers of babies and young children being lost to cot death.

The most important part of the trust's work is how it helps to prevent cot death in the first place by funding research and highlighting ways in which parents can help to reduce the associated risks that increase sudden unexpected death in infancy. Alternatively, is it the counselling of families who have suffered such a terrible loss? It is, of course, both. Although the education and information that is provided will lead to a reduction in cot death, and I know that the trust is working towards zero tolerance of cot death, I fear that

some families will need its help for some time to come.

In the 30 years since the trust was established, it has had an important, vital and wide-ranging impact. It has brought about a different approach from the authorities and, of course, the press, which now has some sympathy and a much better understanding of the truth than it ever had before.

Cot deaths occur in every part of Scotland and affect every section of society. Although they occur more frequently in deprived areas, more affluent areas are not safe from the heartache. Most cot deaths occur within the first year of life but they can also occur in older children; cot death can happen wherever an infant is sleeping.

In the early 1990s, the back to sleep campaign was the single most significant awareness-raising campaign ever implemented, and the Scottish Cot Death Trust was instrumental in ensuring its implementation across Scotland. The campaign aimed to educate all parents and carers that they should place babies on their backs for sleeping, rather than on their fronts as had been the previous advice. It resulted in an immediate decline in the number of cases of cot death and it continues to be one of the most important pieces of advice for parents. However, a common misconception is held today that cot death has been completely eradicated in Scotland, so the work continues.

The motion debated today outlines the key point that the trust is aiming to promote as part of its 30th anniversary message, which is to ensure that parents are given as much information and help as possible to prevent such a tragedy from happening to them.

Since it was formed, the trust has provided vital support for hundreds of families across Scotland. Over the years, the support services on offer have been developed further, and today the trust offers an impressive range of support for families who have been affected by the loss of a baby or young child to cot death. The trust does not just support newly bereaved families; it also supports those who are still affected by the loss of a baby, in some cases many years after the tragedy. Such long-term support is vital for many families, including those who go on to have another baby.

To see just how much work the Scottish Cot Death Trust does, we need only look at the spring edition of *Scottish Cot Death Trust News*. I know that most members received a copy, and I would be most grateful if they looked at them and passed them on. That would be a good bit of work for the trust.

The work carried out by the trust and its staff is immeasurable, and few words in the English dictionary can be used to fully acknowledge it, but

there are at least two words that I would like to say at this moment in time and on behalf of the Parliament—thank you.

13:24

Margaret McCulloch (Central Scotland) (Lab): I congratulate Gil Paterson on securing this debate on the Scottish Cot Death Trust.

As members from across the chamber have done, I commend the trust on its work over the past 30 years, as it passes this important milestone. Since 1985, the trust has raised funds for research into the causes of cot death, educated the public, raised awareness of cot death and worked tirelessly to improve support for bereaved families. This afternoon is Parliament's opportunity to thank the trust for the contribution that it has made over the past 30 years. The Scottish Cot Death Trust is a leader in its field. It promotes healthy infancies, informs policy, celebrates best practice and offers friendship and support to families who have, sadly, lost a child to cot death.

The debate also gives us an opportunity to remind ourselves that the trust's work is not done and that our work is not done. It continues and it must go on. As the trust says on its website,

"A baby dies every nine days in Scotland from Cot Death",

and there are parents who will never know fully the reasons why their apparently healthy baby died. Those parents deserve some answers and some understanding of how it has come to be that their child has been lost.

For new parents and their families, for health professionals and for society as a whole, we need to do more to understand the risks to infants' health. The better we understand those risks, the more we can do to reduce them and, I hope, prevent tragedies in the future.

The motion that is before us provides a healthy summary of the key advice and recommendations that the Scottish Cot Death Trust has developed in conjunction with the Scottish Government. It reminds us that the safest place for a new baby to sleep is in a cot in the parents' bedroom. It reminds us to avoid sleeping on a sofa or an armchair with a baby. It reminds parents to avoid sharing a bed with a baby if they have been drinking, are overly tired or have been taking medication that causes tiredness. It reminds us to avoid letting a baby sleep on a surface that is neither firm nor flat—for example, infant swings, baby-bouncer chairs or bean bags. That is all helpful advice, but it would not have been common or widely circulated back in 1985, when the trust was first established.

I understand that the information that the trust and the Government have produced is now available in an easy-read format. That is a welcome development; I stress the need for that advice and, indeed, all public health advice, to be as accessible as possible.

I want to pay tribute to the donors, fundraisers and volunteers who have supported the trust as it has carried out its work over the past 30 years. We have to remember that charitable organisations such as the trust would not be able to deliver their assistance and services without the kindness and generosity of their supporters. Some 86 per cent of the charity's income comes from donations from the public, and from the organisation's fundraising events and activities: the family fun days, fundraising balls, sponsored sky dives, marathons and 10km runs that ensure that the trust continues to be a vibrant organisation, and not just a competent provider of services but an energetic and efficient champion of healthy infancies.

Every parent and grandparent knows the joy that a child can bring to a family and how a new baby can change their lives for ever. They know the eagerness and anticipation that the family feels when a baby is on the way—the planning, the preparations and the decoration. They know how a baby can take over and become the focus of everyone's attention and emotions. I cannot imagine what some people have had to endure: the feeling of shock and loss that comes when a new baby—a new addition to the family—dies without explanation, within a few months or even just a few weeks of their birth. My heart goes out to any parent who has ever been in that position. It might be some comfort to know that there is an organisation, in the form of the Scottish Cot Death Trust, that is there for them. However, it must be our shared ambition for the future to ensure that no more parents lose children to cot death. We must understand cot death and we must prevent it.

13:29

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Let me start by thanking Gil Paterson for bringing this important subject to Parliament. There are very few of us who will not, at some stage in our life, meet a death; it is an inevitable part of being here in the first place. When the death is that of a child—of someone who is younger than we are—we feel that death most acutely. That is not simply because it reminds us of our own mortality; it is also because, of course, we experience the loss of someone who is precious to us.

One of my personal interests is genealogy. I happen to have been doing a longitudinal study of the St Giles parish in Edinburgh—of which

Parliament is just on the edge—of 150 years ago. At that time, 150 years ago, in this relatively well-off parish, 50 per cent of children did not reach the age of 10, and half of those who died, died before the age of one.

Today we have vastly improved our care and our ability to deal with a range of conditions and diseases that affect our young. That fact throws into more stark relief the sudden unexpected and often unexplained deaths that come under the general heading “cot death”. There is no single cause of cot death, and we do not always satisfactorily identify the cause of the death.

As the number of young children who die has diminished, the pain and the sense of guilt that parents can feel when it happens has substantially increased. My father, who was a general practitioner, described bereavement in five stages: denial, which is often very short and in which the person does not accept what has happened; blaming oneself, in which the person blames themselves for something that they did not do; blaming others, because things were not done; depression; and finally accommodation, in which, it is hoped, the person comes to terms with the death and puts the happy memories that they have of the person who departed into some context that they will carry for the rest of their life.

A child even of the briefest period on this earth will leave memories for their parents and for all who have known them. I have not been in the fortunate position of being a father, but I am told that I am a relatively well-trained uncle and now great-uncle, godfather and, perhaps in the not-too-distant future, a great-great-uncle. Although I have not personally experienced fatherhood, I have watched and stood with those who have been parents. I have seen their pride and excitement when they bring in a new life that will take over from those of us who are, perhaps, now contemplating more acutely than we once did our own mortality.

As cot death has become more important as a reason why young people do not make it into adulthood, the importance of having the right kind of support in place has substantially increased. For that reason the Scottish Cot Death Trust is very much to be congratulated for its work. It is draining to support a person who is in mental despair and who has experienced loss. It is expensive, because it takes time to provide counselling to people—not just a pill for a week, but support, often for an extended period.

Over the past 30 years, we have seen the work of the Scottish Cot Death Trust supporting parents across Scotland and, I understand, working with people beyond Scotland. As Gil Paterson’s motion makes clear, in his constituency the trust is supporting the next infant support programme for

bereaved parents. The motion mentions bespoke services through pregnancy and for the first year after birth, including the provision of sleep apnoea monitors.

There is one little thing that we need to think about. It is right and proper that we provide advice on how to minimise the occurrence of cot death, and Margaret McCulloch highlighted quite a few of the pieces of advice that exist. However, it is equally important that we reassure parents that it is not their fault that their child dies from cot death. They may have followed all the advice or may not have been aware of some of the advice, but it will almost certainly not—in 99 cases out of 100, and probably more—be the parents’ fault. That is precisely why the Scottish Cot Death Trust has to exist: it must reassure and support parents who do not know what more they could have done, when the answer may be that there was nothing more they could have done.

13:35

David Stewart (Highlands and Islands) (Lab):

I place on record my thanks and congratulations to Gil Paterson on securing this afternoon’s debate to mark the 30th anniversary of the Scottish Cot Death Trust. I recognise the work of Lynsay Allan—the trust’s executive director—and her colleagues, who have made such an incredible difference to the families who have faced such a terrible tragedy. I also praise the contribution of the chair of the trustees, Dr John McClure, who I met in Florence at a world conference on sudden infant death syndrome more than 10 years ago.

As we have heard, one baby dies of cot death every nine days and about 40 infants die suddenly and unexpectedly in Scotland each year. Over the past 30 years, more than 1,500 children have died suddenly and unexpectedly, and no definitive cause of death can be found.

My youngest son, Liam, died from cot death in 1991. He was eight months old. I remember the horror and trauma of the moment, which have never left me. A series of images are frozen in time: the ambulance; the faces of the doctors and nurses at accident and emergency; the police; and later, the cold and remote manner of the pathologist during the post mortem. All that contrasted with the support of friends, family and neighbours—the phone calls, visits and hundreds of cards of condolence.

Many other bereaved parents have told me of the tremendous support that they received from the Scottish Cot Death Trust during the crucial first few months after their loss. That was certainly my experience.

As we have heard, the number of deaths has declined since the 1990s. They are now recorded

as sudden unexpected deaths in infancy. Such deaths can occur in every part of Scotland and in all social strata. Most occur in the first year of the child's life, and they can occur whenever an infant is sleeping. Twice as many boys die as girls, and second or later-born children are more at risk, as are pre-term, low-weight babies.

What can the trust do? As we heard, it has invested more than £3 million in research and development and has educated thousands of parents and professionals about cot death and how to reduce the risk. It has a range of resources that provide support, home visiting, counselling and befriending services. I particularly highlight the important work that is done with apnoea monitors and resuscitation training for parents.

Every bereaved parent reacts differently. Some may want contact support to last longer than others do. When I meet parents through the Scottish Cot Death Trust, they tell me that, having received support, they are better able to support their surviving children and to search for help elsewhere, through a general practitioner or private counselling.

At times of acute grief, it is easy to forget about surviving children, grandparents, aunts and uncles—and, with older children, those children's pals. I praise the trust for its case review study, commissioned in 2000, which called for a multidisciplinary approach to get all the agencies to work together to minimise distress to families. I understand that NHS Quality Improvement Scotland attempted to roll that out throughout Scotland.

Losing a young, healthy baby is one of the greatest traumas that parents could ever face. For 30 years, the Scottish Cot Death Trust has been counselling, supporting and educating parents, as well as supporting the professional agencies that work with the families. Let us never forget its pioneering research work. We owe a tremendous debt of gratitude to all who are involved with the trust—the befrienders, the fundraisers and the health professionals. The work that they do is truly outstanding and makes a difference to many families. We honour their contribution and commitment.

13:38

Jamie McGrigor (Highlands and Islands) (Con): I congratulate Gil Paterson on securing today's debate and I pay tribute to his consistent work in the Parliament to support the Scottish Cot Death Trust. I am pleased to join other members in commending the excellent efforts of the Scottish Cot Death Trust—the only cot death charity in Scotland—and all those who work, volunteer or fundraise for it.

Despite being extremely rare, cot death—or sudden infant death syndrome—is still the most common cause of death for infants between one month and 12 months old in Scotland. A child dies from cot death every nine days.

As the father of six children, four of whom are still at school, I find it difficult to imagine the extent of the pain and darkness of losing a child. No parent should experience that, but the loss of a healthy infant suddenly and without explanation must be absolutely devastating and beyond heartbreaking. That is why all MSPs should be grateful that the Scottish Cot Death Trust is there to support bereaved parent constituents in such circumstances.

The trust's website is a fantastic resource for parents and their families. I know several mothers and fathers who have suffered the awful trauma of a cot death, and the grief of parents over the loss of a baby or toddler is so intense that it is terribly difficult for relatives and friends to begin to know what they can say or do to alleviate that grief. Margaret McCulloch and other members have rightly highlighted that aspect.

Although it seems unlikely that all cot deaths can be prevented, the risk factors that are associated with cot death can be reduced. Like other members, I urge prospective parents to look at the "Reduce the risk of cot death" leaflet, which is clear and helpful and offers parents-to-be straightforward advice on such things as placing babies on their backs to sleep, breastfeeding, dummy use and keeping babies away from smoke.

Reducing risk factors, primarily by encouraging parents to place babies on their backs to sleep, has in the decades since the 1991 back to sleep campaign helped to gradually but notably decrease the incidence of cot death. However, we must continue to make progress in that direction.

As Gil Paterson's motion makes clear, the Scottish Cot Death Trust not only supports bereaved parents and educates the public and healthcare professionals about cot death and ways of reducing the risks but is committed to funding medical research into cot death. That is very much to be welcomed. Since the trust was established in 1985, it has invested more than £3 million in research projects locally, nationally and internationally. We still know relatively little about the causes of cot death, and that is what we have to find out. Why, for example, are premature babies more affected, and why are second-born and later-born infants at greater risk than first-born infants?

I again warmly welcome today's debate. On behalf of my party, I congratulate the Scottish Cot Death Trust on its 30th anniversary and thank all

those who are involved in the trust for the work that they do on behalf of all our constituents. I wish them every success as they continue their critical and valuable work in the years ahead.

13:42

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I join other members in congratulating Gil Paterson on bringing a debate on this important topic to the chamber again. I have no negative feelings about the fact that we are debating it again, as it is important that we continue to consider such an important subject.

The context of the Scottish Cot Death Trust's 30th anniversary is a good one, and I join Gil Paterson in saying thank you to the trust and offering it our gratitude for the very important work that it has done over the years. The high-quality support that the trust provides through counselling and education is extremely valuable. As David Stewart said, we commend the hard work and dedication of those involved, because that support has a profound effect on those families who have been affected by cot death.

As a doctor, I dealt with families experiencing cot death, and it was difficult. In the early days, in the 1970s and 1980s, cot death was managed by people coming forward from various silos. A health visitor provided some support, but the police and a pathologist were also involved, and the different elements were not connected up. The multidisciplinary approach that we have had—as David Stewart mentioned—from 2000 onwards is critical in managing such situations. The police are now infinitely better at dealing with cot death than they were, and that is very welcome.

Apart from dealing with patients, I have a family member who suffered sudden infant death syndrome—or sudden unexpected death, as it is now called.

Cot death is the form of unexplained death that we are discussing today, and it is critical that it is differentiated in the public mind from other things that may occur; the worst end of that spectrum is infanticide or Munchausen's syndrome by proxy. There is sometimes suspicion about those things out there among the public when an infant death occurs. As Stewart Stevenson said, when families have that experience and have feelings of guilt and self-blame, the whole thing gets very confused.

The educational role that the trust provides is critical. The summit that it held to foster collaboration was important. It is important to get a range of health professionals to interact with the family, for example nursing during pregnancy, when it is a second pregnancy, but also bereavement and other counselling. The toolkit

provided is helpful to professionals and families alike.

There is a lot of information. None of us forgets the back to sleep campaign, which members have mentioned. It was one of the nicest slogans because it was so simple and so welcome and it made a fundamental difference. It seems extraordinary that it took until the 1990s for medical researchers to discover such a simple thing that made such a huge difference.

However, that does not remove the fact that we still have one death every nine days. It is critical that research goes on, because we still do not understand cot death. There is a lot of research that indicates the factors involved, which other speakers have mentioned.

Smoking is still important. We still have too many people smoking in pregnancy. It is about 18 per cent now. It has come down, which is very welcome, but we need to go further. Groups such as the family nurse practitioners who are supporting families who are more likely to experience cot death are important. Teenage mothers are more likely to experience it. The numbers are very small, but it is still more likely to happen to them. The fact that families with lower socioeconomic status are overrepresented is important.

Breastfeeding is important. I was disappointed to hear that the family nurse practitioner programme, which we all support and think is good, has achieved only a 5 per cent level of breastfeeding. We need to question why a highly focused, low case load programme has achieved only 5 per cent, given how important it is to the group involved. Breastfeeding is another of the factors involved. We know that it protects against infection, but there is also an association with cot death rates.

The reduction in the number of teenage pregnancies, which the Health and Sport Committee produced a report on, is welcome. The trend is beginning to move in the right direction, but there is still substantial variation across the country in the levels of teenage pregnancy. It is critical that we follow up that report. It was not produced that long ago and it needs to be looked at. I feel that there should be school-level publication of teenage pregnancies. When I went to Oldham I found that that was instrumental in changing the approach to teenage pregnancy. Schools that did not believe they had a problem with it suddenly realised when the figures were given to them that they had a serious problem with it, which they then addressed.

There are other groups of mothers beyond the very limited tight group covered by the family nurse partnership who might also have problems.

Drug and alcohol abuse is another factor involved. We need to make sure that those mothers are supported. Health visitors previously worked with those focused groups. We have now removed the most difficult people, or the ones most needing help or the most at risk. The ones who do not qualify for family nurse partnerships need to continue to be supported. In Fife, there was an excellent programme supporting 600 families, but that has now been somewhat damaged by the removal of resources into the FNP. Frankly, that is unacceptable and it needs to be looked at. I hope that the Government will do so.

I hear that the positive change programme in Glasgow has similarly had problems since the FNP was established, so that needs to be dealt with, too.

I am looking at the Presiding Officer to see whether I am still all right for time.

The Deputy Presiding Officer: You can have a little more time if you wish.

Dr Simpson: The other issue that I want to address is a difficult one, because it is still a matter of debate: swaddling. In some cultures, swaddling is the natural thing to do and the established cultural approach. It is important that we understand that, because it is thought that swaddling, which increases heat, can become a factor. We know that if a child is too hot, it is a factor. Getting proper advice on swaddling is important. I know that the Scottish Cot Death Trust has advice on that.

At one point, there was a question of whether the emissions from certain types of mattresses were a factor. That has now been addressed. Having the right bedding, clothing and temperature; avoiding smoking, alcohol and drugs; and not taking the baby into bed with you when there is any possibility of overlay, particularly when the baby is premature—all that sort of advice, which the Scottish Cot Death Trust has given, is extremely welcome. I hope that the trust will not have to go on for another 30 years and that we will find a solution. In the meantime, its programme, which educates the general public and supports families who have been bereaved in this way, is welcome and critical and must be supported.

13:51

The Minister for Public Health (Maureen Watt): I thank Gil Paterson for bringing the debate to the chamber. I note from the *Official Report* that five years ago he secured a similar debate, which recognised a quarter of a century of the Scottish Cot Death Trust. I join all the other members in congratulating the Scottish Cot Death Trust on its 30th anniversary, and acknowledge the important work that its executive director, Lynsay Allan, and

its trustees, staff and many volunteers, past and present, have done over the past 30 years to support families who have lost their babies or young children to sudden unexplained death in infancy. I welcome all the points that members have made.

As members have said, any bereavement is traumatic. However, the sudden and unexpected death of a baby has a devastating impact on the family, which is why the support that the trust offers is necessary and greatly appreciated by the bereaved families affected. Interestingly, just last night in this Parliament there was an event celebrating the 10th anniversary of the Simpson's Memory Box Appeal. There were some harrowing stories and many tears at that event, which brought home how devastating such a death can be.

As members have mentioned, thankfully recent years have seen a reduction in the number of sudden unexplained deaths in infancy. Until 1991, around 50 babies a year died in Scotland. That has gradually decreased to around 30 babies a year. Clearly even one death is too many, but thankfully the trend is going in the right direction. Figures from National Records of Scotland for 2013 and provisional figures for 2014 show a possible further drop in numbers, which is to be welcomed. Experts believe that the reduction is due to the advice that is given to parents to place babies on their backs to sleep. As Dr Simpson mentioned, that was such a simple message.

Supporting families has been, and still is, a fundamental aspect of the trust's work. Most recently, it has introduced the Scottish co-ordinator role, which offers assistance to boards in conducting sudden infant death reviews where required, and the next infant support programme, through which the trust offers to work with each SUDI paediatrician in Scotland to ensure that bereaved parents who are expecting a new baby receive extra care and support during the pregnancy, and that those parents are supported after the birth.

The Scottish Cot Death Trust receives section 16(b) funding from the Scottish Government, which was £15,000 in 2014-15 for sleep apnoea monitors. It will receive a total of £120,000 over three years for its support post.

The Scottish Government SUDI group, of which the Scottish Cot Death Trust is an active participant, was established in December 2012. The group was set up to take a fresh look at this important area of work. In particular, it has considered how best to ensure that SUDI reviews are fully completed and it has looked at how to drive improvement locally and nationally.

The SUDI multi-agency toolkit, which is currently hosted by Healthcare Improvement Scotland, provides web-based guidance on the correct procedures in the event of a sudden unexplained death in infancy. That developed a standardised pathway and SUDI review process for all boards to follow when investigating a sudden unexplained death in infancy. The SUDI review process and toolkit have been used since 2011. NHS boards now have full responsibility for undertaking SUDI reviews.

The management of SUDI cases involves not just NHS professionals but professionals from Police Scotland, the Crown Office and Procurator Fiscal Service and, perhaps, the Scottish Ambulance Service. Often, child protection colleagues are also involved. The information-sharing processes between the agencies are critical.

The Scottish Government SUDI group has considered the information that is gathered from the SUDI review process and will consider further data analysis to drive more quality improvements of the process and improve the care and information that are provided to families who have been devastated by tragic losses.

Stewart Stevenson: The minister has properly talked about the wide range of professional support. Of course, the Scottish Cot Death Trust musters much of that to help those who are affected. However, is it not also the case that those who have experienced sudden infant death syndrome are often most valued by later sufferers, because they bring personal experience, which is often at least as valuable as the professional input that comes from the wide range of people who are involved in the trust and in the issue? That is a general feature of third sector bodies, of which the Scottish Cot Death Trust is a good example.

Maureen Watt: I absolutely agree that peer support is crucial, not just in this area of work but in many aspects of the work that I undertake. From the visits that I make to various organisations, I know that people learn much more from and have much more empathy with someone who has been through the same experience as them.

In the past two years, there have been two SUDI summits, which have been joint events held by the Scottish Cot Death Trust and the Scottish Government. The most recent summit, which I opened, took place in December 2014 and was an excellent day of sharing best practice, with the common goal of assisting bereaved families who experience SUDI.

This year, the Scottish Government set up the child death reviews steering group. The trust has a representative on that important group, to ensure

that the perspective of bereaved parents is heard. The steering group will provide a report to ministers in the summer, setting out its recommendations for a child death review process.

As members have mentioned, the cause of SIDS is not known. It is possible that many factors contribute, but some factors are known to make SIDS more likely. Those include placing a baby on their front or side for sleep. We also know that the risk of SIDS is higher in cases where babies are born preterm or with low birth weight, or where the mother smokes over 20 cigarettes a day when pregnant or in families where there is socioeconomic deprivation or complex needs. As Dr Simpson said, where breastfeeding rates go up, there is less likelihood of sudden death. We are making good progress on teenage pregnancies, but more needs to be done on that.

The National Institute for Health and Care Excellence guidelines on postnatal care, which were updated in December 2014, agree with all that. We need clear evidence to say that one particular factor directly causes SIDS. NICE reviewed the evidence relating to co-sleeping—that is, when parents or carers sleep on a bed, sofa or chair with an infant—in the first year of an infant's life. Some of the reviewed evidence showed that there is a statistical relationship between SIDS and co-sleeping. However, NICE was clear that the evidence does not show that co-sleeping causes SIDS. Therefore, the term “association” has been used in the recommendations to describe the relationship between co-sleeping and SIDS. NICE recommends that healthcare professionals should

“Inform parents and carers that the association between co-sleeping and SIDS may be greater”

if there has been alcohol consumption or drug use, or with low birth weight or premature infants.

I should also mention the “Reduce the risk” leaflet, which is given to every mother, antenatally or following delivery.

I again acknowledge the work that is done by the Scottish Cot Death Trust, and I wish the organisation continued success in the future, supporting families who are affected by the sudden unexpected death of a child or baby.

The Deputy Presiding Officer: Many thanks, minister, and I thank all members for taking part in this important debate.

Portfolio Question Time

Culture, Europe and External Affairs

14:01

The Deputy Presiding Officer (John Scott):

The next item of business is portfolio questions on culture, Europe and external affairs. I would prefer short and succinct questions and answers, please, in order to bring in as many questioners as possible.

National Museum of Scotland (Remains of Beothuk Tribe Members)

1. Michael Russell (Argyll and Bute) (SNP):

To ask the Scottish Government what discussions it has had with the national museum of Scotland regarding the request to repatriate to Canada the remains of the last two members of the Beothuk tribe. (S4O-04458)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): The national museum of Scotland has confirmed that it has met those wishing the Beothuk remains to be repatriated to Canada, and it has explained the established mechanism for making a formal repatriation request. The museum has yet to receive a formal request, but it expects one to be made.

National Museums Scotland has advised that it has yet to receive the formal request, but it will consider any such request carefully. Decisions on repatriating individual items in the National Museums Scotland collection are, in the first instance, for the board of National Museums Scotland, acting in that respect independently of the Scottish Government.

Michael Russell: I welcome that response, and I am grateful to the cabinet secretary. I am sure that she would agree with me that, although it is of course a matter for the board of the national museum in the first instance, the keeping of skulls is surely not a 21st-century response to the common humanity that we share with these two individuals, who were the last recorded individuals of this tribe, which was wiped out probably because of environmental pressures on their hunting grounds, as well as by cultural pressures. Perhaps it would be an appropriate response to that shared humanity to ensure that, when the request comes, it is dealt with speedily and in a humane fashion, so that we can set the matter to rest.

Fiona Hyslop: National Museums Scotland is well aware of the sensitivity of the issue. There is well-developed guidance on the repatriation of human remains from Scottish collections in the

light of the human tissue legislation that was passed in Scotland in 2006. There was an example of returns from the NMS to Wellington in 2007.

I reiterate that the decision is for the NMS board, but ministers may then have to make a legal designation for the receiving institution in Canada as an appropriate body. I very much take on board the member's points that this is an issue of humanity and should be treated as such.

Government of Qatar (Meetings)

2. Neil Findlay (Lothian) (Lab): To ask the Scottish Government which ministers have met representatives of the Government of Qatar since it was awarded the 2022 world cup. (S4O-04459)

The Minister for Europe and International Development (Humza Yousaf): Scottish ministers have met Qatari officials on a number of occasions since 2010, when Qatar was awarded the 2022 world cup. Most recently, I met Mr Khalid Rashid Al-Mansouri, head of European affairs at the Ministry of Foreign Affairs. We discussed a number of issues, including those of the rights of migrant workers.

Neil Findlay: According to press reports, the Minister for External Affairs and International Development went on a trip to Qatar from 19 May 2013, and the First Minister visited some time between 27 October and 4 November 2011. Can the minister advise why there is no detail of those ministerial visits or of what ministers did on those visits in the ministerial diaries?

Will the Government now release all information about those visits? Two weeks ago, when he was asked, the minister said that it was because of an administrative error that there was no detail in the diaries. It would appear that that administrative error still persists.

Humza Yousaf: I say to the member that the Scottish Government aims to be as transparent as possible about meetings that are undertaken by ministers. The reason that was given at the time of the press report absolutely stands. There was a clerical error, not just on that visit but on a number of visits. I accept that point, and it takes time, of course, for that clerical error to be rectified. We hope to publish the updated list soon.

I say to the member that the trip that he refers to—the Qatar trip of 2013—was not some kind of secret. In fact, his own researcher tweeted the link to the announcement that we made at that time. This is not the work of the Illuminati or the Knights Templar. There is no conspiracy theory. We are happy to continue to give details.

I know that the issue is close to the member's heart, and I am happy to work with him, talk to him

and discuss it with him. The Government has raised the issue of migrant workers not just in Qatar but across the Gulf region. If he is serious about the issue, my door is always open to him to talk about how we can work together to ensure that workers are treated correctly, not just in Qatar but across the entire region.

Gaelic Culture (Promotion and Support)

3. Rhoda Grant (Highlands and Islands)

(Lab): To ask the Scottish Government what it is doing to promote and support Gaelic culture. (S4O-04460)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): The Scottish Government's support for Gaelic culture has been significant.

Support for MG Alba has transformed broadcasting in Scotland. Our support for Gaelic education has created a significant and successful sector. Support for Bòrd na Gàidhlig has enabled Gaelic to be promoted in many areas of Scottish public and community life. Our support for Gaelic arts and cultural events has allowed a minority community to have a significant impact on Scottish cultural life. Creative Scotland is providing more than £5 million to Gaelic organisations and other organisations with a high Gaelic content over the three years from 2015 to 2018.

Last week, on 10 June, I was delighted to present a creative places award to Stornoway and the islands of Lewis and Harris at an event hosted by Creative Scotland with support from EventScotland. The £125,000 that they won will be used for a project called Bealach, which will mark Stornoway as a gateway to the creative community of the Outer Hebrides.

Rhoda Grant: The cabinet secretary will be aware that Gaelic culture and heritage is often passed down through poetry and song. To access that, we need to be able to speak the language and understand it. She talked about support for education, but she will be aware that there has been a marked drop in the number of pupils who choose Gaelic as a language in schools, and that has led to a fall in the number of students who gain a qualification. What is the Scottish Government doing to ensure that the education system is providing the education and skills that are required to access our culture and heritage?

Fiona Hyslop: This question time is on culture, Europe and external affairs. If the member wants to direct her question on education matters to my education colleagues, I am sure that they will be willing to respond to her directly.

The member's original question was about culture, and in my answer I talked about the cultural celebrations. I am delighted that,

particularly among our young people, there has been such an expansion, particularly in the provision of Gaelic education in the early years. If the member wants to direct her question on education to education ministers, I will ensure that it is answered.

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

Notwithstanding the answer that the cabinet secretary has just given to Rhoda Grant, I ask whether any discussions have taken place between the Cabinet Secretary for Culture, Europe and External Affairs and the Cabinet Secretary for Education and Lifelong Learning about how to find more teachers of Gaelic.

