



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 16 March 2016

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Scottish Parliament

Wednesday 16 March 2016

[The Presiding Officer opened the meeting at 09:00]

Business Motion

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is consideration of business motion S4M-15939, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Land Reform (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Land Reform (Scotland) Bill—

(a) debate on the groups of amendments specified below shall, subject to Rule 9.8.4A, be brought to a conclusion no later than the time limits indicated;

(b) time limits shall exclude any period 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 morning session being called or the first division following the lunch break being called) or otherwise not in progress:

Morning session (time limits calculated from the beginning of stage 3 proceedings)

Groups 1 and 2:	30 minutes
Groups 3 and 4:	1 hour 10 minutes
Group 5 and 6:	2 hours 10 minutes

Afternoon session (time limits calculated from time following the lunch break at which Group 7 begins)

Groups 7, 8 and 9:	45 minutes
Groups 10, 11 and 12:	1 hour 25 minutes
Groups 13 and 14:	1 hour 45 minutes
Groups 15, 16 and 17:	2 hours 10 minutes
Groups 18, 19 and 20:	2 hours 55 minutes—[Joe FitzPatrick.]

Motion agreed to.

Scotland Bill

The Presiding Officer: The next item of business is a debate on motion S4M-15941, in the name of John Swinney, on the Scotland Bill, which is United Kingdom legislation.

09:00

The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney): I can well remember returning from school on 2 March 1979 to be greeted by my mother with some disappointing news: the yes campaign had not secured enough votes in the referendum to establish a Scottish assembly. As a 15-year-old, I had been captivated by the sense of possibility that would have come from the people of Scotland being able to shape our own future. A few weeks later, I joined the Scottish National Party, to play my part in securing Scottish self-government. So today is, for me, a very significant day. Today, the Scottish Government is inviting Parliament to give its legislative consent to the Scotland Bill, the next step in extending the responsibilities of this Parliament and in Scotland's journey towards greater self-government.

The aspiration for self-government centres on ensuring that decisions about what happens in Scotland are made as close as possible to the people whom they directly affect—decisions that reflect the views, issues, priorities, hopes and aspirations of the people of Scotland.

The vibrant debate on Scotland's future that was conducted during the independence referendum campaign is what has brought us here today. Although my aspiration for independence was not supported sufficiently by the electorate, it was crystal clear that the people of our country wanted to exercise more control over their lives here in Scotland and that the political parties and the Parliaments and Governments of Scotland and the United Kingdom had to make that happen. As we approach the end of this parliamentary session, it is appropriate to reflect on the journey that this Parliament has taken—in particular, the momentous events of the past five years.

Since 1999, this Parliament and the Government have continually evolved their powers, but the pace of devolution quickened after the former First Minister published the constitutional consultation document, "Choosing Scotland's Future", in August 2014, and we began the national conversation, discussing the powers that people in Scotland wanted the Parliament to have. In response, other parties and the United Kingdom Government established the Calman commission, publishing a Scotland Bill in 2010.

This Scottish Parliament eventually gave its legislative consent to that Scotland Act in May 2012, so this is the second Scotland Bill that we have considered in this session. They come along with remarkable regularity.

We have used the powers in the Scotland Act 2012 to address the scourge of drink driving, take action on air guns and reform stamp duty with land and buildings transaction tax. However, it was clear at the time that the 2012 act lagged behind the aspirations that the people have for this Parliament. As we all considered whether we wished to be an independent country, an offer was made to the people of Scotland: they should vote against independence and they would be offered a secure, modern form of Scottish home rule. The UK parties made a vow promising extensive new powers for the Scottish Parliament.

The outcome of the referendum led to the establishment of the Smith commission to agree a basis for the implementation of the commitments made by the UK parties. Along with my friend and colleague Linda Fabiani, I represented the Scottish National Party on the Smith commission, and agreed the contents of its report. I pay tribute to my co-commissioners here in this Parliament—Annabel Goldie, Iain Gray, Tavish Scott and Patrick Harvie; and to those elsewhere—Michael Moore, Gregg McClymont, Maggie Chapman and Adam Tomkins. I pay particular tribute to Lord Smith, whose patient yet firm guiding direction enabled us to reach an agreement. Clearly, for me, it did not go far enough. As was painfully obvious during the process, for others it went far too far.

The Smith process delivered an agreement for additional powers that—if they are used in the right way—can benefit the people of Scotland. Those include extended powers over tax, new powers over welfare, and responsibilities for the Crown Estate, the British Transport Police, tribunals and licensing of onshore oil and gas activity.

However, the Smith commission produced only a report. A bill and a fiscal framework were necessary before anything could be implemented. The Devolution (Further Powers) Committee, under the distinguished leadership of Bruce Crawford, has been crucial in getting us to where we are today. Its scrutiny of both Governments, along with the diligent work of the Finance Committee, under the convenership of Kenneth Gibson, has significantly and materially improved the bill that is before us today. Both committees created the tests that would be central to agreeing a fiscal framework, and that work highlights the excellence that we have come to expect from the strong committee system of this Parliament.

While the bill is not perfect, it reflects the efforts of many people, in this chamber and beyond. There has been much joint working between the UK and Scottish Governments, and ministers are prepared to recommend that Parliament consents to the bill completing its parliamentary passage at Westminster.

The Government has already set out a number of proposals to use the powers that will be conferred on it to improve the lives of the people of Scotland. Those proposals include a social security bill to establish a social security agency, to move to abolish the bedroom tax as early as possible, to introduce support for carers, to create greater flexibility over universal payments and—importantly—to create a social security system that is based on dignity and respect for the individuals that that agency has to serve. Other proposals include effective employability services that support people while coping with severe cuts in funding, as highlighted in the report of the Devolution (Further Powers) Committee, and consultation on replacing and reducing air passenger duty to boost the economy.

Already, for the elections in May, we have extended the right to vote to 16 and 17-year-olds. That is a right that they will exercise in a few short weeks, to the close interest of all of us in the parliamentary chamber. We will set out further proposals in due course and, if returned as the Government in May, will fully utilise the powers available.

Of equal importance to the Scotland Bill has been the fiscal framework that accompanies it. My overriding aim has been to secure a fiscal framework for Scotland that is fair, workable and faithful to the principles that Smith set out in his report. Throughout the negotiations, my approach was that I would not sign up to a deal that would impose systematic cuts to Scotland's budget. That outcome has been achieved for the Scottish interest. The fiscal framework states that the Barnett formula will continue to determine the size of the block grant and is the benchmark against which we must assess the operation of the principle of no detriment, which was central to the conclusions of the Smith commission.

The Governments agreed that the block grant adjustment for tax and benefits should be effected by using the comparable model and the Barnett formula respectively, while achieving the outcome that is delivered by the index per capita method. Each year, it will be necessary to concurrently calculate the block grant adjustment, based on both the comparable and Barnett models, and the IPC model. The first step will be to calculate the adjustments on the basis of the comparable and Barnett models. The second, concurrent, step will be to calculate the adjustments on the basis of the

IPC model. Finally, if there is a difference between the Barnett, comparable and IPC calculations, there will be a reconciling adjustment to the calculations to ensure that the mechanism delivers the IPC outcome before the start of each financial year. I accept that the agreement is complex, but it ensures that the Scottish ministers' IPC model drives the outcome of the block grant adjustment process and, crucially, ensures that the Scottish budget does not carry any detriment.

After that, the UK Government cannot default to a funding model that would deliver detriment in the future—future arrangements must be agreed jointly. One of the key issues—and one of the great benefits—of the conclusions in the Smith commission's report is the fact that Smith required the arrangements for the fiscal framework to be agreed jointly by the United Kingdom and Scottish Governments, making us equals in determining the issues. It is that factor that has enabled us to protect Scotland from the implications of the detriment that could have arisen. Therefore, the arrangement fully delivers the Smith principle of no detriment. To aid transparency, the results of the two models will be presented in the annual reports to each Parliament.

Besides setting out the block grant adjustment, the fiscal framework sets out the agreement that has been reached in other important areas such as capital and resource borrowing, funding for administration and implementation costs and, effectively, the policy spillovers that are associated with tax and welfare. It provides a governance framework for the future, making it clear that decisions in relation to the framework will be taken jointly by both Governments in the joint exchequer committee.

Yesterday, the two Governments published a technical annex to the fiscal framework, which sets out in further detail the agreement that was reached with the United Kingdom Government and then published. I would have preferred to have published it with greater time available to members to scrutinise it before the debate, but it amplifies and provides more detail on the agreement that the First Minister announced to Parliament a couple of weeks ago. It is there for members to scrutinise as background to the process that has been agreed.

We have an agreement on a fiscal framework that increases the Scottish Parliament's financial responsibility, is consistent with the Smith principles of no detriment and is fair to the people of Scotland. I am therefore in a position to recommend that Parliament provides legislative consent to the Scotland Bill today.

This session has seen a remarkable journey for Scotland and her Parliament, from the legislative consent motion on the Scotland Act 2012 through

the legislation for our own referendum, then the referendum itself and the enormous engagement of members of the public on the constitutional question, followed by promises to the people of Scotland of federalism and home rule. Then there were the 10 weeks of the Smith commission, a draft Scotland bill and a UK general election. There was then the consideration of the Scotland Bill at Westminster, with hours of scrutiny by the Devolution (Further Powers) Committee and the Finance Committee, and seven months of negotiations over the fiscal framework.

The result is a set of powers that do not enable us to do all that the Government would want to be able to do but are a range of powers that we will use to the full in the interests of building a stronger Scottish economy, tackling inequality and ensuring that all our people have the opportunity to flourish in Scotland.

I believe that the more we exercise self-government here in Scotland, the more the benefits become clear to members of the public and the stronger the argument becomes for extending our powers even further. That is Scotland's journey, and I encourage Parliament to take a further decisive step on that journey by supporting the Government motion.

I move,

That the Parliament notes the agreement on a fiscal framework for the Scotland Bill published by the Scottish and UK governments on 25 February 2016, and agrees that the Scotland Bill, introduced in the House of Commons on 28 May 2015, as amended, should be considered by the UK Parliament.

09:12

Iain Gray (East Lothian) (Lab): I support the motion in Mr Swinney's name and express my delight that we have arrived at this debate and this question. After all, like him, I spent 10 weeks of my life locked in the Smith commission, thrashing out an agreement on what further powers the Parliament should have.

The one major thing that Smith left undone was the fiscal framework, which was left to be negotiated between the Scottish and UK Governments. I confess that there were times when I thought that those negotiations would break down irrevocably and that the whole agreement would fall. That would have been a travesty.

Although the negotiations were in effect between only two parties—the Scottish National Party and the Tories—those parties were both signatories to the Smith commission report. If the Tory Government had failed to reach agreement, it would have betrayed the promise that was made to the Scottish people at the time of the

referendum. Equally, had the Scottish Government failed to reach a deal, it would have meant the grotesque outcome of a nationalist Government being presented with the opportunity to make the Scottish Parliament one of the most powerful devolved legislatures anywhere in the world, through the biggest transfer of powers to Scotland since 1999, but letting that opportunity slip through its fingers.

Happily for me, I was not in the room, so I do not know why the agreement went to the wire, but I know that I agreed with John Swinney's interpretation of no detriment in the Smith agreement, which is that it applies not simply on the day of devolution but over time, too. I supported him, too, in arguing that the adjusted block grant should not be reduced as a result of differential changes to population. He was correct in arguing that the Barnett formula, which is population based, already adjusts for that, so a further reduction would be superfluous.

I have the highest regard for Mr Swinney as a negotiator—in spite of his many flaws. I take the chance to congratulate him again on reaching a good deal for Scotland and securing the benefits of the Smith agreement and the consequent Scotland Bill. He deserves all our thanks for that. *[Applause.]*

The devolution story that brings us here this morning has both a longer-term narrative and a more immediate narrative. Mr Swinney also referred to that. From the moment that the Parliament began, it was clear that it was imbalanced. Our Parliament was created with a high degree of legislative competence—with full powers to legislate over many critical areas of our nation's life—but it was clear that we had little fiscal or financial power. The original variable rate involved a flawed power and was—not surprisingly—never used. The Calman powers began to address that, but the Smith agreement and the Scotland Bill will write the next chapter in the story of devolution.

That is also the final chapter in the more urgent and febrile narrative that was born of the referendum campaign in 2014. The Smith commission and the legislative process that ensued delivered the vow that was made in the final days of that campaign—that remaining in the United Kingdom would mean not the status quo but rather a new devolution settlement and substantial new powers for the Parliament.

It is worth reminding ourselves of what that promise was, since it has been misquoted, misconstrued and used to mislead ever since. The promise was, first, to make the Parliament permanent; secondly, to have substantial devolution of powers over tax and welfare; and, thirdly, to protect the Barnett formula.

The first point was readily agreed in the Smith commission, although it is—admittedly—legislatively awkward to achieve. The second is indisputably delivered with the devolution of some £20 billion of taxation and more than £2 billion of welfare benefits, along with a new power to create our own benefits.

The third point—the protection of the Barnett formula—is delivered by the fiscal agreement, and thereby we continue to benefit from the pooling and sharing of resources across the United Kingdom. That is the bedrock of the social solidarity that binds us together in old age, in unemployment or in starting a family.

In passing, we should not forget that a number of other important responsibilities will devolve to us, such as powers over our democratic structure and elections and, topically, complete control over unconventional gas exploitation—fracking. That has allowed Labour members to make it clear to the Scottish public that we would ban that process.

It is the powers over tax and welfare that will transform and have already begun to transform the Parliament. The debate is the latest thread in a third narrative that is deeper and longer. It was born of the arid years of the 1980s and early 1990s, when we faced a Government that was intent on attacking, not nurturing, our crucial public services, and which was determined to break, not work with, the institutions of social solidarity, such as trade unions. That Government saw division as something strong and bracing, not something weak and destructive.

Kevin Stewart (Aberdeen Central) (SNP): Does Mr Gray think that we have such a UK Government at this moment, which is trying to break the trade unions and public services? Does he think that it would be better if we had even more powers to deal with such matters, rather than relying on the Tories at Westminster to deal with them?

Iain Gray: I do indeed think that we have such a UK Government at the moment, and I will come to what I think about that immediately.

Out of the 1980s and 1990s came the idea that we could have a devolved democratic institution that would allow us to stand strong and make our own decisions about the kind of Scotland that we want. That saw this Parliament conceived, campaigned for and then created.

We now have a UK Government that is hellbent on wrong-headed austerity—on cutting futures rather than investing. The Scottish Parliament was made for a time such as this. The new powers that will flow from the legislative consent motion and the legislation that follows will ensure that we can choose a different way.

Let us look at yesterday's statistics on inequality and poor health in teenagers. They need us to choose a different way. Let us think of our children in care, who still have more chance of finding their way to prison than to university, or our fellow citizens living with disability, whose support is being cut and cut again. It is the choice to do better for them that is coming our way.

A legislative consent motion on a wet Wednesday morning—we could not get more mundane than that. However, any of us who are not excited by the opportunity that this moment presents should ask whether they are in the right place. I say to Mr Stewart in particular that anyone who sees the powers over tax and welfare and only asks themselves, “Why don't I have more?” rather than “What am I going to do with this incredible opportunity?” should ask whether they are in the right place.

The truth is this: after this parliamentary session, we will not leave the Parliament as we found it. However bumpy the ride, we have transformed the Parliament—Mr Swinney elaborated on how much that has dominated our time and attention in the past five years. However, if that was the achievement of the session that is ending, surely now the obligation is on us to use the Parliament to transform our nation and the lives of its people. The Parliament is indisputably big enough now to do that. The question is: are we big enough to make it happen?

There is no excuse for timidity now. There is no excuse to accept cuts that we say are unacceptable, no excuse to fail in making the investments that we say are critical and no reason to say that there is another way but then fail to take it. The hard negotiations to empower the Parliament are done. Now we must make the hard choices to use its powers to stop the cuts, to protect our people and to make their future what we know that it can be.

09:22

Annabel Goldie (West Scotland) (Con): This is not my final speech—I understand that that will take place next week—but, in a sense, the bill encapsulates a journey for me that has involved a marked change in my views since 1999 and a significant development in the life of this institution. In a way, the bill brings me to a natural conclusion of a process in which I have been closely involved at the point when I also reach the conclusion of my time here. That is perhaps an appropriate symmetry. I imagine that this is also the last time that I shall face the Deputy First Minister in the chamber so, before I proceed to the meat of the debate, I ask the chamber to indulge me in some brief reflections.

We are discussing the culmination of a process that began when it was recognised that the Scotland Act 1998 was not the end of the story but the opening chapter to a longer story. I realised after some years that the limitations of the 1998 act were putting a brake on the Parliament's natural desire to take on more responsibility and, at the same time, were putting a corset on political responsibility.

In 2007, I was one of the progenitors of the Calman commission which, as the Deputy First Minister said, took us to the Scotland Act 2012. In September 2014, the Smith commission was announced by the Prime Minister, and I was delighted to be asked to serve on that. That process culminated in the Scotland Bill, the legislative consent motion on which we are debating today. I have also played my part with pride in another place in supporting the bill and ensuring that its parliamentary and political significance is understood.

The genesis of the bill was in the Smith commission, and I acknowledge the Herculean task that was undertaken by a man of immense talent—Lord Smith. His wise and patient stewardship of the process ensured a positive outcome. I also pay tribute to the other commission members. In particular, I will comment on the role of the cabinet secretary, my friend John Swinney, who was also a member of the commission—a task that I recognised was not going to be easy for him.

John Swinney and I have been members of the Parliament since 1999. We have our different political objectives and a robust divergence of views on a range of issues, but he skilfully prosecutes his case with focus, intelligence, integrity and courtesy. It has been my privilege to see that at first hand, whether in his convenership of the Enterprise and Lifelong Learning Committee, in budget negotiations between our two parties in the period of minority government, on the Smith commission, in the challenging discussions to reach agreement on the fiscal framework or in the chamber. He has earned respect as a public figure and it has been a pleasure to work with him as a political opponent. I shall particularly miss his hugely entertaining outbursts of faux indignation.

Much has happened between the Smith agreement and today. On the bill, the UK Government listened to Opposition parties and others, including the Scottish Government, and tabled a raft of amendments at report stage and throughout the proceedings in the House of Lords that devolved abortion law, clarified powers over welfare and put it beyond any doubt that there are no vetoes in the bill.