Fiona Hyslop: This is the question time for culture, Europe and external affairs. I am more than happy to answer questions on culture; as the member well knows, questions on education should be directed to my education colleagues.

As far as the celebration and promotion of Gaelic culture is concerned, my department has provided, for example, investment in Fèis Rois, support for MG Alba in terms of film and television, £620,000 for the Gaelic Books Council and £1.4 million for Fèisean na Gàidheal. I am pleased about the support that I can provide in my role as culture minister.

When I was the Cabinet Secretary for Education and Lifelong Learning, I was instrumental in ensuring that Gaelic schools were developed, but I ask that questions about Gaelic education are submitted for portfolio questions on education, which will be at a different meeting of the Parliament.

The Deputy Presiding Officer: Okay. I think that we will move on to question 4.

European Union Reform (United Kingdom Government Proposals)

4. Christian Allard (North East Scotland)

(SNP): To ask the Scottish Government whether it has been invited by the United Kingdom Government to discuss its negotiation proposals regarding European Union reform. (S4O-04461)

The Minister for Europe and International Development (Humza Yousaf): The Scottish Government has proactively shared its agenda for EU reform, published in August 2014, with the UK Government; it outlines a number of measures for improvement and reform within the existing EU treaty framework.

Christian Allard: I thank the minister for his answer, but can he give us some reassurance that the Scottish Government will make representations to ensure that the needs and priorities of our fishing industry are not forgotten by the UK Government during the EU

renegotiation? We all remember how we were sold down the river during previous European negotiations when a Westminster Government official said that

“in the wider UK context they—”

the Scottish fishermen—

“must be regarded as expendable.”

Humza Yousaf: The member makes an important point. Richard Lochhead has been a real champion in such matters and others. When fishing issues are being spoken about at the EU agriculture and environment councils, we continue to urge the UK Government to ensure that Richard Lochhead is there to represent Scotland and Scotland’s interests.

The member will note that, in her recent speech in Brussels, the First Minister used the common fisheries policy as an example of how the EU could be better reformed. Yes, we will continue to make the representations to the UK Government referred to by the member. In terms of the renegotiation, Scotland’s voice and, indeed, that of all the devolved Administrations should be listened to.

Claire Baker (Mid Scotland and Fife) (Lab): Can the minister confirm that Scottish Government support for continued membership of the EU is not conditional on reform? Further, can he say what the Scottish Government is doing in terms of inviting businesses, charities and civic Scotland to come together to help promote the positive case for continued membership of the EU?

Humza Yousaf: Both those questions are excellent. In terms of the latter question, the member is absolutely correct that the Scottish Government has a role in bringing together civic society, businesses and academics, and various discussions and facilitations are taking place. All of us, of course, have a responsibility, but I do not believe that the campaign to stay within the European Union necessarily has to be politician-led. I think that that is what the member was alluding to in her question, and I would certainly agree with that view.

In terms of the member’s first question, she is correct in that although we wish to see reform of the European Union—we set out our views on that in our agenda for reform and the First Minister has subsequently given her view in the speech to which I referred earlier—we believe that it should happen regardless of what kind of renegotiation the Prime Minister happens to come back with from Europe.

We are pro-European, and we believe that Scotland is best served by remaining a member of the European Union and that the European Union is stronger for having Scotland and the rest of the

United Kingdom within it, regardless of what the Prime Minister manages to renegotiate on our behalf.

Mediterranean Refugee Crisis (Representations to United Kingdom Government)

5. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Government what representation it has made to the UK Government regarding the Mediterranean refugee crisis. (S4O-04462)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): As I said in my reply to Alison Johnstone on 21 April, the Scottish Government has consistently raised concerns about migrants risking their lives to cross the Mediterranean and reach the European Union, and will continue to use every opportunity to press for action on what is a humanitarian emergency.

On 20 May, following the UK general election, I wrote again to Mr Brokenshire as I had promised, expressing the views of this Parliament, as stated in our debate of 6 May. I have not yet received a response. The First Minister also raised the issue when she met David Cameron, and I understand that Scottish Government officials have had early discussions with Home Office officials in relation to UK Government views on refugee resettlement.

My colleague Humza Yousaf, the Minister for Europe and International Development, reiterated on Monday the Scottish Government’s position on the issue, and called on the UK Government to participate in EU proposals on refugee relocation and to take a proportionate share of the people who are fleeing conflict and persecution.

Margaret McCulloch: I thank the cabinet secretary for that lengthy reply. I think that she might have answered all my questions, but I will carry on anyway in case I miss out anything. I accept that funding for the EU’s operation trident has trebled, but there are still huge concerns about reports that almost 2,000 refugees and migrants have died crossing the Mediterranean this year. What can the Scottish Government do not only directly—the cabinet secretary referred to that—but indirectly to make the UK Government and other Governments strengthen their commitment to dealing with the on-going tragedy on Europe’s doorstep?

Fiona Hyslop: To supplement my initial answer, I can refer to a number of things in terms of influencing other Governments. For example, in her recent speech in Brussels, the First Minister referred in particular to the migrants issue, and I know that the Italian Government is very appreciative of my and the Parliament’s continuing interest in the issue. In practical terms, there are

also the UK's responsibilities in terms of relocation and resettlement.

It was helpful to have a debate in Parliament on the issue so that we could indicate to the UK Government our collective desire not only for the immediate humanitarian issue to be addressed—I think that that is the point of Margaret McCulloch's question—but for the longer-term issues to be addressed, too. The member's question is not the only question on a humanitarian issue that has been asked in today's questions; I thank for her for asking it.

Voluntary Sector Organisations (Developing Countries)

6. Jamie McGrigor (Highlands and Islands)

(Con): To ask the Scottish Government how it supports voluntary sector organisations working in developing countries. (S4O-04463)

The Minister for Europe and International Development (Humza Yousaf): The Scottish Government supports voluntary sector organisations working in developing countries in many ways, for example through our international development fund, which is £9 million a year, and our £6 million climate justice fund. Both those funds support robust programmes for development that have been delivered by a range of organisations and institutions in Scotland, including from the voluntary sector, working with partners overseas.

In 2015-16, we are also providing just over £450,000 to 15 smaller organisations from our small grants programme, which delivers a broad range of capacity building, feasibility and project grants to smaller organisations.

Jamie McGrigor: Will the minister join me in congratulating Mary's Meals—which is headquartered in Dalmally in my region and led by my inspirational constituent, Magnus MacFarlane-Barrow—on its recent announcement that it is now providing 1 million children in some of the world's poorest countries with a meal on every day that they attend school? Does the Government agree that Mary's Meals is a world-class example of the impact that the voluntary sector can have in developing countries? How can the Scottish Government help other national and international voluntary organisations to learn from that best practice?

Humza Yousaf: Yes—I join Jamie McGrigor in congratulating Mary's Meals. I agree with his comments on his inspirational constituent Magnus MacFarlane-Barrow, who was mentioned as being one of the most influential Catholics in a list that was made up recently, and who deserves his spot in the top 10, because his inspiration is felt not just in Scotland, but around the world.

I sent a video message to Mary's Meals to congratulate it on the great achievement of feeding 1 million children around the world every day, which is phenomenal. I want Scotland to be known and judged by how compassionate a country it is: nothing demonstrates that better than Mary's Meals.

In respect of what else we can do, we have our international development fund and so on. Perhaps Jamie McGrigor and I can have a discussion, post-Smith, about how we could put our international development on a statutory footing, as organisations including the Network of International Development Organisations in Scotland and the Scotland Malawi Partnership have asked us to do. If we do that, we might have more powers and, even, resources to put towards international development in the future.

I agree entirely with Jamie McGrigor on the achievements of Mary's Meals.

European Union Referendum (Franchise)

7. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what its position is on the proposal that 16 and 17-year-olds and European nationals living in the United Kingdom will not be able to vote in the EU referendum. (S4O-04464)

The Minister for Europe and International Development (Humza Yousaf): The Scottish Government does not support the UK Government's proposals to exclude 16 and 17-year-olds and EU citizens living in the UK from voting in the referendum on membership of the European Union. We strongly urge the UK Government to draw on the democratic success of the independence referendum and accordingly to amend the bill to allow all 16 and 17-year-olds and EU citizens living in the UK to vote in the referendum. [*Interruption.*]

Bill Kidd: I thank the minister for his reply and my colleague Christian Allard for his enthusiasm.

Can the minister or his officials provide me with the numbers of 16 and 17-year-olds and European Union residents who are affected and who live in my constituency of Glasgow Anniesland, given that it is a typical Scottish Parliamentary constituency?

Humza Yousaf: I will ask the officials and test their statistical dexterity in that respect. I do not know whether the statistics, extrapolated down to Bill Kidd's specific constituency, will be available, but as we know, there are more than 170,000 EU citizens in Scotland; we have a very prominent one in the chamber.

All members will know many people who are citizens of the European Union and who have chosen to make our constituencies and regions their home; those people should not be excluded from the vote. That also goes for 16 and 17-year-olds. Many of us visited high schools during the referendum campaign and all those who did will have been enthused by the enthusiasm of the 16 and 17-year-olds and their interest in and engagement with the democratic process. That response should not be stifled because of the whim of the UK Government.

China (Cultural Links)

8. Graeme Pearson (South Scotland) (Lab): To ask the Scottish Government what progress it has made in establishing cultural links between Scotland and China. (S4O-04465)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): The previous First Minister signed a cultural memorandum of understanding with China in December 2011 to strengthen Scotland's cultural links with China. As part of the MOU, the Scottish Government is providing networking opportunities to enable creative practitioners to develop cultural links and partnerships with the Chinese creative sector.

Earlier this year, Scottish Ballet toured "Romeo and Juliet", the Tron Theatre Ltd toured its co-production of "Ulysses" and NVA took "Speed of Light" to Beijing. The Scottish Government is contributing to the United Kingdom-China year of cultural exchange in 2015.

Graeme Pearson: The cabinet secretary and the minister know that the cross-party group on China places a great deal of importance on cultural links, and that it believes that the development of Chinese language in our schools, improvement of the visa situation and direct flights between Scotland and China are very important. Can the cabinet secretary report any developments on any of those issues in the past year?

Fiona Hyslop: There have been developments in a number of areas. For example, we are taking forward the cross-party group's work on visas, which are not just an issue for business; as Graeme Pearson has identified, artists' travel can be prevented, and they can be particularly affected timingwise, in respect of putting on productions.

Work with schools continues and is developing. In all that, the cultural connections that we can make really help to solve problems.

Obviously, direct flights are a continuing issue. Graeme Pearson will know that our Government is continually pressing on and trying to develop such flights, although obviously that takes time.

Infrastructure, Investment and Cities

Glasgow Prestwick Airport (Discussions with United Kingdom Government)

1. Margaret McDougall (West Scotland) (Lab): To ask the Scottish Government what recent discussions it has had with the UK Government regarding securing the future of Glasgow Prestwick airport. (S4O-04468)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): Glasgow Prestwick airport continues to operate on a commercial basis at arm's length from the Government. Scottish Government officials last met their Westminster counterparts on 29 May to discuss the process for determining the location of the United Kingdom spaceport.

Margaret McDougall: I am delighted to hear that, and I look forward to hearing the decision on the spaceport.

As part of the Scotland Bill package, air passenger duty is due to be devolved to the Scottish Government. With control of that tax, the Scottish Government could generate a boost to all Scottish airports. What work is being done to identify a replacement for APD? Do the considerations include the assessment of the cost and the environmental implications?

Keith Brown: It is not the Government's position to replace APD. In fact, we would like to have been able to take action six years ago, when the Calman commission proposed that APD should be devolved to Scotland, but that has not been possible and will not be possible until the power is devolved in the future.

As has been stated on a number of occasions, we intend first to reduce the impact by around half. We have done the cost calculations on that. That would take place in the next session. In the future, the aim is to reduce the impact to zero, but that would happen only as public resources allowed.

Some work has been done on the environmental impact. I would be happy to get that information and pass it to the member.

The substantial point that the member made about the benefit to all Scotland's airports was good. The benefit would be substantial. For example, Ryanair, which is the main passenger airline at Prestwick, has said that it would expect to have around a million more passenger journeys. The York Aviation report, which goes into the matter in some detail and which, I think, all airports in Scotland and many of the airlines contributed to, said that there would be a substantial economic benefit. That would be for the airports, the aircraft

companies and the general population in Scotland from more people coming to this country.

I have described what we want to do. A fair bit of work has been done and work is on-going. There will be a consultation exercise. I will provide the member with the environmental information that she asked for.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): Does the cabinet secretary agree that the closure of Prestwick airport would have been devastating for Ayrshire and its economy? Does he maintain that the action that the Scottish Government took to purchase that airport was the right thing to do?

Keith Brown: Absolutely. The member has raised an important point that can sometimes be lost in the passage of time. I am in no doubt that we were right to purchase Glasgow Prestwick. Closure was on the cards; indeed, the airport's previous owners were working to a specific timeframe and were going to pull down the shutters at the airport on a specific day. We as the Scottish Government were not willing to stand by and let that happen.

The member will recall Scottish Enterprise's estimate that around 3,200 local jobs are directly or indirectly based in and around Glasgow Prestwick, and we can all imagine the impact on the area of losing that level of jobs. We believe that with the right team in place, the right business plan for the future and the support of key local partners such as South Ayrshire Council, the airport can have a positive future and the Government can achieve a return on its investment.

City Deal (Edinburgh and Surrounding Areas)

2. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government whether it has had discussions with the United Kingdom Government regarding a city deal for Edinburgh and surrounding areas. (S4O-04469)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): As I have made clear on a number of occasions, I and the Scottish Government remain willing to work with any Scottish city to unlock investment, whether that is done individually or collectively and whether it happens through a city deal, which is one of the Scottish Government's devolved initiatives to stimulate growth and deliver infrastructure investment, or through a combination of other measures. To date, discussions on a possible city region deal for Edinburgh have not included the UK Government, although I note that a meeting took place recently between officials from Highland Council, the Scottish Government and the UK Government. We expect such discussions

to take place in due course when Edinburgh further develops its proposals.

Malcolm Chisholm: I hope that progress will be made soon and that the cabinet secretary will discuss the matter with the UK Government, given that the Edinburgh city region has worked up a proposal. In expectation of such progress being made, will the cabinet secretary confirm that the Edinburgh city region deal will be taken into account in the draft Scottish budget that is to be published in the autumn?

Keith Brown: That very much depends on the progress that is made. As the member will be aware, different cities are at different stages of development. One issue that has been raised with me is whether the UK Government will honour the commitments that it made in its March budget statement. We also have to move at the pace of all those involved. I should point out that the discussion that I referred to between Highland Council, the UK Government and the Scottish Government was positive.

I remain hopeful that the Edinburgh city deal can make progress, but it will happen as part of a process that involves this Government and the City of Edinburgh Council. I acknowledge that the council has worked up a proposal, but I think that it will concede that more work has to be done on it. Obviously, the UK Government, too, will have to be included.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): The cabinet secretary mentioned the meeting between Highland Council and the two Governments. Will he elaborate on that? For example, does he know whether the UK Government will honour the commitments and promises that it made before the general election on city deals for Aberdeen and Inverness?

The Deputy Presiding Officer: Briefly, please, cabinet secretary.

Keith Brown: As I said, the meeting that took place just last week between Highland Council and the UK and Scottish Governments had a positive tenor, and the expectation is that the UK Government will follow through on its previous commitments to a city deal for Inverness.

Infrastructure Investment Plan

3. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government when it will publish an updated infrastructure investment plan. (S4O-04470)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): We are working to publish the refreshed infrastructure investment plan later this year.

Sarah Boyack: Given the range of health, schools, justice, further and higher education, culture and enterprise building projects, will the cabinet secretary tell me how many of those projects include renewable heat and power infrastructure? Will he give a commitment that the refreshed programme will make heat and power schemes a key priority for the next round of infrastructure projects?

Keith Brown: On Sarah Boyack's first question, I am happy to send the member the detailed information that she seeks.

The issue that Ms Boyack highlighted in her second question must be a consideration for the refreshed infrastructure investment plan. The current plan was refreshed at the time of the previous spending review and, in reviewing the plan, we are trying to tie the two things together.

There are a number of projects in the plan—not least those to electrify rail lines—in which we want to maximise our contribution to helping the environment, but schools projects and some of the other projects that the member mentioned often fall within the remit of local authorities, so it will be for them to make proposals. Nevertheless, as I said, I am happy to let the member know what we are doing, and we will take the issue into account in our next review of the plan.

Jim Eadie (Edinburgh Southern) (SNP): Notwithstanding the persistent cuts to Scotland's capital budget by the UK Government, will the cabinet secretary set out the scale of the Scottish Government's transport investment programme and say particularly how that investment will benefit my constituents in the city of Edinburgh?

Keith Brown: The member will know that we are maximising our capital spending and supporting an investment-led recovery, despite our capital departmental expenditure limit budget being reduced by around a quarter in real terms between 2010-11 and 2015-16. Through using all the levers at our disposal, the scale of Transport Scotland's direct and indirect capital budget for 2015-16 is just over £1 billion, including £269 million for the replacement Forth crossing—a project that will directly benefit Edinburgh and the member's constituents. Total investment of £1.4 billion is estimated to support 1,200 jobs at the project's peak, many of which will be in the local area.

Augmenting that budget is a revenue-funded infrastructure programme, including the non-profit-distributing pipeline and regulatory asset base investment in rail infrastructure. That programme includes a number of major projects that will improve connectivity between Edinburgh and the rest of the country, such as the Borders railway, the Edinburgh to Glasgow improvement

programme and the £430 million M8, M73 and M74 motorway improvements project. That is a total overall capital investment of £1.5 billion.

The Deputy Presiding Officer: Question 4 from Liz Smith was not lodged and an explanation has been provided.

Orkney, Shetland and Western Isles (Cost of Flights)

5. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Government what representations it has received regarding the cost of flights to and from Orkney, Shetland and the Western Isles. (S4O-04472)

The Minister for Transport and Islands (Derek Mackay): We are aware of recent concerns about commercial air fares in the Highlands and Islands. The Scottish Government recognises the importance of the air services in question and is committed to continuing the air discount scheme, which provides a 40 per cent subsidy for eligible passengers. The issue of air services to the islands was raised by the island authorities at the recent island areas ministerial working group. It was agreed that a scoping paper would be produced to look at those vital services in their totality, covering a range of issues including fares. I have also agreed to meet a delegation of campaigners, as well as a number of MSPs, including Mr Stewart, to discuss the issue.

David Stewart: Is the minister aware of the online campaign by islanders against Flybe and Loganair's excessive prices, which has secured more than 14,000 followers? The Labour-led Scottish Executive introduced the air discount scheme to make air services more affordable for island and remote communities. What specific plans does the minister have to address the sky-high prices that are being charged to islanders travelling from Orkney, Shetland, the Western Isles and beyond?

Derek Mackay: The first thing to celebrate is the fact that this Scottish Government has continued that scheme and committed to its continuation. Fares are not the only issue with air services to the islands that I am aware of; there is also a serious issue with reliability, and the two are connected. I will meet campaigners, councillors and MSPs to explore the issues fully and consider what options the Government may have. Because of the commercial nature of the services, we may be limited in what we can do with cost capping and so on, but I want to apply pressure to operators over the affordability of air services. We share the concern about the nature of the services and the fare increases that have been experienced. There is no prospect of competition on most of the routes, and operators should be mindful of that, as well as of the importance that local communities

attach to air services as part of the transport mix that ensures that the islands are not an isolated part of Scotland. I am happy to engage with Mr Stewart and other members to find consensus across the Parliament on a way forward.

Liam McArthur (Orkney Islands) (LD): As claims are being putting in for the air discount scheme, may I put on record my gratitude to my colleague Tavish Scott for introducing it when he was transport minister?

The minister rightly mentions reliability and the problems that that has caused when conflated with the high costs on the routes. I am due to meet the minister and Tavish Scott next Tuesday—subject to there being no delays with my flight next Tuesday morning. Will the minister undertake to carry out a bit of scoping work on some of the options that might address reliability which, as I say, makes a toxic mix with the high costs that David Stewart referred to?

Derek Mackay: Yes, I will commit to that work. The scoping work should look at the reliability of the services, including the aircraft. Of course, we will take a close look at fares, too, because all the issues are connected. I want to have a constructive conversation with the operators about how we take forward the situation.

The online petition represents a strong feeling from the islands about how they have been treated. Every party in the chamber has claimed credit for the air discount scheme. We can keep that consensus as we work towards addressing the cost and reliability issues.

Islands Transport Forum

6. Stewart Stevenson (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what matters the islands transport forum will discuss at its first meeting. (S4O-04473)

The Minister for Transport and Islands (Derek Mackay): Earlier this month, I announced in Orkney that a new islands transport forum will be set up to consider strategic transport issues affecting Scotland's islands.

The forum will meet biannually and will include representatives from local authorities with island communities. It is intended that the forum will deal with internal and external ferry, air and other transport services on which each of the island communities so heavily depends for social cohesion and sustainable economic activity and growth. I am in the process of finalising the detailed membership and the working methods for the forum, in consultation with the island authorities. Therefore, no detailed agenda items have yet been set for the forum's first meeting.

Stewart Stevenson: Thank you for that response and for the content of your reply to question 5, which also touched on the matter.

I will introduce something quite new with which the minister is unlikely to be familiar. Air navigation and approach procedures are changing with the move towards the use of GPS—global positioning system—instrument approaches, which have not yet been adopted in the United Kingdom but which are eminently suitable for Government and local authority airports and might make a contribution to improving reliability in poor weather conditions. Will the minister talk to people involved in the islands transport forum about that and, thereafter, consider approaching the Civil Aviation Authority and the UK Government to see whether we can pilot some of the new technologies, which are much cheaper than the previous ones?

The Deputy Presiding Officer: A brief answer will do, minister.

Derek Mackay: I will give the matter close consideration and, in answer to the question, yes, I will.

The Deputy Presiding Officer: Many thanks.

ScotRail (Meetings)

7. Drew Smith (Glasgow) (Lab): To ask the Scottish Government when ministers last met the management of ScotRail. (S4O-04474)

The Minister for Transport and Islands (Derek Mackay): The Cabinet Secretary for Infrastructure, Investment and Cities met ScotRail's commercial director yesterday.

The member will be aware of recent events in relation to Abellio's Dutch operations alongside its parent company, NS. I can advise that I have held discussions with Abellio UK and sought assurances that the issues are being properly addressed inside both Abellio and NS.

Drew Smith: I thank the minister for his reference to recent events at Abellio, where we have seen senior departures from the company in Scotland and in Holland. The Dutch Government has said that there is a need for cultural change in Abellio.

The minister will also be aware of the comments of the National Union of Rail, Maritime and Transport Workers. What discussions has he had with unions or, indeed, representatives of the travelling public, so that they, too, can be assured that ScotRail management's focus is on having an effective and improving railway?

Derek Mackay: I appreciate that question and the opportunity to say that I am reassured that the efforts in Scotland are on providing the rail service

that we would expect, and that the franchise agreements will be delivered.

On hearing the concerns that have emanated from Holland, I immediately sought reassurances from Abellio and NS. I have had discussions at the highest level, which I have been reassured by. I am also reassured that, because of the procurement process and the work of Audit Scotland and others, the issues do not affect Scotland. I will look closely at the internal investigations in Holland, which will include looking at all the company's franchise bids over the past five years—that will happen in around a month's time—to see whether there are any other issues that I should be aware of or concerned about. However, I am satisfied with the information that I have had so far.

As it happens, today I met the Scottish Trades Union Congress and RMT. I gave them the assurance that I will explore the issue and that, if we need to, we will revisit the situation. However, all the evidence that I have had so far is that there is no impact on ScotRail or on the procurement exercise that was undertaken in Scotland.

John Mason (Glasgow Shettleston) (SNP):

Will the minister update members on how ScotRail is coping with the closure of the Winchburgh tunnel and the alternative arrangements that, from my perspective, appear to be going quite well?

Derek Mackay: I am delighted for Mr Mason that his experience is that it is going quite well. I know that a number of other members are regular users of the train service. I can report that the electrification work on the Winchburgh tunnel is progressing well and remains on schedule. These are early days, but it is going well. ScotRail has reported that its disruption management plan is working effectively and its services are being maintained as anticipated. Transport Scotland has launched a new website—www.keepsotlandmoving.com.

Community Empowerment (Scotland) Bill: Stage 3

14:40

The Deputy Presiding Officer (Elaine Smith):

The next item of business is stage 3 proceedings on the Community Empowerment (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, that is SP Bill 52A (Revised); the marshalled list, that is SP Bill 52A-ML, and the correction slip to the marshalled list that was issued yesterday; and the groupings, that is SP Bill 52A-G.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Section 1—National outcomes

The Deputy Presiding Officer: Group 1 is on “Setting of national outcomes—procedure, consultation etc”. Amendment 27, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 28, 147, 29 to 33, 148, 34 to 40, 149, 150, 41 and 133.

Because of pre-emption, if amendment 147 is agreed to, I cannot call amendments 29 and 30, and if amendment 40 is agreed to, I cannot call amendment 149.

The Minister for Local Government and Community Empowerment (Marco Biagi): I am glad to be starting proceedings this afternoon.

Part 1 of the bill places a duty on the Scottish ministers to prepare a set of national outcomes that describe the kind of Scotland that we all want to live in, and to regularly and publicly measure progress towards them. At stage 2, we agreed on the importance of the Scottish Parliament's scrutiny role and of strengthening public consultation and they are retained at the heart of my amendments. However, the bill requires two separate processes to be undertaken in the setting and reviewing of national outcomes. That would be convoluted, repetitive and unclear, and would involve a considerable amount of double consultation of communities and Parliament.

My amendments seek to provide for a single process. They also balance the valuable scrutiny role of Parliament against the Government's

responsibilities for the Scottish public sector, and they strengthen the public consultation process.

In consulting the Scottish Parliament, we must reflect the separation of powers between a Government that is responsible for setting its strategic direction, and a Parliament that is responsible for holding that Government to account for its progress. That is why we consider that the provision in the bill of a 40-day period for the Parliament to be consulted on the draft national outcomes provides an appropriate level of parliamentary scrutiny. It is the same period of time that would be afforded by the affirmative procedure for secondary legislation, for example.

Amendments 27 and 34 will restore provision for the national outcomes to be determined by Scottish ministers, rather than by regulations that are subject to the so-called superaffirmative procedure. I agreed with the point that Alex Rowley made at stage 2 that we must involve all communities across Scotland in setting the national outcomes. Amendments 29 and 35 therefore strengthen the consultation process by requiring Scottish ministers to consult persons who represent communities when determining and reviewing the national outcomes.

14:45

"Community" is defined by amendments 33 and 37 as including communities based on common interest, identity or geography, to ensure an inclusive consultation. Alex Rowley's amendment 150 seeks to improve the definition of the word "community". However, linking the definition to postcode could impact negatively on certain communities such as Gypsy Travellers, communities of interest or communities that are based on social or cultural identities. It also excludes those who only work in an area.

Singling out individuals or groups when it comes to the national outcomes, however important they are, or inadvertently excluding others, is at odds with the principle of participatory democracy. Each person or community has as much right as the next to take part in debating and shaping the Scotland that we live in, and my amendments will ensure that is the case.

Amendments 30 and 36 reflect the discussions at stage 2 and require Scottish ministers to lay an explanatory document containing details of the public consultation when determining and reviewing the national outcomes.

Amendments 41 and 133 make minor consequential amendments.

As the bill stands, Scottish ministers must publish a report every two years, and I believe that that is a retrograde step. One of the strengths of

the current reporting system is that the Scotland Performs website provides an up-to-the-minute picture of progress. The statistics are published there as and when they become available. We have also responded to the needs of this Parliament by publishing the "Scotland Performs Update" as part of the draft budget process. In the future, the Parliament might find that information more useful at times other than those that are specified in the amendments. Amendments 38 and 39 reinstate provision for Scottish ministers to prepare and publish reports at such times as they consider appropriate.

Amendment 40 removes the requirement to consult on the reports, as any report on progress would be a factual statement, based on evidence.

Amendments 28, 31 and 32 respond to a point that Stewart Stevenson made in his own inimitable style at stage 2. They make it clear that, although the Scottish Parliament and its corporate body are excluded from the duty to have regard to the national outcomes when carrying out their functions, the effect of their functions is not excluded from the determination of the national outcomes.

I ask Alex Rowley not to move the amendments in his name. I move amendment 27.

Alex Rowley (Cowdenbeath) (Lab): I acknowledge the role that Marco Biagi has played in the course of the bill since he became minister. He has demonstrated a willingness to work with others across the chamber, which has resulted in a better bill.

My amendments provide for greater scrutiny and consideration of the national outcomes by this Parliament. My proposals require Scottish ministers to publish national outcomes and lay them with the Parliament for 60 days. During that period, Scottish ministers must consult the public, including specified individuals and groups, and the draft national outcomes cannot be laid for approval until Scottish ministers also lay an explanation of that consultation, any representations that are received and changes that are made to the regulations. Parliament must then approve the national outcomes.

I believe that that approach will engage the public much more in the national outcomes. It is important that the Parliament is able to scrutinise national outcomes and the progress in that regard. It is also crucial that national outcomes are linked to the budget, which has not happened in the past. It is important that we are able to see where this Government's finances are being spent in order to deliver the national outcomes.

With regard to the minister's concerns about references to individuals who are eligible to vote in elections, I am talking about individuals who are

normally resident in a local authority area. That seeks to address any concerns about the potential exclusion of prisoners, refugees, asylum seekers and the homeless. The minister also expressed concern about children and young people, and organisations that work for them, being singled out. That is deliberate—they are below voting age and are therefore often overlooked—and has not been done for reasons of specific interest. Indeed, the groups that are listed in section 1 are intended to represent as wide as possible a cross-section of people who live and work in Scotland.

I intend to move my amendments, but I acknowledge that the bill has made great progress. That is down to the minister's willingness to work with others in moving the bill forward.

The Deputy Presiding Officer: More members than I anticipated wish to contribute to the debate. I am not sure whether I can call everyone, but I ask members to keep their remarks short.

Cameron Buchanan (Lothian) (Con): We have concerns about amendments 27, 34 and 133. Allowing Scottish ministers to determine the national outcomes would remove a crucial element of scrutiny, participation and collaboration. A bill that is entitled the Community Empowerment (Scotland) Bill should place more power in communities' hands, rather than allow Scottish ministers to determine independently what the nation's priorities should be. If we are genuinely to empower communities, they should be as involved as possible in determining the national outcomes. However, amendments 27, 34 and 133 would centralise power in ministers' hands by removing the need for the Scottish Parliament's approval as well as a stage of public consultation.