The bill implements the Smith commission agreement, in line with my party's previous pledges. No one can dispute the muscle and clout that are now coming to the Scottish Parliament. On 24 February, Lord Smith said:

"When the Smith Agreement was passed to the Prime Minister and First Minister, both gave their word that they would deliver it into law—they have met that promise in full."

This is a big day for the Scottish Parliament, not because I am about to leave it or because I have just said nice things about Mr Swinney, but because it is the day when the Scottish Parliament prepares to graduate. Today, the Parliament will give the green light to the Scotland Bill, which will create a powerhouse Parliament. Independent research by the Scottish Parliament information centre has shown that the Parliament will become one of the most powerful devolved legislatures in the world, with a higher degree of autonomy than that of many federal states, such as those in the US, Germany and Australia.

This is also the day when, as Iain Gray said, the public debate about our country's future moves from questions of constitutional process and grievance politics and on to the real business of using power to improve people's lives. With control over about £12 billion of income tax revenues and about £5 billion of assigned VAT, plus responsibility over welfare benefits worth approximately £2.7 billion according to recent figures, real politics is arriving and the cabinet secretary's job just got harder.

Let me console the cabinet secretary—it could be worse. He has been spared being the chancellor of an independent Scotland facing in year 1 a £15 billion deficit, turbulent oil markets and using someone else's currency. It is healthy that, for the first time in 17 years, we have discussed setting a Scottish rate of income tax in the Scottish Parliament and we have begun tentatively to debate the design of employment services and welfare. That poses a big challenge for the Scottish Government in designing a social security system that is fair but which incentivises work and in constructing a tax regime that does not place Scotland at a disadvantage in comparison with the rest of the United Kingdom.

What my party and I wanted to emerge from the process was a Scottish Parliament that is more politically and financially responsible and accountable. I also wanted to see reflected the overwhelming desire of the majority of people in Scotland for a stronger Scottish Parliament in the United Kingdom. On all that, the Scotland Bill delivers. How all that will play out is for our successor members of the Parliament—I pray that they may be blessed with wisdom. My party supports the motion in Mr Swinney's name.

The Presiding Officer: I call Bruce Crawford to speak on behalf of the Devolution (Further Powers) Committee.

09:28

Bruce Crawford (Stirling) (SNP): I am delighted to speak as the convener of the Devolution (Further Powers) Committee. I thank all the members of the committee, past and present, for the manner in which they have approached their task. I make special mention of Duncan McNeil. I remember fondly that, when a witness was being evasive, Duncan would roll up his sleeves in that shipyard fashion of his and make sure that they answered the questions that we wanted answered. We thank Duncan for that. I also thank all the parliamentary committees that contributed to our report on the bill, and I thank our two advisers, Christine O'Neill and Professor Nicola McEwen. Finally, I pay particular tribute to Stephen Imrie, Stephen Herbert and Andrew Howlett, who did a remarkable job as clerks to the committee.

The process of development and negotiation of the proposals for further devolution has at times been pressurised and has frequently taken place behind closed doors, in a private space where the two Governments could negotiate. As a parliamentary committee, we felt strongly that we had a responsibility to try to open up the process to place transparency, accountability and parliamentary scrutiny at the heart of our work. In that light, I am grateful to all the individuals, experts and organisations, particularly those from civic society, who engaged so fully with our work, particularly with regard to the proposed welfare powers.

As a committee, we set ourselves two straightforward litmus tests to be passed before we considered that the committee would be able to recommend legislative consent to the Parliament: first, that the Scotland Bill should meet both the spirit and substance of the Smith commission recommendations; secondly, that any fiscal framework agreed between the two Governments must be seen to be fair and sustainable—that is, that the Scottish budget should experience no detriment. We considered that both tests were equally valid and of the same value.

I will keep my remarks on the Scotland Bill brief, but I want to welcome the changes that the UK Government has made to the bill and the role that has been played by the Secretary of State for Scotland, David Mundell. Many of those changes reflect the recommendations that the committee made in its interim report. I will give just a couple of examples: first, the provision that the Scottish Parliament cannot be abolished without a

referendum of the Scottish people—after all, the people of Scotland are sovereign; and secondly, a clear articulation of the new powers that is closer to the spirit and substance of Smith in relation to the new and top-up benefits, carers allowance and the ability to introduce gender quotas.

However, the committee continues to have some concerns regarding the content of the Scotland Bill. For instance, on employment support it remains the case that only the programmes relating to individuals who have been unemployed for more than a year will be devolved. Nevertheless, I can say that, on balance, we consider that the Scotland Bill meets our first test for legislative consent to be agreed.

The fiscal framework became the key issue in our scrutiny of the proposals for further devolution. Ultimately, it was also the critical element in the whole process as far as both Governments were concerned. I, too, congratulate the Deputy First Minister on his negotiating skills. In doing so, I am reminded of President Kennedy's words when he said:

"Let us never negotiate out of fear. But let us never fear to negotiate."

However, it would be wrong not to recognise that the delay in agreeing a fiscal framework had a negative impact on the scrutiny that we were able to undertake on that crucial agreement.

I mentioned earlier that the fact that there should be no detriment to the Scottish budget was a key issue for the committee. We therefore welcome the agreement that has been reached on block grant adjustment and indexation for the transitional period to 2021-22.

However, we have some remaining concerns, which are shared by the Finance Committee. It was clear that the two Governments, in their evidence to us, appeared to have differing interpretations of what will happen if no agreement can be reached following the review of the transitional period. To be fair, the Deputy First Minister was clear about what he thinks will happen; the Chief Secretary to the Treasury was far less so. However, I would say to the chief secretary in the words of another American president, Abraham Lincoln:

"You cannot escape the responsibility of tomorrow by evading it today."

Nevertheless, we welcome the fact that there will be an independent review of the operation of the fiscal framework, which will report by the end of 2021. It is also right to recognise that, despite the agreement that has been reached, there remains a significant amount of detail to be agreed. All the arrangements must be subject to parliamentary scrutiny in the next session of Parliament.

Despite the lack of detail in some areas and the undeniable challenges that lie ahead, the committee was, on balance, prepared to endorse the fiscal framework. Accordingly, we consider that both the tests that we set ourselves at the outset of our work have, on balance, been met, and we recommend that the Scottish Parliament gives its consent to the Scotland Bill.

It has been my privilege to be the convener of the Devolution (Further Powers) Committee. It is now time to pass the baton of responsibility on to the next Parliament, whose members will have a big job ahead of them, scrutinising any new legislation that will flow from this bill. To do that job justice, it will be vital that the structures and operations of the committees in the next session are made fit for purpose, to deliver the changes that the people of Scotland will rightly expect.

The Presiding Officer: We move to the open debate.

09:34

Linda Fabiani (East Kilbride) (SNP): I am pleased that we have reached this point, which, as was outlined by the Deputy First Minister, has come from Calman, the Scotland Act 2012 and the promises that were made to Scotland just before the independence referendum—federalism and home rule.

Iain Gray talked of misleading rhetoric on the promises. My contention would be that, in the days running up to the independence referendum, it was those who live in Scotland who were misled. Indeed, with the understandable dissent of Alex Johnstone MSP, the Devolution (Further Powers) Committee concluded in paragraph 7.1.0 of its report:

"There are still some areas where we feel that the Scotland Bill continues to fall short of the spirit and substance of Smith, notably in relation to the devolution of employment programmes".

Bruce Crawford outlined those areas.

Alex Johnstone (North East Scotland) (Con): I hear the comments that Linda Fabiani makes, but how do they relate to Lord Smith's remark that he believes that the vow and the promises of the commission have been fulfilled?

Linda Fabiani: Lord Smith can answer for himself. What I can talk about is what was agreed by the committee, with the exception of Alex Johnstone. The fact is that what was agreed by the Smith commission and outlined in the agreement has been changed. Funding that is coming for the work programme has been slashed—that cannot be denied.

Let us look further at the committee's report. Labour, Lib Dem, SNP and Green committee members concluded:

"The Committee is disappointed with the decisions that have been taken in the area of employment programmes both in terms of the degree of devolution ... and now on the stark reductions in the actual budgets that will be devolved."

As I said, there has been a complete change from what was in the Smith agreement. The committee also said:

"These decisions will seriously undermine a future Scottish Parliament's ability to make a meaningful change to some people's lives through tackling unemployment."

Let us not pretend that Parliament is today considering a package of additional powers that will allow this or any future Scottish Government to truly transform lives. We must be realistic.

Iain Gray: Will the member take an intervention?

Linda Fabiani: No, thank you.

During the Smith commission sittings, there were overriding themes: the potential use of additional powers, the principle of no detriment, and the principle that both Governments should enter into further negotiations with parity of esteem, as equal partners.

On the no-detriment principle, despite the Treasury's initial attempts to use the negotiations on the fiscal framework to cut Scotland's budget to the tune of £7 billion, the First Minister and the Deputy First Minister negotiated a deal to deliver some of the powers that were promised to Scotland, without allowing the removal of a single penny from the Scottish budget. We should thank both of them for that very much indeed.

The committee discussed parity of esteem and the principle of coming together as equal partners, although it was difficult to get a definitive answer from the Treasury minister. All members of this Parliament should be behind anyone who negotiates for Scotland in the future, and they should insist that that parity of esteem and equal partnership is maintained.

The other overriding theme is what we will do with any additional powers that come our way. I am pleased that the SNP Government has already set out plans to use the new powers that will be delivered. Already there have been statements about increasing the carers allowances to the same level as jobseekers allowance, and we will have the power to abolish the bedroom tax. That is very important, because we have spent a long time mitigating the effects of what has been coming from Westminster to Scotland. Although the bill does not contain the full package of powers that we would want to transform lives, there are

things that we will be able to do with the powers, instead of always chasing behind and trying to make up for the shortfalls of a Westminster Government that, let us face it, was not voted into power by Scotland.

We can do practical things, such as allowing benefit claimants to be paid fortnightly rather than monthly. We can scrap the 84-day rule, which removes income—that will be very important to families who have disabled children. As John Swinney said, we can introduce a social security bill to create a system that has dignity at its heart—that is very important. Despite the huge cut to the work programme funding, we will use the powers to do what we can to support people back into employment.

There are many other things that we can and will do in, I hope, a spirit of parity of esteem and equal partnership between the Westminster Government and the Scottish Government. There will be times when we look at an issue and say, "Right. It would be much more sensible to make an adjustment here on powers." The Devolution (Further Powers) Committee made such a suggestion in relation to gift aid, because there is an anomaly in that regard, and I am sure that there will be many other things that we can discuss, in a way that accords respect to both sides, as equal partners who are working in the best interests of everyone who lives in Scotland.

The Presiding Officer: I call Duncan McNeil. This is Mr McNeil's final speech in the Parliament.

09:40

Duncan McNeil (Greenock and Inverclyde) (Lab): Thank you, Presiding Officer. I want to take a moment to thank all the members of the Parliament's staff who have served me my breakfast, put up with my rants about the information technology system and supported me in committees of the Parliament—right down to Paul Grice, whose advice and support I have valued very much over the piece.

I should also mention my personal assistant Alison McKenzie, my constituency office—the font of all knowledge—and everyone who has worked for me over the period, including Colin Borland, Jill McNeil, Craig Davidson and Richard Cook.

Presiding Officer, in one of my first speeches as a newly elected member of the Scottish Parliament, one of your predecessors indulged me by allowing me to announce the birth of Chloe, the second of my four grandchildren. In a few weeks, Chloe, like this Parliament, will turn 17. She is one of the first of the devolution generation who have grown up every day with a Scottish Parliament as part of their lives. That tiny baby has become a beautiful young adult, and in many ways the

formative years of this Parliament have mirrored that familiar journey from infancy to maturity. We certainly had our teething problems and our sleepless nights when, very early on, we tackled the discrimination and inequality that existed in Scottish society and made up some ground on that, and when we had to deal with cost of this beautiful building. At that time, we sometimes felt as if we were under siege.

Through time, we have found our place in Scottish life and our confidence. However, as we did not have the ability to tackle seriously the imbalances to which Iain Gray referred, or to raise our own money, many of our debates lacked political maturity, and at their worst resembled a stropky teenager complaining about not getting enough pocket money. Tensions became so heated that we even threatened to leave altogether. However, we have agreed instead on a new settlement. We should at least take satisfaction that at the end of today we will come together and agree that this is a significant day for us all, as the Deputy First Minister said.

We are now a 17-year-old Parliament that is about to come of age and is ready to take on more responsibilities and to earn more of its keep, excited and enthused by the opportunities that that will provide. Of course there will be challenges; it will change politics and how we do politics.

We have been given our key to the income tax door. However, as someone who has served Hollywood—*[Interruption.]* That was my senior moment—although we have seen Hollywood techniques sometimes. As someone who has served Holyrood as a party whip, a member of the Scottish Parliamentary Corporate Body, a committee convener and a proud chair of the parliamentary Labour Party group, and who argued strongly for such powers to come to Scotland even when the policy was not popular in my party, I think that I am qualified and entitled to question whether we have demonstrated sufficient responsibility to exercise them. My experience tells me that this Parliament has not kept pace with change. It must do so soon if its work is to be effective for the people whom it serves.

I was reminded this week that Robin Cook came to the Parliament when he was the Leader of the House of Commons. This Parliament was new, and there were things here to be learned for his journey of reform at Westminster. It saddens me to say that now we have to do a bit of learning from Westminster and how it runs its business.

It will, of course, be for the next Scottish Government to decide its policies, how the new powers can be used to implement those policies and how we should tackle the big issues that we have been discussing here: how we build a successful economy, how we transform the health

service to make it even better than it is, and—the biggest challenge of all—how we tackle the inequalities that affect and exclude so many of our population.

It will be this Parliament's responsibility to ensure that there is accountability, scrutiny and even opposition, when it is necessary. We must ensure that we are capable of meeting that challenge, or we will face the consequences. The role of Presiding Officer will be key in doing that, and I pay tribute to Tricia Marwick for the job that she has done as an advocate of change and reform for our Parliament. I note that she has said herself that she has not been able to win all the arguments.

How can we ensure that the Presiding Officer's successor can take on that mantle and ensure that our procedures, structures and ways of working are fit for a modern powerful Parliament? I believe that we need to ditch the current convention; I believe that the way in which we elect the new Presiding Officer is integral to changing Holyrood. Why not have an open election in which all members—not just those who are favoured by the leadership or the party whips—are free to put themselves forward and allowed to stand on their own manifesto of reform, thus gaining a mandate that cannot be restrained by those who oppose change? Those ideas could be put forward in hustings, to engage with people beyond Parliament on their expectations of Parliament, and cross-party support should be necessary, if not compulsory.

Equally, the status and independence of our committee conveners need to be elevated and protected so that finally our ambitions for our committees are realised. We all wanted our Parliament to be different from—better than—Westminster, and in many ways we have succeeded, but we must be open enough to recognise that in some ways it has not worked and other systems are better. The power and functions of committees is one area where we need to get it right.

We must also ensure that our parliamentarians and our opposition parties have the resources and the means to do just that. A strong opposition is vital to our democracy, and we need to ensure that it is equipped to do its work effectively.

Alas, that is a debate that will be taken forward by members in the next session of the Scottish Parliament, of whom I will not be one. This is my last speech as an MSP after 17 years. On my first day as the MSP for Greenock and Inverclyde—the first elected representative to have been born and bred in the area—I stood just a few feet away from Donald Dewar when he made his famous speech to open the Parliament. He said:

"In the quiet moments today, we might hear some echoes from the past: the shout of the welder in the din of the great Clyde shipyards."

I was a caulker/burner, not a welder, but I hope that I have provided more than just an echo of Scotland's industrial past. I have always tried to be an authentic voice for working people in my community and the families there, and for the many communities like it.

When I entered the gates of the shipyards on the lower Clyde at the tender age of 15—even younger than my granddaughter Chloe is now—I thought that I had a job for life. I could never have imagined that 50 years later I would be representing my colleagues, my family and my neighbours in the Scottish Parliament. What an honour that has been.

We have seen what bad Governments can do when thousands of men's and women's livelihoods are taken from them and their communities plunged into mass unemployment, with all the associated problems that they must still live with. I have also seen what good Governments can do in regenerating such communities by attracting jobs, building new homes and schools, and allowing people to live healthier lives. Good government comes when the Government is forced to test its ideas, build consensus and correct mistakes.

Chloe and her generation will look to the Scottish Parliament for good government that protects people when they are vulnerable and provides them with opportunity when they are ready to take it. I know that there are good people in the Parliament and that there can be good government. I will watch members from afar. I wish them well for their future and the future of the Scottish people. [*Applause.*]

The Presiding Officer: On behalf of the Parliament, I thank Duncan McNeil for his contribution as a member, as a member of the Scottish Parliamentary Corporate Body, as a committee convener and as a great parliamentarian. You have served the Parliament well, and it has been a privilege to have been on the journey with you. We wish you well in all that you do in the future. [*Applause.*]

09:51

Tavish Scott (Shetland Islands) (LD): I found a Duncan McNeil speech last night when I was looking forward to this debate. I had some inkling that he would give some thoughts on his very distinguished time in Parliament. In November 2000, he congratulated a good friend of his on becoming the Deputy Minister for Sport and Culture. I suppose that he will remember the speech well: it was about Labour's consideration of where sport and culture policy should be. He

uttered a somewhat pointed phrase in relation to the new minister when he said:

"I wish him every success and look forward to hearing less about Puccini and more about Porrini."—[*Official Report*, 2 November 2000; c 1340.]

Duncan McNeil will remember that Porrini was a rather indifferent left back at Ibrox in those days. Puccini is rather well known for other reasons. Duncan McNeil always brought such thoughts to Parliament.

Duncan McNeil also saved me on one occasion when he was chairman of the parliamentary Labour Party. I forget what the issue was—to be frank, I would probably choose to forget what it was—but there had been some carry-on in transport, as there inevitably was. I had to go along to the Labour group to explain some difficulty that had happened—Jackie Baillie is laughing, so it must have been something in her area—and Duncan McNeil said, "Don't worry. They won't all eat you before breakfast—probably just later." I was grateful to him for getting me through that particular meeting.