On a similar note, it is apparent that amendments 38 to 40 advance centralisation. To ensure that the Government is held to account for its actions, its progress towards national outcomes should be scrutinised on a regular basis. However, amendments 38 to 40 would allow the Scottish Government to publish reports on its progress only when it saw fit, without the need for any public consultation. Removing the regular involvement of the Parliament and the public in assessing progress towards national outcomes would shield the central Government from public scrutiny, which is fundamentally contradictory to the principle of community empowerment.

Alex Rowley's amendment 147, which would remove the provisions that require consultation before determination of the national outcomes, raises particular concerns about public participation. Community empowerment should allow public participation on a wide scale, and amendment 147 would threaten that.

Mark McDonald (Aberdeen Donside) (SNP): I feel that Cameron Buchanan may have misinterpreted the amendments that the Scottish Government has lodged. His remarks imply that ministers will somehow decide what the national outcomes shall be and that that shall be the case.

The amendments that the minister has lodged are entirely about the consultation process that will take place on the national outcomes. A consultation will take place, the results of which will assist ministers in determining what the national outcomes should be. Amendment 30 specifically says

"In consulting the Scottish Parliament",

so there will be consultation not just with the public but with the Parliament on what the national outcomes shall be. I hope that that gives Cameron Buchanan some pause, and might make him more likely to support those amendments when they come to the vote.

I turn to the thrust of what the minister is putting forward. It is entirely correct that we should avoid creating the impression that certain groups and their views would not be considered in consultations because they do not feature in the text of the bill. I know that Alex Rowley is saying that the list as defined in the bill would provide as wide a scope as possible, but there may still be groups in society that could look at every category in the bill and not see themselves defined there. Removing the opportunity for people to feel that they have not been prioritised within the legislation is a fair way to proceed.

I hope that members will back the minister's amendments, and I hope that Alex Rowley will reconsider his intention to move his.

Ken Macintosh (Eastwood) (Lab): I speak in favour of my colleague Alex Rowley's amendments, and urge the Parliament not to remove the amendments that were agreed by the committee at stage 2. I echo my colleague's comment that the bill process has been very consensual and that the bill has been improved as a result. I am sure that members will be relieved to hear that there are only a few areas of disagreement this afternoon, which makes it a bit more disappointing that the Government should use its majority to overturn the work of the committee in this section.

At stage 1, the committee agreed unanimously that engagement and consultation on the national outcomes should be enshrined in legislation. At stage 2, my colleague Alex Rowley's amendments did exactly that, by ensuring that national outcomes would be laid before the Parliament for 60 days.

The minister said that the amendments could—he used the word “could”—exclude Gypsy Travellers and other groups from being involved, but they do not. They might do if the Government allowed them to, but they do not. It is a baseline—a floor rather than a ceiling—and I urge the minister to think again about his approach.

There was potential for one group—“individuals eligible to vote”—to be restrictive and, because of that, Alex Rowley has lodged an amendment to change that to individuals

“normally resident in the local authority area”.

That would avoid unintentionally restricting those who would be consulted.

It strikes me that the committee’s intention at stage 1 was captured by Alex Rowley’s amendments at stage 2. The committee agreed to those amendments. I do not think that there is much disagreement with the minister. If we cannot agree on Alex Rowley’s amendments, Labour will support the Government’s amendment 30, which is a watered-down version. However, I urge the minister to think again about removing all the agreement at this stage. I emphasise that that approach was agreed by Oxfam, Barnardo’s, the Poverty Alliance and many others in the voluntary sector. I urge members to support Alex Rowley’s amendments.

The Deputy Presiding Officer: I can call Alex Fergusson and Malcolm Chisholm, as long as both are brief.

Alex Fergusson (Galloway and West Dumfries) (Con): Thank you, Presiding Officer; I will be brief.

In summing up, will the minister allay my fears on two counts? Can he confirm that amendment 28, if it is agreed to, would allow the Scottish Parliament to operate entirely independently of national outcomes? On amendment 33, on what grounds does the minister wish to define community to include common interest, identity or geography in this part of the bill, although that is not the definition that is used in other parts of the bill?

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): The minister gave an explanation for amendment 32, but it still reads rather strangely. I think that it would probably merit further explanation, because anyone outside the Parliament who read it would think that we were setting ourselves above the national outcomes. I am sure that that is not the intention, but I am slightly concerned about what may be read into amendment 32.

Marco Biagi: Let me begin almost at the end and work back. Amendments 32 and 28, which refer to the Scottish Parliament, make it clear that

although the Scottish Parliament and its corporate body are excluded from the duty to have regard to the national outcomes, their functions are not excluded from the determination of the national outcomes themselves. I agree that that is a difficult distinction and perhaps not one that immediately jumps out, but the idea was to avoid accidentally bringing the Scottish Parliament—in its scrutiny functions and other functions that should be protected from Government decisions—into the bill unnecessarily.

Alex Fergusson asked about amendment 33. Communities have been defined differently in different parts of the bill. The member sits on the Rural Affairs, Climate Change and Environment Committee, which scrutinised the part of the bill that focuses on land reform, in which community is generally defined in a geographical way. However, other parts of the bill—on asset transfer and participation requests—have had a distinct definition of community within them to capture different things in different contexts, including communities of interest.

In working out the views of people in Scotland—taking the temperature and understanding people’s interests—we feel that it is reasonable to include communities of interest. That is different from the rather legalistic mechanism of compulsory purchase and community takeover that is included in the part of the bill on land reform.

The issue that I have with Ken Macintosh is that I do not have many issues. We are largely on the same page. The committee recommended that a parliamentary process should be enshrined in legislation and that is what we are both trying to do. The Government’s proposal and the proposal from Alex Rowley would both require 40 days of formal consideration by the Parliament; Alex Rowley’s position would require that period of consideration to extend to 60 days.

15:00

However, it is standard for any Scottish Government consultation—well, it would typically be expected—that there would be 90 days for public scrutiny. In that period, there would be nothing to prevent parliamentary committees from considering the issues or to prevent business managers from scheduling debates. Those options are all open. In fact, under the Government’s approach, the longer period of consultation would offer a wider opportunity for the Parliament to consult during that time. It has been highlighted that an explanation is needed, and amendment 36 deals with that issue. Perhaps Cameron Buchanan and I simply differ on the question of whether determining outcomes should be an executive or legislative function.

Reporting happens at present whenever the statistics are available. If there are determined outcomes, statistics are published almost weekly. There were statistics out today—there is day-by-day reporting against the outcomes that have been set. If outcomes have been set in one context and there are statistics coming out, that produces a real-time response, so to restrict reporting purely to timescales that are set out in legislation would be counterproductive to the desire to maintain the report on outcomes as a living document that is continually updated.

In conclusion, I think that I and other members are very close to one another in terms of where we want to be. We want a parliamentary process, and we have one. We also want a participative process out in the country so that everybody can take part in determining the national outcomes. I hope that members in the Parliament will support the amendments in my name.

The Deputy Presiding Officer: We are already way over time and we are only on the first group, so that will have implications for the rest of the afternoon. I ask for brevity from all members for the rest of the day.

The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Prior to that, there will be a five-minute suspension because it is the first division at stage 3.

15:02

Meeting suspended.

15:07

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 27.

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 65, Against 54, Abstentions 0.

Amendment 27 agreed to.

Amendment 28 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)

Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)

Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 70, Against 36, Abstentions 15.

Amendment 28 agreed to.

Amendment 147 moved—[Alex Rowley].

The Deputy Presiding Officer: The question is, that amendment 147 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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)

Abstentions

Fergusson, Alex (Galloway and West Dumfries) (Con)

The Deputy Presiding Officer: The result of the division is: For 51, Against 69, Abstentions 1.

Amendment 147 disagreed to.

Amendments 29 to 33 moved—[Marco Biagi].

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 29 to 33?

Members: Yes.

The Deputy Presiding Officer: Before I ask the questions on amendments 29 to 33, I am minded to accept a motion under rule 9.8.5A, to extend the time limit for groups 1 and 2 by 10 minutes.

Motion moved,

That, under Rule 9.8.5A, the time limit for groups 1 and 2 be extended by 10 minutes.—[Joe FitzPatrick.]

Motion agreed to.

Amendments 29 to 32 agreed to.

The Deputy Presiding Officer: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)

McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Smith, Liz (Mid Scotland and Fife) (Con)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

The Deputy Presiding Officer: The result of the division is: For 105, Against 2, Abstentions 13.

Amendment 33 agreed to.

Section 1A—Regulations under section 1(1): procedure

15:15

Amendment 148 moved—[Alex Rowley].

The Deputy Presiding Officer: The question is, that amendment 148 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 56, Against 65, Abstentions 0.

Amendment 148 disagreed to.

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 34 to 39?

Members: Yes.

The Deputy Presiding Officer: I will put questions on the amendments separately.

Amendment 34 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)

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

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)

Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 86, Against 34, Abstentions 0.

Amendment 34 agreed to.

Section 2—Review of national outcomes

Amendments 35 to 37 moved—[Marco Biagi]—and agreed to.

Section 3—Reports

Amendment 38 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)

Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 65, Against 55, Abstentions 0.

Amendment 38 agreed to.

Amendment 39 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)

Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 101, Against 19, Abstentions 0.

Amendment 39 agreed to.

The Deputy Presiding Officer: I reiterate that if anyone wishes to object to an amendment, they must shout “No” clearly, because if neither I nor the clerks hear we will move on and we will not return to a vote on that amendment.

I call amendment 40, in the name of the minister, which has already been debated with amendment 27. I remind members that if amendment 40 is agreed to, I cannot call amendment 149 because of pre-emption.

Amendment 40 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)

McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 65, Against 56, Abstentions 0.

Amendment 40 agreed to.

The Deputy Presiding Officer: I will therefore move on to amendment 150.

Section 3A—Interpretation of Part 1

Amendment 150 moved—[Alex Rowley].

The Deputy Presiding Officer: The question is, that amendment 150 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 55, Against 65, Abstentions 0.

Amendment 150 disagreed to.

Amendment 41 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 85, Against 36, Abstentions 0.

Amendment 41 agreed to.

After section 3A

The Deputy Presiding Officer: We come to group 2, on the European Charter of Local Self-Government. Amendment 151, in the name of Tavish Scott, is the only amendment in the group.

Tavish Scott (Shetland Islands) (LD): In a stimulating afternoon of voting, I thought that we should debate Europe. Instead of the aspects of Europe that other places have been debating, this debate is on the European Charter of Local Self-Government.

I was very encouraged by the minister's response on the matter when it was raised in the earlier stages of the bill's proceedings. In his remarks at, I think, stage 2, he mentioned that the European Charter of Local Self-Government may well be an appropriate focus for debate and for an amendment to the bill. Here we have a chance to give effect to a very sensible ministerial observation.

As the Convention of Scottish Local Authorities briefing to colleagues across the Parliament says, the purpose of the proposal is simply to ensure that the Government recognises in its duties and responsibilities the objectives of local government.

There seem to me to be three strong points that local government is making to the Parliament on this matter. The first is that the charter was specifically drafted to protect communities and citizens from centralisation, which would reduce their rights to local self-government and active subsidiary arrangements. I ask members to forgive the European jargon.

The second point is that amendment 151 places a duty on ministers of this Government—and, indeed, of every Government—to “observe and promote” the EU charter while carrying out their functions. That is not exactly a hardship, I suggest, but it is an important measure of the Government’s intent towards local government.

The third point is that, in noting that the proposed duty is a pretty modest step, COSLA observes that it would consolidate the right of local people to a greater influence in the way that our communities manage their own affairs. That is very much in keeping with and in the spirit of the minister’s remarks this afternoon and in committee during stage 2 consideration of amendments to the bill.

The other aspect that is worthy of consideration is the money that underpins the effectiveness of local government. It is up to local government to decide how to give effect to the choices of the Parliament and the Government around, for example, the council tax freeze, but it is a fact that, by 2020, the Parliament will be spending £910 million a year on the council tax freeze and will have spent £6.3 billion since the policy was introduced. If the Parliament chooses to do that and supports the policy, so be it, but we should at least have a debate in this country about the alternatives that local government could give effect to were it to have much more flexibility with regard to how it resolves to spend its money and therefore serve local people.

The Deputy Presiding Officer: Mr Scott, I am afraid that your time is up. Could you start to conclude?

Tavish Scott: Let me finish with the observations that the COSLA spokesman in this area made to the minister. He observed that it is important to—

The Deputy Presiding Officer: I am afraid that you really must hurry up.

Tavish Scott: I am doing my best, Presiding Officer.

The Deputy Presiding Officer: Otherwise, I will have to cut you off. I cannot call anyone else to speak on the group, so—

Tavish Scott: Can I finish the sentence?

The Deputy Presiding Officer: Please hurry.

Tavish Scott: I will just move the amendment and ask the Parliament to support it.

I move amendment 151.

The Deputy Presiding Officer: Thank you. I should have said that I am extending the debate on this group of amendments under rule 9.8.4A(a) to allow those with the right to speak to do so. I

should have said that before I called Tavish Scott. I cannot call anyone else who wishes to speak. I now call the minister.

Marco Biagi: Thank you, Presiding Officer.

As a Government, we believe that the people who live and work in Scotland are best placed to make decisions about our future. That is the essence of self-determination, and accordingly we, too, are committed to subsidiarity and local decision making in public life.

The Scottish Government works very much in partnership with local government and we share a vision of strengthened community planning, involvement and empowerment. Indeed, the success of our joint working was highlighted by the Council of Europe last year. Our commitment to local autonomy, self-determination and governance is not only central to our proposals in the bill but fundamental to our wider approach to public service reform and local government.

The European Charter of Local Self-Government is a widely recognised articulation of the principles of local autonomy to which we are bound, as an international treaty obligation, by ratification in 1998 at the Council of Europe. Our actions are therefore already guided by the provisions of the charter. It commits us to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. Crucially, it provides that the principle of local self-government will be recognised in domestic legislation and, where practicable, in the constitution. The explanatory notes to the charter already recognise that states that do not have a written constitution, such as the UK, will be unable to give that constitutional protection.

This Government believes in a written constitution and would wish to see local government covered by it. A mention only in legislation does not carry the same force or have the same effect and could be annulled by future Governments rather more easily.

15:30

Legislation enacting the principles of the charter already exists in the form of the local government acts that set out the powers and responsibilities of our councils. We believe that those acts are in accordance with all the provisions that the charter requires. We have repeatedly said to local government partners that if they think that we are not in compliance with any parts of the charter they should show us examples so that we can rectify the situation.

Since the concordat, the Scottish Government and local government have worked constructively in partnership across a range of issues. Of course

there have been disagreements, but the strength of any relationship is in how the parties work through disagreements. That collective working together and decision making has been demonstrated through examples such as the large-scale reduction in budget ring fencing, the work that we are taking forward with the islands areas ministerial working group, our collaborative working with COSLA to strengthen community planning and, of course, the bill itself.

I acknowledge COSLA's work in bringing the issue to the fore; indeed, I discussed it personally with Councillor McGuigan earlier this week. Although we might disagree on the issue of the charter, we are united in recognising that local councils are an integral and essential element of overall good governance in Scotland. We remain of the view that the only way in which to go beyond legislation on the issue would be to institute a constitutional protection, which would further safeguard the charter's provisions.

I ask Mr Scott to withdraw amendment 151.

The Deputy Presiding Officer: I ask Tavish Scott to wind up.

Ken Macintosh: On a point of order, Presiding Officer. I appreciate that there is an awful lot of business to get through today, but my understanding is that there are only two or three areas of contention. It would be unfortunate if, for example, Labour colleagues were unable to explain why we support the Liberals on amendment 151 and why we disagree with the minister's view that what amendment 151 seeks is not necessary. Would it be possible for you to think about the time that is available to discuss the areas of contention? That would allow, for example, Mr Scott to get the chance to fully develop his argument and others to be able to express themselves and to say what we agree on, because there are huge areas of the bill on which we agree.

The Deputy Presiding Officer: I take your point, Mr Macintosh, and I think that it is regrettable that we are so far behind at this stage. That is a problem because of how the timings have been worked out and how time has been allocated this afternoon. Unfortunately, my hands are tied because of the earlier motion. However, I can invite a member to move a motion to extend the time for this debate by 10 minutes.

Motion moved,

That, under Rule 9.8.5A, the debate be extended by 10 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: I now call Tavish Scott to wind up and indicate whether—sorry, I call Ken Macintosh for a brief speech.

[*Applause.*] Order, please, or we will immediately need to further extend the debate.

Ken Macintosh: Presiding Officer, you will be relieved to hear that I have only a brief contribution.

I want simply to say that the European Charter of Local Self-Government guarantees the political, administrative and financial independence of local authorities. I believe that it is the first European law that encapsulates in legislation the principle of subsidiarity. I would have thought—in fact, I would have hoped—that an Administration that is occasionally subject to criticism for its overcentralising tendencies would have embraced the opportunity to prove that its position is otherwise. It is worth noting that before the general election not just COSLA but every local administration across England, Northern Ireland and Wales called for any future Administration to embrace the charter and put it into any constitutional settlement.

I am slightly disappointed by the Government's view on the charter, but we commend Tavish Scott for lodging his amendment.

The Deputy Presiding Officer: I call Clare Adamson, too, for a brief contribution.

Clare Adamson (Central Scotland) (SNP): Tavish Scott and Ken Macintosh have brought to light the importance of the charter. It is a timely reminder of how important European Union membership is to Scotland's future. The European Charter of Local Self-Government was signed by the UK Government in 1997, formally binding the UK Government and successive Governments, and their devolved Assemblies and devolved Administrations, to respect its terms and implement its requirements.

Some of the requirements are specific to a written constitution. However, in its explanatory report, the charter recognises the UK's constitutional arrangement and suggests that no legislation is needed. On article 2, the explanatory report says that the

"article provides that the principle of local self-government should be enshrined in written law."

It goes on to say:

"It was also recognised that countries not having a written constitution but a constitution to be found in various documents and sources might encounter specific difficulties or even be unable to make that commitment."

Given Scottish law as it stands, I do not think that amendment 151 would give any of the protections that Tavish Scott seeks. On that basis, we should reject the amendment, as we already have protection in Scottish law.

The Deputy Presiding Officer: Finally, I call Tavish Scott to wind up and indicate whether he wishes to press or withdraw the amendment.

Tavish Scott: I am grateful to Ken Macintosh for the opportunity to thank you, Presiding Officer, for allowing further debate on the matter.

I take the minister's points about the constitutional aspects. There is a perfectly fair argument about that, but the point is that for many of us—including, privately, the minister, I suspect—and particularly for local government, the amendment represents a step forward and we should take the opportunity to take that step in Parliament and in law, as it strengthens the very arguments that the minister made.

I cannot take the minister's arguments on centralisation too seriously. After all, the Government has replaced ring fencing with the straitjacket of the council tax freeze—whether members consider that good, bad or indifferent, local government sees it as a straitjacket on what it can do, and it is ridiculous to suggest otherwise.

I am grateful to the minister for mentioning the concordat. We have not heard tell of that for about four years; it used to be mentioned every week at First Minister's questions, but no longer. The concordat is not just historic, but is a point of history. *[Interruption.]*

The Deputy Presiding Officer: Order. Mr Scott has little time to make his point and we must hear him.

Tavish Scott: I will stop there, but I wish to press the amendment.

The Deputy Presiding Officer: The question is, that amendment 151 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
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 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
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 Milne, Nanette (North East Scotland) (Con)
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Against

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 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
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 Robison, Shona (Dundee City East) (SNP)
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 Swinney, John (Perthshire North) (SNP)
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 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 52, Against 68, Abstentions 0.

Amendment 151 disagreed to.

Section 5—Local outcomes improvement plan

The Deputy Presiding Officer: Group 3 is on “Community planning—locality plans etc”. Amendment 1, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 2 to 8.

Marco Biagi: During stage 2 consideration of provisions on community planning, the Local Government and Regeneration Committee and I discussed duties that should be imposed on community planning partnerships to undertake locality planning. Such duties include working with communities to prepare, publish and deliver plans that are aimed at improving outcomes for local communities on a smaller level than a whole CPP area. Although I could not agree to the amendments that Alex Rowley lodged, I undertook to work with Labour members of that committee to introduce community planning at a more neighbourhood level. I have appreciated the constructive involvement of those members and the discussions that I have had with them.

Amendment 1 requires CPPs to include a description of the needs and circumstances of

persons in their CPP areas in their local outcomes improvement plans.

Amendments 2 and 3 are minor amendments in consequence of amendments 4 to 7, which introduce locality planning and locality plan improvement reports.

Amendment 4 imposes duties on each CPP to identify each geographic locality in their area where persons experience significantly poorer outcomes than are experienced by persons who reside in other localities in that area or significantly poorer outcomes than are experienced generally by persons who reside in Scotland.

Amendment 5 imposes duties on each CPP to prepare and publish a locality plan for each locality that it has identified as experiencing the significantly poorer outcomes referred to in amendment 4. To further encourage locality planning, the amendment makes it clear that CPPs may also prepare and publish locality plans for other areas. I encourage them all to consider doing that.

Amendment 6 imposes a duty on each CPP to keep under review the question whether it is making progress in improving the achievement of each local outcome that the locality plan refers to. CPPs must also review the locality plan, and they may revise it.

Amendment 7 imposes a duty on each CPP to prepare and publish a locality plan progress report for each locality plan that it publishes for each reporting year.

The provisions in amendments 5 to 7 for locality plans broadly echo the corresponding duties on CPPs around their local outcomes improvement plans under sections 5 to 7. That is part of our wider programme of community empowerment. On that basis, I hope that the amendments will be supported.

Amendment 8 adds a definition of locality to the interpretation section for part 2, in consequence of amendment 4.

I hope that those amendments, which began with the Opposition and have been taken on by the Government, will command wide support around the chamber.

I move amendment 1.

The Deputy Presiding Officer: Four members wish to speak. If they all take a minute, I should be able to fit everyone in.

Ken Macintosh: I do not wish to add anything to the substantive arguments that the minister made. I mention in the interests of transparency that a number of outstanding issues were left hanging from stage 2. I acknowledge that the minister consulted Labour members—Alex

Rowley, Cara Hilton, me and others. I thank him for those efforts and offer our support for the amendments.

Cameron Buchanan: We quite agree with amendments 1 to 3, but amendments 4 to 8 raise concerns not because of their practical content but because of the principle that they threaten. A bill about empowering communities should do just that. Communities should be able to set their own priorities and aims for improvement, including where they apply. If a community planning partnership is to be empowered, it should not be told which studies to do and which areas to focus on; community planning partnerships should be able to decide that for themselves. The point is not that improving outcomes for disadvantaged communities is the wrong aim but that communities should be left to set their own priorities and be free to use their resources as they see fit.

Kevin Stewart (Aberdeen Central) (SNP): I welcome the constructive discussions that took place to get us to the amendments.

Cameron Buchanan has got the wrong end of the stick entirely. The amendments will ensure that communities at a very low level—at a very local or neighbourhood level—have a say instead of being dictated to completely and utterly by a community planning partnership that many folk will think is distant. I urge him to rethink what he just said and to back the amendments, which will do much to empower communities—particularly those that are disadvantaged.

Malcolm Chisholm: I welcome the amendments. It is good that the top-down process of community planning will become far more localised because of the proposals. Credit goes to the minister and Alex Rowley, who pressed those issues strongly in committee.

I have only one question to the minister. We have a detailed process for the integration of health and social care, in which there have to be locality plans. Many people are asking what the relationship will be between the locality plans of the integration authorities and the locality plans in question. If the minister could shed any light on that, that would be helpful.

The Deputy Presiding Officer: I said that four members wished to speak, but John Wilson has also made a request to speak.

John Wilson (Central Scotland) (Ind): I seek clarification from the minister on amendment 5, which will insert a section on locality plans after section 7. Subsection (4) in amendment 5 says:

“In preparing a locality plan, a community planning partnership must consult—

(a) such community bodies as it considers appropriate”.

Will community planning partnerships be expected to extend the consultation as widely as possible and not to exclude groups that they might feel that they could exclude?

15:45

Marco Biagi: I am happy to address all the concerns that have been expressed and to answer the specific questions that have been raised.

On the point made by John Wilson, it is clear that, as a result of the bill, there will be a lot of duties on CPPs to foster participation, particularly by underrepresented socioeconomic groups. That, too, will come under the ambit of locality planning.

I have to disagree with Cameron Buchanan's take on the matter; indeed, I wonder whether there might be a misunderstanding or a difference of interpretation. CPPs are valuable because they bring to the table not just the council but all the public, third sector and private partners in an area and do so at the level of a local authority area. I hope that we share the aim of replicating some of that work at a more local level, and the amendments in the group will give flexibility in dividing up an area.

The initial proposal was based on community council units, but the amendments in the group will make things flexible by allowing the CPP to base its approach on whatever division of the local authority area it thinks is sensible or worth while. Some might find interaction with health and social care localities to be a sensible approach, while others might choose not to align things in that way—that will be down to local decision making.

Nevertheless, it is important that all CPPs recognise that, as part of our thrust in the bill to target areas of socioeconomic disadvantage, locality plans must at a minimum be delivered to areas that are suffering particular disadvantage relative to the rest of the local authority area in question or relative to Scotland. They must also recognise that work must be undertaken in those areas to recognise their particular problems at neighbourhood level. There is nothing to stop a CPP producing locality plans for its entire area, but the areas that I just referred to must be targeted.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: Yes.

The Deputy Presiding Officer: Are we agreed?

Members: Yes.

The Deputy Presiding Officer: Can I ask members not to say yes if they agree and to shout no if they disagree? I will put the question again, because I thought that I heard a no, and I want to be clear. Are we agreed?

Members: Yes.

Amendment 1 agreed to.

The Deputy Presiding Officer: Do members object to a single question being put on amendments 2 to 8?

Members: Yes.

The Deputy Presiding Officer: In that case, I will put the question on each amendment individually.

Section 7—Local outcomes improvement plan: progress report

Amendments 2 and 3 moved—[Marco Biagi]—and agreed to.

After section 7

Amendment 4 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 104, Against 14, Abstentions 0.

Amendment 4 agreed to.

Amendment 5 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
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 Johnstone, Alison (Lothian) (Green)
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 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
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 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 16, Abstentions 0.

Amendment 5 agreed to.

Amendment 6 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)

Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)

Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 104, Against 11, Abstentions 0.

Amendment 6 agreed to.

Amendment 7 moved—[Marco Biagi].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 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)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 15, Abstentions 0.

Amendment 7 agreed to.

Section 13—Interpretation of Part 2

Amendment 8 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 104, Against 15, Abstentions 0.

Amendment 8 agreed to.

Section 15—Meaning of “community participation body”

The Deputy Presiding Officer: Group 4 is on types of group entitled to make participation requests. Amendment 9, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 10 and 11.

Marco Biagi: These amendments respond to another commitment that I made at stage 2. The Local Government and Regeneration Committee expressed concern about the need for a group to have a written constitution before being able to make a participation request. Although I did not agree with the amendments that were lodged at stage 2, which would have allowed individuals to make such requests, I recognise the need to allow groups that are less formally organised to come together and contribute their ideas for improving their communities. Those could include groups that are so informal that they do not wish to codify, or those in the early stages of establishment that already have ideas to offer.

Section 14 sets out the criteria that a group is required to meet to be a community controlled body. They include requirements for the group to define the community that it represents, to be open to all members of that community and to be controlled by members of it. Each of those is important—it is not about others telling the community what is good for them. Although partnerships may be welcome, organisations such as citizens advice bureaux may be consulted to provide support to participation requests. However, this is about community empowerment.

We must retain those key features of a community body, even if they are not set out in a formal constitution. Therefore, amendments 9 and 10 provide for another type of community participation body, set out in section 15, which does not have a written constitution but which has all the same features of having a community basis, of being open to and representative of that community, and of being not for profit. In the absence of a constitution establishing and codifying that, there must be a test whether a group meets the criteria. Amendment 11 provides that it will be for the public service authority to determine that. The group must provide such information as the authority needs to be satisfied of that. The information need not be produced in formal documents; it might come from leaflets or

newsletters, or just through conversations with the group about who they are and how they decide what the group should do.

The amendments will open up participation requests to less formal groups, which, nonetheless, have something to offer their community, while ensuring that they are being used only by groups that are open, not for profit and representative.

I move amendment 9.

Amendment 9 agreed to.

Amendment 10 moved—[Marco Biagi]—and agreed to.

Section 17—Participation requests

Amendment 11 moved—[Marco Biagi]—and agreed to.

The Deputy Presiding Officer: I let Parliament know that, as we are nearing the agreed time limit under rule 9.8.4.A, I consider it necessary to allow the debate on groups 3 to 6 to continue beyond the limit.

After section 24

The Deputy Presiding Officer: Group 5 is on participation requests, appeals and reviews. Amendment 42, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendment 43.

Marco Biagi: Everything in the bill is about empowering communities. The bill does that by conferring new rights and by signalling that the approach across the public sector must be one of welcoming and facilitating communities in decision making.

Participation requests are a way of generating that partnership. They are the embodiment of the new culture that we want to see in the public sector, in which community participation in decision making is the norm, and in which we create positive relationships and make the most of all the knowledge and ideas that communities have to offer. That depends on mutual respect. Indeed, a minister can make provision for many things, but we cannot, by legislation, order or instruction create that respect. Although we could force people to come to any table, it is unlikely that anything positive would come out of dialogue held in such adversarial circumstances.

We believe that community bodies have the right to participate. Through participation requests, the legislation sets out a process to allow them to do so. Helpful stage 2 amendments mean that the bill will ensure that public authorities must be transparent about how they deal with requests, with clear, regular reporting. Ministers will take

note of the performance of bodies reporting to us and I expect that councillors will do so, too, in their local authorities. However, we must be clear that being able to appeal any participation request, as the bill currently allows, would, I expect, see a sweeping range of requests coming to minister centrally for their decision making.

Participation requests can range from an informal group with some suggestions to make as a very junior partner in a community action plan to a community organisation seeking to take over delivery of a service. In the latter case, on consideration, there may be a stronger case for appeals to ministers. There is an important distinction, because there may be significant interaction with other important areas of law, so it would be vital to get the detail right.