I want to reflect on what got us here in the first place, as the Deputy First Minister did. I recall a croft discussion in the 1999 election campaign. Someone out in the west of Shetland who was in the middle of his lambing and therefore was not particularly keen to talk to any politician said to me over a gate, "Until you lot have some responsibility for both sides of a croft account"—obviously, he meant the nation's balance sheet—"your place will not grow up." That is so, as the Deputy First Minister, Iain Gray and Annabel Goldie have expressed it. Being able to take decisions about both sides of the balance sheet would ensure that we could decide whether to invest in schools or to cut education, whether to create a fair social security system for those who are less fortunate than us in our country or, indeed, to really debate the divisions over tax and spend that affect every citizen and every business, as should happen. That is profoundly important for the Parliament's future relevance to people, and for its real importance.

Members have mentioned the Smith commission, which is the basis of the legislative consent motion. I concur with the thoughts that have been expressed about Lord Smith, my colleague Mike Moore and all those who served on that body, and the able support provided for it by civil servants in London and Edinburgh.

I pay tribute to John Swinney not only for his role in that. I agree with Annabel Goldie's and Iain Gray's assessments of what has happened in relation to the Scottish Fiscal Commission. I genuinely thank John Swinney for that work, which is profoundly important for now and the longer term.

The Deputy First Minister made an observation that the Smith commission's recommendations did not go far enough for some and went too far for others. That is true. They do not go far enough for me, in some areas, because I profoundly believe in devolution of power not just to but within Scotland. The area that epitomises that for me is the Crown Estate. It has long been business for many of us—particularly those who represent the islands and have the marine environment to consider day to day—that the Crown Estate responsibilities should not just sit in Edinburgh, but that the management power, and not just the money and the net finance, should be devolved to the islands. I hope that in the next session of Parliament, whoever is the Government of the day, and whoever is Deputy First Minister and First Minister, are able to deliver fully what the Smith commission agreed on the Crown Estate—that is, that the powers and the finances would be devolved to the island areas, including those outwith the islands that I am fortunate enough to represent.

I also agree with Bruce Crawford's observations on the Devolution (Further Powers) Committee. I do not know what I will do with Thursday mornings from now on after the heaven knows how many running Thursday meetings we have had. However, I thought tomorrow was going to be a nice quiet day, and that I could have maybe read a few papers and caught up with background reading. But oh, no—I must go and speak on crofting law. From the sublime to crofting law.

I thank Bruce Crawford for his very patient and sensible convenership of the Devolution (Further Powers) Committee. That we produced a report that just about had all-party agreement was down to his skills and patience. The very few points that Alex Johnstone dissented from for entirely understandable political reasons were, I suggest, fairly minor in the overall scheme of things. Given the make-up of the Scottish Parliament, it is no mean achievement to come up—on the constitution—with a broadly acceptable package for all.

Can I make two final points, Presiding Officer, or even one, seeing as you are waving at me? There is one area that I want the Deputy First Minister to consider carefully. The review that has been institutionalised in the fiscal framework agreement is significant. What it may do in creating future problems needs to be reflected on very closely, so that we genuinely achieve all that we may out of the legislative consent motion when it is passed later today.

The Presiding Officer: I call Alex Salmond. This is Mr Salmond's final speech in the Parliament.

09:57

Alex Salmond (Aberdeenshire East) (SNP): I congratulate Annabel Goldie and Duncan McNeil on their service to the Parliament—their contribution has been substantial indeed. However, I say to Duncan McNeil that I would beware of taking too many lessons from the Palace of Westminster. When I was in the House of Commons yesterday, I glanced up at the House of Lords annunciator and saw the words "Adjournment for the leisure period". I will have to ask Annabel what they do with their time when that adjournment is on. [*Laughter.*] Once we have found out exactly what takes place, maybe it would be popular to introduce that into this Parliament—who knows?

I also join with Duncan McNeil in thanking my constituency staff, the parliamentary staff and the governmental staff, without whom no contribution in this place would have been possible in any of our careers.

In making a valedictory address, I am aware, Presiding Officer, that there is a major rival attraction down south today. However, on balance, I feel that the champion chase at Cheltenham race course will not be overshadowed by my remarks. [*Laughter.*]

I am grateful for the opportunity provided by the debate to reflect on the position that this Parliament and this country are now in. Clearly, the legislative consent motion before us does not pave the way for near federalism, devo to the max or home rule—all things that were raised in the last days of the referendum campaign. It does, however, represent a further transfer of power from London to Scotland. That much should be welcomed. It is also to be very much welcomed that, thanks to their iron resolve, the First Minister and the Deputy First Minister ensured that that was done according to the Smith principles of no financial loss. It is not immediately apparent that that would have been the outcome under other leadership of this Parliament.

We should remember that it is 10 years since a Labour First Minister suggested that there should be no further transfer of power from London to Scotland and five years since a Conservative leader said that a line should be drawn in the sand. This Parliament and this country are on a journey, and under these circumstances, it is sometimes easier to see the full extent of the distance travelled when one is not at the very heart of the battle.

In my first speech to this chamber, I refuted the idea that we were a divided Parliament representing a divided country. I suggested that we were not divided but diverse. We have all experienced an extraordinary referendum

campaign—one that was hard fought, certainly, but one that produced a level of democratic participation and engagement that most societies can only dream of. Yes, we are a country of different views, but we are not divided. In fact, there is a broad consensus on the need for this Parliament to assume greater responsibility for the governance of Scotland. We are definitely stronger—so much stronger—as a result of that.

We should reflect on some of those whom we have lost. Bashir Ahmad, John Farquhar Munro, Tom McCabe, David McLetchie and Margo MacDonald—five different individuals from five different parties with five different viewpoints, but still diverse rather than divided.

Seventeen years ago, when this Parliament was reconvened, Donald Dewar delivered the best speech of his life. In an elegant historical sweep, he described Scotland as being on

“a journey begun long ago ... which has no end”.

In truth, we would do well to debate more the history and culture of this country. It is a subject worthy of discussion and it is, after all, the real reason that this place exists. However, when Donald spoke, his Administration was an Executive, not a Government; the Parliament anguished every time it trespassed into reserved areas; and there were real doubts as to whether the fledgling Parliament would stand the test of time.

Those questions are now over. There is no doubt as to the permanence of this institution, and the only question is about the pace at which the Parliament, the Scottish people, and their Government will assume further responsibility.

Will that make us totally independent? Well, not in an absolute sense. All nations are interdependent, one upon the other. That fact of life does not change, regardless of Scotland's status. However, the greater our independence, the greater our ability to impact on the political environment around us and the greater our power to determine the circumstances of our fellow citizens.

It will be this Parliament that decides to intervene to protect the dispossessed, as we have done over the bedroom tax; this Parliament that determines the life chances of the future, as we have done on nursery education; and this Parliament that places no financial barrier on human potential, as we have done with the abolition of tuition fees. I hope and believe that one day soon, it will be this place that removes weapons of mass destruction from Scotland; this place that decides to fully commit to a renewable future; and this place that acts not just to secure but to develop Scotland's proper position in the mainstream of Europe.

I wish all members well in their choices. For those who are retiring, you have done the nation some service. For those moving on to new careers, think well of this Parliament. For those standing for election, I wish you all luck—albeit with varying degrees of enthusiasm. [*Laughter.*]

Let me leave members with these final thoughts. There is no greater honour in public life than to be a member of this Parliament. There is no greater task than to mould the public purpose of Scotland. There is no greater cause to serve than that of the people of this country. With that, it is goodbye from me—for now. [*Applause.*]

The Presiding Officer: On behalf of the Parliament, I thank you for your contribution as an MSP and as the First Minister of Scotland. You have served the Parliament and Scotland with distinction and I thank you for that. The Parliament will certainly be a much duller place without you. I wish you well in all that you do in the future. [*Applause.*]

10:04

Stewart Maxwell (West Scotland) (SNP): I believe that today represents another significant step on the journey of this Parliament, and I feel privileged to have played a part in that process as a member of the Devolution (Further Powers) Committee. Before that, I was a member of the Referendum (Scotland) Bill Committee and, before that, I served on the Scotland Bill Committee, so I have been involved in a considerable part of that journey.

Scotland's devolution package is changing, although perhaps not to the extent that many of us had hoped. During the independence referendum campaign, we heard Gordon Brown promise that a no vote would result in the devolution of further powers that would ensure that we would get as close to federalism as it is possible to get. We also heard the current Prime Minister say that the Scotland Bill would make Scotland one of the most powerful devolved legislatures in the world. In my view, neither of those promises has been met. That is also the view of the majority of members of the Devolution (Further Powers) Committee. The Scotland Bill could have and should have done more to strengthen the powers of this Parliament.

I very much welcome the transfer of any further powers to the Scottish Parliament, but let us put the Scotland Bill into its proper context. Under this settlement, Westminster will continue to control around 70 per cent of tax-raising powers and a hugely significant proportion of powers over welfare and social security. Therefore, although the Scottish Parliament will have power over additional areas, it will still be without the full powers that it needs to completely protect public

services, tackle inequality and transform this country in the way that it deserves.

Nonetheless, further powers are coming to the Parliament, and I welcome the First Minister's commitment that the SNP in government will use those powers to keep Scotland moving forward. In fact, we have already started doing just that. On Monday, the Scottish Government launched a consultation on its plans to reform APD, which is, of course, one of the powers that are being transferred to Holyrood under the Scotland Bill.

A report last week by the British Air Transport Association said that the UK APD rate for long-haul flights is the highest in the world, and while that may or may not be okay for London's airports, it certainly holds back the potential of Scotland's airports, including Glasgow airport. APD at its current rate restricts Scotland's ability to attract and retain direct international routes. I strongly believe that the Scottish Government's plans to make Scotland more competitive in this area will be of real benefit to our tourism industry and will boost economic growth and create new job opportunities.

There are several other new powers that are being devolved that are worthy of comment, not least those over welfare. Earlier this month, the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil, outlined initial plans for the establishment of Scotland's new social security agency and pledged to put dignity and respect at the heart of Scotland's devolved welfare system. If we contrast that with the approach to welfare that is taken by the Tories at Westminster, we realise that the case is clear that those powers are better held in Scotland's hands than in those of Westminster.

Later today, we will hear George Osborne's budget plans, but reports that he wants to cut personal independence payments for more than 640,000 disabled people are deeply concerning. PIP is awarded to give disabled people access to simple aids and appliances that allow them to live independently, and charities have warned that such cuts will have a devastating impact on some of the most vulnerable people in our society. Those who can afford it least face losing up to £150 a week, and if the cuts come to pass, that will be a particularly nasty and regressive step by the chancellor. I was not surprised to read reports in the press that Ruth Davidson does not want George Osborne anywhere near Scotland during her party's Holyrood campaign.

Indeed, figures published by the Institute for Fiscal Studies indicate that the number of children living in absolute poverty in the UK will increase by 2.6 million by 2020-21 as a result of the chancellor's cuts to social security. In relation to the bedroom tax, we have seen that Scotland can

and will do things differently, and the sooner that further welfare powers are under the control of the Scottish Parliament, the better.

I turn to the fiscal framework. As we have heard, at the start of negotiations the Treasury tried to force a further reduction of £7 billion in Scotland's budget over the next 10 years. Many people have praised the Deputy First Minister and the First Minister for standing up to the Treasury and securing a fair deal for Scotland, and they have been right to do so. As a result of their hard work, there will be no detriment to Scotland's budget, despite the Treasury's attempts at a cash grab. The key success of those negotiations is that, in future, any attempt to impose a settlement on Scotland cannot happen without the agreement of the Scottish Government. This Government and this Parliament deserve that equality of esteem.

Negotiations on the fiscal framework deal took the best part of a year and, as the convener of the Devolution (Further Powers) Committee has said, it is unfortunate that the often difficult and certainly protracted discussions interfered somewhat with the committee's scrutiny of the proposals. That point, which is reflected in the committee's final report, is worth considering in the context of future intergovernmental relations.

Since it was set up in November 2014, the Devolution (Further Powers) Committee has met almost 50 times and, in that time, we have engaged with numerous experts, witnesses, Government officials and ordinary members of the public. I want to thank all those who have helped to inform the committee's work on the bill, and the clerking team, the Scottish Parliament information centre researchers and the press support staff also deserve our appreciation and thanks for their dedication and diligence.

The work of this Parliament has undoubtedly been integral to making improvements to the Scotland Bill. I am particularly pleased that the permanence of the Scottish Parliament has been recognised and that its abolition will not be possible without the will of the Scottish people as expressed in a democratic referendum.

The Deputy Presiding Officer (John Scott): You should be drawing to a close.

Stewart Maxwell: I hope that, as we approach the end of this session of Parliament, we do so with a sense of determination to ensure that in the next session Parliament will use these new powers to make Scotland better and that all those who are fortunate enough to serve in it will aspire to deliver a fairer and more prosperous country.

The Deputy Presiding Officer: Many thanks. We are now very tight for time. I call Malcolm Chisholm, to be followed by Mark McDonald. Up to six minutes, please.

10:11

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): This is not my final speech, for which I am very grateful, given the number of distinguished final speeches that we have heard this morning. First of all, I pay tribute to my colleague Duncan McNeil, who not only has been an outstanding convener of the Health and Sport Committee—as I have found out over the past six months—but has made a massive contribution to the Parliament in many other ways.

I also pay tribute to Alex Salmond, who has been a colleague of mine in two Parliaments. Along with his colleagues, he has changed Scottish politics in ways that no one on this side of the chamber could have anticipated in 1999. I am not sure whether or not Annabel Goldie made her last speech this morning, but I also pay tribute to her many political skills, including her friendly respect for opponents.

I have been so obsessed with the block grant adjustment that I am slightly in danger of neglecting the other important parts of the Scotland Bill. Nevertheless, it was central to the whole process. To anyone who does not understand all the fine details, I commend the technical annex, which describes it with admirable clarity.

I mainly want to congratulate the Scottish Government for sticking to its guns, particularly in relation to the indexed per capita deduction method for the block grant adjustment. When I saw that at the SNP conference the First Minister said of the Treasury, “We gubbed them,” I thought that that was not entirely positive for intergovernmental relations, but it is a pretty accurate assessment of the situation.

It might also be courteous to thank the UK Government for being prepared to be flexible, no doubt under duress. I understand that it started by advocating the levels deduction method, which would have been a total disaster for the Parliament; it was then prepared to move to—and I always have to check whether I get this right—tax capacity adjusted levels deduction, which was an improvement and is the fundamental method that is going to be used for the adjustment.

Of course, the UK Government also gave way on the matter for at least five years. I know that Stewart Maxwell and others are concerned about what is going to happen in five years’ time, but the agreement makes it clear that nothing will be prejudged and that both sides must come to an agreement. My view is that so much is going to change in politics over the next five years—by which time we will have all the figures for the two methods—that we should not get too exercised about the matter at the moment.

The main potential area of controversy over the next five years relates to direct spillover effects and behavioural spillover effects with a material impact, which have to be taken into account. As many of those who gave evidence to the Devolution (Further Powers) Committee have said, this is a bit of a grey area, but last week, John Swinney made it clear that the Scottish Fiscal Commission as well as the Office for Budget Responsibility will have a role to play in that respect. I hope that that will resolve the matter. We do not need to go over last week’s debate on the Scottish Fiscal Commission, but I am glad about the new role that it will have.

One other area of outstanding concern relates to the publication of documents. John Swinney has said that he would like to publish a range of documents, but given that the Treasury appears to be against that, it would be helpful if, in his summing up, Mr Swinney could explain exactly what documents he has in mind. At the moment, we have the technical annex, which is the most important document, but others are obviously relevant.

I also pay tribute to Bruce Crawford and the work of his committee, which I joined only belatedly, as many of the changes flowed from its recommendations. The permanence of the Scottish Parliament is now more secure in legislation and there has been progress on equalities, particularly with reference to quotas on boards, which we now have undisputed powers to require.

There are also the various social security changes that members have mentioned. For example, there is a new clause in the bill about new benefits in areas of devolved competence, and the fiscal framework agreement says that there is to be no clawback if there is a new benefit in a devolved area. The restriction on competence for carers allowance is removed; what was described as a veto on universal credit flexibilities is now only a matter of timing, which is an improvement; and the restrictions on discretionary housing payments are removed.

There was progress during the passage of the bill, although there is still some concern about what it contains on the Sewel convention, as it does not cover all the strands of that. There are areas—some small and some larger—where people would have liked to go further. A key one, which was flagged up by the Devolution (Further Powers) Committee, is employment. In a previous debate, I said that I wanted the access to work programme to be devolved, but that has not happened.

There is also concern that the amount of money that we are getting for the programmes that we have responsibility for has reduced, because of

UK Government policy changes, from £53 million to £7 million. There are disappointments there. As we all know, how much money we get for welfare is governed by how much the UK Government spends on it. As that is reduced, that is a matter of concern.

Having said that, I think that we have many reasons to celebrate both the changes that have been made and many of the proposals that were in the original bill. Today is not really the day to talk about the use of the tax powers. We have disagreements on that—my latest one, as I have said before, relates to air passenger duty—but that is for another day, although probably not for me.

This is probably my last debate with John Swinney, so it is appropriate for me, as he has also been my colleague in two Parliaments, to pay respect to what I regard as his manifest political abilities. As I said in relation to Annabel Goldie, one of those is certainly a friendly respect for opponents.

10:17

Mark McDonald (Aberdeen Donside) (SNP):

Having served as a member of both the Devolution (Further Powers) Committee and the Finance Committee, I cannot help but feel that a gaping hole is about to open in my life as the Scotland Bill and the fiscal framework discussions no longer play such a prominent role.

I pay tribute to Bruce Crawford for his convenership. One of the features of a Thursday morning committee is that the timescale can need to be truncated, which can affect the ability to take evidence. That requires the convener to run a tight ship, and I think that most people accept that Mr Crawford ran a very tight ship while being cognisant of the fact that he wanted to ensure that all members of the committee had an opportunity to have input to the evidence-taking sessions. He is to be congratulated whole-heartedly on his efforts in that regard.

I also thank the clerking team, which put in a phenomenal amount of work to ensure that the committee was kept well briefed and well informed—and fed and watered, which was always welcome.

In today's debate, we have heard a number of thoughtful speeches. I refer in particular to the final speeches in this Parliament from Annabel Goldie, Alex Salmond and Duncan McNeil. I was interested when Duncan McNeil analogised the Scottish Parliament's transition to that of somebody attaining the various stages of life. He said that there was a threat to leave but that now, as a 17-year-old, we have decided to stay and are instead going to earn more of our keep. I merely point out that I finally left home at the age of 24, so

I am very much looking forward to how the next seven years of the Parliament's journey will develop. [*Laughter.*]

Having served on both the Devolution (Further Powers) Committee and the Finance Committee, I think that it would be remiss of me not to say a little about both the fiscal framework and some of the financial elements.

It was clear very early on that there was a disagreement—I think that that is how we should term it—about what no detriment constituted in relation to how the fiscal framework was to operate. It is a testament to the negotiating skills of the Deputy First Minister that he was able to arrive at a position where the Treasury agreed with the definition that the Scottish Government applied, although a slightly more tortuous route may have been taken to get to the methodology, because the Treasury seemed unwilling to sign up to what the Scottish Government had initially put on the table.

When it comes to how things will operate in future, there are a number of areas that this Parliament will have to pay close attention to and scrutinise closely. The first is tax avoidance and tax evasion, because the collection of income tax and of the Scottish income tax will remain the preserve of HM Revenue and Customs. Although the Scottish Government, in establishing Revenue Scotland for the collection of land and buildings transaction act and landfill tax, has created in that legislation what is widely regarded as a strong anti-avoidance mechanism, we are aware that there is still a great deal of tax that goes unpaid at UK level. There will therefore be a need to scrutinise the measures that HMRC is taking for the collection of Scottish income tax, because they will have a material impact on the funds that are available to this Parliament for future use.

The second area relates to some of the limitations that exist. I am not seeking to play down the role that the Parliament will have in terms of setting tax rates and bands in future, but we should remember that there are elements of income tax that will still not be the preserve of this Parliament. One is the personal allowance and another is savings and dividend income. Should individuals be in a position to transfer income from their regular income into dividend income, that money would not be readily available to the Parliament and it would flow instead to the Treasury through dividend. If that proves over time to be material, consideration needs to be given to how we can address that.

My final point is that, with those powers coming, and with the experience that we have had of how land and buildings transaction tax has operated since it was established, with the forestalling at the initial stage, the Parliament needs to consider our

budget-setting processes in future. We will now be in a position in which, as part of the budget process, we could be announcing changes to tax rates or tax bands. That could trigger behavioural change among those who would be paying. The further out that any change is signposted, the more likely it becomes that behavioural change will take effect, and that could have an impact both in the financial year of the announcement and in the financial year in which the changes are to take effect.

We need to look carefully at how budgets are constructed in this Parliament and how they are consulted upon, and we need to review some of our old thinking, which was fine when we were responsible only for dealing with a block grant and we did not have to worry about the potential behavioural changes that might come. In future years, if we expect a finance secretary to stand up and announce potential tax rates some six months in advance, we must bear in mind the behavioural effects that that could give rise to. We must consider what to do about that and how to set budgets in future.

10:23

Lesley Brennan (North East Scotland) (Lab):

It is a great honour to speak in this debate and to follow many great parliamentarians who have shaped this place over the past 17 years, and also to speak in this debate as someone who has followed this process not as a parliamentarian but as an ordinary punter and a local councillor.

I want to address three areas in the Scotland Bill that have often been overlooked and in which I hope that the Parliament will use new powers to address inequalities—funeral payments, fixed-odds betting terminals, and abortion.

I welcome the devolution of the benefits for funeral expenses and the duty of providing financial assistance to meet or reduce funeral expenses, which will move from Westminster to the Scottish Government. Funeral costs can impose a considerable financial burden on those left behind, and the duty reflects not only that funeral costs are subject to market forces but also that bereavement in itself may cause financial hardship.

I hope that the Scottish Government can improve on the current process of applying for a social fund funeral payment. That process is known to be uncertain and complicated due to confusion around eligibility, the way in which family relationships are assessed, and the way in which decisions are made about responsibility for funeral costs. Claimants are often left feeling frustrated, with an increased sense of shame from

not being able to afford the funeral for their family member.

Research suggests that only 55 per cent of claimants who receive a funeral payment award experience a substantial shortfall between the contribution and the cost of the funeral. Scottish Government data suggests that the typical award is £1,300, whereas the average cost of a funeral is about £3,500. I hope that the next Scottish Government will rectify that situation and eradicate funeral poverty in Scotland.

I turn to part 4 of the Scotland Bill, which concerns other legislative competence. Clause 51 deals with gaming machines on licensed betting premises. I enjoy an occasional punt. I worked as a croupier for a few years, and I saw how gambling can negatively affect people's lives. As an academic, I did research in that area and, since becoming a councillor in Dundee in 2012, I raised concerns about the proliferation of gambling opportunities—particularly fixed-odds betting terminals.

In March 2014, all the councillors in Dundee agreed on a policy on problem gambling, detailing a number of innovative steps to minimise harm from gambling. At that time, the research noted that there were 30 gambling venues, and that 19 of those—representing 63 per cent—were within 500m of areas designated as the most deprived. That is of particular concern because the British gambling prevalence survey shows a significant correlation between problem gambling and household income, with those in the lowest income categories being nearly three times as likely as the average person to be defined as a problem gambler. Those who are not in paid work and those in manual occupations were also significantly more likely to be problem gamblers.

I hope that, in the next session, the newly devolved power will be used to address the need for greater control over fixed-odds betting terminals.

Stuart McMillan (West Scotland) (SNP): Does Lesley Brennan agree with me that the powers that come to this Parliament from the Scotland Bill are very much limited? Does she agree that, no matter what happens with the powers, we will still be very limited in what we can actually do with them?

Lesley Brennan: I agree that the powers are narrow in their scope, but I think that they could do a great deal of good. I suggest that the Parliament considers devolving the power relating to gaming machines to local authorities, because local authorities are best placed to take the decisions.

Finally, I want to turn to clause 52 in part 4 of the bill, which deals with abortion. I was deeply disappointed at the decision of the Greens to push

for the devolution of abortion during the Smith commission, and I was angry at David Mundell's decision to devolve abortion because of the fact that he could

"not see a convincing constitutional reason for why abortion law should not be devolved".

In the run-up to the referendum, the team and I spoke to 15,000 people in Dundee East, where I was working. Not one man or woman mentioned to us, or to anyone that I know across Scotland, that there was a need for abortion to be devolved. To me, abortion is a human rights issue, and I strongly believe that abortion rules ought to be the same across the UK—they ought to be extended to women in Northern Ireland. Therefore, I was not in favour of that power being devolved. I do not raise that issue lightly, as I speak as a Catholic woman and a mother.

Since 2014, evidence uncovered by Abortion Rights Scotland, Hannah Pearson, and other researchers at the University of Glasgow has illuminated the geographical variations across the UK and Scotland. Abortion for non-medical reasons is not provided in Scotland after 18 to 20 weeks, despite the legal limit being 24 weeks in Great Britain. That means that women seeking a late termination in Scotland are forced to travel to England. Therefore, although the procedure is funded by NHS Scotland, the cost of travel and accommodation is funded by the woman, and that is unacceptable.

The Deputy Presiding Officer: Please draw to a close.

Lesley Brennan: That leads to a sense of stigmatisation. Given the findings, I hope that that situation is rectified and that women in Scotland seeking a late abortion can access one in Scotland. With the new powers, I hope that there will be further improvements in Scotland in this subject.

10:30

Alison Johnstone (Lothian) (Green): At times during the year and a half over which I have had the pleasure of sitting on the Devolution (Further Powers) Committee, I have wondered whether this day would ever come and, if we were finally to debate the LCM, whether the committee would take a unanimous view and what that view might be.

As colleagues have rightly stated, the fact that we have reached a position to recommend with unanimity to the Parliament that it gives consent is in no small part due to the work of our clerks, witnesses and advisers, of the Scottish Parliament information centre, of the solicitors office and of our convener, Bruce Crawford.

I was really pleased to have the opportunity to witness Duncan McNeil rolling up his sleeves and to see him in action, and I, too, thank him for his contribution to the Parliament. I wish him all the very best for the future. I also take this opportunity to pay tribute to Alex Salmond for his contribution.

I thank all my committee colleagues, too. We have all demonstrated a willingness to work constructively on issues that have great potential to polarise. We can be proud that the legislation has been strengthened in several notable areas, which have been highlighted as a result of scrutiny by our committee and all committees involved.

Questions will undoubtedly continue to be asked, and the debate will go on. Does the bill honour the agreement of the five parties in Scotland? Are the Smith commission recommendations being delivered in full? In the few minutes that I have left, however, I will focus on where we are now.

I am clear that the Scotland Bill and the agreed fiscal framework have the potential to enable Scotland to take progressive strides in a direction that brings more opportunities and positive outcomes for the people of Scotland. I acknowledge that many of us in the Parliament will continue to feel constrained and frustrated that we must endure cuts that we would not vote for, and many will continue to build the case for independence from the ground up. There will be those in the chamber who feel that the powers are sufficient.

In the meantime, we have a duty to positively discuss, debate and use the new powers to improve the lives of people in Scotland. It is up to us to see that they are used to their very best effect. Scotland's Government and Parliament have an opportunity to sketch out a vision and to begin to deliver it.

The purpose of the debate is not to steer policy for 20 years; it is about the powers that we know we have under the fiscal framework that has been agreed for the next five years. Let us focus on those powers and on Scottish solutions to the challenges that we face. Let us become a bolder Parliament.

That will not be achieved by focusing simply on what the UK Government is doing. We have powers that will enable us to do much more than decide whether or not to add 1p to the UK's income tax rate. At a local level, the management of and the revenues from many of the economic assets of the Crown Estate in Scotland will enable us to invest in and unlock the power in our communities. As Tavish Scott has said, we are agreed that devolution must not stop here in Holyrood. When decisions are made closer to home, local communities can decide how they

want to use their rural land. That will give communities the ability to invest in local priorities.

Power over oil and gas licensing will enable us to further ensure that Scotland rejects even more unequivocally and even more powerfully applications to further endanger our local and global environment and health and to ban fracking for once and for all.

The most recent figures from “Government Expenditure and Revenue Scotland” highlight the need for a just transition to a low-carbon economy. We have the potential not only to match but to exceed the renewables output of many of our European neighbours. It is clear, unfortunately, that the Westminster Government has an ideological dislike of clean green energy—energy that lends itself to democratic community ownership—and is thwarting the development of renewables here, but we must do all we can with the new powers to invest in the low-carbon economy, which will bring real energy security and job security.

Due to the incredibly tight timescales involved in our scrutiny and in the debate, I am unable properly to discuss the potential of the devolution of energy efficiency and schemes to mitigate fuel poverty, but we will have the ability to change the design of the system to provide us with an opportunity to consider how it could be improved and adapted to suit Scotland’s particular circumstances—our housing and our weather.

We can do more with the powers. We can better care for all who care in Scotland. Let us ensure that the powers increase the carers allowance to a level that properly recognises their important work.

I wish to ensure that we do all that we can to include Scotland at its widest as this discussion continues. I know that sometimes discussions have to take place behind closed doors, but let us be as transparent as possible.

In response to what has been said, I wish to say that it is absolutely right and proper that abortion be devolved to this Parliament.

The Deputy Presiding Officer: I call Stuart McMillan, after whom we will move to closing speeches.

10:35

Stuart McMillan (West Scotland) (SNP): It has been a privilege to serve on the Devolution (Further Powers) Committee and its predecessor committee in the Parliament. It has been an interesting and fabulous journey.

Before I touch on the report and the LCM, I will comment on three previous speakers in the debate. First, I commend the MSP for

Aberdeenshire East, Alex Salmond, on the occasion of his final speech. It was Mr Salmond’s leadership that encouraged me to join the SNP, through his desire and campaigning for independence. It was his leadership of the minority Administration between 2007 and 2011 that helped the Parliament to grow in stature and also helped the confidence of the people of Scotland to grow. I wish you well in the future, Mr Salmond.

I also want to offer some comments on Duncan McNeil and Annabel Goldie. We have had regular dealings since 2007. We have not had too many fights—although Mr McNeil is rolling up his sleeves at the moment—and I warmly welcome that. The public want to see politicians working together when they possibly can. Clearly, we have had political differences, but in the main we have attempted to work together since 2007 and I wish them both very well in the future.

I was very happy to put my name to the Devolution (Further Powers) Committee’s report. The committee looked at whether the bill delivered both the letter and the spirit of the Smith commission recommendations. There are some key areas on which that has not happened and where the Scotland Bill still falls short of the spirit and substance of the Smith proposals.

I will touch on those areas, one of which is the regulation of fixed-odds betting terminals, which Lesley Brennan spoke about. I have previously raised the issue in the Parliament. When the committee looked at the draft clauses, there was concern that the main powers over the proliferation of betting terminals remained with Westminster. That is, unfortunately, where the bill still falls short of what the Smith commission recommended. The current clauses are very limiting: they confine the Scottish Parliament to dealing only with gaming machines in which it is possible to stake more than £10 in a single game, and only in betting premises licensed after the date on which the clause comes into force.

I thank the Local Government and Regeneration Committee for its input on the issue. The committee carried out extensive work on fixed-odds betting terminals and supported the principle that the Scotland Bill provisions should apply to existing betting premises. That would give the Scottish Parliament real and effective legislative powers to address the concerns that there are too many fixed-odds betting terminals in Scotland. Paragraph 523 of the Devolution (Further Powers) Committee report highlights the evidence supplied by the Scottish Government and paragraph 681 highlights the Local Government and Regeneration Committee’s recommendation that the bill falls far short on fixed-odds betting terminals.

A second issue is the Crown estate. Tavish Scott spoke about that, and my colleague Rob Gibson highlighted the issue on a regular basis in the committee's evidence sessions. Many issues were raised about future devolution and also about Fort Kinnaird. Paragraphs 670 to 672 of the report welcome the agreement reached regarding the management of the Crown estate assets and the revenue generated from them. They also highlight the further devolution of powers to the island communities. However, the committee highlights at paragraph 673 that the UK Government did not agree with the suggested approach to drafting the clauses, stating that, unfortunately,

"This approach was not agreed to".

I am conscious that I have only five minutes, Presiding Officer—I am just about to conclude.

I have been delighted to be a member of the committee, and I pay tribute to the convener, Bruce Crawford, for the way in which he has handled all our deliberations and for the collegiate fashion in which he has worked with the deputy conveners, including Duncan McNeil. However, the members of the committee would be nothing without the fabulous assistance of the clerking team and everyone who gave evidence to the committee—

The Deputy Presiding Officer: You must close, please.

Stuart McMillan: I pay tribute to the clerking team, because they do a huge amount of work that is not always recognised.

The Deputy Presiding Officer: We move to the closing speeches. We are very tight for time; Alex Johnstone has up to six minutes.

10:40

Alex Johnstone (North East Scotland) (Con): This debate comes at the end of a very important process. As Iain Gray said, such a debate, being held on a damp Wednesday morning, might potentially have been a damp squib, but that has not happened, for two reasons. First, it has offered a number of our distinguished members an opportunity to make what will be their final contributions to this Parliament. I pay tribute in particular to Annabel Goldie and to Duncan McNeil, who was given an extraordinary amount of time to speak and therefore shortened the debate for most other members—

Duncan McNeil: Seniority!

Alex Johnstone: Given Mr McNeil's experience, I think that that is sensible.

Finally, I pay tribute to Alex Salmond. I suffered slightly from *déjà vu* as I listened to Mr Salmond make his final remarks—as did some other

members, I am sure—because we have heard him do that before. What worried me most was that he finished his speech by saying goodbye "for now", so it is possible that he may be planning, in his role as the Muhammad Ali of Scottish politics, to make that second comeback. Let us watch this space.

Nevertheless, I am genuinely excited—as Iain Gray said earlier that he is—by the opportunities that the process has presented. It has been a pleasure to be part of the Devolution (Further Powers) Committee during the past 18 months and to see how the process has matured and come to fruition. It has been fascinating. It was kicked off, of course, by the referendum campaign and the outcome of the referendum. We had the vow and the Smith commission, and then, eventually, we had the Scotland Bill. While many criticised or pointed at the UK Government, suggesting that it would not stick to the timescales to which it had committed, that was never the case, and the UK Government has worked to deliver on that commitment.

I pay tribute in particular to David Mundell for the work that he has done in guiding the bill through Westminster. It is my view that the reason that David Mundell understood so well the processes that were in play and delivered the bill in the way that he did is that he benefited from spending six years as a member of this Parliament. The combination of experience in the two Parliaments was what enabled him to deliver an ear at the other end of the channel with which this Parliament could communicate. I hope that the Government shared that quality experience of working with David Mundell.

The important part of the whole process was the fiscal framework. The negotiations towards achieving an agreement on the fiscal framework were the most important element, for more reasons than one. A lot has been said about parity of esteem between the two Governments. Sometimes that can deteriorate into something more akin to parity of contempt, but it is parity nonetheless. The process has demonstrated a maturing of the devolved settlement and of the relationship between Scotland's two Governments.

The achievement of the fiscal framework agreement has delivered a good deal for Scotland. It has put in place a deal that will reflect the figures that would have been generated by the Barnett formula and will, as a result, mean that, over the next five years, Scotland will be much better off than it would have been under any form of fiscal autonomy or—heaven help us—independence.

Scotland has got a good deal and the UK Government has delivered on its promise. That is what brings us to the point at which we are debating the legislative consent motion. Of course,

the Conservatives will support the motion at decision time today, because we believe that the agreement is a good deal for Scotland.

However, in reflecting on the comments that have been made, particularly by some of the Government back-bench members, it seems that there is still a failure to understand what the deal delivers. Scotland now has a mature Parliament and a Government that will, over the next session, have the power to make decisions that will influence how things are done in Scotland. We have heard a few speeches that have taken the typical back bencher's spend-spend-spend approach to the Scottish Government. However, this change is about accountability. Tough decisions will have to be made on taxation. At the end of the Scottish Government's next five-year period, it will have to go to the Scottish people and account for the decisions that it made on how money was raised, not just on how money was spent. That is where the deal delivers maturity and accountability, and that is why we in the Conservatives believe that it is an important move forward in the maturing of Scotland's parliamentary democracy and self-governance.