We are proposing to make provision for appeals to be introduced on participation requests, if experience shows that they are needed. Amendment 42 gives ministers the power to make regulations about appeals or reviews of decisions relating to participation requests. That also allows for the appeals or reviews to be carried out by persons other than the Scottish ministers. I am sure that appeals or reviews will be needed only in exceptional cases, and we need to make sure that the system is proportionate.

I have also lodged an amendment, which we will come to in the next group, to require ministers to prepare a report on the operation of participation requests across the country. That will ensure that the system is reviewed within three years of coming into effect, although the regulation-making power is independent of that timescale. I hope that members will agree that making provision for appeals in that way is a more appropriate method of dealing with participation requests, and of ensuring that, if appeals are found to be needed, a system can be set up that is tailored to the situation, which can be updated as needed and which, when used, makes things better rather than worse.

I move amendment 42.

16:00

The Deputy Presiding Officer: Once again, under rule 9.8.5A, I am minded to accept a motion without notice, to extend the time limit for group 5 by 10 minutes.

Motion moved,

That, under Rule 9.8.5A, the time limit for group 5 be extended by 10 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: That allows me to call two members who want to contribute to the group, but their contributions should be brief.

Ken Macintosh: I fully agree with the minister that the bill is all about improving the involvement and participation of communities. The minister seems to suggest that it will be rare for communities to seek to participate and to have their participation request turned down by a public body. That is true, but the right to appeal such a decision should be enshrined in our legislation.

In support of that argument, I will quote no less an authority than Michael Russell MSP, who argued at stage 2 on appeals on asset transfers that

“there is no doubt that, in a very few exceptional cases, giving community bodies a route of appeal to Scottish ministers could be beneficial because it would strengthen part of the bill’s focus on openness, transparency and consistency. It may well be a proportionate measure.”—[*Official Report, Local Government and Regeneration Committee*, 11 March 2015; c 43.]

I could not have put it better myself. That is why the committee agreed to the amendment at stage 2. Rather than taking that amendment out and replacing it with a Government power to regulate, I ask the minister to rethink his approach. We are talking about shifting the balance of power so that public bodies know that any decisions that they take might be challenged because there is an appeals mechanism. It is important that we give the communities the power, not the public body. I urge the minister to withdraw the amendment.

Stuart McMillan (West Scotland) (SNP): I listened to what Ken Macintosh had to say and I have read the *Official Report* of stage 2. Although I genuinely appreciate what Alex Rowley was trying to do at stage 2—and I am sure that he will understand my position on community empowerment, because I am a former member of the committee—what the bill says at the moment will prove to be unworkable in many cases. As it stands, the bill could allow a confrontational approach to be taken. I know that that is not what the section intends, but I fear that that is what would happen. If an individual gets to the point of making an appeal on an issue, clearly and understandably their feelings will be running high.

Amendment 42 will assist with such situations by providing for a power to make regulations on appeals and reviews. That will not preclude an appeal and a review system if that is found to be required. Amendment 44, which is to be discussed shortly, calls on ministers to review the operation of participation requests within three years of their coming into operation. I therefore support amendments 42 and 43.

Marco Biagi: As I have said, we have taken on board the case that is being made. There is provision in the bill. The contrast between what Michael Russell said and the section that we are discussing is that, with asset transfers, there is a

tangible, physical asset, and the difference between that and a constructive relationship and dialogue could not be bigger. That is why it might be valid to make a distinction for the takeover of services.

I have one example. If a council tenants association wants to discuss how a concierge area should be decorated, makes a participation request to the council and gets knocked back, under the bill as it stands, without amendments 42 and 43, that decision could be appealed straight to ministers. If people believe that that is the right way for things to be decided, they are welcome to vote for that. However, if they do, please let them never again come to the chamber and accuse the Government of centralisation.

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a one-minute 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)

Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is For 81, Against 35, Abstentions 0.

Amendment 42 agreed to.

Section 24A—Appeals

Amendment 43 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

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

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)

Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is For 86, Against 29, Abstentions 0.

Amendment 43 agreed to.

Section 25A—Annual reports

The Deputy Presiding Officer: Before I call group 6—after which my colleague John Scott will take the chair—I say to the chamber that the anticipated timings for this stage 3 are very far from the reality. I will now go and look carefully at the timings for the rest of this afternoon and this evening.

Group 6 is on participation request and asset transfer request reports. Amendment 12, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 44 and 19.

Marco Biagi: At stage 2, following the committee's recommendation, I brought forward provisions to require relevant authorities to publish annual reports on asset transfer requests and participation requests. Those reports will set out the number of requests received and their results, as well as how the authority is promoting and supporting the use of the requests.

John Wilson proposed that a deadline should be set for the reports to be produced. We have sought the views of some of our key stakeholders in the public sector and the third sector, including the Development Trusts Association Scotland, the Scottish Community Development Centre, the Scottish Council for Voluntary Organisations, Barnardo's, Oxfam and the Poverty Alliance, and the majority view is that 30 June would be an appropriate date for the annual reports to be published. That is what amendments 12 and 19 put in place for participation requests and asset transfer requests respectively.

Amendment 44 is the amendment that I spoke about a minute ago in relation to appeals. It requires ministers to prepare a report on the operation of participation requests within three years of them coming into force, and to lay it before Parliament.

I move amendment 12.

The Deputy Presiding Officer (John Scott): Before I call other speakers, I want to let Parliament know that, as we have passed the agreed time limit, under rule 9.8.4.A(a) I consider it necessary to allow the debate to continue beyond the limit in order to allow those with a right to speak on amendments in the group to do so.

I offer the minister the opportunity to wind up.

Marco Biagi: I will waive that opportunity.

Amendment 12 agreed to.

After section 25A

Amendment 44 moved—[Marco Biagi]—and agreed to.

Section 28—Meaning of “community”

The Deputy Presiding Officer: Group 7 is on changes related to the type of body that a community body,crofting community body or part 3A community body is and duties on such bodies. Amendment 45, in the name of the Minister for the Environment, Climate Change and Land Reform, is grouped with amendments 47 to 49, 62, 70, 72, 74 to 76, 78, 82 to 85 and 87.

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The purpose of amendment 45 is to extend the ability of a community body to define its community by reference to postcode unit or postcode units to both Scottish charitable incorporated organisations—SCIOs—and community benefit societies—bencoms.

The purpose of amendments 48, 49, 82 to 85 and 87 is to update the provisions in part 2 and the new part 3A of the Land Reform (Scotland) Act 2003, which set out what type of connection a community is required to have with the land that is the subject of an application under part 2 to register an interest in land or under part 3A to apply to exercise the right to buy.

Amendment 48 ensures that the acquisition of the land by the community body has to be compatible with furthering the achievement of sustainable development of the land and is applicable to all subparagraphs of section 38(1)(b) of the 2003 act. It also makes some technical changes to the definition of a community to align with the extension in the types of community bodies that can make an application to include bencoms, SCIOs and other types of bodies as prescribed in regulations by ministers.

Amendment 48 repeals the reference to the definition of community within section 38(1)(b)(i), because it is already being set out in section 38(3). Amendment 48 also amends section 38(1)(b) by inserting two additional options for fulfilling the requirement to demonstrate a connection with the land: where the community body is a company limited by guarantee, a bencom or a SCIO, the land is in or sufficiently near to the area of the community as set out in their articles of association, constitution or registered rules; and, where the community body is a body as prescribed by ministers, the land is in or sufficiently near to the area of the community to which that body relates.

Amendment 49 makes technical changes to section 38(3) of part 2 of the 2003 act to take account of the fact that community bodies can now take the form of SCIOs, bencoms and other forms of body as prescribed in regulations by ministers.

Amendments 70 and 72 move the definition of a company limited by guarantee, so that the definition is grouped within the subsection that defines the other types of body that can constitute a community body.

Amendment 82 repeals the reference to the definition of community in the new section 97H(h), because it is superseded by the new provisions inserted by amendment 87. Amendment 83 is a minor wording change in section 97H(h)(ii). Amendment 83 is consequential to amendment 87.

Amendment 84 amends the new section 97H(h) and the connection between the community and the land, in the same way that amendment 48 does. Amendment 85 repeals the words “so defined” in section 97H(i). This amendment is consequential to the change to the definition of community introduced by amendment 87.

Amendment 87 provides that, for the purposes of section 97H in part 3A of the 2003 act, references to a community are references to the community as defined in the community body's application.

Amendments 47, 62, 74 to 76 and 78 relate to the details of community bodies,crofting community bodies and part 3A community bodies that have to be included on the various registers that relate to the rights to buy in part 2, part 3 and the new part 3A of the Land Reform (Scotland) Act 2003. They impose the same requirement to include the names and addresses of the SCIOs and the bencoms in the relevant register. They also require a community body that has registered an interest in land to notify the keeper of the registers of Scotland of a change to the community body's name or registered or principal office as soon as is reasonably practicable after the change has been made.

Amendment 62 also enables information or documentation to be withheld from public inspection when it relates to arrangements for the raising or expenditure of money that would be used for a particular purpose in connection with the land that is the subject of the application. That ensures that sensitive financial data is appropriately safeguarded and not made publicly available.

I move amendment 45.

Claudia Beamish (South Scotland) (Lab): I would simply like to welcome the addition of

SCIOs and bencoms to the available community bodies in relation to this part of the bill.

Amendment 45 agreed to.

Section 29—Modification of memorandum, articles of association or constitution

The Deputy Presiding Officer: We move to group 8, on minor amendments—part 4. Amendment 46, in the name of the minister, is grouped with amendments 54, 55, 63, 64, 71, 77, 88, 89, 136, 137 and 139 to 142.

16:15

Aileen McLeod: Section 35(3) of the Land Reform (Scotland) Act 2003 allows ministers to compulsorily acquire land bought by a community body under part 2 of the 2003 act if ministers are satisfied that, had it not bought that land, it would no longer be entitled to do so.

Amendment 46, if agreed, will give ministers—where they exercise their power of compulsory acquisition under section 35(3) of the 2003 act—the power to make an order modifying any amendment relating to, or in connection with, the acquisition of the land. It will bring the relevant sections of parts 2, 3 and the new part 3A of the 2003 act into alignment.

Amendment 136 is consequential to amendment 46. It provides that the new power for ministers to make such an order is subject to the affirmative procedure.

The purpose of amendments 54 and 55 is to ensure consistency in the wording of section 39A of the 2003 act. The purpose of amendment 63 is to insert the new section to be inserted by section 47K of the bill after section 97 rather than 97A of the 2003 act, as there is another section 97B of the 2003 act to be inserted by section 48 of the bill. Amendment 64 renumbers that section as section 97ZA of the 2003 act.

Amendment 71 adjusts a cross-reference in section 97D(7) of the 2003 act that relates to part 3A community bodies.

Amendment 77 provides that the person who provides a document or other information, or makes a decision, a copy of which is to be registered in the part 3A register, must give a copy to the keeper of the registers of Scotland as soon as reasonably practicable.

Amendment 88 alters the paragraphing of section 97J(3) to clarify that regulations made by ministers about how the ballot is to be conducted make provision for the ascertainment and publication of: the number of persons eligible to vote in the ballot; the number who did vote; and the number of valid votes respectively cast for and

against. The regulations must also make provision for the form and manner in which the result of the ballot is to be published.

Amendment 89 leaves out the unnecessary words

“of the Registers of Scotland”

because a definition of the keeper of the registers of Scotland as “the Keeper” is provided in section 97F(9) of the 2003 act.

The purpose of amendment 137 is that the power inserted by section 97D(1)(b) into the 2003 act is subject to the affirmative procedure. That power allows ministers to make regulations setting out an additional description of a body in addition to a body falling within subsection (1A), (1B) or (1C) of section 97D of the 2003 act that may be part 3A community bodies and to set out any requirements that those bodies must comply with.

Amendments 139 to 142 relate to the International Covenant on Economic, Social and Cultural Rights. They amend the provisions that were inserted by Michael Russell's stage 2 amendment. The effect of the amendments is that ministers, when making certain decisions on a right-to-buy application made under parts 2, 3 or 3A of the Land Reform (Scotland) Act 2003, must have regard to that international covenant.

Amendments 140 and 141 are minor drafting amendments. Amendment 142 adds two qualifications of the reference to the covenant. The references to the covenant are qualified by:

“any amendments in force in relation to the United Kingdom for the time being, and ... any reservations, objections or interpretative declarations by the United Kingdom for the time being in force”.

I move amendment 46.

Claudia Beamish: I welcome Michael Russell's stage 2 amendment on human resources issues and the International Covenant on Economic, Social and Cultural Rights, and I acknowledge that the minister's amendments 139 to 142 complete the tidying process in that respect.

Aileen McLeod: I thank Claudia Beamish for her thanks.

Amendment 46 agreed to.

After section 29

Amendment 47 moved—[Aileen McLeod]—and agreed to.

Section 30—Period for indicating approval under section 38 of 2003 Act

Amendment 48 moved—[Aileen McLeod]—and agreed to.

The Deputy Presiding Officer: Group 9 is on period for indicating approval under part 2 of 2003 act. Amendment 154, in the name of Claudia Beamish, is grouped with amendment 155.

Claudia Beamish: Previous versions of my amendments 154 and 155 were lodged at stage 2 by my colleague on the Rural Affairs, Climate Change and Environment Committee, Dave Thompson, and were based on discussions with Community Land Scotland.

Section 30 of the bill will amend section 38 of the 2003 act, which sets out the criteria for registration of community interests. The bill will insert a new provision that precludes ministers from considering any community support that is dated earlier than six months before the date on which an application for registering a community interest in land is received by ministers. Amendment 154 seeks to increase that period to 12 months.

At stage 2, the minister stated that it is important that the approval of members of the community be current, which I acknowledge, and that a 12-month timeframe could mean that the plans or the community itself could have changed. The minister's alternative amendment 49 would give ministers the power to alter the timeframe by regulation if it is proved that the six-month timeframe poses a barrier to communities exercising their right to buy. Assurances were given at stage 2 that the regulations would be used only to increase, and not to decrease, the timescale. My amendment 155 would give that a statutory footing to ensure that any amendment to the timeframe could not reduce it to less than six months.

I move amendment 154.

Alex Fergusson: I have no doubt that Claudia Beamish's amendments are well intentioned, but I find them to be unnecessary, given that the bill will already give ministers the ability to substitute a different period of time if they see a need to do so.

I think that six months is an appropriate period—bearing in mind the ability of ministers to alter it—in this instance, in particular. Shorter periods of time keep minds focused and probably keep up momentum. I think that both those abilities would be diminished by extending to 12 months the period for approval.

For those reasons, Conservative members will not support the amendments in group 9.

Aileen McLeod: The bill will insert in the 2003 act proposed new section 38(2A), which states that, in considering an application for registration of an interest in land,

"Ministers may not take into account ... the approval of a member of the community if it was indicated earlier than 6 months before the date"

on which the part 2 application was made.

Amendment 154 would increase the period of time for approval from six months to 12 months to give ministers more flexibility to consider community support. I believe, however, that it is important for such approval to be current. If the approval was given 12 months prior to the date of application, the community's plans or the community itself may have changed in the intervening time.

The bill will also insert in the 2003 act proposed new section 38(2B), which will give ministers the power to amend the time limit if they consider that to be desirable. I hope that that gives Claudia Beamish some reassurance, so I urge her to seek to withdraw amendment 154.

Amendment 155 would mean that ministers, when using the new power in proposed new section 38(2B) of the 2003 act to amend the six-month time limit, could not change it to a period of less than six months. I support amendment 155.

The Deputy Presiding Officer: I call Claudia Beamish to press or to seek to withdraw amendment 154.

Claudia Beamish: I press amendment 154.

The Deputy Presiding Officer: The question is, that amendment 154 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)

(SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 78, Abstentions 0.

Amendment 154 disagreed to.

Amendment 155 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 155 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
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 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 14, Abstentions 0.

Amendment 155 agreed to.

Amendment 49 moved—[Aileen McLeod]—and agreed to.

Section 31—Procedure for late applications

The Deputy Presiding Officer: Group 10 is on the time period for representations and provision of information under 2003 act. Amendment 50, in the name of the minister, is grouped with amendments 52, 57, 58 and 144.

Aileen McLeod: Amendments 50, 52, 57, 58 and 144 were lodged in response to Claudia Beamish's stage 2 amendment 57, which sought to provide flexibility in the timescales for providing information in connection with an application that is made under part 2 or part 3A of the 2003 act. During stage 2, I committed to lodging amendments on the matter. The best approach is to increase the period at key points in the process. I have identified four areas where an extension from seven days to 14 days in which to provide information would be beneficial to the party concerned.

Amendment 50 will change from seven days to 14 days the time within which the relevant party must provide to ministers additional information in connection with a late application.

Amendment 52 will change from seven days to 14 days the time within which persons must provide ministers with further information in connection with an application.

Amendment 57 will change from seven days to 14 days the time within which the community body must provide to ministers additional information in connection with an application.

Amendment 58 will change from seven days to 14 days the time within which the community body may provide additional information in connection with circumstances that affected the ballot.

Amendment 144 will remove paragraph 2(6) from schedule 4, which is the current provision for extending seven-day time limits.

I move amendment 50.

Claudia Beamish: I support the minister's amendments, which rationalise my stage 2 amendment to extend waiting periods in late applications.

Aileen McLeod: I thank Claudia Beamish for her amendment at stage 2.

Amendment 50 agreed to.

16:30

The Deputy Presiding Officer: Group 11 is on late applications under part 2 of 2003 act. Amendment 51, in the name of the minister, is grouped with amendment 53.

Aileen McLeod: Amendments 51 and 53 have been lodged as a result of the withdrawal at stage 2 of amendment 49, which was lodged by Alex Fergusson. At stage 2 I committed to lodging a stage 3 amendment because amendment 49 did not take account of such factors as the terms on which the land was offered to the community body and the reasons why the community body rejected or did not complete the purchase.

Amendment 51 relates to the late application process in part 2 of the 2003 act. It will insert new criteria, about which ministers must be satisfied before consenting to a late application. The amendment's purpose is to prevent a late application from being accepted if the land was offered to the same or a "similar community body" within the previous 12 months, unless, in ministers' opinion, there are good reasons why the body did not purchase the land. Examples of things that might be considered good reasons include conditions' being attached to the sale of the land, or the area of land being offered not meeting the community's needs at the time.

Amendment 53 specifies that it is for ministers to decide whether a community body is a "similar community body" for the purposes of provisions in amendment 51. When considering whether a community body is "similar", ministers will have to have regard to matters that will be set out in regulations, including how many of the named directors, other officers or named members of the two community bodies are the same.

I move amendment 51.

Alex Fergusson: I am grateful to the minister for lodging amendments 51 and 53. As she acknowledged, they stem from an amendment that I lodged at stage 2 and then withdrew, given the Government's undertaking to look at the issue that I raised and to lodge its own amendment. The issue was simply that I wished to provide a bit of protection in the circumstances that the minister has described. Amendment 51 provides a better balance in the process and amendment 53 very sensibly allows a bit of flexibility in the definitions of any offer that is made, the land in question and the make-up of the community body. I am very happy to support the amendments.

Amendment 51 agreed to.

Amendments 52 and 53 moved—[Aileen McLeod]—and agreed to.

Section 32—Evidence and notification of concluded missives or option agreements

Amendments 54 and 55 moved—[Aileen McLeod]—and agreed to.

After section 33

The Deputy Presiding Officer: We move to group 12, on expiry of registration under part 2 of 2003 act. Amendment 56, in the name of the minister, is grouped with amendment 156. I call the minister to move amendment 56 and to speak to both amendments in the group.

Aileen McLeod: Amendment 56 relates to part 2 of the 2003 act and has been lodged as a result of the withdrawal at stage 2 of amendment 52, which was lodged by Dave Thompson. Amendment 52 would have required the keeper of the registers of Scotland to notify the community body of the expiry of a registered interest. I believe that it is more appropriate for ministers to notify the community body of the expiry.

Amendment 56 will require ministers to notify a community body that its registered interest in land is due to expire, no earlier than 12 months before the registered interest is due to expire. Ministers will have a period of 28 days from that date in which to send the notification to the community body in order to give the community body sufficient time to prepare its reregistration.

I turn to amendment 156. Under the existing provisions of part 2 of the 2003 act, a community is required to reregister its interest every 5 years. The reregistration period is designed to ensure that community support for the acquisition remains current, and that other vital aspects have not changed. Amendment 156 seeks to extend from five years to seven years the period for which a registration of interest lasts. However, that would no longer provide an indication of the community's current support for the acquisition, or identify other

important changes to the circumstances that justified the original registration of interest.

I intend to introduce, under sections 37(1) and 98(3) of the 2003 act, a more streamlined form to be used by community bodies for reregistration, which will make the five-yearly reregistration process less onerous while ensuring that community support for the acquisition remains current. We therefore propose to retain the current five-year period, so I ask that Claudia Beamish not move amendment 156.

I move amendment 56.

The Deputy Presiding Officer: I invite Claudia Beamish to speak to amendment 156 and other amendments in the group.

Claudia Beamish: Although I have listened carefully to what the minister has said, I would like to reiterate some points relating to amendment 156 for Parliament to consider.

A version of amendment 156 was initially lodged at stage 2 by Dave Thompson, following discussion with Community Land Scotland. We supported that amendment at the time. It sought to extend the period for which a registration of interest lasts, from the current five years under section 44 of the 2003 act, to 10 years, which was a recommendation from the land reform review group. At the time, the minister argued that after 10 years there would no longer be an indication of the community's support for the acquisition, and she has highlighted that point again today. There would also be a risk that ministers would be unaware of important changes in circumstances.

Stage 2 amendment 44 was withdrawn, but Michael Russell, who spoke to the amendment in Dave Thompson's absence, asked the minister to

"consider ... whether that advice from the land reform review group requires further thought."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 4 March 2015; c 44.]

The minister said that she would happily look again at the amendment, but as I understand it she decided against pursuing the issue through a Government amendment.

As a compromise, and based on the minister's comments, my amendment 156 seeks to increase the duration of the registration period to seven years. That would simplify the process for community groups. It would be a step in the direction of the land reform review group's recommendation and it would reduce the burden that community bodies face with reregistration, notwithstanding the fact that the minister has highlighted the streamlining of the reregistration process.

Alex Fergusson: I am afraid that we cannot agree with Claudia Beamish's amendment 156.

Five-year intervals are generally accepted as a standard period—for instance, in the planning process. It seems to me that five years is the right period before reregistration would be required, especially because the process of reregistration is to be considerably simplified as a result of the bill and the regulations that are to come.

Aileen McLeod: On amendment 156, I concur with Alex Fergusson. I consider five years to be a decent period of time within which community support can be demonstrated. Amendment 56 will ensure that community bodies have adequate time to carry out reregistration as smoothly as possible. On that basis, I urge members to support amendment 56.

Amendment 56 agreed to.

Amendment 156 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 156 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 78, Abstentions 0.

Amendment 156 disagreed to.

Section 38—Consent under section 51 of 2003 Act: prescribed information

Amendment 57 moved—[Aileen McLeod]—and agreed to.

Section 39—Representations etc regarding circumstances affecting ballot result

Amendment 58 moved—[Aileen McLeod]—and agreed to.

After section 42

The Deputy Presiding Officer: Group 13 is on notifications relating to applications, appeals et cetera under 2003 act. Amendment 59, in the name of the minister, is grouped with amendments 60, 61, 91, 93 and 94.

Aileen McLeod: Amendments 59 to 61 and 91, 93 and 94 will require the party who is lodging an appeal, referring a question or making an application to the Lands Tribunal for Scotland or the Scottish Land Court to notify the Scottish ministers within seven days of the appeal being lodged, question being referred or application being made. The amendments will also require the Lands Tribunal or Land Court to send a copy of its written decision to ministers—where that is not already done—to ensure that ministers are kept up to date with progress on an application and that any errors in processing an application are avoided.

Amendment 59 relates to an application to the Lands Tribunal in connection with unreasonable failure to transfer title, or delay in transferring title, to the community body following an agreement to purchase land under part 2 of the 2003 act. Amendment 60 relates to appeals to the Lands Tribunal in connection with the valuation of the land on a part 2 application. Amendment 61 relates to appeals to the Land Court in connection with the valuation of the land on a part 3 application. Amendment 91 relates to questions to the Lands Tribunal in connection with a claim for compensation on a part 3A application. Amendment 93 relates to appeals to the Lands

Tribunal in connection with the valuation of the land for a part 3A application. Finally, amendment 94 relates to questions to the Lands Tribunal in connection with a part 3A application.

I move amendment 59.

Amendment 59 agreed to.

Section 45A—Appeals to Lands Tribunal as respects valuations of land

Amendment 60 moved—[Aileen McLeod]—and agreed to.

Section 47C—Application: information about rights and interest in land

The Deputy Presiding Officer: Group 14 is on power to modify information required in application for consent under part 3 of 2003 act. Amendment 157, in the name of Sarah Boyack, is the only amendment in the group.

Sarah Boyack (Lothian) (Lab): My amendment 157 follows discussion with Community Land Scotland. Section 73 of the Land Reform (Scotland) Act 2003 deals with the process of applying to exercise the crofting community right to buy. Section 73(5) specifies certain information that should be included in the application, with reference to maps, where appropriate. Community Land Scotland has highlighted that those requirements remain potentially onerous for a crofting community body.

Amendment 157 would insert a new subsection giving ministers the option to modify the paragraphs in section 73(5) of the 2003 act, should the need arise, in order to address such concerns in regulations. Those regulations could also provide for specific paragraphs in section 73(5) not to apply in such circumstances as ministers may specify.

The proposed provisions give ministers flexibility to act where appropriate. I hope that colleagues will support amendment 157, which I believe is a good and proportionate addition to the bill.

I move amendment 157.

Aileen McLeod: Section 73(5) of the Land Reform (Scotland) Act 2003 requires a crofting community body, as part of its crofting community right-to-buy application, to provide certain information about the land that is the subject of its application. Those requirements were amended at stage 2 of the bill to make them less onerous.

Ministers currently have a power to set out in regulations the kind of information that must be included in or accompany an application, but that power is subject to the minimum requirements set out in section 73(5). If agreed to, amendment 157 will add a provision that will give ministers a

regulation-making power, allowing them to amend or repeal the minimum requirements for information that must be included in or accompany the application. That would allow ministers to change or remove the requirements in section 73(5), should it be identified in the future that those requirements are still considered to be too onerous for a crofting community body to comply with.

I support amendment 157.

The Deputy Presiding Officer: Breaking with convention, I will allow Mike Russell to speak.

Michael Russell (Argyll and Bute) (SNP): Not everybody will be grateful for that, Presiding Officer.

I will make two points, to which amendment 157 draws attention. The first one is the need for flexibility, in all arrangements to do with community purchase, in taking down the barriers to community purchase that exist. I commend the minister for her very practical approach throughout our consideration of the bill. The amendment very sensibly removes barriers that would otherwise deter some communities.

The second point is about the important role that Community Land Scotland and other organisations have played in helping the committee that examined this part of the bill and in helping the Government—having worked closely with it—to understand how important it is that community purchase is encouraged and enabled and that any difficulties that exist in legislation are minimised to the maximum degree.

I am grateful to the minister and to Sarah Boyack for their participation in considering the matter, and I am particularly grateful to Community Land Scotland.

Sarah Boyack: I will press amendment 157. I thank the minister for her helpful approach, and I thank Mike Russell for his support. I hope that all colleagues will feel able to support this useful, if minor, amendment.

The Deputy Presiding Officer: We shall see.

Amendment 157 agreed to.

Section 47J—Land Court: reasons for decision under section 92

Amendment 61 moved—[Aileen McLeod]—and agreed to.

After section 47J

Amendment 62 moved—[Aileen McLeod]—and agreed to.

Section 47K—Meaning of creditor in standard security with right to sell

Amendments 63 and 64 moved—[Aileen McLeod]—and agreed to.

Section 48—Abandoned and neglected land

The Deputy Presiding Officer: Group 15 is on “Eligible land under Part 3A of 2003 Act etc.—general”. Amendment 65, in the name of the minister, is grouped with amendments 158, 68, 159, 69, 161, 164 and 135. I draw members’ attention to the fact that, if amendment 160, which is in group 17, is agreed to, we will be unable to call amendment 161 because of pre-emption.

16:45

Aileen McLeod: Amendment 65 provides a definition of “inland waters” for the purposes of part 3A of the 2003 act.

Amendment 158 provides that a draft statutory instrument containing regulations that set out what land will be treated as eligible land for the purposes of part 3A of the 2003 act must be laid before the Scottish Parliament within 18 months of the bill receiving royal assent. I ask Sarah Boyack not to move amendment 158 because it is intended that consultation will begin with stakeholders on the content of such regulations shortly after completion of the bill’s passage through the Scottish Parliament. Stakeholder engagement is an essential part of that process.

Amendment 68 provides that land on which there is a building or other structure that is a home will no longer be excluded from the right to buy when that home is occupied by a person as a tenant.

I turn to amendment 159. Currently, land that is classed as bona vacantia—that is, ownerless property—and land that falls to the Crown as ultimus haeres, which happens when no living relative can be found to inherit land that belonged to a deceased person, is excluded from the definition of “eligible land”. Such land falls to the Crown through the Queen’s and Lord Treasurer’s Remembrancer. Amendment 159 removes bona vacantia land and land that falls to the Crown as ultimus haeres from the list of excluded land and thereby allows it to be subject to part 3A application.

There are good reasons why bona vacantia and ultimus haeres land is excluded from the definition of “eligible land”. The remembrancer does not seek to retain land, so she may be unwilling to retain land for a sufficient length of time to allow a part 3A acquisition to be completed. The remembrancer’s overall function is to dispose of such land for the benefit of the public purse. It is

not in the remembrancer's interest to retain land because no disposal income would be generated and she is not resourced to manage such land on an on-going or long-term basis. The remembrancer also seeks to avoid retaining land because of the risks of liabilities arising in relation to it. Given the sources of land that falls to the Crown as bona vacantia, it follows that it can often be in a poor condition and brings with it the risk of future problems, liabilities and expense if the Crown interest in it is not resolved.

In circumstances where land has fallen to the Crown as bona vacantia or ultimus haeres, the community body has the option of contacting the remembrancer with a view to acquiring the land. In such circumstances, there would be no need to rely on the part 3A process. For those reasons, I ask Claudia Beamish not to move amendment 159.

Amendment 69, which is linked to amendment 68, provides ministers with a regulation-making power to set out

"descriptions or classes of occupancy or possession which are, or are to be treated as, a tenancy"

and which will be excluded from the right to buy abandoned, neglected or detrimental land.

Amendment 161 adds any tenant of the land to the list of parties who must be identified in a part 3A application. Tenancies cannot be bought separately from the land under part 3A of the 2003 act. Placing a requirement on the part 3A community body to identify all tenants on the land will ensure that they are fully involved in the community right-to-buy process and gives them the opportunity to contribute to that process, not only as members of the community but as individuals who could be directly impacted by any transfer of ownership. I support amendment 161.

Amendment 164 adds any tenant of the land to the list of parties who must be invited by the Scottish ministers to comment on a part 3A application. That will require the Scottish ministers to identify all tenants of the land. Although section 97G(9)(a)(iii) of the 2003 act already allows ministers to invite written comments on the application from tenants on the land, amendment 164 will introduce a specific obligation to do so. I support amendment 164.

Amendment 135 updates the definition of "inland waters" in part 3 of the 2003 act.

I move amendment 65.

Sarah Boyack: Under new section 97C of the 2003 act, ministers will be required to make regulations setting out what factors they must have regard to when deciding whether, in their opinion, land is eligible under part 3A of that act. The definition of "eligible land" was a key aspect of

the Rural Affairs, Climate Change and Environment Committee's consideration of the bill, and there are a number of amendments still to come on that subject. However, getting the detail of how the eligibility of land is to be judged will be crucial.

I lodged amendments at stage 2 that would have required ministers to consult on the required regulations within a year of royal assent. At the time, I listened to the minister's assurances that consultation forms a key part of the regulation-making process, which I welcome. However, I am very keen to ensure that questions around how the eligibility of land is to be judged are settled at the earliest opportunity. I am concerned that, with the proposed land reform bill following so closely on the heels of the Community Empowerment (Scotland) Bill, there is a risk that regulations arising from both bills will be bundled together and delayed further down the line.

My amendment 158 would require a draft statutory instrument containing the regulations to be laid before Parliament within 18 months of royal assent. The minister committed in her opening remarks to consultation immediately after the bill is passed. However, can she clarify when she expects the statutory instruments to come into force? It is important that she clarifies that.

I will comment briefly on Alex Fergusson's amendments 161 and 164. I think that the principle behind the amendments is reasonable, because it is about ensuring that tenants, as well as owners, have a right to comment. However, I would like the minister to clarify what would happen if a community, despite its best endeavours, cannot identify the tenants. Would that potentially knock out or invalidate the community's application? I am very keen for the minister to clarify in her closing remarks what would happen in that situation.

Claudia Beamish: An amendment similar to amendment 159 was lodged at stage 2 by Sarah Boyack. Amendment 159 concerns the exemption from part 3A of land that is owned or occupied by the Crown by virtue of its having been vested in the Crown as bona vacantia, or of its having fallen to the Crown as ultimus haeres. I do not intend to go into the definitions of those terms, as the minister highlighted them earlier. However, clarification was sought at stage 2 on the need for the exemption when other Crown land is included by virtue of section 100(2) of the 2003 act. There is no similar exemption from the definition of "eligible crofting land" in part 3 of the 2003 act. I hope that the minister will be able to comment on that in her closing remarks.

In her remarks to the committee at stage 2 and again today, the minister provided background on the process for land that is classed as bona vacantia and ultimus haeres. Such land is claimed

by the Crown through the Queen's and Lord Treasurer's Remembrancer, whose purpose is to seek to realise the value of any land through disposal or disclaimer. The minister has already highlighted that the remembrancer does not seek to retain land and is not resourced to manage land on an on-going basis.

The minister said that in circumstances where land is classified as bona vacantia or ultimus haeres, a community body has the option of contacting the remembrancer with a view to acquiring the land. My concern would be that by specifically excluding such land, community bodies might be put off from showing their potential interest in it. At the same time, including the land as eligible would not prevent the remembrancer from disposing of land as usual unless there was community interest, in which case the benefit to the community must surely carry some weight.

Alex Fergusson: I lodged amendments 161 and 164 to try to ensure that any tenant of a building or structure on land that is subject to a community purchase has the opportunity to give their views formally, having been duly identified in the process. I cannot help but believe that tenants are being discriminated against by the Government in amendments 68 and 69, which appear to create two separate types of homemakers: those who own their homes and those who rent them. If someone owns their home they will not be impacted by a community right to buy, but if they rent their home, they will be—and possibly quite heavily.

There seems to be an unwritten principle in the Government's amendments 68 and 69 that a community will, per se and of necessity, be a more benevolent landlord than any individual or company. I do not accept that that would always be the case. Amendments 161 and 164 seek to redress some of the imbalance in favour of the tenant. I hope that the Parliament will note that it is the Scottish Conservatives who are standing up for the interests of tenants in relation to the bill.

Aileen McLeod: I will try to take on board some of the points that have been raised. Amendments 68 and 69 ensure that communities are able to fully utilise the right to buy without the risk that land is ineligible due to the fact that it contains areas of land that are occupied by tenants as a home. I clarify that the amendments confer the power to set out the classes of occupancy et cetera that are included in part 3A of the Land Reform (Scotland) Act 2003.

On the points raised by Claudia Beamish and Sarah Boyack, if a community body did not identify a tenant, the application would not be compliant. However, we will ensure that guidance is available to limit the risk of that happening.

On amendment 158, we intend to begin consultation with stakeholders on the proposed content of the instrument shortly after the completion of the bill's passage through the Scottish Parliament. As I said in my opening remarks, stakeholder engagement is an essential part and parcel of the community right-to-buy process. The draft instrument will be laid before the Scottish Parliament as the parliamentary timetable permits.

Amendment 65 agreed to.

The Deputy Presiding Officer: Group 16 is on eligible land under part 3A of the 2003 act—the use or management of land causing harm. Amendment 66, in the name of the Minister for Environment, Climate Change and Land Reform, is grouped with amendments 67, 67A, 67B, 73, 79 to 81, 86, 86A to 86D, 90, 92, 138 and 146.

Aileen McLeod: The bill, if it is passed, will introduce a new part 3A into the Land Reform (Scotland) Act 2003 that will give communities a right to buy land that is, in the Scottish ministers' opinion, wholly or mainly abandoned or neglected. Mr Russell lodged an amendment at stage 2 that sought to expand that description to include land that is

"in substantial need of sustainable development".

Amendments 66 and 67 add provisions to widen the definition of eligible land to include land whose use or management results in or causes harm, which is not negligible harm, to the environmental wellbeing of a relevant community.

Environmental wellbeing is not being defined in the bill as I want it to have a broad meaning for the purposes of part 3A of the 2003 act and not to be restricted to harm that is caused to just the physical condition of the community. Harm to the community's environmental wellbeing, for example, may affect the amenity of the community. That may include cases where the use or management of the land causes or results in harm to the community such as the detrimental impact that a group of boarded-up shops, unoccupied housing or algae-filled ponds that are becoming health hazards might have on the community's environmental wellbeing.

Amendments 73, 90 and 92 change the title of the register that is to be set up by the keeper of the registers of Scotland to the "Register of Community Interests in Abandoned, Neglected or Detrimental Land".

Amendment 79 requires the community body to set out in its application why it considers that the land is being used or managed in such a way as to result in or cause harm to the community's environmental wellbeing, if that is the basis for the application. Amendment 80 adds a provision to

require a community body to include details of any requests that have been made to regulators to take action that could remedy or mitigate the harm. Amendment 81 provides that, where relevant, landowners are invited to give information about whether they consider that the use or management of their land is causing or resulting in harm to the community's environmental wellbeing.

Amendment 86 provides that, in order to consent to an application, the Scottish ministers must be satisfied, in addition to the existing criteria in section 97H of the 2003 act, that the harm is unlikely to be removed by the current owner if they continue to be the owner of the land. Ministers must also be satisfied that the community body has made a request to any relevant regulators to take action to remedy or mitigate the harm to the community's environmental wellbeing and that the body's ownership of the land will be consistent with reducing the harm. Ministers will have the power to set out who the relevant regulators are.

17:00

Amendments 67A and 67B would give a community the right to apply to purchase land when the use or management of the land was resulting in or causing harm to the community's environmental and social wellbeing. That would introduce a double test in which both conditions had to be met, so it would be more difficult for community bodies to satisfy the test.

Social wellbeing is a broad concept. Defining it separately from environmental wellbeing makes it a distinct consideration. There was not time between stages 2 and 3 to consult fully on whether there is evidence of harm being caused to the social wellbeing of communities as a result of the use or management of land and, if so, what the extent of that is. It would be important to do that before asking the Parliament to confer powers that authorise the compulsory acquisition of land. Therefore, the bill as it is proposed to be amended by the Scottish Government takes matters as far as I consider appropriate at this time.

Amendment 86A would change the criteria that must be satisfied before ministers can consent to an application that relates to the use or management of land that is resulting in or causing harm to a relevant community's environmental wellbeing so that those criteria applied if the part 3A community body was making an application on the basis that harm was being caused to the relevant community's environmental and social wellbeing.

Amendment 86B would require that, in order to consent to an application, ministers would have to be satisfied that the exercise of the right to buy by

the part 3A community body was compatible with removing or substantially removing the harm to the relevant community's environmental and social wellbeing. Amendment 86C would amend the definition of a relevant regulator so that a regulator was relevant if it could be considered to be so after having regard to the harm to the relevant community's environmental and social wellbeing. Amendment 86D would amend the definition of a regulatory function so that a regulatory function was relevant if it could be considered to be so after having regard to the harm to the relevant community's environmental and social wellbeing.

I appreciate the helpful intention of Sarah Boyack's amendments, given how hard everyone has worked on the issue to find the right way forward. I am certain that we are all trying to get to the same place, but the question is how we do that in the most effective way. Adding the social wellbeing dimension to the definition narrows the test for what constitutes eligible land from what it would be if amendment 67 were agreed to unamended, because the harm that is caused has to be not only environmental but social. If the harm that is caused is environmental but not social, land will not meet the test, as it would not meet both elements.

Although I am absolutely sure that the intention was not to introduce an additional test for community bodies and that that was not the proposal's purpose, I ask Sarah Boyack not to press amendments 67A, 67B, 86A and 86B and the consequential amendments 86C and 86D, to ensure that such a test is not introduced. It is also the Scottish Government's view that those amendments are outwith the Scottish Parliament's legislative competence, on the basis that they do not provide sufficient foreseeability for landowners.

I reassure members that the definition of environmental wellbeing has a wide meaning and encompasses some social considerations. As I said earlier, we were not able to consult fully on extending the right to buy beyond what I have proposed in the Government amendments in the group. If Parliament were to widen the circumstances in which communities can acquire ownership of land through compulsory purchase, we would want to be clear about the evidence of the harm that the proposals would address and to consult on that to find a proportionate solution.

I give my firm commitment to work with Sarah Boyack and other members of the Rural Affairs, Climate Change and Environment Committee to look at any evidence that the use or management of land results in harm to the social wellbeing of communities, and I will seek to do so at the earliest opportunity.

Amendment 138 provides that the ministerial power that is introduced via amendment 86 will be subject to the affirmative procedure.

Amendment 146 amends the long title of the bill to include abandoned, neglected or detrimental land because of the widening of the definition of eligible land for the purposes of part 3A of the 2003 act.

I move amendment 66.

Sarah Boyack: At stage 2, the Rural Affairs, Climate Change and Environment Committee spent a considerable amount of time debating the definition of abandoned and neglected land for the purposes of part 3A of the 2003 act. Across the committee, there was concern that the terms “abandoned” and “neglected” might be seen as too narrow and might ignore the social, economic and environmental impact on communities. At stage 2, Michael Russell lodged amendments that sought to embed the concept of sustainable development in part 3A.

I still do not fully accept the Scottish Government bill team’s reluctance to include references to sustainable development, because I think that the term is useful. However, the minister has again said that she does not believe it to be sufficiently precise and that she wishes to carry out more consultation on it.

The Scottish Government’s amendment 67 is helpful, and I am grateful to the minister for engaging in discussions with the Rural Affairs, Climate Change and Environment Committee since stage 2. We have had the opportunity to press the Scottish Government on the matter and to ask questions of the minister and her officials. As a result, I understand that the Scottish Government’s preferred approach is to use the term “environmental wellbeing”.

Given that a key purpose of lodging my amendments was to probe what that term means in practice, I listened carefully to the minister’s comments. The wider definition that she has put on the record this afternoon is helpful in making it clear that the term includes social wellbeing. It is important to have it on record that environmental wellbeing is seen in a broader context, that it is not just about physical conditions, that it is important to urban and rural communities and that it is all about the use and management of the land. Crucially, the minister referred to boarded-up shops—which could, of course, mean other boarded-up buildings that have been left vacant for some time—or ponds that are causing harm. It is useful to have those comments on the record. The fact that the term “environmental wellbeing” is seen as covering impacts on human health and social wellbeing is helpful to us in moving forward.

As I have said, my amendments were intended to be probing and, as far as what can be done at stage 3 is concerned, I think that I have received the exact result that I was after. I welcome the minister’s comments, and I will not move my amendments in the group.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): When I looked on Google for definitions of the word “environment”, I found two related ones:

“the surroundings or conditions in which a person, animal, or plant lives or operates”

and

“the natural world, as a whole or in a particular geographical area, especially as affected by human activity”.

It is therefore entirely possible for the term “environmental” to encapsulate human communities and individuals. As far as I can see, “environmental wellbeing” as proposed by the minister fits that bill; after all, environmental harm can include harm to all of those mentioned in the definitions to which I referred. Given that the social aspect is included in the term “environmental”, there is no need to delineate it, as has been argued.

Landlords across Scotland behave in ways that advantage or disadvantage the environment and communities, and communities deserve the right to access parcels of land in order to give their future a fair chance. The use of the term “environmental” in this sense provides a circular context in which the social aspect includes us and the land, which I find very satisfactory. However, although I am glad to hear that the minister accepts that approach, I wonder whether the courts will accept that definition of “environmental”. We await an answer to that question once the bill, if it is passed, is tested in the courts, as it will be.

Alex Fergusson: Our stated public position on the right to buy has always been that we would not support such a concept in the absence of a willing seller. However, as a result of a combination of constituency experience and evidence to the Rural Affairs, Climate Change and Environment Committee, we accept that there are situations where in extremis such a right would be merited. I hope that that shift in position is recognised for what it is.

However, I also have great sympathy with the Law Society’s view that an urban/rural split would have been welcome in relation to section 48. We would have supported the measure had it applied only to wholly abandoned or neglected land; I believe that such a definition would have been clear in law and would have been seen as a black and white issue in the event of the bill coming into force.

I commend the minister for her efforts to secure agreement from the members of the Rural Affairs, Climate Change and Environment Committee, but I am sorry to say that we cannot support the measure, for the simple reason that we believe that her expanded definition of eligible land does not make things black and white.

Michael Russell: The measure lies at the heart of the community right to buy part of the bill. It is about public benefit, not just private ownership and, as Sarah Boyack knows, I have the greatest sympathy with her approach. That sympathy is almost unanimous across the committee, although clearly not entirely, given what Alex Fergusson said. There was a view that the measure as originally drafted was not adequate to meet the tests that would—and indeed will—be laid on it by the courts.

The issue of abandoned and neglected land goes to the heart of what we are trying to change in Scotland, and it may certainly bridge the rural and the urban. There are many places where abandoned and neglected buildings in cities and towns would be ripe for community ownership and being properly used by communities, just as abandoned and neglected areas of land throughout rural Scotland need to be used productively. How land is used as a common asset should be the issue that drives us forward. That is about opportunity and aspiration.

It has been difficult to find the right way to define the issue. It should be easy to define sustainable development legally. The term has been used in legal judgments, yet there is a reluctance to believe that it has a meaning and a strength that could carry it forward in every court case, particularly in issues of European competence.

Something had to be found, and I commend the minister for the work that she and her officials have done to try to find a proper meaning. The issues of environmental wellbeing and environmental harm at least start us on the road of placing in legislation, as well as in legal and public understanding, the fact that land can be left in a bad condition under private and public ownership—this is not just about private ownership—and dealing with how communities can be empowered to move forward.

I am glad that the minister has shown herself to be flexible, and I am grateful to Sarah Boyack for acknowledging that. Now we must see the provisions tested in the aspirations of communities. If the bill withstands those tests as a result of the amendments, we will have done a good thing for communities. If it does not withstand those tests, we must return to the issue to strengthen the opportunity for Scotland's communities to use the asset that is all around

them but to which they sometimes cannot even get close.

Aileen McLeod: I am very conscious of the time, so I will keep my response as short as I can. I appreciate the comments from across the chamber. I firmly believe that amendments 67 and 86 are an important step in the right direction for increasing community ownership, and I ask all members to support them.

The Deputy Presiding Officer: Many thanks—that was brief.

The question is, that amendment 66 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 102, Against 14, Abstentions 0.

Amendment 66 agreed to.

17:15

Amendment 67 moved—[Aileen McLeod].

Amendments 67A and 67B not moved.

The Deputy Presiding Officer: The question is, that amendment 67 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 101, Against 14, Abstentions 0.

Amendment 67 agreed to.

Amendment 158 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 158 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)

Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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)

The Deputy Presiding Officer: The result of the division is: For 47, Against 68, Abstentions 0.

Amendment 158 not agreed to.

Amendment 68 moved—[Aileen McLeod].

The Deputy Presiding Officer: The question is, that amendment 68 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)

Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 14, Abstentions 0.

Amendment 68 agreed to.

Amendment 159 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 159 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 34, Against 82, Abstentions 0.

Amendment 159 not agreed to.

Amendments 69 to 78 moved—[Aileen McLeod]—and agreed to.

The Deputy Presiding Officer: Group 17 is on application for consent under part 3A of 2003 act—identification of owner of land. Amendment 160, in the name of Sarah Boyack, is grouped with amendments 162, 163 and 166. If amendment 160 is agreed to, I cannot call amendment 161, which was debated in group 15.

Sarah Boyack: Under the provisions in part 3, ministers must refuse consent unless they are satisfied that the owner of the land is accurately identified in the application. When we discussed the matter with Community Land Scotland, concern was highlighted that that sets a high bar for community bodies, given the complex process of determining ownership.

At stage 2, I lodged amendments that would give ministers flexibility when a community body could demonstrate that it had exercised all reasonable diligence in seeking to identify the owner. I listened carefully to the minister's concerns that to allow a sale without an identified owner would deny that owner the right to respond to the application. I understand that the Scottish Government would prefer to complete the land register to make it easier for owners to be identified, but I am conscious that that is a long-term ambition, so my amendment 160 seeks to return to the subject.

In light of the minister's comments at stage 2, amendment 160 focuses on the application stage rather than on ministerial consent. It would allow a community body in applying for consent to either specify the owner or provide details of the steps that it had taken to identify the owner. When an owner cannot be identified, the community body could ask ministers to undertake the task on its behalf.

Amendments 162 and 163 are consequential and reflect the change made by amendment 161 in relation to the requirement for a community body to send a copy of the application to the owner and for ministers to invite comments from the owner.

Amendment 166, which is also consequential, returns to the criteria for consent in relation to the identification of the owner. When the Rural Affairs, Climate Change and Environment Committee was in Orkney at the weekend, a member of the public raised the problem of identifying the owner of land, so it is a real issue for people. Until we have a complete register, there will be cases in which it is difficult to identify the owner. My amendments aim to address that problem, and I hope that they will be supported.

I move amendment 160.

Aileen McLeod: I will keep this short. I firmly believe that amendment 160 should be withdrawn. It is the responsibility of the part 3A community body that wishes to purchase the land to take steps to identify the correct landowner. Community bodies can be reassured that guidance will be provided, suggesting steps that the community bodies should take, if appropriate, when identifying the owner of the land.

Amendment 160 does not provide that there will be prescribed steps that the part 3A community body must take to trace the landowner. Without minimum requirements, it could place a considerable burden on ministers to take action to identify landowners on behalf of part 3A community bodies. I understand and appreciate the need to ensure that there is transparency, and we are committed to improving the transparency of land ownership in Scotland by working towards a target to complete the land register for the whole of Scotland within 10 years, with registration of all public sector land within five years. I therefore urge Sarah Boyack to withdraw amendment 160, and ask her not to move amendments 162, 163 and 166.

Sarah Boyack: Ten years is a long time if we want to get going with opening up opportunities. There are still places in Scotland where ownership is not clear, where it is hidden and where people avoid saying who owns land or property. The issue is important and I press my amendment.

The Deputy Presiding Officer: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)

Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 65, Abstentions 0.

Amendment 160 disagreed to.

Amendment 161 moved—[Alex Fergusson]—and agreed to.

Amendments 79 and 80 moved—[Aileen McLeod]—and agreed to.

Amendment 162 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 162 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Dugdale, Kezia (Lothian) (Lab)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Rowley, Alex (Cowdenbeath) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)

Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
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)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (Aberdeen Donside) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 78, Abstentions 0.

Amendment 162 disagreed to.

Amendment 163 not moved.

Amendment 164 moved—[Alex Fergusson]—and agreed to.

Amendment 81 moved—[Aileen McLeod]—and agreed to.

The Deputy Presiding Officer: Group 18 is on power to prescribe how proposal for land or previous attempts to buy must be demonstrated. Amendment 165, in the name of Claudia Beamish, is grouped with amendment 167.

I can advise the Parliament that we have now caught up with our time and would not wish to curtail debate.

Claudia Beamish: Good news for all, no doubt.

Amendment 165 concerns the new section 97G and deals with the process of applying to exercise the right to buy land under part 3A of the 2003 act. Subsection (10)(d) of section 97G requires ministers to invite views from the landowner, creditors and others about any proposals that the owner has for the land. My amendment seeks to relieve concerns that, in order to avoid a community right to buy, an owner could create spurious proposals for the development of land.

Amendment 165 would give ministers the option of prescribing what would constitute a proposal for land, what evidence would need to be provided to demonstrate that a proposal exists and other information that ministers deem appropriate. Such an approach would give guidance to owners and clarity to communities.

I move amendment 165.

Sarah Boyack: Amendment 167 concerns new section 97H, which sets out the matters in relation to which ministers must be satisfied before consenting to a part 3A community right to buy. Subsection 1(j) of that section requires ministers to be satisfied that the community body has tried and failed to buy the land by means other than a right to buy. That is in recognition of the policy intention that was indicated by the minister at stage 2 that the part 3A right to buy should be used only as a last resort.

Amendment 167 seeks to provide clarity to community bodies to help them to understand what would constitute trying and failing to buy the land. They would be considered to have satisfied the requirement if they provided ministers with

evidence in a prescribed form to demonstrate that they had taken certain actions to try to buy the land.

17:30

Alex Fergusson: Again, I am afraid that we cannot support the amendments on the grounds that we are concerned that they would give even more powers to ministers through conferring on them an ability that is overly prescriptive to decree what constitutes an effort to buy or sell land, or indeed to decree what constitutes a proposal for the land in question. If there are genuine concerns about those issues, it is not Scottish ministers who should determine them but some other organisation.

Aileen McLeod: With regard to amendments 165 and 167, I do not consider it necessary or desirable to provide in regulations what information a landowner should provide in connection with any proposals that he may have for the land, or what steps a community body should take or what evidence it should provide when it tries to buy the land. Prescribed actions may not be relevant and prescribed steps may not be possible in all circumstances. They could cause difficulties to community bodies or landowners if they are unable to comply with certain prescribed requirements.

A community body would be expected to provide all information and evidence that it considers is necessary, appropriate or relevant to attempts that it made to buy the land. It would then be for ministers to be satisfied that the community body had provided sufficient information to demonstrate that it had tried and failed to buy the land. Similarly, a landowner would be expected to provide all information and evidence that they consider is necessary, appropriate or relevant in relation to proposals that they have for the land.

For those reasons, I urge Claudia Beamish to withdraw amendment 165 and Sarah Boyack not to move amendment 167.

Claudia Beamish: I am not convinced by the minister's arguments in this particular case. I press amendment 165.

The Deputy Presiding Officer (Elaine Smith): The question is, that amendment 165 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)

Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 79, Abstentions 0.

Amendment 165 disagreed to.

Amendment 166 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 166 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 79, Abstentions 0.

Amendment 166 disagreed to.

Amendments 82 to 85 moved—[Aileen McLeod]—and agreed to.

Amendment 86 moved—[Aileen McLeod].

Amendments 86A to 86D not moved.

Amendment 86 agreed to.

Amendment 87 moved—[Aileen McLeod]—and agreed to.

Amendment 167 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 38, Against 78, Abstentions 0.

Amendment 167 disagreed to.

Amendments 88 to 94 moved—[Aileen McLeod]—and agreed to.

After section 48

The Deputy Presiding Officer: Group 19 is on mediation in relation to rights under parts 2, 3 and 3A of the Land Reform (Scotland) Act 2003. Amendment 95, in the name of the Minister for Environment, Climate Change and Land Reform, is grouped with amendment 143.

Aileen McLeod: Amendment 95 is introduced following the lodging of an amendment by Graeme Dey at stage 2, which was agreed to. The amendment inserted provisions relating to ministers' facilitation of mediation in relation to parts 2, 3 and new part 3A of the 2003 act.

Amendment 95 replaces those provisions with new mediation provisions that achieve the same policy intention. The new powers are for ministers, upon a request by certain persons—including owners of land and community bodies—to take such steps as they consider appropriate for the purposes of arranging, or facilitating the arrangement of, mediation in relation to a proposed registration of an interest in land under part 2 or exercise of the right to buy under parts 2, 3 and new 3A.

The new provisions clarify that the power of ministers to facilitate mediation includes the power to appoint a mediator and to make payments to mediators either for payment of services or for reimbursement of expenses.

Amendment 143 removes paragraph 2(5)(aa) of schedule 4 to the bill, which amendment 95 replaces.

I move amendment 95.

Claudia Beamish: I support amendment 95 and stress the importance from my party's perspective of the mediation and payment arrangements.

The Deputy Presiding Officer: I just want to check whether I saw Graeme Dey indicating that he wished to contribute.

Graeme Dey (Angus South) (SNP): No.

Aileen McLeod: I thank Graeme Dey for lodging amendments on mediation at stage 2. The amendments ensure that mediation can be used by all parties at all relevant steps in the right-to-buy process. I ask that members support the amendments. I also thank Claudia Beamish for the support that she expressed.

Amendment 95 agreed to.

Section 56—Agreement to asset transfer request

The Deputy Presiding Officer: Group 20 is on asset transfer requests—appeals, reviews and prohibition on disposal of land. Amendment 96, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 97 to 99, 13 to 15, 100, 16, 172, 17, 18 and 20.

Marco Biagi: It is good to be back.

The Government amendments in group 20 fall into four sets. Amendments 96 and 100 provide for a community transfer body to appeal to the

Scottish ministers if it has been unable to conclude a contract with the relevant authority within a specified period after an asset transfer request has been agreed. At stage 2 the committee agreed to an amendment from Cameron Buchanan, which I also supported, to introduce an appeal in such circumstances. These amendments seek to implement that intention more effectively. Rather than relying on the existing appeal process, which would return the process to an earlier stage, they set out a new appeal specifically for that purpose.

Amendments 97 to 99 will ensure that a relevant authority cannot sell or lease a property to someone else while an asset transfer request is in progress.

Amendment 16 will ensure that a community transfer body cannot make an offer in relation to an asset transfer request and at the same time appeal or seek a review in relation to a decision about a request.

Amendments 13 to 15, 17, 18 and 20 are technical amendments that clarify references to certain sections where they are applied and modified by other sections.

Amendment 172, in the name of Cameron Buchanan, would mean that, if a relevant authority declines to consider a repeated request, as it is entitled to do under section 61, that request would become subject to appeal or review. That would make a nonsense of the whole section, which is important in order to give relevant authorities the scope to decline repeated or vexatious requests in limited circumstances without the risk of further appeal. I ask Cameron Buchanan not to move amendment 172.

I move amendment 96.

Cameron Buchanan: I agree with all the other amendments in the group.

Amendment 172 seeks to remove the word “not” from section 61(3) so that a refusal of an asset transfer request due to there having been a similar previous request can be reviewed or appealed. Without a right of appeal or review, community transfer bodies could be excluded from participation unfairly.

I make it clear that I am not making any assumptions—I am interested only in ensuring that communities are protected from unfair exclusion. The ability to instantly refuse participation should therefore not be used unless it is very clear that it is a repeated request; a right of appeal or review will ensure that the relevant authorities adhere to that.

On that basis, we also consider that amendments 17 and 18 raise concerns because they extend the Government's position that the

refusal of an asset transfer request due to there having been a similar previous request may not be appealed or reviewed. We think that a community transfer body should have a right of appeal under section 58 or a review under section 59 as that would ensure fair participation without allowing repeated challenges to an authority's decision.

Malcolm Chisholm: I welcome the amendments. As the minister knows, there is great interest in my constituency in the transfer of land. However, I still cannot see any reference to ALEOs in the bill, so perhaps the minister can confirm that all the provisions will apply to ALEOs as well as to local authorities.

Notwithstanding the progress that has been made and the right of appeal, there is concern that amendment 99 suggests that, if the land has been advertised as being for sale before the application has been made, it can still be disposed of. Therefore, I have some concerns about that amendment, although I might not have totally understood it. However, in general, I welcome the amendments in the group.

17:45

Marco Biagi: To respond to Cameron Buchanan's point, which is the crux of the matter, it is important that there is an appeals process, but any transfer request that has been made in the past two years could have been subject to that process the first time round. The amendments are intended to prevent a body that has made an asset transfer request, been refused, appealed and been refused on appeal from coming back and triggering the appeals process for a second time. If a request has been through the process already, it is important to have a cooling-off period of two years that enables persistent and repeated requests that might already have been through the appeals process to be declined. I hope that Cameron Buchanan will not move his amendment.

Amendment 96 agreed to.

Section 57—Prohibition on disposal of land

Amendments 97 to 99 moved—[Marco Biagi]—and agreed to.

Section 59—Review by local authority

Amendment 13 moved—[Marco Biagi]—and agreed to.

Section 59B—Appeals from reviews under section 59

Amendment 14 moved—[Marco Biagi]—and agreed to.

Section 59C—Decisions by relevant authority specified under section 58(2)(c): reviews

Amendment 15 moved—[Marco Biagi]—and agreed to.

After section 59C

Amendments 100 and 16 moved—[Marco Biagi]—and agreed to.

Section 61—Power to decline certain asset transfer requests

Amendment 172 moved—[Cameron Buchanan].

The Deputy Presiding Officer: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond 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)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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)

The Deputy Presiding Officer: The result of the division is: For 47, Against 72, Abstentions 0.

Amendment 172 disagreed to.

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 17 to 20?

Members: Yes.