The truth is that the more Scotland's two Governments work together, the more the union dividend delivers for the Scottish people; and the more the Parliament addresses its responsibilities rather than using its power to generate grievances, the more people will realise that the decision in 2014 was the right one, that the UK Government has delivered on its promises and that Scotland will be the better for it. We support the motion in the name of John Swinney.

10:46

Jackie Baillie (Dumbarton) (Lab): I start by paying tribute to Duncan McNeil. I have known Duncan for more years than I care to remember. In fact, we worked together for a period long before the Parliament was established. I can safely say without fear of any contradiction that he has always been challenging, and not just in this place. He sometimes says the things that no one else would say, but he is certainly worth listening to. I am, of course, happy to share some of the more interesting stories from my treasure trove in a less public forum. He is fiercely loyal to his constituents and very direct in his approach—you are never in any doubt about what Duncan is thinking. Many members across the chamber will miss his contribution and the twinkle in his eye that says that he is up to something.

Likewise, Annabel Goldie has been a superb parliamentarian and has worked across the Parliament in order to make progress. I wish her well in the House of Commons—sorry, I mean in the House of Lords. I demoted her there; actually,

it is probably a promotion, but there we go. I also wish the former First Minister well in his new career in the House of Commons, or perhaps I should say his second career in the House of Commons. To echo his comments, we will miss some people more than others, but the Parliament will certainly be a less noisy place without him and, indeed, without all three of those members.

I turn to the wide-ranging debate that we have had. I thank the members of and clerks to the Devolution (Further Powers) Committee and the Finance Committee. I also thank those who served tirelessly on the Smith commission, particularly Lord Smith of Kelvin, who steered the entire process with considerable skill and patience. He achieved a consensus, however momentary, that has resulted in the biggest transfer of powers since the Parliament was established in 1999, and for that we should all be grateful. This will now be a powerhouse Parliament.

Iain Gray was right to remind us that the vow promised three things: the entrenchment of the Scottish Parliament, the devolution of substantial powers over taxation and welfare and the protection of the Barnett formula. All of those have been delivered today. We have the transfer of disability living allowance, the personal independence payment, attendance allowance, carers allowance, the Motability scheme, severe disability payments, the sure start grant and cold weather payments—the list goes on. That is a serious and substantial set of welfare powers. The ability to create our own benefits gives us the flexibility to respond to needs, and the devolution of the housing component of universal credit gives us the opportunity to scrap the bedroom tax once and for all in Scotland. I urge the Scottish Government to do so immediately.

We will also have substantial new powers over taxation. We will have the power to set the rates and thresholds of income tax. Air passenger duty and the aggregates levy will be devolved and there will be the assignment of VAT. There will also be an increased range and level of borrowing.

Of course, with the new powers come new responsibilities; not just spending what somebody else gives us, but responsibility for raising income as well—grown-up politics. That is about the choices that we make, the kind of country that we are and the kind of country that we aspire to be.

In that context of enhanced responsibilities, we need enhanced scrutiny. I am pleased that the Scottish Government and John Swinney have changed their minds and agreed to have a Scottish Fiscal Commission that will be responsible for producing the official budgetary and economic forecasts. That came about as a consequence of the UK Government's insistence

and, therefore, I very much welcome the fiscal framework that brought that about.

The fiscal framework is as important as the Scotland Bill itself. Making sure that there is a robust agreement that governs our financial arrangements is critical. We on the Labour benches supported the Scottish Government in pursuing the principle of no detriment and we urged Mr Swinney to stay at the table to get the best deal possible for Scotland. I think that the Parliament can be broadly content with the result, so let me join—for the second time in the space of weeks—in the chorus of praise for John Swinney and his negotiating skills, and pass over the temptation offered by Iain Gray to enumerate his flaws.

I will lay down a marker, however, because I think that the agreement over the budget allocation formula is for five years. It is right that it should be subject to independent review, but the fact that there is a difference between the views of the Deputy First Minister and the Chief Secretary to the Treasury as to what would happen should no agreement be reached after that period, suggests that there is the potential for difficulty in the future. I absolutely hope that that is not the case, but I suggest that the successor Finance Committee should pay attention to that area, because I think that that will be important as we move forward.

This is now about how we use the new powers. Scottish Labour has already set out its initial plans: a penny on income tax to ensure that we invest in education and public services; a new 50p tax level for those earning more than £150,000; more than doubling the maternity grant to over £1,000; and there will be more to follow.

There should be no limit to the ambition of this Parliament. We should use the powers to tackle child poverty, to create jobs, to grow the economy and to make our social security system fairer. We can no longer blame Westminster for absolutely everything. There is much that we can criticise the Tories for, but the real challenge for us, as a grown-up institution, is what we will do differently.

Do not squander this chance by doing nothing, because there really is no excuse any more. Huge areas of policy and action are now ours. Let the next session of Parliament be about how we will use the new powers to create a better Scotland.

10:52

John Swinney: One of the fascinating and important points of the debate has been the recognition across the political spectrum of the strength of the analysis that the Devolution (Further Powers) Committee has undertaken. That

has been expressed across the chamber, and it tells us two things about the process.

First, it tells us that we have a strong committee system in the Parliament, which we should be proud of and respect. Secondly, it demonstrates the necessity of good, strong, effective and dispassionate leadership in our committees. Bruce Crawford has clearly demonstrated that, as has been recorded by members of all political persuasions today.

The one point of the debate that surprised me was Malcolm Chisholm's comment that there was admirable clarity on the block grant adjustment in the technical annex to the fiscal framework. I noticed this morning that Mr Chisholm said on his Twitter feed that he fell asleep over the equations in the technical annex, but they were crystal clear at 4 o'clock this morning. That encouraged me by showing that the equations on pages 8 and 9 of the annex really are quite challenging, and I was glad to see that somebody else has to get up at 4 o'clock in the morning to cope with life.

On a serious note, I thank Malcolm Chisholm for the insight that he demonstrated on the fiscal framework issues and on the crucial issue of the block grant adjustment several months ago. He has been a steadfast advocate of what the Government has argued for. It has given the Government tremendous capability and strength in its negotiating position to have his informed commentary in the debate. That enabled us to build unity across a wide cross-section of opinion in Scotland.

As this will most likely be the last moment that I have to exchange with Mr Chisholm, I thank him for his distinguished contribution to the House of Commons and the Scottish Parliament, and for his courtesy and friendship. [*Applause.*]

It will not come as a surprise to members to hear that I will miss Annabel Goldie. I will miss her for many reasons, not least of which is the fact that she is the only individual I could conceive of who would ever say to Parliament that originally the devolved powers were a corset on a political journey. Members on the front bench have been challenging me, during the debate, to get some other underwear reference into the *Official Report*. I intend to refuse the temptation to do so, as I could not possibly compete with Annabel Goldie.

Annabel Goldie has been a friend and colleague of mine for many years. In the first parliamentary session, she and I served on the Enterprise and Lifelong Learning Committee, along with Duncan McNeil, and I had to try to maintain some order as the committee convener. In her years here, she has been leader of the Conservative Party, a committee member and a wise voice in this process. Baroness Goldie will know the thoughtful,

helpful and constructive role that she has played in getting us to what I consider to be a good outcome on the fiscal framework negotiations, for which I am profoundly grateful. I wish her well in her future activities in the House of Lords. I reassure her that I have no intention of ever joining her there in any possible or conceivable circumstances, but I wish her well. *[Applause.]*

As always, Duncan McNeil made a deep, thoughtful and personal contribution. I remember the day when he announced to Parliament the birth of his granddaughter. Today he made a comparison between his granddaughter's growth from a small baby to a young woman and the growth and development of the Parliament. That theme was echoed by Alex Salmond, who talked about the fledgling Parliament into which we were elected in 1999. On many occasions the Parliament felt very fragile, particularly in a media environment that had warmly welcomed and encouraged its creation and then spent a lot of time trying to damage and dismantle it. Some of us contributed to that agenda with some of the things that we did at that time.

It is interesting to observe, as Duncan McNeil and Alex Salmond did in their comments on the Parliament's development over the years, the strong and emphatic position that the Scottish Parliament now occupies in our national life. Mr McNeil said that his granddaughter and her peers would look to the Parliament for leadership. That is a fair comment on what has happened to the Parliament: it has become more central to the lives of all our citizens.

The other common theme of the speeches by Mr Salmond and Mr McNeil was the link to Scotland's industrial heritage and activity. When the Ferguson shipyard went into administration in the summer of 2014, I knew clearly, from the direction of my First Minister at that time, what I had to do, and I knew from Mr McNeil's presence at the shipyard on the day when I went there that it had to be resurrected and restored. What a buoyant future it now has, as a consequence of the former First Minister's emphatic leadership and the care and attention of the member of Parliament for Greenock and Inverclyde. I pay tribute to them for that. *[Applause.]*

Alex Salmond was both my predecessor and my successor, in a unique set of circumstances. I put on record my appreciation and admiration for the astonishing contribution that he has made to the national life of Scotland. It is not over yet: he will carry on in the House of Commons, representing the people of Gordon. In 2006, he had the boldness to say to his colleagues, "We're going to go into this election and win it," which forced some of us to sit up more sharply and address that challenge.

In all his activities, Alex Salmond has given decisive and emphatic leadership, and Scotland has become a more confident country as a consequence of his efforts. Every single one of us should be profoundly grateful to him for the enormous transformation that he has delivered in Scottish society. *[Applause.]*

What is less known about Alex Salmond's record is that when those of us who have been close to him have faced political and personal challenges, no one has been more trenchant or supportive or a better ally in those difficulties. I thank him for all the work that he has done on our behalf.

Many members have been very kind about my contribution, and I thank them for that. I will contradict Iain Gray: I have no other flaws—none whatsoever. I will close on a point of agreement with Jackie Baillie—*[Interruption.]* My colleagues should listen carefully to what I am going to say. I agree whole-heartedly and unreservedly with her that there should be no limit on this Parliament's ambitions. That is beautiful music to my ears.

We are on a journey as a country. We came into the Parliament in 1999, when we had a set of more limited powers, and at various stages along the road we have acquired more powers. Today we will acquire a broader and more substantial range of powers—not as many as I would like us to have, but powers that are welcome and which will be used with energy, intelligence and wisdom if the Government has the good fortune to be re-elected on 5 May. We will devote ourselves to that task.

I ask the Parliament to endorse the legislative consent motion in my name.

The Deputy Presiding Officer: Thank you all for taking part in this important debate.

Land Reform (Scotland) Bill: Stage 3

11:00

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 proceedings on the Land Reform (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list, the supplement to the marshalled list and the groupings. The division bell will sound and proceedings will be suspended for five minutes for the first division on the bill this morning. 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 want to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

Section 1—Land rights and responsibilities statement

The Deputy Presiding Officer: We move to group 1. Amendment 12, in the name of the minister, is grouped with amendments 14, 15, 20 to 22 and 29.

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): This is a historic day of proceedings on Scotland's land reform journey. I must apologise, because, as members will realise and, I hope, understand, I am struggling with a bad throat infection. I will have the support and help of my very kind colleague Paul Wheelhouse during the proceedings on amendments.

Amendments 12, 20, 22 and 29 are minor amendments, which tidy up the drafting of section 1, on the land rights and responsibilities statement. A number of amendments were made to section 1 during stage 2, which increased the section's size considerably, making it unwieldy for the reader, and further amendments have been lodged for consideration today. Amendment 22 will improve the situation by splitting section 1 into three sections, which will cover the duty to create the land rights and responsibilities statement, the publication and review processes for the statement and the duty to promote the statement, respectively.

Amendments 12, 20 and 29 are minor consequential amendments, which are necessary as a result of amendment 22.

Amendment 21 clarifies the duty on the Scottish ministers regarding what is set out in the land rights and responsibilities statement. The duty as currently drafted requires ministers to further the objectives in the statement. That was a helpful addition to the bill that was proposed by Michael Russell at stage 2. I said then that I was happy to accept his amendment, but that I would have to consider whether further changes in wording would be needed at stage 3.

The definition of the statement was also amended at stage 2, from

"a statement of Scottish Ministers' objectives for land reform"

to

"a statement of principles for land rights and responsibilities in Scotland."

The purpose of amendment 21 is to tie in with that revised definition so that ministers are now required, when exercising their functions, and as far as reasonably practicable, to promote the principles set out in the statement.

I welcome amendments 14 and 15 from Sarah Boyack. The strength and wellbeing of our communities are right at the heart of all the work that the Scottish Government does, and I am happy to accept Ms Boyack's amendments, which will ensure that that is given due regard in the land rights and responsibilities statement.

I move amendment 12.

Sarah Boyack (Lothian) (Lab): I note that the minister's health is not 100 per cent, and I inform her that I have written out all my speeches in draft, so that if my voice goes, Claudia Beamish can stand in. I hope that it will not get to that point today, in what will clearly be a marathon session.

I very much welcome the land rights and responsibilities statement, which will help in implementing the legislation. Amendments 14 and 15 replace the words "fostering community resilience" with

"supporting and facilitating community empowerment"

in the list of factors that Scottish ministers must have regard to the desirability of when they are preparing the land rights and responsibilities statement.

When I proposed adding "fostering community resilience" at stage 2, I did so in part because it would be in line with the spirit of our other recent land reform legislation, the Community Empowerment (Scotland) Act 2015. I was keen for us to establish clear links between the 2015 act and the Land Reform (Scotland) Bill, to ensure that the focus on community empowerment was maintained and strengthened.

The new wording of

“supporting and facilitating community empowerment”

is more appropriate, as it links directly to the kind of principles that the statement will contain. It also links back to the 2015 act, which seeks to support our communities to empower themselves through the ownership and use of land.

It is important that ministers are required, when preparing the statement, to have regard to the desirability of supporting and facilitating the empowerment of our communities. That requirement will ensure that our communities remain at the heart of our land reform agenda. Communities should be supported in taking responsibility for improving their interests and outcomes, and I believe that the land rights and responsibilities statement can play an important part in supporting their empowerment.

I very much hope that my amendments will be supported today. I am glad that the minister accepts them, and I hope that that support might mean that some of my other amendments, which are coming very shortly—*[Interruption.]*

No. Well, I thought that I would try. I will at least be glad that amendments 14 and 15 are likely to get through. Thank you very much.

Alex Fergusson (Galloway and West Dumfries) (Con): Very briefly, I commend the minister’s determination to be here despite obviously not being very well. I will let my colleagues sweat it out as to which one should take over if I should be afflicted by the same problem.

It is nice to start the day on a note of consensus. We are very happy with all the amendments in this group, because we believe that they improve the land rights and responsibilities statement.

Aileen McLeod: I am very happy not to wind up but to welcome the support that we have across the chamber.

The Deputy Presiding Officer: Excellent—thank you.

Amendment 12 agreed to.

The Deputy Presiding Officer: We move to group 2. Amendment 13, in the name of Aileen McLeod, is grouped with amendments 16 to 19, 53 to 56, 59 and 93.

Aileen McLeod: At stage 2, I lodged amendments that required ministers, when preparing both the land rights and responsibilities statement and the part 4 guidance, to have regard to the desirability of promoting respect for, and observance of, relevant human rights. At stage 2, Michael Russell and Sarah Boyack made helpful additions to the bill through amendments that set

out that human rights include economic, social and cultural rights in instruments including the International Covenant on Economic, Social and Cultural Rights, the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” and others that the Scottish ministers consider, after consulting the Scottish Human Rights Commission, to be relevant.

The amendments in group 2 build on the issues that Mr Russell and Ms Boyack raised at stage 2. Amendments 16, 17 and 19 define “human rights” in section 1. That definition expressly includes human rights that are contained in the International Covenant on Economic, Social and Cultural Rights.

Amendments 13 and 18 will require the Scottish ministers, in preparing the statement, to have regard to the desirability of

“promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant”.

Those principles and standards include those that are in the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”.

Amendment 19 defines “human rights” as

“the Convention rights ... and ... other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights”.

In determining what rights are relevant human rights for the purposes of section 1, ministers may consult the Scottish Human Rights Commission and such other persons or bodies as they consider appropriate. That reflects a point that Mr Russell made at stage 2 on the assistance that the Scottish Human Rights Commission will be able to provide in consideration of what are relevant human rights in that context. The definition of “human rights” is wide enough to include other human rights that we have identified that could be relevant, including rights in the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of the Child.

The “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” is a framework document that sets out principles and internationally accepted standards for responsible practices, rather than being a human rights instrument in the sense that the International Covenant on Economic, Social and Cultural Rights and the European convention on human rights

are. It is dealt with slightly differently. Amendments 13 and 18 will ensure that ministers will have regard to the desirability of

“promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant”

in preparation of the statement, including the principles and standards in the voluntary guidelines. That wording also leaves ministers open to having regard to other relevant international standards and practices in relation to land that may come into effect in the future.

Amendments 53 to 56 and 59 will apply the same approach to consideration of human rights, the voluntary guidelines in part 4 and the preparation of the part 4 guidance.

The amendments in group 2 will ensure that we take in the bill a robust approach to interpretation and definition of human rights. They demonstrate our absolute commitment to human rights in the context of the land reform debate; human rights are crucial to achievement of our goal of ensuring that land is owned and used in the public interest for the benefit of the people of Scotland. *[Interruption.]*

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): Amendment 93 is consequential on amendments 19 and 59, which define “human rights” for the purposes of parts 1 and 4. The amendment will remove the interpretation provision, which sets out rights that are included in the term “human rights”.

The amendments in group 2 reflect our preferred approach of defining “human rights” in each part for accessibility and because there is not a uniform definition of “human rights” that can be applied throughout the bill.

I move amendment 13.

Sarah Boyack: For the Labour group in Parliament, the strengthening of the human rights underpinning of the bill is incredibly important, because it provides the context for the detail of the bill that comes thereafter and the framework by which people will interpret implementation of the bill. It is also important in recording that community rights need to sit alongside our rights as individuals. Therefore, I very much welcome the minister’s amendments. Human rights were a key issue in the committee’s stage 1 report. It had cross-party buy-in; it was an area that we all felt needed to be strengthened.