The Deputy Presiding Officer: As some members have objected, I will put the questions on the amendments individually.

Amendment 17 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)

Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGregor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 101, Against 17, Abstentions 0.

Amendment 17 agreed to.

Amendment 18 moved—[Marco Biagi].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)

Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 16, Abstentions 0.

Amendment 18 agreed to.

Section 61B—Annual reports

Amendments 19 and 20 moved—[Marco Biagi]—and agreed to.

After section 62A

The Deputy Presiding Officer: Group 21 is on supporters' involvement in football clubs. Amendment 174, in the name of the Minister for Sport, Health Improvement and Mental Health, is grouped with amendments 174A, 174B, 174C, 175, 176, 176A, 177 to 199, 215 and 217.

The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn): I thank Alison Johnstone for her work on this issue and for starting an important debate on fan involvement and ownership of football clubs. Football plays a huge part in the lives of thousands of people across every community in Scotland and it is good to have this debate.

Scottish football has experienced more than its fair share of challenges, with many high-profile clubs changing owners and experiencing financial difficulties. That in itself is not unusual for a commercial organisation. However, given that so many clubs are firmly embedded in their local community and given the emotional investment that supporters have in their clubs, there can be a disproportionate impact if a club has to be wound up, so it is important that long-term sustainability is at the centre of each club's decision making. That is why the Scottish Government believes that supporters should have a greater role in the life of their club.

The amendments made to the bill at stage 2 would see significant changes to how clubs would be required to operate in Scotland. I have set out the Government's support for greater supporter involvement: we are very supportive of the sentiment behind Alison Johnstone's stage 2 amendments. However, the Scottish Government has a number of concerns about those amendments in terms of how they could operate and, more importantly, their potential for

unintended consequences. I am also concerned that there has not been an extensive consultation on the proposals to capture the full range of views on the issue.

Therefore, I have been in active discussions with all Opposition spokespersons on the issue to explain my reservations and concerns but also—and more importantly—to explore how best we can move forward. I place on record my thanks to them, particularly Alison Johnstone, who lodged the amendments at stage 2.

Although I believe that there is broad agreement here that we need to do more, it would be wrong to claim that we have the answer without first consulting fully. That is why I intend to launch a comprehensive consultation on this issue and why I shared a draft of the consultation document with Opposition spokespersons last week, lodged a copy in the Scottish Parliament information centre yesterday, and brought the consultation to the attention of all members through the office of the Minister for Parliamentary Business. I thank Opposition spokespersons for their time in helping me formulate the draft consultation, as well as the supporters organisations that my officials contacted to discuss the matter with.

I trust that the draft consultation demonstrates that the Government is open to the principle of bringing forward regulations that will protect supporters' rights. I hope that sharing an early draft of the consultation has helped members to understand the context of the Scottish Government amendments, which will provide for a framework for the introduction of the full range of options that are being consulted on—namely, a right to buy, a right to bid, a right to govern or a right to be involved.

Alison Johnstone has lodged a number of amendments to the Government amendments. In summary, although it might be felt that they are reasonable for the specific system that we might create through the power, I believe that they prejudice the consultation, which is why we will not support them. However, I can confirm that the specific provisions in Alison Johnstone's amendments have influenced the draft consultation. As I referred to, we will seek views on those areas to inform our regulations. I genuinely believe that it is important to have the consultation first before determining the specifics of the regulations. On that basis, I urge Alison Johnstone not to move her amendments.

As I hope members will be aware, our approach to developing the amendments and the consultation has been guided by helpful cross-party engagement and our aim not to pre-empt the consultation. The Parliament has my commitment that I intend to continue to work with all members who might be interested in the issue. I look to their

support in ensuring that, whatever legislative solution is developed, it protects the rights of fans, is workable and is not detrimental to Scottish football.

I move amendment 174.

The Deputy Presiding Officer: I call Alison Johnstone to move amendment 174A and to speak to all the amendments in the group.

Alison Johnstone (Lothian) (Green): The bill that Parliament is considering is designed to give power to communities across Scotland. It is not the first word on that and nor will it be the final word, but it is an important step on the journey.

As members will know, since the proposals for the bill were published, I have sought to have football fans recognised as important communities and to have football clubs recognised as important community assets. I am therefore pleased to have persuaded the Scottish Government to include in its amendments the powers to bring in a fans' right to buy their clubs. In a spirit of consensus, I will support those amendments today, even though they will also delete my more detailed right-to-buy proposals that the Local Government and Regeneration Committee approved unanimously at stage 2.

We know that a fans' right to buy is popular. It was backed by more than 80 per cent of the Scottish fans and members of Scottish organisations who responded to our consultation earlier this year, and more than 75 per cent of the Scottish public backed the idea when we polled last year. Of course, some owners are against it, just as some landowners oppose land reform, but other owners want a flexible and sustainable exit strategy, and the measures give them the reassurance that they need that their clubs will not fall into the hands of irresponsible owners in future.

I support the Scottish ministers' proposal to conduct a further round of consultation on the issue, although I should say that the draft text of the consultation as circulated by ministers could be paraphrased as, "Here's a terrible idea, don't you think?" I urge ministers to produce a more neutral and informative final document.

With regard to the four amendments that I have lodged today, I apologise to Parliament that they had to be lodged in extra time—sorry—but the timing of the Government's amendments left me no choice. They may seem modest refinements of the ministers' proposals, but they cover four important issues that the Scottish Government's approach does not resolve.

My amendments 174B and 176A would provide important protections for fans and owners. Amendment 174B would ensure that any fans

group wishing to exercise a right to buy would have to be open to all supporters, affordable and democratic. Such protections can likely be introduced in regulations, but my amendment would put the protection in the bill. Amendment 176A would explicitly require any fans' right to buy to be offset by an owners' right of appeal. That is an important safeguard for owners without which a right to buy would be open to challenge under the European convention on human rights. Again, that protection for current owners can be brought in under regulations, but in my view it is important enough to be in the bill.

Amendment 174A concerns funding for fan buyouts. There is no provision in the Scottish Government's amendments that would permit grants or loans to support buyouts. We know from trusts across the country, large and small, that that is frequently the hurdle to a fan buyout, just as it has been with land reform. The Foundation of Hearts fan bid would have gone nowhere without a loan from Ann Budge. Amendment 174A would allow ministers to play the same role, if they were satisfied that there was a good business model and a public interest in supporting it. A few tens of thousands of pounds might make the difference between a wee club surviving and folding—with all the economic and social impacts that that has on a community.

Amendment 174C sets a timescale for making regulations. I would be grateful if the minister could say when he will decide whether he plans to use the powers that Parliament is likely to give the Government today. This is not a request to prejudge the consultation. Ministers will be free at the end of the process to retain what is in my view a failing status quo, but those who fill in the consultation over the summer should know when they can expect to hear back from the Government. With a clear commitment of that sort from the minister, I will not move amendment 174C.

I urge members to vote for all the substantive amendments on this issue, both those in my name and those in the name of the minister.

I move amendment 174A.

18:00

The Deputy Presiding Officer: I invite Nigel Don, on behalf of the Delegated Powers and Law Reform Committee, to speak to amendment 180 and other amendments in the group.

Nigel Don (Angus North and Mearns) (SNP): At its meeting of 9 June, the Delegated Powers and Law Reform Committee considered the bill as amended at stage 2. It agreed to call on the Scottish Government to amend the bill at stage 3 in order to ensure that the powers in sections 62E,

62F, 62I, 62K and 62P were fully cast as powers to make subordinate legislation subject to the negative procedure and to clarify, by defining the terms "prescribe" and "prescribed" or by such other means as it considered appropriate, whom the powers were conferred upon and what form the subordinate legislation made in their exercise was intended to take.

In the event that the Government's stage 3 amendments did not cover that recommendation, the committee authorised the deputy convener and me to lodge suitable amendments. As the Government did not lodge such amendments, I have, on behalf of the committee, lodged amendments 180, 182, 186, 189 and 195 in order to give effect to the committee's recommendations.

I appreciate that the Scottish Government has lodged amendments that remove the sections to which my amendments relate and that it has provided for a new approach to the issue of supporter ownership and supporter involvement in football clubs. I further appreciate from what we have heard so far that it seems likely that that new approach will prevail and that, therefore, the issue to which the amendments respond will no longer be relevant. With that in mind, I should say that I do not expect to move the amendments when I am invited to do so.

Nonetheless, it is the role of the Delegated Powers and Law Reform Committee to provide a check on the delegated powers in the bill as amended at stage 2, not to pre-suppose what might happen at stage 3. It is with that principle in mind that the committee agreed to lodge the amendments, and it is with that principle in mind that we will continue to apply close scrutiny to delegated powers in bills as amended, ensuring that those powers are appropriately drawn, justified and subject to sufficient levels of scrutiny.

Ken Macintosh: One of the most encouraging developments at stage 2 was the opportunity that Alison Johnstone spotted to introduce her proposals on the right of football supporters to buy their local club. That has been Labour Party policy for many years—

Members: Ah!

Ken Macintosh: Oh, yes. I was absolutely delighted that the committee unanimously supported—[*Interruption.*]

The Minister for Transport and Islands (Derek Mackay): They are catching up.

The Deputy Presiding Officer: Order.

Ken Macintosh: I think it was also Scottish National Party policy.

I was absolutely delighted that the committee unanimously supported the stage 2 amendments on this matter, despite the minister's obvious misgivings about them. Since that stage, the Government has made it clear that, although it accepted the principle of the right to buy, it wished to go down a different route and to consult first with the football community before publishing secondary legislation.

It has only been with some reluctance, and solely in the interests of achieving consensual cross-party agreement, that my Labour colleagues and I, along with the Greens and the other parties, have accepted the position, but we will absolutely be supporting the Government's amendments in this group.

The Government amendments were lodged quite late, however, hence the subsequent amendments from Alison Johnstone. I do not believe that there is anything in the four amendments that Alison Johnstone has lodged that anyone could object to—certainly not insisting on a right of appeal for owners, nor, I suggest, ensuring that supporters organisations should be open and democratic.

On the matter of timing, I think that we are all looking for some indication from the minister as to when the replacement regulations will be made. On funding, the proposed measures are not a request for public money to support professional football. We would not support such a request. They are simply asking for the power for ministers to award grants—in fact, it is so that they may consult on the power to award grants—just as they might often exercise the power to award small grants to any local organisation so as to improve its capacity to make a difference in its community.

We urge ministers and all members to vote for all the amendments in this group.

Liz Smith (Mid Scotland and Fife) (Con): I thank the Minister for Sport, Health Improvement and Mental Health, Jamie Hepburn, and Alison Johnstone for their helpful engagement before today's stage 3 on what is a complex part of the bill.

I think that the vast majority of people recognise Alison Johnstone's good intentions and her attempts to provide a community-based approach to football. In particular, her attempt to provide football fans with transparent, democratic and accountable processes to underpin the organisation of football in this country are laudable, as is the attempt to ensure that there is much better communication between football supporters and club management.

Let us be honest: football has not been in a good place in recent years, with many supporters being disillusioned and angry about the complete

disconnect in many clubs between supporters, players and management in its various guises. That is not good for the game, so it is absolutely right to address the concerns.

That said, there are considerable complexities in part 5B of the bill, several of them in a legal context, and the Scottish Conservatives' view is that Alison Johnstone's amendments 174A, 174B, 174C and 176A could have some unintended consequences that could have a serious effect on the long-term sustainability of some clubs. Specifically, there remain some technical difficulties when it comes to defining "football supporters" and "football clubs", and the latter clearly has legal implications, mainly because it is difficult to define specific assets and liabilities.

The Scottish Government's deliberations over the right to influence, to govern and to bid and the right to buy make clear the complexities and the need for further consultation on the likely legal implications. They also make clear the concerns about finance, particularly at a time of considerable volatility within financial markets. The Morrow working group was specific in advising that it is not the Scottish Government's responsibility to provide financial support, and clubs are rightly questioning where they might turn to for that support in future.

It is fair to say that few supporters want control over the day-to-day running of their club. What supporters want is better communication, greater transparency and more accountability when it comes to decision making, but that has to be in a context where we are 100 per cent sure of the legal implications. That is why we will support the Scottish Government's amendments in the group and reject those that have been lodged by Alison Johnstone.

Jamie Hepburn: I thank Nigel Don for his amendments and his remarks. I think that he covered this, but he will appreciate why the Government did not lodge the amendments that his committee called for. We have taken a different approach.

I hope that I can provide Alison Johnstone with a degree of reassurance. The Government is committed to bringing forward legislation, using regulations, on this important issue. However, it is important that we consult fully on the issue before we do that. As Liz Smith rightly said, there has been talk about unintended consequences, and we want to make sure that there are none. That is why we want to have a full consultation.

As I said earlier, I have provided the draft consultation document to all members. It was issued to the Opposition spokespersons last week. I encourage all members to feed in their views before it is launched imminently. We want to

undertake the exercise as soon as possible, but there is still time for members to feed into the process.

In that regard, I say to Alison Johnstone that it is certainly not the Government's intention to suggest that we are against the principles in the consultation or to guide the outcome. If she has specific concerns, I remain happy to speak to her about the issue.

I do not object in any way to the broad thrust of the principles of Alison Johnstone's amendments. I just genuinely believe that it is important that we have a full consultation first, before we determine the specifics of any mechanism that we might bring forward. In that regard, notwithstanding the concerns that have been expressed about the consultation, there are a number of questions that relate directly to Alison Johnstone's amendments. Question 5 is about the definition of "assets" in the context of a football club; question 6 is about how to define "football supporters" and "supporter groups"; question 8 is about raising the necessary funds; and question 10 asks for views on rights of appeal. We will therefore take further evidence on the specifics of the amendments before determining the most appropriate way forward.

I appreciate the calls for a timeline for using the amendments' proposed powers, but it is important that we take the time necessary to ensure that any regulations are effective and do not have unintended consequences. It is important that we do not come up with a substandard mechanism, so the process might take a little time.

I understand the desire for the Scottish Government to be clear on its use of the powers. We have set out our intention to consult and we are serious, as I said at the outset, about our use of the powers, but it is not clear yet how we will use them. The consultation will address that, and options that arise from the consultation might take longer than others to act on. However, depending on the complexity of the option identified through the consultation, we would intend to bring forward the regulations in two or three years' time—

Alison Johnstone: Will the minister give way?

Jamie Hepburn: Of course.

Alison Johnstone: I whole-heartedly appreciate the minister's comments, particularly on the need to ensure that the consultation is thorough and appropriate. He said that that may take a little time, but could he be a little more specific?

Jamie Hepburn: I am sorry, but the member intervened at the wrong time because I was literally just saying that our intention is that it will take two to three years, depending on the complexity of the regulations that we bring

forward. We want to bring them forward as quickly as possible, but we intend to operate on that broad timescale. On that basis, I hope that members can support our approach, which is one that we think is open and participative, and which will allow us—we hope—the best-informed regulations at the end of the day.

I thank Alison Johnstone for raising the issue and working with me on it. I urge members to support our amendments.

The Deputy Presiding Officer: I ask Alison Johnstone to wind up on amendment 174A and to indicate whether she intends to press or withdraw it.

Alison Johnstone: This has been a useful debate. I thank in particular Ken Macintosh and Tavish Scott for their support throughout the process. I also welcome the minister's decision to accept that powers to introduce a fans' right to buy should go into the bill.

There has been wide-ranging support for the principle. Liz Smith might be interested to know that even David Cameron noted, in response to a colleague at Westminster, that football clubs do sometimes find themselves in financial difficulty and that fan ownership would be a very positive move. There is growing support for the principle.

Fan ownership is a landmark proposal for Scottish football, which has seen club after club fall into administration or even disappear altogether. Fan ownership will not be for every club; we are talking about a mixed model, with potential flexibility. [*Interruption.*]

The Deputy Presiding Officer: Order, please. There are members in the chamber who wish to hear this speech.

Alison Johnstone: However, during our consultation we were told that even those fans who are happy with how their clubs are run now want to know that the right to fan ownership is there for the future, just in case.

The existing culture of football, where a small group of rich men can simply exclude all fans from decisions affecting their clubs, has to end. For too long, fans have stood on the touchline, or perhaps have even been sent to the stands, while their club is sent to the wall. It is also not enough for fans to be brought in just to pick up the pieces after a Romanov or similar. Football is our national game, and football supporters, whether they want to buy their clubs or not, are its best custodians. It is time to put the fans first.

I therefore encourage all members to vote for all amendments in this group—both those in my name and those in the name of the minister—and I am therefore pressing amendment 174A.

The Deputy Presiding Officer: The question is, that amendment 174A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a one-minute division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)

Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 78, Abstentions 0.

Amendment 174A disagreed to.

18:15

Amendment 174B moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 174B be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)

Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 78, Abstentions 0.

Amendment 174B disagreed to.

Amendment 174C moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 174C be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)

Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 78, Abstentions 0.

Amendment 174C disagreed to.

Amendment 174 agreed to.

Amendment 175 moved—[Jamie Hepburn]—and agreed to.

Amendment 176 moved—[Jamie Hepburn].

Amendment 176A moved—[Alison Johnstone].

The Deputy Presiding Officer: The question is, that amendment 176A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)

Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 76, Abstentions 0.

Amendment 176A disagreed to.

Amendment 176 agreed to.

Section 62B—Meaning of “supporters’ trust”

Amendment 177 moved—[Jamie Hepburn]—and agreed to.

Section 62C—Meaning of “Scottish Professional Football League Club”

Amendment 178 moved—[Jamie Hepburn]—and agreed to.

Section 62D—Supporters trust register

Amendment 179 moved—[Jamie Hepburn]—and agreed to.

Section 62E—Meaning of “ownership”

Amendment 180 not moved.

Amendment 181 moved—[Jamie Hepburn]—and agreed to.

Section 62F—Supporters’ trust registration of interest in buying a football club

Amendment 182 not moved.

Amendment 183 moved—[Jamie Hepburn]—and agreed to.

Section 62G—Effect of registration

Amendment 184 moved—[Jamie Hepburn]—and agreed to.

Section 62H—Procedure for late applications

Amendment 185 moved—[Jamie Hepburn]—and agreed to.

Section 62I—Activation of supporters’ trust right to buy

Amendment 186 not moved.

Amendment 187 moved—[Jamie Hepburn]—and agreed to.

Section 62J—Supporters’ trust right to buy

Amendment 188 moved—[Jamie Hepburn]—and agreed to.

Section 62K—Procedure after activation of right to buy

Amendment 189 not moved.

Amendment 190 moved—[Jamie Hepburn]—and agreed to.

Section 62L—Exercise of right to buy: approval of supporters’ trust and consent of the Scottish Ministers

Amendment 191 moved—[Jamie Hepburn]—and agreed to.

Section 62M—Declinature or extinction of right to buy

Amendment 192 moved—[Jamie Hepburn]—and agreed to.

Section 62N—Right to buy same club exercisable by only one supporters’ trust

Amendment 193 moved—[Jamie Hepburn]—and agreed to.

Section 62O—Procedure for buying

Amendment 194 moved—[Jamie Hepburn]—and agreed to.

Section 62P—Application for funding

Amendment 195 not moved.

Amendment 196 moved—[Jamie Hepburn]—and agreed to.

Section 62Q—Assessment of value of football club

Amendment 197 moved—[Jamie Hepburn]—and agreed to.

Section 62R—Appeals

Amendment 198 moved—[Jamie Hepburn]—and agreed to.

Section 62S—Supporters’ trust right to buy shares in a football club

Amendment 199 moved—[Jamie Hepburn]—and agreed to.

Section 68—Meaning of “allotment”

The Deputy Presiding Officer: Group 22 is on size of, and requests for particular sizes of, allotments et cetera. Amendment 101, in the name of the Minister for Environment, Climate Change and Land Reform, is grouped with amendments 102, 103, 105, 107, 111, 112 and 122.

Aileen McLeod: The amendments in group 22 will amend the provisions on the size of an allotment. That is of particular importance to a number of stakeholders and has been debated at length. It might therefore be helpful if, before addressing each amendment in the group, I briefly set the context.

People in Scotland are able to grow their own food in a number of ways, including community growing places and allotments. It is important to distinguish carefully between the two. The most important distinction lies in the scale of operation, with allotments generally being of considerably greater size than community plots. The approach in the bill, as it will be amended, will reflect that

consideration. Although there will be a large variety of sizes for allotments—reflecting, quite properly, the different wishes of allotment holders and different practical considerations in each locality—the bill's objective is that allotments should be of about 250m² unless another size is agreed, on a case-by-case basis, between local authorities and individuals who are requesting allotments.

Amendment 105 provides that when a person requests to lease an allotment, if the size of the allotment that is being sought is smaller than 250m², they must specify that smaller size in the request. Amendment 107 will entitle a person to wait for an allotment of approximately 250m² until one of that size is offered. It also provides local authorities with the flexibility to provide different sizes of allotments to meet the differing needs and wishes of their residents.

Amendment 102 will delete amendments on the size of allotments that were agreed to at stage 2, and amendment 101 is a drafting change that is consequential on amendment 102.

Amendment 103 will remove the requirement for Scottish ministers to make regulations on the size or sizes of allotments, which is unnecessary given the amendments that are being brought forward on the size of allotments. I am conscious that the provisions may appear to be complex, and for that reason we will pay particular attention to the guidance that is to be developed in that area. We look forward to working closely with stakeholders.

Amendments 111 and 112 will ensure that when ministers decide whether to allow local authorities to dispose of an allotment site or to renounce its lease, they must be satisfied not only that tenants will be offered new allotments, but that they will be of the same or similar size. Amendment 122 will allow Scottish ministers to consent to a local authority's resuming an allotment site, or part of that site, if the local authority has offered an affected tenant an allotment of the same or similar area.

The debate on allotment size has been long and, at times, difficult, so I am delighted that we have reached consensus with stakeholders on the way forward. I pay tribute to the collaborative work in recent weeks between the Scottish Allotments and Gardens Society, local authorities and the Convention of Scottish Local Authorities to achieve provisions that go as far as we can to meet the needs of all. In the light of the consensus that is now secured on the amendments, I urge members to support them.

I move amendment 101.

Ken Macintosh: It is fair to say that it has taken some time and much effort from the minister, members of the committee, and especially the

Scottish Allotments and Gardens Society to reach today's consensual position, so we will support the Government amendments in group 22.

However, I would welcome clarification on two points. We would have preferred to keep the definition of the plot size of an allotment in the bill—section 70 still contains a reference to 250m². Will the minister confirm that despite the removal of previous amendments, it is still the Scottish Government's intention that the default size for allotments in the future will be 250m², unless someone wants a smaller plot?

The introduction of the trigger point for waiting lists is to be deferred for three years to give local authorities time to gear up and plan for increasing provision. Will the minister confirm that people who are already on a local authority waiting list will have the length of time that they have already waited taken into account? Will she also confirm that it will not be acceptable for local authorities simply to sit around and do nothing about waiting lists for three years, and that they will be expected to start preparing the ground for increased provision from the day of enactment?

Cameron Buchanan: I agree with amendments 101 to 103, 105 and 107.

Amendments 111, 112 and 122 would instruct that Scottish Ministers may not consent to change of use of an allotment site unless each tenant is offered a nearby allotment of the same or similar size.

I understand the motivation to protect allotment holders, but I am concerned that the amendments would overly restrict local autonomy and be to the detriment of aspiring allotment holders in the long term. If power is truly to be devolved from the centre, local authorities should be able to decide whether changing the use of an allotment site is in the local interest, subject to protections for allotment holders. The existing provision that tenants should be offered another nearby allotment offers protection, while retaining the ability for local authorities to offer replacement allotments where they see fit.

I rather fear that amendments 111, 112 and 122 would push the balance too far against autonomy, so that local authorities would find it very difficult to change the use of an allotment site, even if they considered it to be in the local interest. Furthermore, the amendments may be detrimental to allotment holders in the long term, because local authorities may be more reluctant to create new allotment sites in the knowledge that they might find it very difficult to change their use in the future. That unfortunate consequence would result in fewer allotment sites being created in the first place, and longer waiting lists for aspiring allotment holders.

The Deputy Presiding Officer: I invite the minister to wind up.

Aileen McLeod: I will deal with some of Ken Macintosh's points. If a person requests a particular size of allotment that is smaller than 250m² and is offered an allotment of that size, then the request will be treated as having been agreed, and the person's name will be removed from the waiting list. If that person is offered and accepts an alternative size, then the request is agreed, and the person will be taken off the waiting list. However, if that person does not take up the offer of the alternative size of plot, the request is not agreed and the person will be entitled to remain on the waiting list until the particular size that they have requested is offered.

If a person wants an allotment of 250m² and has not requested a smaller size, the request is treated as having been agreed when an allotment of about 250m² is offered, and the person will be removed from the waiting list.

If a person has not requested an allotment smaller than 250m², and the person is offered and accepts an allotment other than one of about 250m², then the request is agreed, and the person will be taken off the waiting list. However, should such a person be offered an allotment that is not about 250m², and does not take up the offer, the request is not agreed to and the person will remain on the waiting list.

I hope that that gives Ken Macintosh the clarification that he was looking for.

Amendment 101 agreed to.

The Deputy Presiding Officer: Group 23 is on sale of allotment produce. Amendment 200, in the name of Cameron Buchanan, is grouped with amendments 202, 203 and 213.

Cameron Buchanan: Amendments 200, 203 and 213 would make it clear that surplus produce from allotments may be sold to make a profit. It is unclear why allotment users should be prevented from doing so. There would be an issue if large retailers were taking up allotments to supply their stores or local supermarkets, but I do not think that that is what we are talking about. Small sales for relatively small amounts of money are not a cog in the corporate supply chain; rather, they are a chance for waste to be avoided and for compensation for hard work to be obtained where it is deserved.

We are talking about members of the public who want to enjoy the use of an allotment space and cultivate vegetables, fruit, herbs or flowers. If they happen to have excess produce and want to sell it, who are we to forbid that?

In any case, how could we define "profit"? Allotment users can take a certain pride in selling

the produce that they have worked hard to cultivate. Any "profit" gained from such sales are not intended for a company's balance sheet; rather, they are a small reward for hours of work put in that have resulted in surplus produce.

Furthermore, a provision that allows sale of surplus produce

"other than with a view to making a profit"

brings questions of definition and enforceability. How are the police meant to check whether the proceeds of each allotment sale are not for profit?

I lodged amendment 202 to clarify that allotment land is not to be considered agricultural solely because someone makes a profit from selling surplus produce, in order to alleviate potential concerns in that area.

I move amendment 200.

Ken Macintosh: I suggest that Cameron Buchanan might have misunderstood what the committee discussed and agreed at stage 2. As it stands, the bill disqualifies commercial exploitation of allotments but it does not disallow small-scale remuneration if people have an extra bag of potatoes or if they want to cover the costs of their heating. His amendments are entirely unnecessary and miss the point of what the committee has already agreed.

Aileen McLeod: Amendments 200, 202, 203 and 213 would allow surplus produce from allotments to be sold for profit. Additionally, they would remove local authorities' ability to include provisions prohibiting the sale of surplus produce in regulations about allotments. That could prevent local authorities from taking account of local factors in determining how surplus produce from allotments in their areas may be sold.

The Scottish Allotments and Gardens Society has argued strongly that the purpose of an allotment is to support self-sufficiency in good food rather than being a means of providing allotment tenants with additional income. The society considers that any proceeds from the sale of produce should go back to the allotment association to be reinvested in the community of allotment holders.

I recognise Mr Buchanan's desire to include allotment produce as part of the wider food economy, but that goes against the whole ethos of allotments, which is to ensure that a family is self-sufficient in good food. As such, I ask Mr Buchanan to withdraw amendment 200 and not move his other amendments in the group.

Cameron Buchanan: I intend to press amendment 200. There must be a definition of profit. I am not really talking about commercial profit but about people being prevented from

selling their produce outside the allotment area, at a car boot sale or somewhere else. That should not be restricted.

Amendment 202 says that allotment land should be not considered as being used for agriculture solely because someone makes a profit from selling surplus produce. The point needs to be clarified.

The Deputy Presiding Officer: The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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)

The Deputy Presiding Officer: The result of the division is: For 16, Against 103, Abstentions 0.

Amendment 200 disagreed to.

Amendment 102 moved—[Aileen McLeod]—and agreed to.

Amendment 202 moved—[Cameron Buchanan].

The Deputy Presiding Officer: The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
Buchanan, Cameron (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Davidson, Ruth (Glasgow) (Con)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Goldie, Annabel (West Scotland) (Con)
Johnstone, Alex (North East Scotland) (Con)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
McGrigor, Jamie (Highlands and Islands) (Con)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
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, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
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)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
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)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (Aberdeen Donside) (SNP)
McDougall, Margaret (West Scotland) (Lab)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
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)
Rowley, Alex (Cowdenbeath) (Lab)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Scott, Tavish (Shetland Islands) (LD)
Smith, Drew (Glasgow) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 15, Against 103, Abstentions 0.

Amendment 202 disagreed to.

Section 69A—Regulations as to size of allotments

Amendment 103 moved—[Aileen McLeod]—and agreed to.

Section 70—Request to lease allotment

The Deputy Presiding Officer: Group 24 is on minor amendments regarding allotments. Amendment 104, in the name of Minister for Environment, Climate Change and Land Reform, is grouped with amendments 106, 108 to 110, 113 to 121, 123 to 130, 132, 134 and 145.

Aileen McLeod: This is a group of minor amendments. Amendment 104 provides that a person may also make a request to sublease an allotment from a tenant of the authority in circumstances where the authority has leased the allotment site.

Amendments 106, 126, 129 and 130 are intended to ensure that the consultation requirements in relation to local authorities in part 7 are consistent with those applying elsewhere in the bill.

Amendment 108 adjusts the drafting and in particular introduces the words “continuous period” into the provision. That confirms the intention that a local authority is required to take reasonable steps to ensure that a person on the waiting list does not remain on the list for a continuous period of more than five years, rather than a cumulative period of five years, where the individual may come off and then go back on the waiting list for various reasons. We have worked closely with the Scottish Allotments and Gardens Society, local authorities and the Convention of Scottish Local Authorities in reviewing the provision, and it has been collectively agreed that this particular provision will be commenced so that it takes effect three years after the rest of part 7, in order to allow local authorities greater time to prepare for the provision.

Amendment 109 replaces section 72(3A), which currently requires local authorities, when taking reasonable steps to provide allotments, to have regard to the need to make them available reasonably close to the residence of persons on the waiting list. The requirement was introduced by Alex Rowley’s amendment at stage 2. Amendment 109 adjusts the drafting and in particular replaces the reference to “need” with “desirability”. That ensures that the spirit of the

provision is maintained while the amendment provides local authorities with some flexibility in meeting the requirement.

Amendment 110 will provide that, if a local authority asks the tenant of an allotment site to grant a sublease of an unoccupied allotment on the allotment site to a person who has requested an allotment, the tenant must grant that sublease.

Subsection (3A) of section 77 was added to the bill at stage 2. It requires a local authority, when detailing how it intends to increase the provision of allotment sites and community growing areas of land in its area, to describe whether and how that will apply to communities that experience socioeconomic disadvantage. Amendments 113 and 114 are minor and technical amendments that are intended to ensure that the provision achieves the intended effect.

Following our commitment at stage 2 to consider requiring local authorities to publish a statement about fair rent in relation to allotments, amendment 115 will require local authorities to include in their annual allotments report details of the rent payable in respect of allotments in their area and details of how those rents are determined by reference to the requirement for local authority regulations to include a method of determining fair rent.

Section 82(1) permits a local authority to incur expenditure for the purpose of promoting allotments in its area and providing training by or on behalf of the local authority to tenants and potential tenants about the use of allotments. Subsection (2) was added to the bill at stage 2 and requires local authorities to take into account the desirability of exercising that power in relation to communities that experience socioeconomic disadvantage. Amendments 116 and 117 are technical amendments to subsection (2) and are designed to ensure that the provision achieves its intended effect.

18:45

During the stage 2 debate, it was mentioned that in some areas the use of school buildings and the operation of other community buildings have been transferred to arm’s-length external organisations or other bodies. We have looked into that situation and amendment 118 expands the provision to include not only premises that are maintained directly by the local authority but premises that are maintained and used in connection with services delegated by the local authority or that are maintained and whose use is managed by another person in accordance with arrangements between that person and the local authority.

I am confident that those descriptions cover the types of arrangements in place for schools and community buildings and that they will ensure that allotment associations can find suitable places to meet.

Amendments 119 to 123 make minor amendments to section 84.

Amendment 124 makes it clear that, where a local authority grants the lease of an allotment site and the tenant of an allotment subleases an allotment from the local authority's tenant—such as an allotment association—the tenant of the allotment must not assign the lease of the allotment unless the local authority that granted the lease of the allotment site agrees to the assignation.

Amendment 125 is a minor drafting amendment to section 89.

Amendments 127 and 128 make minor amendments to section 90, which makes provision for compensation for deterioration in allotments caused by tenants.

Amendment 132 is a minor drafting change to achieve greater consistency with the language of the Equality Act 2010.

Amendments 134 and 145 are consequential amendments to ensure consistency between the provisions of the Local Government (Scotland) Act 1973 and the provisions of the bill.

I move amendment 104.

Cameron Buchanan: Regarding amendments 106, 126, 129 and 130, could the minister confirm that the intention remains that the Scottish ministers allow each willing local authority to contribute to the relevant consultation?

Aileen McLeod: On the point that Cameron Buchanan raised, amendments 106, 126, 129 and 130 are minor amendments that ensure that the consultation requirements in relation to local authorities in part 7 of the bill are consistent with those that apply elsewhere in the bill.

Amendment 106 relates to the consultation that is carried out before regulations are made about the information that must be included in a request to lease an allotment.

Amendment 126 relates to the consultation requirements before making regulations on compensation for disturbance.

Amendment 129 relates to the consultation requirements before making regulations on compensation for deterioration of allotments.

Amendment 130 relates to the consultation requirements before making regulations in connection with the compensation that is payable

to a tenant who suffers the loss of any crop as a result of an allotment being—

Cameron Buchanan: Will the member take an intervention?

Aileen McLeod: Yes.

Cameron Buchanan: My question was whether that applies to each local authority. The amendments do not specify how many local authorities have to be consulted. Does that mean that every local authority has to be consulted before a decision can be made?

Aileen McLeod: Each local authority will be consulted.

Amendment 104 agreed to.

Amendments 105 and 106 moved—[Aileen McLeod]—and agreed to.

After section 70

Amendment 107 moved—[Aileen McLeod]—and agreed to.

Section 72—Duty to provide allotments

Amendments 108 and 109 moved—[Aileen McLeod]—and agreed to.

After section 72

Amendment 110 moved—[Aileen McLeod]—and agreed to.

Section 73—Allotment site regulations

Amendment 203 not moved.

Section 75—Disposal etc of allotments and allotment sites owned by local authority

The Deputy Presiding Officer: Amendments 111 to 124 are all in the name of the Minister for Environment, Climate Change and Land Reform and have all been previously debated. Does any member object to a single question being put on them?

Members: Yes.

The Deputy Presiding Officer: Members object, so I will put the question on each amendment individually. [*Interruption.*] Order, please.

Amendment 111 moved—[Aileen McLeod].

The Deputy Presiding Officer: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)

McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 104, Against 15, Abstentions 0.

Amendment 111 agreed to.

Section 76—Disposal etc of allotments and allotment sites leased by local authority

Amendment 112 moved—[Aileen McLeod].

The Deputy Presiding Officer: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 103, Against 15, Abstentions 0.

Amendment 112 agreed to.

Alex Fergusson: On a point of order, Presiding Officer. In an effort to be helpful, we would be very happy for one question to be put in regard to the rest of the amendments.

The Deputy Presiding Officer: Thank you very much.

Section 77—Duty to prepare food-growing strategy

Amendments 113 and 114 moved—[Aileen McLeod]—and agreed to.

Section 79—Annual allotments report

Amendment 115 moved—[Aileen McLeod]—and agreed to.

Section 82—Promotion and use of allotments: expenditure

Amendments 116 and 117 moved—[Aileen McLeod]—and agreed to.

Section 82A—Use of local authority premises for meetings

Amendment 118 moved—[Aileen McLeod]—and agreed to.

Section 84—Resumption of allotment or allotment site by local authority

Amendments 119 to 123 moved—[Aileen McLeod]—and agreed to.

Section 86A—Prohibition against assignation or subletting

Amendment 124 moved—[Aileen McLeod]—and agreed to.

Section 87—Sale of surplus produce

Amendment 213 moved—[Cameron Buchanan].

The Deputy Presiding Officer: The question is, that amendment 213 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Allard, Christian (North East Scotland) (SNP)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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)

The Deputy Presiding Officer: The result of the division is: For 15, Against 103, Abstentions 0.

Amendment 213 disagreed to.

Section 89—Compensation for disturbance

Amendments 125 and 126 moved—[Aileen McLeod]—and agreed to.

Section 90—Compensation for deterioration of allotment

Amendments 127 to 129 moved—[Aileen McLeod]—and agreed to.

Section 91—Compensation for loss of crops

Amendment 130 moved—[Aileen McLeod]—and agreed to.

After section 92

The Deputy Presiding Officer: Group 25 is on guidance. Amendment 131, in the name of the Minister for Environment, Climate Change and Land Reform, is grouped with amendment 22.

Aileen McLeod: Amendment 131 will insert a new section into part 7 of the bill. First, the new section will require local authorities to have regard to any guidance that is issued by the Scottish ministers on the carrying out of functions by local authorities under part 7 of the bill. Secondly, the new section will require the Scottish ministers, before issuing the guidance, to consult local

authorities and any other persons who appear to them to have an interest.

Those measures will help to ensure continued good partnership working on allotments between ministers, local authorities and stakeholders. The guidance will aid the implementation of those sections of part 7 that may be technical in nature, which we know will be welcomed by the Scottish Allotments and Gardens Society as well as by local authorities.

Section 95 of the bill currently requires that the Scottish ministers must publish any guidance that they issue in relation to part 2 or part 6 of the bill.

Requirements for public authorities to have regard to guidance that is issued by the Scottish ministers were added to parts 3, 5 and 7A of the bill at stage 2. In addition, amendment 131 will require local authorities to have regard to guidance that is issued by the Scottish ministers on their functions under part 7 of the bill.

Amendment 22 will provide that the Scottish ministers must also publish any guidance that they issue relating to parts 3, 5, 7 and 7A of the bill.

I move amendment 131.

Amendment 131 agreed to.

Section 93—Interpretation of Part 7

Amendment 132 moved—[Aileen McLeod]—and agreed to.

Section 94—Schemes for reduction and remission of non-domestic rates

The Deputy Presiding Officer: Group 26 is on schemes for reduction and remission of rates. Amendment 21, in the name of the Minister for Local Government and Community Empowerment, is the only amendment in the group.

Marco Biagi: The bill provides for a new power to allow councils to offer additional rates relief within their area. Amendment 21 will clarify wording that was agreed following an amendment at stage 2—by a member who shall remain nameless—to replace a potentially dubious comma after “expenditure” with “and” so that it is clear beyond doubt that the “income” referred to is the authority’s income.

I move amendment 21.

Amendment 21 agreed to.

Section 95—Guidance under Parts 2 and 6: publication

Amendment 22 moved—[Marco Biagi]—and agreed to.

Section 96—Subordinate legislation

Amendments 215 and 133 moved—[Marco Biagi]—and agreed to.

Schedule 3—Relevant authorities

The Deputy Presiding Officer: Group 27 is on minor amendments—community planning, asset transfer requests and long title. Amendment 23, in the name of the Minister for Local Government and Community Empowerment, is grouped with amendments 24 to 26.

Marco Biagi: The Scottish Court Service is listed as a relevant authority under the bill. The service has now changed its name to become the Scottish Courts and Tribunals Service, and amendment 23 reflects that change.

Amendment 24 makes two consequential changes in relation to community planning. The first change deals with consultation by an education authority before making certain changes to education provision in its area, and requires it to include the local community planning partnership and any other CPPs that it considers to be relevant.

The second change relates to the joint inspection of children's services. Those services are currently defined with reference to the Local Government in Scotland Act 2003. In future, they will be defined with reference to the Children and Young People (Scotland) Act 2014.

Amendments 25 and 26 alter the long title of the bill to include reference to provisions that were added at stage 2.

I move amendment 23.

Amendment 23 agreed to.

19:00

Schedule 4—Minor and consequential amendments

Amendments 134 to 144 and 24 moved—[Aileen McLeod]—and agreed to.

Schedule 5—Repeals

Amendment 145 moved—[Aileen McLeod]—and agreed to.

Long title

Amendments 146, 25, 217 and 26 moved—[Aileen McLeod]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments. I will allow members to move places. I ask members who are leaving the chamber to do so quietly because we are still in session.

Community Empowerment (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-13523, in the name of Marco Biagi, on the Community Empowerment (Scotland) Bill. Before I invite the minister to open the debate, I call on the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights to signify Crown consent to the bill.

The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil): For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Community Empowerment (Scotland) Bill, has consented to place her prerogative and interest, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

The Deputy Presiding Officer: Many thanks. We can now begin the debate.

19:02

The Minister for Local Government and Community Empowerment (Marco Biagi): I have not emptied a room this quickly since I got up to do karaoke at the party conference.

I thank the members of all parties who have contributed today and who are still here. I also thank the huge number of people who, throughout the past three years, have contributed to making the bill what it is today. It has been a collective effort between Government, Parliament and the grass roots, as befits a bill that is all about community empowerment. The bill is all the better for their participation and the challenge and input that they provided.

On behalf of my colleagues, I thank Rob Gibson and the members of the Rural Affairs, Climate Change and Environment Committee for their incredibly detailed scrutiny of the community right to buy. I also thank Kevin Stewart and the members of the Local Government and Regeneration Committee for their thorough scrutiny of the bill during stages 1 and 2, including some interesting meetings that I was present at, enjoying the hospitality and debate. Both committees must be applauded for taking evidence from such a wide range of organisations and individuals. That really careful, balanced consideration of the proposals led to an improved bill that will make a significant difference to communities throughout Scotland for years to come.

At stage 2, I accepted amendments from all sides, which shows that, when good ideas are

proposed to the Government, it will listen to them wherever they come from. That has continued today in discussions that have often been more about detail than fundamental disagreements on principle.

From the national outcomes to participation requests, from football to allotments, I am pleased that we have that shared vision and desire for more empowerment of and participation from communities of all types across Scotland. The focus has been on ensuring that we have legislation that will lift up and free the voices of people across Scotland who want to take part. We want to let them set local agendas in line with their wishes and concerns.

If I were to sum up the headings of the bill, there would be a series of them. The first would be participation. In the bill, participation requests provide a mechanism for communities to gain a proactive role in how local services are planned and delivered, so that they can take part. Community bodies will be able to use the bill to discuss with service providers how they could better meet their users' needs, and they will be able to offer volunteers to support a service or even propose to take over the delivery of the service. Participation requests will be a powerful tool that will enable communities to take action on their terms. I want that to spread and take root, so that there is a go-to point for those communities that wish to realise their ambitions. People will be able to highlight where improvements can be made and suggest solutions as to how things can be taken forward and be delivered together.

Michael Russell (Argyll and Bute) (SNP): I thank the minister for allowing that to happen for one particular community in my constituency: the community of south Cowal. The minister was very helpful in ensuring that the relevant amendments were drafted and accepted by the committee and by Parliament, and they will give new hope to a community that desperately wants to purchase Castle Toward but is being prevented from doing that by a recalcitrant and backward-looking local authority. The bill gives real hope, and the community of south Cowal is grateful to him and will be grateful to the Parliament if it passes the bill at decision time.

Marco Biagi: Michael Russell will be very glad to have put that on the record, and I am certainly happy to put on record my support for communities that wish to take up the opportunities to participate that the bill presents.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Will the minister give way?

Marco Biagi: In a moment.

To help with our move towards participation and empowerment, at stage 2 we put a new power in

the bill that will require all public bodies to promote and facilitate the participation of people and communities in their decisions and activities. That is a challenge, but it is one that is worth accepting. We know that already there are people out there who are pioneering techniques such as participatory budgeting, which Malcolm Chisholm will know very well from the Leith decides initiative in his constituency.

Malcolm Chisholm: During consideration of amendments I raised a point about arm's-length external organisations, which I believe are not mentioned in the bill. Will the minister confirm that they will definitely be included in regulations?

Marco Biagi: Yes. I noticed the omission and I was going to come back to it in my closing remarks. I am happy to answer that question right now. ALEOs are not listed in schedule 3 and are not public authorities, but the Scottish Government has the ability to designate by order additional organisations under certain circumstances, provided they meet certain qualifications. There is a blurred boundary between what is a public body and what is an entirely private body, and we must be aware of competence, but the bill has that provision and—as we did with allotments, following a particular concern about them—we will seek to ensure that ALEOs fall within the spirit of the bill, in so far as they are bodies that deliver on behalf of the public sector.

Alex Salmond (Aberdeenshire East) (SNP): The community right-to-buy process has evolved over the past few years and the bill takes it much further than it has been before. However, there is nothing to stop it evolving further. For example, in the future a community of anglers might have the right to buy out the netting rights of one of Scotland's great fishing rivers. That sort of thing could be given active consideration as the process moves forward.

Marco Biagi: Yes. That takes me back to the discussion that I had with Alex Fergusson on amendments regarding communities of interest. In this bill we are allowing the transfer of public assets and we very consciously identified communities of interest—people who share an interest, a background or an activity—as groups that could take on ownership of assets. There are many kinds of community—not just localities, although they are important, but people who share characteristics or activities and wish to work together on them.

I strongly argue that when a group of people do not simply share a locality or an idea but can bring that together in the ownership of an asset, that ownership results in more confidence, capacity and cohesion. It gives a flag to rally round and a sense of ownership, because it is based on what in many cases is actual ownership. Whether we

are talking about reviving a local shop, renovating a derelict site or providing a hub for community activities, control of assets can be a key factor in making a community a more attractive place to live and supporting its economic regeneration.

My colleague Dr McLeod has deftly steered the community right to buy through the Parliament—I am not just saying that because she is sitting next to me. We have a comprehensive set of improvements and a fundamental shift in the way in which communities can use the community right to buy. It will now be available in urban and rural contexts, and the new part 3A of the Land Reform (Scotland) Act 2003 will be instrumental in helping communities to deal with problem land.

No single bill or action that any Government takes will change the pattern overnight. As the land reform review group report emphasised, land reform is a long-term process. However, we firmly believe that the measures will help to lay the foundation for future action on land reform and our vital next steps.

Participation and assets are two key aspects of the bill, and another strand is inequalities. We recognise that inequalities might impact on communities' ability to use the bill. That has been a focus of concern for the Local Government and Regeneration Committee, and we have been working together on the issue to ensure that we empower the disempowered. We have introduced amendments requiring public bodies to consider inequality and we are targeting locality planning so that all community planning partners can bring their resources to bear on the most disadvantaged neighbourhoods.

We should be proud that we are putting a significant amount of investment through the programme directly into communities. We are putting an extra £5.6 million in the people and communities fund, which will be part of the overall empowering communities pot, which now stands at £19.4 million of support.

We have listened to everything that has been said. The collaborative approach has allowed the bill to evolve into what will be an extraordinary piece of legislation that touches on practically all aspects of human activity. It will also ensure that our public services are focused on improving what our communities care about and putting them in the driving seat. The broad consensus in favour reflects our shared commitment to working with everyone. Following the enactment of the bill, we will continue that dialogue as we develop draft guidance and proceed with implementation.

I again thank all those who contributed and who will continue to contribute. It gives me enormous pleasure to move the motion.

I move,

That the Parliament agrees that the Community Empowerment (Scotland) Bill be passed.

19:13

Sarah Boyack (Lothian) (Lab): I echo the minister's comments and thank all those who have given an incredible amount of time, energy and support to enable us to scrutinise the bill and, I think, significantly improve on what was initially presented to us. I thank the parliamentary staff for supporting the committees that have been involved. I thank all the witnesses and the community and interest groups that gave evidence and spoke to us during the process. I also mention the work of the land reform review group, which has been really useful in setting a backdrop to the bill.

I thank the Minister for Environment, Climate Change and Land Reform for her willingness to work with the members of the Rural Affairs, Climate Change and Environment Committee to improve the bill. I get the sense that the Minister for Local Government and Community Empowerment has made a similar contribution in the Local Government and Regeneration Committee, which is definitely to be welcomed.

Scottish Labour strongly supports the principle that communities should be given more opportunities to work together to improve people's lives. We agree with the Scottish Council for Voluntary Organisations that the connection needs to be made between the bill that we will pass today and the Scottish Government's social justice strategy. The bill is a fundamental opportunity to ensure that we tackle inequalities and that we look at our land and buildings. We strongly support the ambitions behind the bill. We see it as dealing with unfinished business from the land reform legislation that we passed in 2003.

The Land Reform (Scotland) Act 2003 has enabled rural residents to be in more control of their destiny and to make better use of the natural resources in their communities. It has been transformative legislation. A key part of that success has been the existence of dedicated finance to enable community transfers to take place.

One challenge that we have come back to—this is why our committee went into such detail on the bill—is for communities to work their way through complex legislation. The need to avoid complexity was raised by the Law Society of Scotland. The wording of the regulations and of the guidance that follows will be absolutely crucial in enabling communities to use the legislation that we pass today so that it becomes an opportunity, not an obstacle to buying land.

Support from the Scottish Government in terms of advice and finance will be critical if communities are to be able to make best use of the legislation. We need to have detailed implementation, and the regulations need to be put in place as swiftly as possible.

I welcome the extension of the option of the right to buy to urban communities, although there will be challenges. I particularly thank the community members and councillors from the Calton in Glasgow for their ideas on how we make the bill as effective as it can be. I am also conscious of the needs and aspirations of communities in Edinburgh and the Lothians. As the Law Society points out, we need to ensure that the potential higher cost of land does not frustrate the ambitions of the bill. There are lots of implementation issues for us to think about.

One of the key issues that we have discussed throughout consideration of the bill has been the need for clarity surrounding the provisions on neglected and abandoned land. The debate that we had on that at stage 2 was important in understanding how the Scottish Government will approach the detail.

Today we have also debated amendments on sustainable development and on adding environmental wellbeing criteria. I very much welcome the clarification from the minister about how she sees the legislation being implemented. What is said on the record today and the overwhelming support that there has been for these new key principles will be looked at in the future. That will be important for future decisions by ministers and courts—hopefully more by ministers and less by courts. I was very keen that we tease out those issues today.

In my area, the Lothians, I know of a cinema that has been empty for a decade. Marco Biagi will know the place that I am talking about: the former Odeon cinema. It is a classic example of a building that has become an eyesore on a shopping parade—although it has huge potential—and which will have deteriorated over the years. It was really good to hear from the minister today about the idea concerning buildings in a shopping parade—the idea that a community's social wellbeing is part of its environmental wellbeing. I very much welcome the commitment that was given this afternoon. I hope that, up and down the country, communities and owners will be thinking about that in more depth. I hope that it will concentrate minds; we need buildings and land to be used to the best benefit of the community as a whole.

New options are being provided today by the passage of the bill, and we should all celebrate that. That is part of the reason why people have been keen to work together. I welcome the

collegiate approach that has been taken, both in the committees and from the ministers today. I hope that a more constructive and positive set of relationships between landowners and communities will flow from the legislation. Its very existence will be good across the country, and it will raise people's aspirations. That is a good thing.

I welcome the possibility for mediation, initiated by ministers, between communities and landowners when that is appropriate, rather than having ranks of lawyers sitting in a room debating the fine detail. Let us get the people to come up with good solutions that will benefit local communities and those who are the stewards of our land and buildings.

I started my speech by welcoming the fact that we have been addressing unfinished business from the 2003 act. Today, the bill itself leaves new unfinished business. Important issues were raised by the land reform review group, including those around compulsory purchase orders and compulsory sale orders, which will now be considered by the Scottish Law Commission.

More work will need to be done. Crucially, we need to build capacity and support in our communities to ensure that we deliver the social justice and regeneration of communities that are at the heart of the bill. We have been doing important work over the past few months, and today has been good.

The new provisions on allotments have been supported by the expert lobbying of the Scottish Allotments and Gardens Society, an organisation that does not miss the target when it gets going. The opportunities for sustainable development, community growing and community health and wellbeing that come from gardening and allotments are really important and we need to capture them. New opportunities will also come on the right to buy for football, and we will be able to come back to that.

The bill is about empowerment and opening up new opportunities for our communities, particularly those that are disadvantaged. The bill will create new opportunities, and as MSPs we need to ensure that our local communities will benefit from the changes. Let us pass the bill, move forward together and look forward to the next bit of land reform, which I understand will be coming at us at a rate of knots.

The bill is better than it was when it was introduced. It is stronger for the debate and discussion that we have had. Communities and organisations have helped us to get it together, and I hope that it will be passed at stage 3 tonight.

The Deputy Presiding Officer (John Scott):
Before I call Cameron Buchanan, I make the

Parliament aware that the Presiding Officer has determined that decision time will take place at 8.15 tonight. That will allow every member who wishes to speak in the debate the opportunity to do so.

19:21

Cameron Buchanan (Lothian) (Con): The Parliament's consideration of the Community Empowerment (Scotland) Bill has been a long and detailed process and many important points have been raised. I, too, thank the clerks and everybody else who has been involved with it, and the committees.

I have always agreed with the principle of enabling communities to have a greater say in local matters and I welcome provisions to facilitate that. However, I am concerned that there are a number of areas in which the bill may still allow central decisions to take precedence over local priorities, and those worries cannot be passed over. Members will be more than aware that many amendments have been considered. I will not have time to analyse each of them, but I think that it is worth touching on some of the most prescient points that have been raised.

Our central aim has always been to ensure that the bill will genuinely delegate decision making so that members of the public can benefit from local flexibility and autonomy and will not be subject to the whims of the Scottish Government. The extent to which that aim will be realised will come down to two factors. The first is the breadth and strength of directions that are imposed on communities and local authorities from central Government, and the second is the extent to which the procedures contain the necessary safeguards to ensure that any community that wishes to become involved in local decision making has a reasonable chance of doing so.

As a case in point, the interaction between part 1 of the bill, on national outcomes, and part 2, on community planning, raises concerns that local priorities may be overshadowed by national decisions. That is particularly true as each community planning partnership must have regard to guidance that is issued by Scottish ministers. I agree with efforts to encourage community participation in the development of local outcomes improvement plans, but I still think that the Parliament and public officials across Scotland would do well to ensure that local priorities are the driving force.

On a similar note, I wish to focus on the bill's provisions on allotments, because they have raised concerns about local autonomy. In particular, the provisions that require the Scottish Government's consent for a local authority to

change the use of an allotment site could, if they are used in a certain way, obstruct local decision making for national reasons. That is plainly contrary to the principle of facilitating local empowerment. If power is truly to be devolved from the centre, local authorities should be able to decide for themselves whether changing the use of an allotment site is in the local interest, subject of course to reasonable protections.

John Wilson (Central Scotland) (Ind): Will the member clarify the position with regard to local authority decision making about the closure of allotment sites and input by the community and allotment holders into that decision? The bill aims to give more power to communities. Surely allotment holders should have the power to influence the council's decisions rather than the council making decisions on a whim.

Cameron Buchanan: I do not think that it is clear in the bill that that is the case. That is my concern. It has not been specified.

Unfortunately, I think that amendments that were agreed to at stage 3 this evening will restrict local authorities' freedom to decide which allotments will be offered to tenants. I would be grateful for the minister's assurance that local agreements are intended to take precedence.

Having said that, I welcome the change in the bill's provisions regarding the size of allotments. The changes will keep a reference in writing to a standard 250m² size, as many allotment holders desire, but also recognise the need for local flexibility. The provisions therefore recognise allotment holders' rights but also allow for flexibility when local authorities and allotment holders can agree, which is the kind of move away from central direction towards local decision making that the bill would have done well to have more of.

Of course, a central part of the debate is ensuring that the bill does what it says and empowers local communities to take part in decision making. We agree with the principle that community bodies should be able to request to participate in local outcomes improvement programmes or make asset transfer requests, but that must be reinforced by proper protections. I stress that I am not making any assumptions, but it is important that communities are protected through a right of review or appeal from being shut out of local decision making for inappropriate reasons.

I note that the Scottish Government responded to my points about allowing a review or appeal when an asset transfer request is agreed but contract negotiations have been broken, by setting up an appeals process where no contract is concluded between a relevant authority and a community transfer body. That, again, is a

welcome change in favour of community bodies' involvement that the Scottish Government would have done well to replicate throughout the bill. However, I expect the Scottish Government to share my commitment to monitor annual reports in the interests of ensuring that all applications are treated appropriately.

The Deputy Presiding Officer: You should draw to a close, please.

Cameron Buchanan: I hope that members across the chamber will join us in committing to uphold the principles of community empowerment.

19:26

Clare Adamson (Central Scotland) (SNP): It has been a very interesting afternoon in the chamber, with lots of topics being raised regarding the Community Empowerment (Scotland) Bill. I absolutely believe that this is about community and the communities in which we live.

I had a poignant experience before coming to the chamber this afternoon when I attended the unveiling of the Scottish steelworkers memorial on the Ravenscraig site in North Lanarkshire. I was struck by the fact that it was a community project that brought together the communities of North Lanarkshire on the industrial heritage side and also brought together local schools and the local council, which supported the fundraising for the memorial.

The unveiling was poignant because of where the memorial sits in our community—at the former site of the Ravenscraig steelworks. When I was a schoolchild in that area of North Lanarkshire, I would never have imagined that an Andy Scott sculpture, which will form part of our heritage in the future, would be on that site—indeed, I do not think that Andy Scott would have envisaged any of his sculptures at that time.

To have the memorial on what was the site of the steelworks and beside the regional sports centre, in the heart of what will be a changing and developing community, brought home to me how important it is to bring all our communities together in looking forward to the future. It also brought together for me some of the themes that have come out this afternoon, such as the view that everything changes and nothing is static. The bill is a framework that should take us forward to the as yet unenvisaged community empowerment projects that may come our way.

I was glad that the minister paid tribute to the work of the committees. I joined the Local Government and Regeneration Committee only in November last year, and I have to admit that the bulk of the work on the bill had already been done

by that point and a lot of the evidence had already been taken.

Marco Biagi: I just want to say that I know how the member feels.

Clare Adamson: We had a wide-ranging debate this afternoon that went from the minutiae of allotment sizes to a philosophical conundrum from my colleague Rob Gibson, who asked what the definition of “environment” is. We have to look to the big scale and blue-sky thinking on the issue as well as at the minutiae of the process. The bill will empower communities through the ownership of land and buildings, strengthen their voices on the decisions that matter to them and put them at the heart of the process.

The extension of the community right to buy across Scotland will help to deliver the Government's ambitious target of 1 million acres of land being in community ownership by 2020, and the bill will improve the outcomes for communities by involving them in the community planning process and by strengthening partnership working in our local authorities and community environments. I am glad that the Scottish Government is supporting that process with an additional £10 million, which will be provided through the new empowering communities fund, to ensure that people can be more involved in the decisions that affect their lives.

There is much to be commended in the bill, a lot of which has already been debated. The ownership of land and buildings and the strengthening of voices in the decisions that matter to communities are at the heart of what we are doing.

It has been a long afternoon, so I will leave it there. I look forward to the bill being passed later.

19:30

Claudia Beamish (South Scotland) (Lab): Land reform is, of course, a continuum. Scottish Labour has contributed robustly to that process and will continue to do so beyond today.

The Community Empowerment (Scotland) Bill—which, together, we hope will be passed—is an essential part of that process. At stage 1, I spoke of the keen interest in community ownership from a South Scotland perspective. Communities need and have a right to the levels of support that have been on offer over the years in the Highlands and Islands. Scottish Enterprise should be tasked with a new remit, and the focus of the proposed bodies in relation to wider land reform issues must offer support evenly throughout Scotland. I seek reassurance on that issue from the minister in his closing remarks.

The human rights aspect of the bill and the amendments are significant. In its stage 3 briefing, Community Land Scotland stated:

“Ministers will need to have regard to the Covenant on Economic, Social and Cultural Rights when making certain decisions about community ownership.”

As a member of the Scottish Co-operative Party parliamentary group, I am delighted that the Scottish Government has taken forward the possibilities of the community benefit society co-operative model. What is the minister able to do through Co-operative Development Scotland to support that option?

It should be recognised that urban and rural regeneration is not all about ownership; it can be about good partnership with private landowners and a range of public bodies. I am relieved that the central thrust of the changes that are needed for allotment holding have been accepted. The frustration that is experienced by many who want to grow food but have no access to any land has built up for far too long. Constituents who have approached me after years on council waiting lists and who have seen unused patches of land literally going to waste will have a sense of comfort and draw some optimism from today.