11:15

Mike Russell moved an amendment at stage 2 to add specific reference to the International Covenant on Economic, Social and Cultural

Rights. The committee very much welcomed and supported that amendment. I had moved amendments suggesting the addition of a requirement for the Scottish Government to have regard to the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”. By adding those references, we do not just strengthen our own legislation on land reform, but align ourselves in solidarity with other communities and other countries, particularly indigenous communities around the globe that some of us have met over the years through our cross-party group on international development. I welcome that the minister has taken on our intentions, improved our wording and put them in the correct part of the bill. When a member is lodging an amendment, they do their best at the time.

The references to

“internationally accepted principles and standards”

are important to have in the bill. The minister’s amendments also include reference to seeking the views of the Scottish Human Rights Commission, which is important in order to ensure that its human rights expertise is drawn on. The SHRC’s letter to the committee was trenchant, so I welcome the fact that the minister has addressed the concerns that it raised with us just a couple of months ago.

The amended bill will speak to the ambition of delivering global sustainable development and acknowledge the importance of food security and the capacity to support and sustain communities. It makes the connections between our ambitions for global sustainable development goals with our ambitions for land reform and the empowerment of communities across Scotland. Therefore, Scottish Labour will support the amendments in group 2.

I thank Global Witness for its advice and work. It gave us good ideas and advice—in particular, about how we could strengthen the human rights framework in the bill. I am glad to see that we have such amendments, which I hope we can all support.

Michael Russell (Argyll and Bute) (SNP): I am very pleased that the minister has lodged the amendments in group 2. They build on the stage 2 amendments and the stage 1 report which, as Sarah Boyack said, were supported widely in committee.

Land reform in Scotland is hard to do at this time because of the European convention on human rights. I am not in any sense against the ECHR, but as we heard at the start of the debate, land reform post-ECHR tends to be focused on individuals’ property rights. There are other rights, and those rights are expressed in a range of

documentation, including the documents that are referred to in the amendments in group 2.

Human rights has been a key issue—as Sarah Boyack said, it connects us with issues about land use and access to land that are widespread throughout the world. We should acknowledge the work of Megan MacInnes of Global Witness, which helped us to understand that; the work of Peter Peacock in Community Land Scotland, which helped to bring the issues to focus; and the work of Kirsteen Shields in the University of Dundee. We should also recognise the world-leading excellence of our own human rights framework. The work of Professor Alan Miller, the retiring chair of the Scottish Human Rights Commission, must be recognised here, as it is recognised internationally.

The addition of amendments that will ensure that the Scottish Human Rights Commission is consulted as we go forward with land reform is extremely important. I have said several times during the passage of bill that, ironically, it would not be possible for Parliament currently to pass the Crofters' Holdings (Scotland) Act 1886 because it impinges on the ECHR—in particular, article 1, protocol 1 on rights in relation to property. That does not mean that we should not try to undertake radical land reform in Scotland—of course we should. Our constituents want it—my constituents want it and people across the country want it—but it is hard to do.

What we have put in the bill—I am grateful to the Scottish Government and especially to the minister, who took the same steps in the Community Empowerment (Scotland) Bill and agreed to similar changes—is a foundation for future action in Scotland. As the law develops, that foundation will mean consideration of not just the important elements in the ECHR, but other documentation and other experience worldwide. It will allow land reform to deepen and intensify in Scotland for the benefit of the people of Scotland. It is not an abstract; rather, it is about how people relate to and use land, and how we, as the many, access the land of Scotland, which is a common birthright. The amendments in group 2 are a vital big step forward, although the changes may seem to be technical. I am grateful to the Scottish Government for helping us to take that step forward.

Alex Fergusson: I have harboured occasional concerns about the concept of relevant human rights ever since it first appeared in evidence to the committee. There seems within that concept to be an unmentioned inference that the Government can somehow cherry pick whatever convention or covenant most suits its purpose, and that the various other guidelines and conventions are somehow on an equal footing with the European

convention on human rights. Indeed, Dave Thompson apparently believed that we should simply dispense with the ECHR when it comes to agricultural holdings legislation, which was an interesting concept in itself.

Dave Thompson: I have no recollection at all of saying such a thing.

Alex Fergusson: If I may quote from the *Official Report*, Mr Thompson said that

“The fact that the ECHR is written into the 1998 act needs to be looked at. That provision needs to be removed so that we have the same freedom in proposing legislation as any other legislature has.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 3 February 2016; c 56.]

I wonder whether some of those conventions could not come back to haunt the Government a little bit. Article 15 of the International Covenant on Economic, Social and Cultural Rights, which the minister mentioned, commits signatories

“To enjoy the benefits of scientific progress and its applications”.

I find myself wondering where that might leave the Government—for example, in relation to its stance on genetically modified crops, if that were to be tested. However, that is for another debate. I would be grateful if the minister could confirm in winding up that the ECHR still provides the basis for human rights in Scottish legislation that is passed by this Parliament.

Paul Wheelhouse: If I may, I will respond on behalf of Dr McLeod to confirm that the ECHR does form the basis for human rights in Scottish legislation.

Amendment 13 agreed to.

Amendments 14 and 15 moved—[Sarah Boyack]—and agreed to.

Amendments 16 to 22 moved—[Aileen McLeod]—and agreed to.

Section 7—Programme of work

The Deputy Presiding Officer: We move to group 3. Amendment 100, in the name of Johann Lamont, is grouped with amendments 23, 24, 101, 25, 2, 26 to 28, 102, 3 and 4.

Johann Lamont (Glasgow Pollok) (Lab): I declare an interest as a member of the Co-operative Party, which is committed to a model that represents a global ideal that is locally, democratically and practically delivered. Co-operatives and, as identified in amendment 100, community benefit societies have a great deal to offer as we consider the issue of land reform. I urge the minister to understand that and reflect that it is a logical consequence of the

Government's own position on community empowerment.

There is no doubt that community benefit societies can have a significant social and, critically, economic impact and can ensure that, in communities where the land is held in common, there is an underpinning democratic commitment that ensures the engagement of those who best understand the needs of their communities and, critically, the opportunities that can be created to sustain those communities.

In any consideration of areas where land reform and community ownership have happened, we can see the flourishing of community engagement and co-operative models to ensure that there is a benefit to the community. Amendment 100 is a modest amendment but a significant one, I believe. All that it does is ask the land commissioners, as part of the programme of work, to raise the issue of the benefits of community land ownership and how it can be promoted and to look at the whole question of how community benefit societies can be promoted.

I genuinely believe that this is a way and a means of harnessing all the talent and energy that we have seen in our communities when they have been engaged with land reform. It is a fundamentally important opportunity to ensure that land reform also enriches and sustains those communities. I will not comment too much on other amendments at this stage, but I commend the amendments from Claudia Beamish.

In relation to amendment 27, I thank the minister for acknowledging the point that I made at stage 2, which was that the provision to exclude from membership of the land commission people who work for a local authority would exclude a whole number of people. Particularly in rural and island communities, local authorities provide very important employment, which is sometimes part time. I thank the minister for lodging amendment 27, which reflects the approach that she has taken on large parts of the bill. I commend her for that.

I hope that members find amendment 100 worth while and will support it.

I move amendment 100.

Jim Hume (South Scotland) (LD): Amendments 23 and 24 relate to the maximum period of tenure of a Scottish land commissioner. At stage 2, I lodged a similar amendment, which I withdrew on the basis that the minister would provide further clarification on appointment terms.

Unfortunately, the position remains unclear in the bill. Section 8(3) provides that

"Each member is to be appointed for such period, not exceeding 5 years, as the Scottish Ministers may determine."

Section 8(5) allows for reappointment and section 8(5A) limits a reappointment to a period not exceeding five years, so, at the moment, there is nothing to prevent a commissioner from serving for 10 years or even more than two five-year terms. The principle of having a cap of eight years would ensure that there was new blood in the commission and would enable it to meet the challenges of its strategic plan and programme of work, which themselves are subject to review and update. It would prevent any entrenchment of views or the domination of particular individuals' approaches. Eight years is a sufficient period of time not to create any difficulties with the smooth operation of the commission.

The amendments, which are in the interests of good governance, tie in with the code of good practice that the minister mentioned at stage 2, which does not state how many times a member can be reappointed. Instead, it caps the total period for which a member can serve at eight years. The minister said that the bill will allow the Scottish ministers to adhere to that, as it allows them to determine the length of an appointment, up to a maximum of five years. However, the period beyond that, which relates to reappointment, is still in question and remains unclear.

It is my understanding that not all public bodies come within the remit of the Commissioner for Ethical Standards in Public Life in Scotland; only specified public bodies do so. Although some bodies may observe the code of good practice, the commissioner has no locus in this area, and appointments are dealt with under the Public Appointments and Public Bodies etc (Scotland) Act 2003. Perhaps the minister could clarify whether the bill needs to include a reference to that act to ensure that appointments to the land commission are regulated by the Commissioner for Ethical Standards in Public Life in Scotland. That act is not currently referenced in the bill.

On amendment 101, it is important to ensure that our future land commissioners have the necessary knowledge and experience of the matters that are put in front of them. Someone with practical knowledge of land management can easily judge whether land is being actively managed and is not derelict or vacant, as farming is still the main use of our land, whether owner occupied or tenanted. Amendment 101 would ensure that agricultural interests are given due consideration.

Amendment 102 relates to membership of any committee that is established by the land commission. Under section 15(4),

"The Commission may appoint a person who is not a member of the Commission to be a member of a committee."

That makes practical sense but, with other recently established bodies, such as Historic Environment Scotland, provision has been made to ensure that such a person is not entitled to vote at committee meetings unless the body subsequently decides that such a non-member can have a vote. Ultimately, matters will normally go back to the commissioners for a final decision, and they can make their own rules. Therefore, in the interests of consistency with other bodies that have recently been set up by the Scottish Government, and for reasons of transparency, I propose that the provision that is contained in amendment 102 be inserted. It would not affect in any way such a person's right to speak, present a case or otherwise fulfil their role.

Claudia Beamish (South Scotland) (Lab): I will speak to amendments 25 and 26 and make some other comments.

Although I listened carefully to the argument that was put forward at the Rural Affairs, Climate Change and Environment Committee that not too many areas of skills and experience should be listed, I believe that the areas that amendment 25 proposes be added are of fundamental importance to the role of the land commission in the development of a fairer Scotland and should therefore be included.

11:30

I thank the minister for her support in developing these amendments, and I live in hope that I might get my first amendment agreed to in this Parliament—you never know your luck.

To be a bit more serious, section 9(1)(a) makes it clear that, in appointing members of the commission, the Scottish ministers must have regard to the commission's "having expertise or experience" in a list of subjects, and amendment 25 seeks to add

"human rights ... equal opportunities"

and

"the reduction of inequalities of outcome which result from socio-economic disadvantage"

to that list. Amendment 26 is a consequential amendment that makes it clear that the definition of "equal opportunities" in section 9(4) applies to the reference to "equal opportunities" that is proposed for inclusion in section 9(1)(a) and (b).

I am afraid that I am unable to support amendment 101, in the name of Jim Hume, as the word "practical" makes the provision too restrictive and specific. However, we acknowledge the spirit behind what Mr Hume is putting forward.

Finally, I must declare an interest as a member of the Scottish Co-operative Party in speaking

strongly in support of amendment 100, in the name of Johann Lamont. As she so eloquently made clear, co-operative models that involve members will be one of the ways for Scotland's rural and, indeed, urban communities to develop their own aspirations.

The Deputy Presiding Officer: I call Angus MacDonald, who will speak to us in Gaelic initially and then repeat his opening remarks in English.

Angus MacDonald (Falkirk East) (SNP): Madainn mhath, Oifigeir-riaghlaidh, agus madainn mhath co-obrachachan. Tha mi a' cur luach air a' chothrom a bhith a' toirt atharrachadh co-cheangailte ris a' Ghàidhlig dhan t-seòmar-deasbaid, airson dèiligeadh ri duilgheadas bho atharrachadh agam aig ìre 2, a dhèanamh cinnteach gu bheil co-dhiù aon neach-labhairt na Gàidhlig air coimisean ùr ath-leasachaidh an fhearainn.

Rather than crucify our indigenous language any further, I will continue in English. For the record, what I was trying to say in Gaelic was: good morning, Presiding Officer, and good morning colleagues. I appreciate the opportunity to bring this Gaelic-related amendment to the chamber, which will deal with a problem arising from my stage 2 amendment on ensuring that there is at least one Gaelic speaker on the new Scottish land commission.

That stage 2 amendment inserted into section 9 new subsection (1A), which states:

"In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that one of the Commissioners is a speaker of the Gaelic language."

Although the Scottish Government welcomed the amendment at stage 2, it considered, on reviewing the text, that it could be interpreted as meaning that the Scottish ministers needed to take reasonable steps to ensure that only one land commissioner was a Gaelic speaker. That might cause practical issues when making appointments, and, in a scenario in which more than one Gaelic speaker applied for the role of commissioner, the provision could be read as meaning that Scottish ministers should not appoint a second Gaelic speaker.

To remedy that, amendment 2, in my name, inserts the words "at least" into section 9(1A), so that it now reads:

"In appointing the Land Commissioners, Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language."

The amendment therefore brings the new Scottish land commission in line with precedents already set at the Scottish Land Court and by the Crofting Commission.

Paul Wheelhouse: I thank Johann Lamont for setting out the rationale behind amendment 100. As Dr McLeod said to Ms Lamont when she lodged a similar amendment at stage 2, the Scottish Government supports all types of land tenure and, of course, supports ownership of land by community benefit societies as well as other land ownership vehicles. We have clearly demonstrated that in taking forward the Community Empowerment (Scotland) Act 2015, which expanded the structures that community bodies can use under the community right to buy to include community benefit societies as well as Scottish charitable incorporated organisations. However, we believe that community bodies should have the flexibility to decide for themselves how they should be constituted, depending on their needs and aspirations, and we would therefore to be reluctant to support any amendment that could be interpreted as favouring one particular land ownership mechanism over another.

It is not appropriate to amend section 7 in that way. As far as possible, we want the land commissioners to have operational independence and freedom to determine their programme of work, and we do not consider it appropriate to constrain them in that manner or to prejudge their work. We note that amendment 100 would mean that the land commissioners had to include such recommendations in every programme of work that they produced.

We consider that Johann Lamont's amendment would alter the land commissioners' programme of work in a way that is unnecessary given the excellent work that is being taken forward by the 1 million acres strategic implementation group. We have recently funded a development officer post with Community Land Scotland to enable it to build capacity and to support it in promoting community ownership and sharing best practice.

We thank Jim Hume for explaining the rationale behind amendments 23 and 24. They have similar aims to amendments that were lodged and then withdrawn at stage 2. Following stage 2, Dr McLeod wrote to Mr Hume to set out why such amendments are not needed. For the record, I will set that out again today. Our intention is that the public appointments process will be regulated by the Commissioner for Ethical Standards in Public Life in Scotland. The commissioner publishes a code of practice for ministerial appointments to public bodies in Scotland and, as a matter of policy, the code of practice will mean that no member of the commission will serve for more than eight years. To ensure that there is the necessary flexibility to deal with exceptional circumstances, however, the provisions of the code can be varied with the commissioner's agreement.

At stage 2 on 20 January, the minister confirmed that our policy intention is that the Parliament should also approve any reappointment of a member of the commission, and she was happy to support Alex Fergusson's amendment that clarified that in the bill. I also stress that, under sections 8(2) and 8(5A), the Parliament will be required to scrutinise and approve both appointments and reappointments of members of the commission. If the Parliament had a concern about a reappointment and believed that the balance between continuity and fresh blood on the commission was not being correctly struck, it would be able to make that concern heard during the appointment process. Given Jim Hume's comments, I also emphasise that section 8(3) provides for a maximum period of five years.

We have stated our intention that the code of practice of the Commissioner for Ethical Standards in Public Life will apply as a matter of policy. In addition, there is an order-making power under section 3(3) of the Public Appointments and Public Bodies etc (Scotland) Act 2003 that could be used to add the Scottish land commission to schedule 2 to that act. The reason why that is not expressly done in the bill is the deliberate policy choice to give the Parliament a prominent role in the public appointments process.

We also thank Jim Hume for explaining amendment 101. The list of experience and expertise in section 9(1)(a) has grown throughout the bill process, but I emphasise to the Parliament again that it will not prevent ministers from considering whether candidates for the land commission have other relevant experience or expertise. We understand the sentiment behind amendment 101, and I assure Mr Hume that our intention in the public appointments process is to select the best candidates to serve on the land commission. However, a balance has to be struck between getting the right people who tick every box and appointing them within a reasonable timescale to do the work that is required to progress land reform.

It was after listening carefully to stakeholders' views that Dr McLeod lodged an amendment at stage 2 to add "land management" to section 9(1)(a). We do not believe that the addition of "practical" would add anything to that term, so we do not support amendment 101.

We thank Claudia Beamish for lodging amendments 25 and 26, which we are happy to support. I take Ms Beamish's point and I am glad that she has now had an amendment accepted. We consider that those amendments supplement the list in section 9(1)(a) in a manner that mirrors the package of amendments that the Scottish Government lodged at stages 2 and 3 to strengthen the bill in respect of

“human rights ... equal opportunities”

and

“the reduction of inequalities of outcome which result from socio-economic disadvantage”,

as Claudia Beamish mentioned in her remarks.

Given the Scottish Government’s commitment to the importance of the Gaelic language and Gaelic culture to Scotland, Dr McLeod welcomed Angus MacDonald’s amendment at stage 2 and we are happy to accept what we believe is a helpful revision.

On amendment 27, we thank Johann Lamont for querying at stage 2 the inclusion of local authority workers in section 10(1), which sets out a list of persons who may not be appointed as a member of the Scottish land commission if they have been in certain offices in the previous 12 months. Following stage 2, Dr McLeod reflected further on the list and wrote to Ms Lamont to advise her that ministers intended to remove the exclusion in respect of local authority workers because, as she highlighted, it can be the case in remote and rural communities in Scotland that many people are reliant on local authority employment.

I add for the record that the land commission’s work will be relevant to urban as well as rural communities the length and breadth of Scotland, and we would not wish to exclude local authority employees in our urban communities from applying to be a member of the commission either.