That will also create an opportunity for young people who have been involved in growing food through eco-schools. I am sure that allotment societies across Scotland will see the passing of the bill as a fresh opportunity to connect with young people and provide the chance for them to get growing through starter spaces. Some of us saw those at the Inverleith allotments. I wish all allotment holders and those with allotment aspirations well.

Yesterday, I attended a strategic discussion about the development of community responsibility for Carluke high mill in my South Scotland region. After complex discussions with the landowner, the steering group, which includes Carluke Development Trust and other groups, says that it will

“secure the long term future of The High Mill by returning it to a working state.”

The aim is that the mill will become

“a key centre of cultural, economic and educational activity”,

and the group will ensure that

“it is supported by a sustainable business model”.

That creates opportunities for allotments, local food production and a community cafe around the mill hub.

That is about leasing, not ownership. However, opportunities for ownership are fundamental to the way forward in Scotland. At its Orkney meeting,

the Rural Affairs, Climate Change and Environment Committee—with the help of Dave Thompson, Sarah Boyack and others—dispelled the myths about the development of land reform. Good landowners have nothing to fear as they develop alongside communities. However, the distribution of land ownership in Scotland is not just and can indisputably hamper community opportunities for job creation and good housing and community vision more broadly.

The passing of the bill will go some way towards correcting some of those distortions. Scottish Labour also eagerly awaits the publication of the land reform bill next week and will make a strong contribution to its progress.

19:34

Rob Gibson (Caithness, Sutherland and Ross) (SNP): It is a pleasure to reach this stage in the passage of the bill, given the huge amount of ground that Kevin Stewart's committee and my committee have covered. I know that the Rural Affairs, Climate Change and Environment Committee came into the process somewhat later to deal with part 4 and the land reform aspects, but I will also comment on one or two other matters.

A really important point is that when people saw the bill they thought that great difficulties would be put in the way of simplifying, say, the crofting community right to buy. However, we found that by bringing the issues up at stage 2 it was possible to have the debate, take the evidence and reach a consensus on simplifying the process and thereby making things much easier for crofting communities.

The simplification of the registration processes for communities, crofting or otherwise, is one of the things that I am most proud of; after all, it is daunting for people to have thrust on them over a few weeks the necessity of creating a business plan and registering their right to buy. The process of registration—and re-registration within five years—has now been simplified considerably.

Although extending the right to buy across Scotland is a major aim now, we should recognise that that will throw up many problems, and we should never underestimate the obstacles to achieving a step change in development in so many communities across the country. However, we have laid the groundwork.

I am delighted that, as has been pointed out, we have been able to extend the forms of community bodies to Scottish charitable incorporated organisations and bencoms. That is important because it will allow people to choose a form of body that is suitable to their area.

Having listened to the discussions about community planning partnerships having much more local plans, I have to say that I like the idea of locality plans, which the Local Government and Regeneration Committee dealt with. As a result of that measure, small parts of council areas will be able to focus on matters; I know that Culrain in my constituency would have loved to do that at an earlier stage. Such a move will prepare people for taking action, because they will have thought beforehand about, say, the resources that they will need.

The Rural Affairs, Climate Change and Environment Committee took some time examining the fact that local authorities can act as quite a constraint on the transfer of land to communities, and we found that authorities around the country had varied views about how much they were prepared to do that. Moreover, I note that John Mundell, chief executive of Inverclyde Council, said:

"If we are disposing of assets, we are always required to obtain best value, and that normally means market value, whether we use the district valuer or another mechanism to value assets."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 3 December 2014; c 50.]

We want to change what best value means for communities, because it cannot always mean market value. That is one of the pieces of work that we need to take forward from the bill, but at least the bill has opened the door.

The thing that has cheered me most about the whole process has been how the arguments about human rights have been developed and, in particular, how the Government has embraced the United Nations International Covenant on Economic, Social and Cultural Rights, which guarantees certain rights, such as those to sanitation, food and housing. Applying that covenant to our circumstances could aid many communities in our urban areas, as well as people abroad. After all, the UK signed up to it in 1976, and it is generally accepted as a gold standard. As we have so often found, the European convention on human rights relates to property, but the covenant relates to people.

I have great pleasure in supporting the way in which the bill has been taken forward. I hope that we can get the secondary legislation passed as a priority.

19:39

Tavish Scott (Shetland Islands) (LD): Let me start with Rob Gibson's point about best value. The usual question that is asked about any legislation is whether it makes a difference and is seen to do so. There is a redundant school in Shetland that has not been used as a school for a

long time. The council in my area sold it to the largest developer—or the one that paid the highest fee—instead of letting a voluntary group use one of the school buildings. It was a canteen, but I will not bore the chamber with what it was all about. If this legislation can enable that community group to buy that asset and use it for their activities, it will have achieved something purposeful and be well worth passing.

I cannot, and neither will I attempt to, go through the legislation in the way the minister did in his opening remarks, but I agree with the tenor of his observations. He described the legislation as "extraordinary", and the one parliamentary observation that I will make is about when we pass enormously wide catch-all legislation; we used to criticise Westminster Governments of all persuasions for passing the annual "Miscellaneous Scotland Bill". This bill strikes me not as being miscellaneous, but as being detailed and complex but nonetheless wide-reaching, and I am sure that the Government will want to reflect on the process that allowed it to be that.

My highlight of the day was the allotments debate. It is just as well that Rab McNeil is not still the parliamentary sketch writer for *The Scotsman*—Alex Fergusson and Sarah Boyack will remember those halcyon days when Rab used to look down on our seats when the Parliament chamber was up the road. I do not think that Cameron Buchanan would have survived his sketch tomorrow morning. Sadly for the minister, the bill would no longer have been the Community Empowerment (Scotland) Bill; it would have been the "Allotments Bill", the "Swede Bill" or something like that.

The ministers have made a lot of progress—in my day just one minister would have dealt with a bill such as this. One irony was our getting a briefing last night from Peter Peacock, who used to grace the front bench in past Governments. Peter used to handle such bills—the whole bill, with goodness knows how many sections and paragraphs and so on. He used to provide briefings to the rest of us who subsequently took bills through Parliament. He did that because he paid huge attention to detail and could hold the attention of parties across the chamber. If Marco Biagi follows that approach, he will do well as a minister. The effectiveness of Peter Peacock was down to his ability to produce detailed legislation and make it understandable to us all. His briefing was a masterwork of its kind. One Peter Peacock piece commended the support of all parties for the Government's amendments at stage 3, subject to "the following comments": then there were two pages of comments. That was very Peter Peacock, I thought.

I recognise that ministers accepted amendments from across the chamber when considering how best to improve the bill. Hitherto, I had thought that the best example of that, going back through Parliament, was the first cut at land reform legislation, which some—dare I say it?—older colleagues will recall. That bill became very different from the original that was proposed to Parliament. Again, that was because of a point that the minister rightly made: so many groups and interested parties made observations to say, “That isn’t good enough” or “That needs to be altered”. That is seen in how ministers have reflected on the observations. To some extent that was also the case with the amendments on fans that Alison Johnstone persuasively supported in committee and this afternoon.

Alex Fergusson made a point about clarity. I did not necessarily agree with the specific arguments that he pursued, but—Michael Russell is no longer with us, but I think Rob Gibson made the same point—when colleagues from the Government seats are saying that some of the provisions may end up in court, we must be careful that we have got it right, because that is not a good sign for any legislation. I appreciate that it is a small part of the bill, and I am sure that the minister will reflect on that with his good legal counsel, the Lord Advocate and all. It is important that we avoid situations in which we must say, “Good gosh! We’re going to end up testing that in the court.” I am sure that that is not the minister’s intention, and that he will do his best to avoid it. That must be a lesson for drafting any such legislation.

19:43

John Wilson (Central Scotland) (Ind): I draw attention to my entry in the register of interests because I have had a particular interest in community empowerment for a number of years. I was reminded by the person sitting behind me that we had debated this issue in 1988 with reference to a particular community on the south side of Glasgow.

I thank all those who gave evidence to the committee, including the community groups, which told us, not only in formal meetings but in the informal meetings that we had throughout Scotland, about their expectations for community empowerment and their roles in their communities.

I challenge Cameron Buchanan’s comments on decision making: it was not always just about what the Scottish Government was doing, but about what local authorities were doing to many communities. Communities felt disempowered in terms of engagement when local authorities were making decisions. I hope that the bill will take forward rights for communities, so that they are properly consulted, engaged and truly empowered

in terms of the decisions that are made in their areas.

I also thank the ministers for their willingness to accept comments that members and others made at stage 2, and in the lead up to stage 3, on what we wanted to see in the bill. In particular, I thank them for their willingness to take on board and to progress suggestions that were made.

The test of any legislation that is passed by Parliament is the impact that it has on communities throughout Scotland. There is an expectation that, once enacted, the bill will empower communities that have so far failed in their attempts to engage meaningfully in shaping the delivery of services that they themselves have identified.

One such area is the asset transfer debate—I am directly involved in community asset transfer negotiations with a local authority. When working with local authorities and other public agencies, we must ask them to consider what they mean by community asset transfers. I think that it was Rob Gibson who mentioned best value. I do not look at best value in economic terms; I look at what best value is for communities and what asset transfers can deliver in terms of economic and social impacts. Many communities have good ideas and visions for what they can deliver. Unfortunately, as Rob Gibson highlighted, many public sector agencies and local authorities see asset transfer as having only monetary value. We must shape and change the attitude that best value is about money; rather, it is about what can be delivered, how it is delivered and who is delivering it.

It is clear that many communities throughout Scotland want to engage in the asset transfer process, take forward their own projects and deliver services in those communities. However, at present, many of them are being held back by the view of local authorities that they know what is best for those areas.

The bill is about changing society. I hope that, after almost 40 years of talking about community engagement, with this legislation we will see genuine community empowerment to allow people to take forward their ideas and to engage meaningfully in shaping their future.

19:48

Kevin Stewart (Aberdeen Central) (SNP): When we debated the Community Empowerment (Scotland) Bill at stage 1 on 3 February this year, I pointed out that the unifying theme in legislation is trust: trust that communities all over Scotland know what is best for themselves and have the desire and ability to make their ambitions reality; trust that the bill will give them a range of tools to make their desires reality; and trust that our public

services will rise to meet the opportunities that the bill presents them with to empower the communities that they serve. The levels of input and engagement that we, as parliamentarians, have received from communities across Scotland as we have considered and amended the bill vindicates that view.

The 16th century philosopher and statesman, Sir Francis Bacon, is reputed to have coined that well-known expression, "Knowledge is power." In this case, knowledge is empowerment. Therefore, a special duty falls on the Scottish Government, local government, and other public bodies to empower communities across Scotland by informing them about the legislation and the powers that it provides. Whether it is about the ability to assume control of local community assets, such as community halls or leisure venues, or about requests from local groups to participate in delivery of public services in order to achieve an outcome, communities across Scotland can only take full advantage of the new powers if they know about them and have the necessary support to use them effectively. I call on all members to promote the value of the legislation to our constituents, and to encourage them to be active in community-based organisations so that they can empower themselves and their communities.

As the convener of the committee that scrutinised the lion's share of the bill at stage 1, I know well the appetite that exists in communities across Scotland to be empowered with the tools that allow them to help themselves. The Community Empowerment (Scotland) Bill, which we have finalised this evening, will provide the foundations for a new framework of empowerment across Scotland. Crucially, it will be a framework of empowerment that will be designed and delivered by ordinary folk who live and work in their communities. It will help to free their ambitions from the often well-intentioned but stiflingly dead hand of officialdom and bureaucracy.

Since the bill was introduced in Parliament in June 2014, Scotland has undertaken a remarkable journey of civic and community empowerment. The extraordinary level of public engagement and participation in the independence referendum, which carried through to the recent UK general election, provided the perfect platform from which to launch the bill. However, as with so many things in this life, the bill is not the end of a process, nor is it a means to an end. We should rather see it for what it is: a new staging post on the journey of empowerment that so many communities across Scotland are already embarked on.

If used to their fullest, the powers in the bill can provide the confidence and impetus that our

communities need to be able to take their future wellbeing into their own hands. That does not necessarily mean that the task will always be easy—most worth-while pursuits in life are not—but I trust that it is a challenge that folk all across Scotland are more than ready to meet.

I thank again the thousands of ordinary people from across the length and breadth of Scotland who engaged with the Local Government and Regeneration Committee on the bill. Their vital contribution has helped to shape the bill in ways that will benefit generations of Scots far into the future.

I truly believe that the Community Empowerment (Scotland) Bill will shift the balance of empowerment away from the agencies of the state towards ordinary people and the communities in which they live. Communities across Scotland need to feel as though they are in a partnership of equals with the agencies that provide them with the services that they need. Too often in the past, that has not been the case. The bill will go far towards redressing the balance. For that reason, I look forward to our voting the bill into law at decision time this evening.

19:52

Alex Rowley (Cowdenbeath) (Lab): First, I congratulate and say well done to the Local Government and Regeneration Committee. I absolutely associate myself with all John Wilson's comments. I would have liked what he said to have been one bit of my speech.

I want to focus on something a bit different. We need to move forward with the co-operation that we have seen in the passing of the bill. The bill will be no panacea for the unnecessary austerity that is now being imposed on public services across Scotland. We need to address that, but that is for another day.

I want to talk about how we will address local government finance in future. I welcomed it when the minister set up the commission on local tax reform. I sat on the commission for a period of time and I look forward to its conclusions. All political parties, including mine and that of the Government, need to give an absolute commitment that we will put party politics to one side so that we can find a solution to the problem of local government finance. If we try to outbid each other using council tax freezes, we will doom local government to another five-year freeze that will have a negative impact on the ability of local authorities to achieve sustainable long-term finance, especially if one party is frightened to move because the other one will make major political capital out of it or make it into an election issue. We have seen co-operation in the making of

the bill and the parties need to give the same commitment to working together in the chamber to find a long-term and sustainable approach to local government finance.

On community planning, regardless of whether we are able to find a long-term sustainable approach to local government finance, the Christie report has highlighted the fact that we cannot continue to do things the way we did them in the past. We need to find new ways of working and think about a more preventative agenda. I believe that the bill and the moves that have been made within it to ensure that community planning is able to genuinely involve and engage with local communities will move that agenda forward.

We need to look at structures. For example, I absolutely support the health and social care partnerships. Only time will tell whether that is the end of the road or whether we want to bring the organisations together and govern them differently, but I believe that this bill is the next step with regard to community planning partners—the health service, local authorities and the voluntary sector. There must be a greater role for the third sector. I am a believer that community planning is absolutely the correct way to go forward. It is also right that people and communities are able to determine their local priorities and where local resources should be spent. The bill takes us in that direction.

I hope that, across Scotland, political parties and local government will see this bill as an opportunity to begin to work together in the interests of our communities and that parties in this Parliament can come together successfully to work together to tackle the difficult issues such as the future of local government funding.

19:57

Alex Fergusson (Galloway and West Dumfries) (Con): We are almost at the culmination of a long process that, as we heard, has involved several parliamentary committees and a vast array of witnesses, stakeholders, civil servants, parliamentary staff and others. Whatever our overall views on this weighty piece of legislation, they should all be warmly thanked, and I am delighted to do so from these benches.

As the minister said in opening this debate, there are not many differences across the chamber on the overall aspirations of the bill, but there are differences on matters of detail. We cannot pretend that they do not exist, despite the excellent spirit and, sometimes, humour that have marked today's stage 3 process.

I dearly wish that the Government had differentiated between the right to buy in urban Scotland and in rural Scotland because, although I

can see situations in an urban context that would absolutely justify the right to buy without a willing seller, I can also see that that could have significant unintended consequences when translated into a rural context. Several witnesses at the Rural Affairs, Climate Change and Environment Committee echoed the desirability of making that differentiation, as did the Law Society of Scotland, and I think that the bill is poorer for its absence.

Marco Biagi also said during the discussion of amendments that everything in the bill is about empowering communities, and so it should be. However, as members will have picked up from this afternoon's debate, we on these benches believe that, in seeking to empower communities, ministers are taking too much power to themselves. We do not agree that outcomes should be determined rather than prescribed by regulation; we do not agree that the identifying of local priorities by community planning partnerships should be decreed by ministers; and we do not agree that extending the definition of land that is eligible for a compulsory right to buy by a community is in any way helpful in delivering a clear, concise and easily understood way forward. This party is not against community ownership—far from it. However, the land that is eligible for takeover by any community under any circumstances should surely be clearly defined in law and not subject to the opinion of any individual, agency or—dare I say it—politician.

I genuinely believe that the Scottish Government is genuine in its belief that it is going about the business of community empowerment in the right way with this bill, and there is much that is entirely commendable in it. I really—and equally genuinely—wish that we could give it our whole-hearted support. However, Tavish Scott made valid points about the breadth of the bill and its clarity in some aspects, and those two issues are at the very core of the reservations that we hold.

Not for the first time in this Parliament I hope that our reservations may prove to be unfounded, but I fear that they will not be. For the reasons that I have tried to outline in the brief space of time that is available to me, and despite the many positive aspects of the bill, we will abstain tonight at decision time.

20:00

Ken Macintosh (Eastwood) (Lab): It has been a long day and a tiring day but, I hope, a very worthwhile one. For those of us who believe whole-heartedly in devolution and in the principles of subsidiarity and sharing power, the Community Empowerment (Scotland) Bill is a very significant step indeed. I add my voice to those of the many

members this evening who have thanked all the contributors who helped us reach this point.

To my mind, the most important issue that was flagged up in evidence to the Local Government and Regeneration Committee from the outset, and which was unanimously reflected in the committee's deliberations, was the argument that the bill should not only seek to increase participation from the community in decision making but, perhaps more important, it should redistribute influence on decision making more equally across diverse communities. That argument was put most forcefully by contributors from the voluntary sector, including Oxfam, the Poverty Alliance, Barnardo's and many more such organisations, and I thank each of them for their persuasive input into this piece of legislation.

The worry was expressed that the passing of the bill would simply cede more power to those who are already accustomed to participating in local decision making. One of the most important amendments agreed to, therefore, was on legislative recognition that, when the national outcomes framework is being laid down, socioeconomic levels within individual communities will be taken into account.

The Coalition for Racial Equality and Rights—CRER—is one of the many aforementioned organisations that welcomed the bill's ambition to reduce inequalities of outcome arising from socioeconomic disadvantage. However, it felt strongly that there should also be a focus on reducing inequalities of outcome that arise from race discrimination. I did not wish to introduce new material at stage 3, particularly on such a consensual bill—I am sure that everyone is relieved to hear that there was not an extra amendment this afternoon—so I did not lodge that amendment.

However, I would welcome, even at this late stage, any reassurance that the minister can offer in winding up that he recognises that black and minority ethnic communities may not be in the best position to take advantage of the provisions in the bill and that the Scottish Government will take steps to address those barriers to community participation that are created by prejudice and discrimination.

I will pick out just a couple of the many important subjects in the bill that were covered today. Empowering communities means, in essence, that we are giving citizens the opportunity to influence decisions that matter to them. That is why we were happy to back the football supporters' right-to-buy amendment, proposed by Alison Johnstone. We are all very aware of the parlous state of many Scottish football clubs and of the less than altruistic intentions of some owners. Sports clubs in general

play a crucial role in communities all over Scotland. Allowing those who care the most about the clubs to make decisions on the clubs' future will only further enrich that important aspect of society. We were particularly pleased to see those amendments agreed to without division at stage 2. Having now conceded that the minister would prefer to consult further and bring back those proposals by regulation or subordinate legislation, I hope that the ministers will appreciate our ongoing anxiety that the Government fulfils that commitment in the shortest timescale possible.

I turn to the subject of allotments—Rab McNeil notwithstanding. Despite the minister's good intentions, there was a danger at one point that, instead of improving prospects for Scotland's many allotment holders and giving them some sort of statutory protection, we would vote down the entire section. It is to the credit of the minister, of the committee and, in particular, of the members of the Scottish Allotments and Gardens Society that the bill has now been amended to address the real demand for access to small plots of land that clearly exists across Scotland.

As with many aspects of the bill, the real test now lies ahead, when we put the law into practice. Allotments do not just offer an opportunity for those who wish to enjoy the benefits of gardening or working outdoors. They contribute to public policy on food, social justice, health and wellbeing, reducing carbon emissions and enhancing the natural environment. For example, will the bill deliver more allotments, with fewer people waiting and more people with a plot of their own? That is when we will really see the extent to which we have empowered our communities.

I have one final point. This has been a collaborative and consensual process, as many members have remarked in their closing speeches, and I believe that the bill is all the better for that. I thank the ministers for their role in such a co-operative and constructive operation, but I particularly want to thank the members of the Local Government and Regeneration Committee. It is interesting that there is no Government majority on the committee and the result has not been opportunism or oppositional politics from the non-governmental majority, but mature, respectful and rational discussion. All members have sought to reach agreement rather than force their views on others. For those who recollect Parliament before 2011, it was a reminder of how we used to achieve a balance between the power of the Executive and the legislature.

There have been occasional disappointments. We did not pass the European Charter of Local Self-Government, despite the opportunity that it offered to display our commitment to subsidiarity. I think that many of us welcomed the reminder

during the discussion around that that the concordat is now dead and buried. It was slightly worrying that, in a choice between the council tax freeze and subsidiarity, the freeze seems to have won. I echo the point that was raised by my colleague Alex Rowley that, if we are going to take a consensual approach, local government finance offers an opportunity to us all.

The Community Empowerment (Scotland) Bill is a very consensual, well-intentioned and empowering bill. It is now up to all of us to put those powers into action—let us practise the devolution that we preach.

20:06

Marco Biagi: I want to identify a problem with the bill. I know that this is a pretty late stage to do that, given that this is the winding-up speech at stage 3, but the problem is that if somebody comes to us, as people have been doing for some time, and asks us to sum up the bill in a sentence, it is pretty hard to do. This is a bill that has—as has been identified—a common thread of empowering communities through giving them a greater say in decision-making and in forms of direct ownership, but it is very hard to simply summarise the broad range of ways that it seeks to embody that principle.

The bill is really important because communities have different priorities. There is no one solution, there is no catch-all and there is no magic wand. In touring Scotland since I became the minister responsible for local government, I have seen examples of communities doing very different things. In some cases, they identify childcare as the issue and create a nursery—for example, at the Cassiltoun Stables nursery in Castlemilk. There is regeneration in Govanhill and Craigmillar and there are arts facilities in Kilmarnock, Elgin, and Galashiels, where the communities are working through such activities not just for the sake of the arts but because they provide opportunities for young people to gain skills and confidence. There is the community centre in Merkinch and others in Irvine and Alloa that offer everything, including a reptile fanciers club that I had the great pleasure of visiting during my last visit. There is the Comas shop in Dumbiedykes and the Craggs community sports centre, and I have high hopes that our neighbourhood here around the Parliament will see some progress for the building that Sarah Boyack mentioned.

In a couple of months, I am going to Campbeltown to see its community-owned cinema and airport. An airport! Is that not proof that if communities have ambition, the sky is literally the limit?

Members: Oh!

Marco Biagi: I could not let Alison Johnstone be the only member to deliver a pun today, could I? I can actually speak now, which is an improvement.

In touring Scotland, I have seen a few groups that have imparted to me the importance of some of the points that have been made here—what Rob Gibson identified as that first step, when people go from being a group of volunteers or a group of people with an interest and an idea and take it to the next level. That really is an important step and one that we have to make sure is properly supported as we implement the legislation.

The bill, as has been highlighted, took no fewer than three ministers to bring home. There are now 11 parts to the bill, and looking at the football team's-worth of substantive parts—I promise that there will be no more puns after this—in this debate, three of them seemed to stay on the bench.

We had no conversations in great detail about forestry, the common good or local non-domestic rates, which are all areas in which the bill includes important provisions to further community empowerment—[*Interruption.*]

The Presiding Officer (Tricia Marwick): One moment, minister. I ask members who are coming into the chamber to do so quietly and to stop talking, please, and to let the minister get on with his speech.

Kevin Stewart: Will the minister give way at this point?

The Presiding Officer: Minister, will you give way?

Marco Biagi: To Mr Stewart? Always.

Kevin Stewart: Will the minister agree that a number of the areas that he mentioned have not come up today because we dealt with them at earlier stages? For example, on forestry, concerns from the Scottish Woodlot Association were dealt with very early. Again, that comes back to the consensus that existed across the Local Government and Regeneration Committee and the other committees.

Marco Biagi: Indeed—I was just about to come on to that point in responding to the question that Tavish Scott raised about scrutiny. We have heard from other front-bench members that the bill is a shining example of how the Parliament's committees looked in great detail at a wide range of issues and produced positive recommendations that the Government was happy to take on board.

There is a wide range of issues running through the bill, and I will respond to some of the areas that have been highlighted. On land reform,

Claudia Beamish raised the issue of support. As with all sections of the bill, the need to ensure that people have the means to come forward and take advantage of the provisions is critical.

Asset transfer and its interaction with best value came up on several occasions in the debate. We must recognise that best value was conceived as something that is about more than just market value, so it is important that everybody takes that on board.

Cameron Buchanan made a point about allotments and ministerial control. The ministerial consent for change of use for allotments has existed since the Local Government (Scotland) Act 1973, so it has a pedigree. Members will pardon me for being a younger member, but I believe that there was a Conservative Government at that time, although I note that Mr Buchanan is perhaps more of a Thatcher man than a Heath man with regard to the past records of those Governments. The provision is a long-established one that we were asked by stakeholders to include.

We have touched on the extent to which we took on board ideas from across Parliament. The bill includes provisions on locality planning; on assistance with participation, which Alex Rowley raised; on allotments, which Ken Macintosh highlighted; and on participation requests for joint authorities, which Tavish Scott raised with us.

From Cameron Buchanan—despite my little disagreement with him on CPPs—we have taken on board issues to do with appeals. From John Wilson we have taken on board issues relating to reporting deadlines and ALEOs, and to unconstituted but still representative groups. From Michael Russell, we have taken suggestions regarding appeals on asset transfer; from Alison Johnstone, suggestions on football; and on land reform, we have taken on board suggestions from Sarah Boyack, Claudia Beamish and Alex Fergusson.

The Community Empowerment (Scotland) Bill is one that every member of the Parliament can feel part of, and that many MSPs can look at it and say, “I made this.”

We also learned during the debate that Alison Johnstone’s football puns are terrible—her scriptwriter should get a red card, as should mine. We have learned that Alex Fergusson can sometimes—believe it or not—stand up for tenants, which he happily portrayed as being the result of a change of heart.

We learned during the passage of the sections on allotments that just about everybody—the Opposition spokespeople, the official in charge and the people coming before the committees—seems to be an allotment holder. Crazes have

clearly moved on from Cabbage Patch Kids to cabbage patches for real.

Members: Oh!

Marco Biagi: I am not going to do any more puns. [*Applause.*] The priority and need of this community here is, first, for me to stop telling bad jokes and, secondly, for me to wind up the debate.

If there is a conclusion to the debate, it is that much of what we are trying to codify in the bill is already happening. There are trailblazers who are making superhuman efforts to achieve stronger and more empowered communities. However, it should not require someone to be superhuman to achieve that, which is why we want to make it just a little bit easier in a wide range of areas for people to be that active community and to step forward, recognising that regeneration is done by communities and not to communities. We want to ensure that we empower the disempowered people across this country and create the healthy and vibrant democracy and society that all of us in Parliament want.

The Presiding Officer: That concludes the debate and the puns on the Community Empowerment (Scotland) Bill.

Business Motions

20:15

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-13538, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 23 June 2015

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 3 Proceedings: Prisoners (Control of Release) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 June 2015

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Education and Lifelong Learning

followed by Stage 3 Proceedings: Mental Health (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 June 2015

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Air Weapons and Licensing (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 1 September 2015

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 2 September 2015

2.00 pm Parliamentary Bureau Motions

followed by Portfolio Questions
Fair Work, Skills and Training;
Social Justice, Communities and
Pensioners' Rights

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 3 September 2015

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[Joe FitzPatrick.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-13537, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Transplantation (Authorisation of Removal of Organs etc) (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Transplantation (Authorisation of Removal of Organs etc.) (Scotland) Bill at stage 1 be completed by 12 February 2016.—[Joe FitzPatrick.]

Motion agreed to.

Parliamentary Bureau Motions

20:16

The Presiding Officer (Tricia Marwick): The next item of business is consideration of three Parliamentary Bureau motions. I ask Joe FitzPatrick to move motion S4M-13539, on the approval of a Scottish statutory instrument; motion S4M-13531, on the suspension of standing orders; and motion S4M-13532, on the establishment of a committee.

Motions moved,

That the Parliament agrees that the Historic Environment Scotland Act 2014 (Ancillary Provision) Order 2015 [draft] be approved.

That the Parliament agrees that, for the purpose of consideration of matters relating to the Pentland Hills Regional Park Boundary Bill, Rule 6.3.2 of Standing Orders be suspended.

That the Parliament shall establish a committee of the Parliament as follows:

Name of Committee: Pentland Hills Regional Park Boundary Bill Committee.

Remit: To consider matters relating to the Pentland Hills Regional Park Boundary Bill.

Duration: Until the Bill is passed, falls or is withdrawn.

Number of members: 4.

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Labour Party.

Membership: James Dornan, Mike MacKenzie, David Stewart, Alex Fergusson.—[*Joe FitzPatrick.*]

The Presiding Officer: The question on those motions will be put at decision time.

Decision Time

20:16

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business.

The first question is, that motion S4M-13523, in the name of Marco Biagi, on the Community Empowerment (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 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, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)

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)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 101, Against 0, Abstentions 15.

Motion agreed to,

That the Parliament agrees that the Community Empowerment (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-13539, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Historic Environment Scotland Act 2014 (Ancillary Provision) Order 2015 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-13531, in the name of Joe FitzPatrick, on the suspension of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, for the purpose of consideration of matters relating to the Pentland Hills Regional Park Boundary Bill, Rule 6.3.2 of Standing Orders be suspended.

The Presiding Officer: The next question is, that motion S4M-13532, in the name of Joe FitzPatrick, on the establishment of a committee, be agreed to.

Motion agreed to,

That the Parliament shall establish a committee of the Parliament as follows:

Name of Committee: Pentland Hills Regional Park Boundary Bill Committee.

Remit: To consider matters relating to the Pentland Hills Regional Park Boundary Bill.

Duration: Until the Bill is passed, falls or is withdrawn.

Number of members: 4.

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Labour Party.

Membership: James Dornan, Mike MacKenzie, David Stewart, Alex Fergusson.

Meeting closed at 20:18.

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