Amendment 28 is a consequential amendment to ensure that repairing tenancies created under section 5C of the Agricultural Holdings (Scotland) Act 2003, as inserted by section 79B of the bill at stage 2, are caught in the definition of “relevant tenancy” in section 10(3). That will ensure that any tenant or landlord of a repairing tenancy is excluded from being appointed as the tenant farming commissioner, as is already the case for the other types of agricultural tenancy.

We thank Jim Hume for setting out the intention behind amendment 102. However, we cannot support the amendment. Section 16(2) permits the commission to regulate its own procedures and those of its committees, including the quorum of any meeting, and section 15(6) requires a committee to comply with any directions that are given to it by the commission. Those are important provisions, as they give the commission the freedom and flexibility to set up its own internal working procedures, including on issues such as voting rights, but they also ensure that the commission has ultimate control of its committees. Given the operational independence that the Scottish ministers wish the commission to have, it would not be appropriate to make that amendment in isolation.

We welcome amendments 3 and 4, lodged by Mr Dey, to section 20. The Scottish Government considers that it is imperative that the land commissioners can give full consideration to the land use strategy in exercising their functions. However, we are pleased to hear that it is not Graeme Dey’s intention to alter the Scottish ministers’ duties under the Climate Change (Scotland) Act 2009, so we support the amendments for providing that clarity.

Graeme Dey (Angus South) (SNP): The amendment to section 20(5) that I lodged at stage 2 was, I thought, quite straightforward, and I was delighted to secure the support of both the committee and the Government. However, since stage 2, there has been some traffic from stakeholders around the amendment, suggesting that, as drafted, it could be open to misinterpretation. Therefore, at the request of stakeholders and the Government, I have lodged amendments 3 and 4 to provide clarity. It was never my intention at stage 2 to give the land commissioners any statutory role in the implementation and monitoring of the land use strategy. Amendment 3 deletes the words

“the implementation and monitoring of”,

leaving the commissioners to take into account the land use strategy in exercising their functions under section 20. It is, as was intended, a response to a request supported in the chamber to deliver the clarity sought by some stakeholders.

Amendment 4 is a minor and technical amendment to ensure that any land use strategy revised under section 57(6) of the Climate Change (Scotland) Act 2009, as well as the one prepared under section 57(1), is covered in section 20(5)(d) of the bill.

Alex Fergusson: I am afraid that the Conservatives oppose amendment 100. I believe that the proposals in that amendment are already being taken forward. The minister mentioned the 1 million acres working group, which encompasses a lot of Johann Lamont’s intentions. I also understand that the land commission will cover the provision with advice and guidance. The minister made it clear at stage 2 that the Government encourages a wide variety of land ownership models, and I take her at her word. Amendment 100 therefore seems to me to be overly prescriptive.

We will support all the other amendments in the group, and I am sorry to hear that the Government will not support amendment 102, because I think that that is, in the interests of good governance, quite an important amendment.

I believe that the success or otherwise of the land commission will be largely dependent on the ability and experience of the commissioners who

serve on it, and I hope sincerely that the range of skills that we have sought as a committee at stage 2 and as a Parliament at stage 3 will only enhance its operations for the benefit of the people of Scotland.

The Deputy Presiding Officer (Elaine Smith):

I invite Johann Lamont to wind up and to indicate whether she wishes to press or withdraw her amendment.

Johann Lamont: The amendments lodged by Claudia Beamish and Angus MacDonald are important. As someone who herself has Gaelic heritage, I recognise the importance of those amendments and the struggle in speaking the language of my forebears. The amendments reflect a deeper issue, which is the danger that the people who appoint people to boards will appoint people who look and sound like them, and the amendments create the opportunity to think more seriously about how to ensure that there is a range of talents and commitments among the people in this public body.

I will press amendment 100, because I believe that community land ownership is one of the most effective models of land ownership. Our own history serves as a record that shows how common ownership of land has ensured that communities that may have been struggling can be revived and regenerated.

The amendment asks that the potential that community land ownership and community benefit societies have to benefit local communities is addressed. Therefore, I do not regard the amendment as overly prescriptive; rather, I consider that it reflects the reality that, too often, the co-operative model is not included in the Scottish Government's strategy and that, when we have talked about economic models in the past, we have not understood the power of the co-operative model.

In our island and rural communities in particular, the reality is that the co-operative model is a natural and instinctive means by which people co-operate. People have come together through crofting committees, community shops, community enterprises and whatever. Amendment 100 simply locates the significance of that model in the bill, ensuring that the reason why we engage on the question of land reform is to address the question of neglect and the fact that too much of our land has been left unworked and unused, and that communities have been left unregenerated.

It is in that context that I hope that people feel able to support the amendment, which I intend to press.

The Deputy Presiding Officer: Before we proceed, I remind members that, if they wish to oppose any amendments, they should do so

loudly and clearly so that there is no confusion in the chamber.

The question is, that amendment 100 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the morning, I suspend the proceedings for five minutes to allow the division bell to be rung and members to return to the chamber.

11:46

Meeting suspended.

11:51

On resuming—

The Deputy Presiding Officer: We will now proceed with the division on amendment 100.

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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (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)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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, 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)

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 33, Against 83, Abstentions 0.

Amendment 100 disagreed to.

Section 8—Membership

Amendments 23 and 24 not moved.

Section 9—Eligibility for appointment

Amendment 101 moved—[Jim Hume].

The Deputy Presiding Officer: The question is, that amendment 101 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)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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 21, Against 94, Abstentions 0.

Amendment 101 disagreed to.

Amendment 25 moved—[Claudia Beamish]—and agreed to.

Amendment 2 moved—[Angus MacDonald]—and agreed to.

Amendment 26 moved—[Claudia Beamish]—and agreed to.

Section 10—Disqualification from membership

Amendments 27 and 28 moved—[Aileen McLeod]—and agreed to.

Section 15—Committees

Amendment 102 moved—[Jim Hume].

The Deputy Presiding Officer: The question is, that amendment 102 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Baker, Claire (Mid Scotland and Fife) (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 23, Against 93, Abstentions 0.

Amendment 102 disagreed to.

Section 20—Functions of the Land Commissioners

Amendment 29 moved—[Aileen McLeod]—and agreed to.

Amendments 3 and 4 moved—[Graeme Dey]—and agreed to.

Section 22—Functions of the Tenant Farming Commissioner

The Deputy Presiding Officer: We come to group 4. Amendment 30, in the name of the cabinet secretary, is grouped with amendments 5, 6 and 31 to 33.

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): Some stakeholders and some members of the Rural Affairs, Climate Change and Environment Committee have expressed strong concerns about the conduct of some land agents. Amendments 30 and 32 respond to those concerns. They require the tenant farming commissioner to prepare a report on the operation of agents of landlords and tenants in relation to agricultural holdings. That report must include the commissioner's recommendations for improving the operation of land agents in the sector. It may also include other recommendations that the commissioner considers appropriate. The commissioner must consult relevant stakeholders when preparing the report, and must submit the report to Scottish ministers within 12 months.

Mike Russell's amendments 5 and 6 would ensure that stakeholders are invited to give their input to the review of the commissioner's functions under section 22, and that ministers must take their views into account. As I made clear at stage 2, the Scottish Government believes that a wide

range of stakeholders should have the opportunity to feed into the review, so I am very happy to support amendments 5 and 6.

Amendments 31 and 33 are technical amendments. Amendment 31 specifies that, before the tenant farming commissioner publishes a code of practice under section 25, he or she must consult any persons appearing “to the Commissioner” to have an interest in the draft code. The amendment simply clarifies that it is in the eyes of the commissioner that such persons have an interest in the draft code.

In the same way, amendment 33 clarifies that, before submitting the report to Scottish ministers under section 33A setting out recommendations for a modern list of improvements to agricultural holdings, the commissioner must consult any persons appearing “to the Commissioner” to have an interest in the draft recommendations.

I move amendment 30.

Michael Russell: One of the key questions in the bill is whether change in practice can take place through encouragement or—as I believe—whether statutory force is necessary. That is true in relation to section 22. It is also true in relation to section 4, which deals with estates’ engagement with communities. Section 22 shows that the cabinet secretary is very keen to see the work of the tenant farming commissioner being that of encouraging and bringing forward good practice, so that those who are not observing good practice can be encouraged to do so.

However, many of us fear that some people will not be encouraged. Good landlords will continue to be good landlords, those who want to be good landlords may find the publication of the information and the codes to be useful, and those who begin to realise that they are not good landlords might improve their practice. However, those who do not want to be good landlords—those who, frankly, do not care—will not feel any force on them to change their practices and habits.

12:00

There is a carrot in the bill, and I believe—as others do—that there should also be a stick. I accept that the cabinet secretary believes that the current provisions are the way forward. Nonetheless, when the legislation is reviewed in three years’ time, the views of everyone in the sector—and of tenant farmers in particular—must be heard. The Scottish Tenant Farmers Association and other bodies will have to be part of the review. I am grateful to the cabinet secretary for accepting my amendments, which seek to involve the widest group of relevant stakeholders in that review.

If, at the time of the review, it is obvious that the role of the tenant farming commissioner in encouraging better practice has been substantially successful, there will be no harm in having a wider consultation. If the role has not been successful, a wider consultation will be essential. I will therefore move my amendments.

The Deputy Presiding Officer: I have three bids to speak. I ask members to keep their remarks short, please.

Claudia Beamish: Scottish Labour supports the Scottish Government’s amendments on land agents in view of the concerns that the Rural Affairs, Climate Change and Environment Committee heard about the behaviour of a small minority of such agents. We also support Michael Russell’s amendments on consultation with a wide range of stakeholders in relation to the review.

I am clear that the role of the tenant farming commissioner will bring confidence to tenants and landowners and that, through the development of the commissioner’s functions, there will be improved relations in the small minority of cases in which relations are poor and—I hope—issues will be kept out of the Scottish Land Court. I therefore welcome further clarification of the functions under section 22. The role of the tenant farming commissioner will enable new developments in areas such as rent reviews to be carefully monitored and developed. We support all the amendments in the group.

Graeme Dey: Some months ago, a land agent asked me why members of the Rural Affairs, Climate Change and Environment Committee were pursuing the introduction of a code of conduct that would cover him and his colleagues. He told me that he did not recognise the claims that were made about the conduct of some in the sector. I shared with him the experience of a tenant farmer constituent of mine, who had just been visited at home by a representative of a leading land agency who told him that he would have to meet a 50 per cent rent increase that was non-negotiable.

The land agent I spoke to responded by naming two firms of land agents for which he thought the person concerned might have worked. I told him that they in fact worked for another company. More important, I drew his attention to the fact that his response proved the point: those who provide agent services might deny that there is an issue, but deep down they know full well that there is.

Let us be clear: the majority of agents will conduct themselves in a respectful and appropriate manner that is conducive to fostering and maintaining good landlord-tenant relationships. However, if there is one thing that

unites the agricultural sector, it is the belief that we need a code of conduct.

I welcome the Government's amendments, and I hope that the proposals that come forward will reflect the lived experience of tenants and landlords and get us to a place where fear of the reputational damage that would be caused to those employing people who provide land agent services and who misbehave will in itself ensure that the code of conduct is adhered to.

I hope that Parliament will also support amendments 5 and 6, in the name of my colleague Michael Russell.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): The negative influence of land agents is far wider than the few exceptions that Claudia Beamish mentioned, and a statutory code of practice for land agents would be a very good thing indeed. It would probably answer the concerns of many people around the country. Those concerns were expressed in the evidence that the committee took on the island of Islay, for example, where a tenant farmer told us that he had to raise three incomes: one for his family, a second for the land agent and a third for the landlord.

In such circumstances, the way in which land agents work interferes with the potential profitability of many tenant farmers' activities. As a whole, land agents' influence needs statutory control as soon as possible. I am happy to support the amendments.

Richard Lochhead: I will reflect briefly on some of the comments from members. At stage 2, I explained to the committee why I do not believe that it is appropriate at this stage for the tenant farming commissioner, which after all is a new office that is being established by the bill, to have a broad enforcement role, given that that could lead to conflict with other enforcement agencies. However, it is certainly very much understood that many members and stakeholders feel that the tenant farming commissioner might well require additional powers in exercising their functions, and that is why the review is necessary.

On land agents, as members have highlighted, it might be a small minority of land agents who contribute to poor relations in the sector, but those issues have to be dealt with. That is why it is important that the tenant farming commissioner can bring forward recommendations in due course.

Amendment 30 agreed to.

Amendments 5 and 6 moved—[Michael Russell]—and agreed to.

Section 25—Tenant Farming Commissioner: codes of practice

Amendment 31 moved—[Richard Lochhead]—and agreed to.

After section 33

Amendment 32 moved—[Richard Lochhead]—and agreed to.

Section 33A—Recommendations by Tenant Farming Commissioner for modern list of improvements

Amendment 33 moved—[Richard Lochhead]—and agreed to.

Before section 35A

The Deputy Presiding Officer: That brings us to group 5. Amendment 34, in the name of the minister, is grouped with amendments 34A to 34J, 35, 35A, 36, 37, 37A, 38, 103 to 106, 94 and 95.

Aileen McLeod: Amendments 34 to 38, 94 and 95 implement the commitment that I gave at stage 2 to amend the bill to include a power for the Scottish ministers to make regulations that will provide for the disclosure of information about persons who have a controlling interest in landowners and tenants and for that information to be published on a public register, which is to be kept by the keeper of the registers of Scotland.

Increasing the transparency of land ownership in Scotland is a key objective of the bill. During the bill's passage, it became clear that the Parliament and stakeholders felt that we could do more to deliver in the area. Therefore, today I am bringing forward an amendment to introduce a regulation-making power that will enable the Government to develop proposals to address the many practical and legal issues that arise in this policy area. Amendment 34 puts in place a power that will enable the Scottish ministers to make regulations that will require the disclosure of information about persons who have a controlling interest in landowners and tenants, and the publication of that information in a public register, which is to be kept by the keeper.

To ensure that the policy objective of increasing the transparency of land ownership in Scotland can be achieved, the definition of persons who have a controlling interest in a landowner or tenant will be one of the key provisions set out in the regulations. It is clear that we will need to consult widely on the definition and the potential to use definitions in existing legislation. Most notably—*[Interruption.]*

Paul Wheelhouse: Most notably, those are the definitions that are used in the legislation on the

register of people with significant control of UK companies.

Another key area on which we will have to consult and develop proposals is in relation to which landowners will be required to provide information. The Scottish Government intends that the information will have to be provided where the landowner is a legal entity, such as a company or a Scottish limited partnership, or where an individual is the owner of the land but holds the title to land under a special capacity such as a trustee.

One advantage of Government amendment 34 over section 35A, which was inserted into the bill at stage 2, is that the regulations can require the disclosure of information about persons who have a controlling interest in landowners or tenants in respect of all legal titles in Scotland. Section 35A requires disclosure of information only in relation to land that is registered in the land register, which accounts for only 28 per cent of the landmass of Scotland.

The Government is determined that the Parliament will have full opportunity to scrutinise the regulations effectively. Therefore, amendments 35 to 37 provide that the regulations will be subject to an enhanced form of parliamentary procedure on the first use of the power. Amendment 34 provides that the regulations will be subject to the affirmative procedure, but amendment 35 provides that, on the first use of the power, the Scottish ministers cannot lay the first draft regulations unless the ministers have complied with the consultation requirements that are laid out in amendment 36 and unless the proposed draft regulations and an explanatory document have been laid before the Parliament.

Amendment 36 provides that the proposed draft regulations must be laid in the Scottish Parliament for 60 days and be accompanied by a draft explanatory document. The Scottish ministers must consult the keeper and such other people as they consider appropriate, who must be provided with a copy of the proposed draft regulations and the draft explanatory document. That means that the Parliament will have the opportunity to scrutinise and make recommendations on the proposed draft regulations.

In addition, the public will also be able to make representations to the Scottish ministers on the proposed draft regulations. Only after that consultation has been carried out can the first draft regulations be laid before the Parliament. When the first draft regulations are laid they will be subject to the normal affirmative procedure, giving the Parliament a further opportunity to scrutinise them and take evidence from ministers.

Amendment 38 removes section 35A from the bill. The Government believes that introducing regulations is the best way to ensure the transparency of land ownership that we all want. We must also put on record that section 35A, as it stands, is outwith the legislative competence of the Parliament and it must be removed to ensure that the bill can proceed to royal assent.

Amendment 94 provides that all uses of the proposed regulation-making power in the new section introduced by amendment 34 will be subject to the affirmative procedure. Amendment 95 provides that section 101 of the bill is amended to refer to the new section introduced by amendment 34 and so exempts the Crown from being criminally liable in respect of breaches of the requirements of the regulations made under that new section. That is simply a consequential change.

The Scottish Government believes that these amendments provide the best way forward to deliver transparency of land ownership in Scotland and we recommend them to the Parliament. We urge the Parliament to support the amendments.

We thank Sarah Boyack for lodging her amendments and acknowledge the work that has gone into drafting them. I reiterate that the Scottish Government is committed to increasing the transparency of land ownership in Scotland and will introduce regulations that will provide for the disclosure of information about persons having a controlling interest in land.

The Scottish Government will publish a consultation this summer on developing proposals for the regulations. The responses will be helpful to inform the drafting of the regulations, which will need to be laid before Parliament, as required by the enhanced affirmative procedure that will be inserted into the bill by amendments 35, 36 and 37.

Alongside the parliamentary and public consideration of the regulations, and the practical issues highlighted in a letter from the minister, Dr McLeod, to the Rural Affairs, Climate Change and Environment Committee on 3 March, the Government will be working on the practical arrangements to give effect to the regulations. Our intention is that the regulations will be approved by the Parliament by the end of 2017.

I will now address Sarah Boyack's amendments.

Amendment 34A seeks to provide that ministers must make regulations. Government amendment 34 currently provides that ministers may make such regulations, which is the normal formulation for affirmative regulations. The Scottish Government is clearly on the record as saying that it will make regulations, but in such exceptional circumstances and with such a clear level of

support for our proposals we are willing to support amendment 34A.

Amendment 35A would require the Scottish ministers to lay a draft of the first regulations to be made under the new section proposed by amendment 34 within 18 months of the bill receiving royal assent. A duty such as that proposed by amendment 35A could mean that to comply with the duty ministers would have to make regulations that did not provide for the full policy. A further set of draft regulations would then be brought forward at a later date containing the remaining policy detail. It would only be after those second regulations were made that the full scheme could come into force.

Alternatively, if a draft of the first regulations was not laid before the Parliament within the 18-month time limit, amendment 35A could have the effect of not allowing a draft to be brought forward at all after that time. That could prevent the government from making regulations. The Government will make draft regulations for approval by the Parliament. Therefore, amendment 35A is not required and we ask Sarah Boyack not to move it, given the commitments that we have made on timing.

Amendments 34B, 34C, 34D and 34G seek to replace the words “a controlling interest in” with the words “significant control in relation to”. We do not think that the change is necessary. What is meant by a person having a controlling interest in landowners or tenants will be set out in the regulations that will be made under the new section proposed by amendment 34. The definition will be designed to enable the policy objective of increasing the transparency of land ownership in Scotland to be achieved. The definition will not be constrained by the use of the term “controlling interest” in other legislation. We ask that Sarah Boyack does not move the amendments.

Amendment 34E would mean that the matters that the regulations could provide for might include duties associated with the provision of information. The regulation-making power in new subsection 1(a) that is proposed by amendment 34 already refers to the regulations requiring the provision of information, and new subsection (2)(d) already refers to the information that must be provided under the regulations. Therefore, amendment 34E is not required and we ask that Sarah Boyack does not move it.

12:15

Amendments 34F and 34H would limit the circumstances in which a person can request that information about them is not published. Although new subsection (2)(h) provides that regulations may set out circumstances in which information

does not have to be published—and it provides that the circumstances in which a person may request that information not be published may in particular include those in which publication may result in serious risk of violence or abuse, threat of violence or abuse, or intimidation to a person—it does not require that the regulations provide that that is a circumstance in which a person could request that information not be published. Careful consideration will have to be given to determine whether the regulations should provide for such circumstances. I ask Sarah Boyack not to move amendments 34F and 34H.

Amendment 34I seeks to provide that the regulations under new subsection (1) may provide that the information about controlling interests be available on the internet and searchable by the public. The regulation-making power in new subsection (1) expressly provides a power to make regulations about the publication of information in a public register. The regulation-making power is wide enough to allow regulations to be made about access to the public register. The Government is committed to providing digital public services and we do not consider that these amendments to provide for online access are necessary. I ask Sarah Boyack not to move amendment 34I.

Amendment 34J provides that regulations made under new subsection (1) cannot be used to amend the regulation-making power in that subsection. It would be very difficult to use the regulation-making power in the new subsection to amend itself, as the regulations would have to be within the scope of that power. We do not want there to be any uncertainty as to the validity of the regulations and so do not intend to make regulations amending the regulation-making power. Amendment 34J is not appropriate and is unnecessary, and I ask Sarah Boyack not to move it.

Amendment 37A appears to be designed to clarify that the Scottish ministers can include summaries of responses to the consultation in the explanatory document that has to be laid before the Parliament under amendment 35. There is no limit on the Scottish ministers using the information provided in representations in developing the regulations and reporting in general terms on the representations made, even where that is restricted under the terms of new subsections (2) and (3) proposed by amendment 37. As a result I do not consider that amendment 37A is required and I ask Sarah Boyack not to move it.

Patrick Harvie's amendments 103 and 104 are the same amendments that he lodged at stage 2. They aim to provide that only legal entities that are incorporated in the European Union could be

registered as the proprietor of land in the land register of Scotland. The amendments were debated and voted on at stage 2, when they were rejected by the Rural Affairs, Climate Change and Environment Committee.

Amendments 105 and 106 seek to prevent the registration of title to land in the land register by entities that are incorporated in the British overseas territories, as defined in the British Nationality Act 1981, or in the Crown dependencies of Jersey, Guernsey and the Isle of Man. Amendment 106 sets out that entities that are incorporated or established in the British overseas territories or the Crown dependencies and already have a title registered in the land register must take such steps as are necessary to ensure that they are no longer the registered proprietor five years after the date that amendment 106 comes into force.

Amendments 105 and 106 have the same effect as amendments 103 and 104, but the entities that would be affected would be very different.

At stage 2, the Minister for Environment, Climate Change and Land Reform said that the amendments lodged by Patrick Harvie in relation to EU entities would not achieve the transparency of land ownership that is wanted and that the amendments were outwith the legislative competence of the Scottish Parliament. For the same reasons that were given at stage 2, we consider that amendments 103 and 104 would be outwith the legislative competence of the Scottish Parliament, as they are incompatible with the rules on the free movement of capital in article 63 of the Treaty on the Functioning of the European Union.

Amendments 105 and 106 have a similar effect to amendments 103 and 104, but in relation to different types of legal entities. The difference with amendments 105 and 106 is that they restrict legal entities that are incorporated or otherwise established in British overseas territories and Crown dependencies from registering title to land in the land register. The amendments appear to target the British overseas territories and Crown dependencies, some of which are referred to as secrecy jurisdictions.

As I hope that we have clearly set out today, the Scottish Government is committed to increasing the transparency of land ownership in Scotland. It is clear that there is support across the Parliament for doing that. However, when legislating in this area we have to ensure that the measures that we put in place deliver the transparency that we all want, and that they do that in a way that is within the legislative competence of this Parliament. We understand that the purpose of Patrick Harvie's amendments is to increase the transparency of land ownership in Scotland, but we are not convinced that they would provide the

transparency that is desired. What would prevent a proprietor from re-incorporating in a country that is as untransparent as some of the jurisdictions that are British overseas territories or Crown dependencies?

It has not been demonstrated that all the countries that would be affected by the provision are secrecy jurisdictions, or that all landowners and tenants who are registered in those countries are not transparent about their ownership structures.

In addition to the minister's concerns about the effectiveness of the amendments in Patrick Harvie's name, we consider that amendments 105 and 106 are outwith the legislative competence of the Scottish Parliament. As I said, the amendments would not necessarily increase the transparency of land ownership, because they would not necessarily result in land being owned by a legal entity that is registered in a country that requires greater transparency. In addition, the amendments would not prevent legal entities registered in British overseas territories or Crown dependencies from being subsidiaries of legal entities that are registered in other countries.

We are committed to bringing forward, in the next parliamentary session, the regulations that will provide for a public register of controlling interests. Many legal and practical issues must be addressed if we are to bring forward effective and proportionate proposals, one of which is how we ensure that legal entities that own land and are incorporated in secrecy jurisdictions comply with the requirement to provide information. We encourage everyone in the Parliament to work with the Government when we are developing the regulations, to ensure that we can achieve the transparency of land ownership that we all want. I ask Patrick Harvie not to move his amendments 103 to 106.

I move amendment 34.

Sarah Boyack: The amendments in the group go to the heart of our ambitions for the bill. In our committee stage 1 report on the bill, there was cross-party support for a stronger framework of transparency. That is why, at stage 2, the committee supported removing the original wording in the bill and supported Graeme Dey's amendment 30, while members lodged their own amendments to strengthen the nature and availability of registration information about who owns and controls land.

The amendments in the minister's name in this group will remove those provisions and insert a much stronger set of proposals. We support them, as far as they go, but I am determined that there should be no loopholes or ways round our intentions on transparency.

Scrutinising the Government amendments has been challenging. The amendments were lodged late last Wednesday and we had less than 24 hours to scrutinise them and decide what amendments we might want to lodge.

The purpose of the amendments in my name is to strengthen the minister's new proposals and remove any doubts about what the Government says are good intentions on its part. There are observers of the debate who will not understand why the Government wishes to remove a substantive stage 2 amendment that provided for a register of persons with significant control over land—the secret persons who are currently able to hide their identity—in favour of a promise of something better in the future. Some observers have suggested that the purpose of amendment 34 is to kick the matter into the long grass.

I make it clear that I am not attributing that motive to ministers. By supporting the amendments in my name, ministers could put their intentions beyond doubt. My amendments would mean that the Scottish Government “must”, rather than “may”, make regulations. A timescale would also be specified for making the regulations. To oppose the amendments in my name would be to raise the very doubts about the Government's intentions that the minister has been seeking to dispel.

It is not as if amendment 34A proposes an approach that is without precedent. The Government's record is littered with examples of legislation that uses exactly the wording that I propose—the most recent are the Carers (Scotland) Act 2016 and the Community Empowerment (Scotland) Act 2015, which the Parliament passed just a few months ago. There are many more such examples.

Members will note that the 2015 act was taken through the Parliament by Aileen McLeod, with a colleague. Of course, all ministers share collective responsibility for what the Scottish Government brings forward, whether they hold particular responsibility or not. If it was good enough to use the word “must” in that act and other acts to bind ministers to a particular timescale, why should it not be good enough in this context?

I hope that the minister will not give us a dancing-on-the-head-of-a-pin argument for why my proposed approach is not appropriate in this instance but is appropriate in every other case. That would not wash. I hope that the minister will reflect on the matter and will regard the amendments in my name as genuinely helpful in delivering an outcome that we and the Government share a desire to deliver.

A couple of the amendments in my name are probing amendments on questions that we were

not able to ask at stage 2. However, amendments 34B to 34D are crucial, because they would ensure that the bill provides for registration of persons with “significant control in relation to” land, rather than merely those with “a controlling interest”. Mr Wheelhouse did not address that issue effectively when he spoke to the amendments.

In Scots law, a key definition of a controlling interest is a single person with a shareholding of more than 50 per cent in a company. However, it is not just through ownership that people can determine the use of our land. The term “persons with significant control” is used in United Kingdom law and can refer to a broader range of ways in which control is exerted, such as through having shares, voting rights or an informal right to exercise control or being a trustee. The term already applies to Scotland through the Small Business, Enterprise and Employment Act 2015 and it would be a much better and stronger definition to include in the bill.

I listened with interest to what Paul Wheelhouse said about amendment 34E and will consider any further comments that he makes in summing up.

Amendment 34F seeks to ensure that any exceptions to declaring the identity of someone in the register shall be made only in exceptional and limited circumstances. That is incredibly important as a way of minimising any loopholes.

Amendment 34H implies that there might be quite wide exceptions. I am keen to tease out exactly how those exceptions might be put into practice. While I accept that we can perhaps come to that in detail when we make regulations, I wanted to get a response from ministers on the record today. I particularly wanted to clarify that the risk of domestic violence is an example of an exceptional case.

Amendment 34I would explicitly recognise that the new register may be in electronic form and capable of being searched online. That is already possible for the crofting register that the keeper holds, which sets a good example of what we would like. Although the minister said that the provisions in the bill will be wide enough to allow access, I would like those provisions to be firmer.

The intention of amendment 34J is to prevent amendment of the regulations that would affect their essential purpose. I lodged the amendment to try to get ministers to say more firmly that they would not seek to water down the initial purpose of the regulations.

I welcome amendment 35, but the purpose of my amendment 35A is to set a timescale for the Government to follow. I have suggested 18 months from the granting of royal assent, which is reasonable and would allow ample time for

consultation to take place. It is important that we do not lose the momentum that has built up. There has been extensive consultation on the bill, the work of the land reform review group and hundreds of submissions. Are ministers seriously telling us that they will not be ready within 18 months to get regulations through Parliament?

My amendment 37A seeks to tease out what the ministers intend by amendment 37, which is not totally clear. In the 24 hours that we had to scrutinise amendment 37, we thought that the wording was unusual and appeared to be a way of enabling those who make representations against the register to remain secret. That is utterly the wrong way to go about things and implies that the Scottish Government would make a disclosure to a committee of Parliament but would not make the information available publicly.

We seek clarity on exactly what ministers intend. Amendment 37A is primarily a probing amendment, as I would like to hear more when the minister sums up. If we will return to the matter in the future, that is fair enough, but amendment 37 does not provide a helpful level of clarity.

I will comment briefly on Patrick Harvie's amendments. At stage 2, we supported the suggestion of a requirement for those who seek ownership of land in Scotland to be registered EU entities. That would not prevent someone who does not live in the EU from owning land, but it would set expectations of tax transparency. Ministers were at great pains to tell us at stage 2 that that would not be legally possible or competent, and that was repeated today. However, at several points during the passage of the bill, the committee discussed examples in relation to ECHR issues of where ministers have, on reflection, changed their views after extensive consultation with stakeholders and representations from MSPs. We are disappointed that ministers have not sought a way to deliver the ambitions that are set out in Patrick Harvie's amendments.

We can think of many examples since the Parliament's inception in which political will and creative thinking have delivered, although at first or even second glance there were barriers. Determination found ways to overcome obstacles.

Because we will come back to tax transparency, we think that the proposed approach is the right thing to do. It speaks to the wider concerns among the public about fairness and transparency, and we believe that the amendments are in the public interest, so they should be supported. If the Scottish National Party Government does not support them, I am convinced that we will come back to them in the future.

I move amendment 34A.

12:30

Patrick Harvie (Glasgow) (Green): The ministers and Sarah Boyack have repeatedly used the word "transparency" during the debate on the group of amendments. In the stage 2 discussion, it seemed that it was agreed across the political spectrum that we were fundamentally trying to achieve transparency.

There are many ways of achieving transparency. The provision in the bill that sets a date for completing the land register is a step in the direction of transparency. I proposed that early when we were dealing with the Land Registration etc (Scotland) Bill—better late than never. I welcome the fact that we are putting that into law in the closing weeks of this parliamentary session.

I also proposed addressing the questions of beneficial ownership at the beginning of this session when we were dealing with the Land Registration etc (Scotland) Bill. I am glad that we are doing something in that direction in the closing weeks of this session—again, better late than never. I very much welcome the work that Graeme Dey did at stage 2 and during the stage 1 discussions on bringing forward proposals in that direction. His formulation of beneficial ownership has an advantage over the Government's formulation, specifically because it is about using the land register rather than another register. If the Government's amendment 34 is passed to change that approach, it should be passed with Sarah Boyack's amendments. If I heard right, the Government said that it intends to support amendment 34A. I welcome that, but other amendments that Sarah Boyack lodged would add value to the Government's approach.

The need to recognise that getting our own house in order is not enough is consistent with the other approaches of completing the land register and taking steps on beneficial ownership. Others are using mechanisms such as offshore territories to avoid the level of transparency that we are setting into our law. At stage 2, I offered the option of an EU proprietorship condition with a five-year period for retrospective application. I have brought that back to the chamber for discussion with an alternative that is based on British overseas territories and Crown dependencies.

I reject the argument that such an approach is a barrier to the free movement of capital, even for those for whom the ideological attachment to the free movement of capital is more important than our agreement on the objective of transparency. It is entirely reasonable for an organisation to set up an entity that is registered in the EU, or preferably in Scotland, if it wishes to own and sell land. In fact, representatives of landowners who responded to the consultation said that they did not see an EU proprietorship requirement as a

serious barrier to an organisation that has a committed interest in owning land in Scotland for legitimate purposes.

We all know that those loopholes are being exploited. Just this week, my colleague Andy Wightman, who has been working with Common Space and *The National*, has exposed the activities of Buccleuch Estates, with its incorporated vehicle in the Cayman Islands. There is avoidance of the level of transparency to which we should hold landowners in Scotland. That is simply not acceptable, and I welcome the Labour Party's support. I think that there are also many in the SNP who want what is proposed to be done. The idea is not new. It was strongly supported in the consultation on the bill and by the land reform review group, and we should press ahead with it.

I will press my amendments when the time comes. I hope that many SNP members recognise the strong expectation from their party colleagues around the country who want such loopholes to be closed and who want landowners to be held to the highest standards of transparency.

The Deputy Presiding Officer: I have four members bidding to speak. I do not wish to curtail debate, but I ask members to be as brief as possible.

Graeme Dey: As we have heard, the Government amendments will replace those that I lodged at stage 2. I accepted then that my amendments might be flawed and I recognise the concerns that have been raised about their being outwith the Parliament's competence. No responsible parliamentarian should be tied to provisions or amendments that, if they featured in the finished bill, could lead to it being subject to challenge. Just as important is the fact that, as Sarah Boyack said, the Government amendments form a stronger set of proposals.

The Government amendments provide a framework for delivering competent and appropriate transparency. They should be viewed alongside the letter that the minister sent some weeks ago to the RACCE Committee. No one could seriously claim that they represent an attempt to kick the issue into the long grass. That said, I welcome Sarah Boyack's amendment 34A, to replace the word "may" with the word "must". That will strengthen the messaging on the delivery of transparency.

As far as I can see, amendments 103 and 104 would not deliver the transparency that we all want, and they could quite easily be circumvented. The legal opinion that I have heard from a number of sources—it seems to be uncontested legal opinion—suggests that those amendments fall outwith the Parliament's legislative competence.

We have come a long way on the road towards delivering transparency. I give the minister due credit for the leadership that she has provided on that.

Alex Fergusson: The Scottish Conservatives have no difficulties whatsoever, and never have had difficulties, in bringing greater openness and transparency to land ownership. However, I am really concerned about the lack of time, which other members have mentioned, that we have had to digest and look at the full implications of the group of amendments. That bothers me. That lack of time creates the feeling that we are somehow legislating on the hoof.

Unlike Patrick Harvie's amendments, the Scottish Government's amendments appear at least to be within our competence. The important thing is to ensure that what we put in place is workable and doable, that it makes sense, that people understand it and that it delivers tangible benefits on ownership transparency. We will support amendments 34 and 34A, but we will not support amendment 35A, because it is important to get the bill right.

Michael Russell: Patrick Harvie said that he thought that some back-bench MSPs supported the concept of transparency. All the back-bench MSPs I have spoken to support such transparency completely. The question is about not whether we support transparency but how we achieve it. We will do that by backing the minister's amendments.

Patrick Harvie: Will the member give way?

Michael Russell: No—I would like to finish, Mr Harvie.

Graeme Dey played an important role in focusing the debate at stage 2. The minister came forward with practical solutions, which we need. If we put into the bill any solution that is not legislatively competent, we will wreck the entire bill.

I am 100 per cent committed to transparency. I want the register up and running as soon as possible, as everyone else who has spoken does. However, to make the progress that we must make, we must proceed in a way that is more clever than just running at this and assuming that wishes will produce good legislation. It is work that produces good legislation.

The Deputy Presiding Officer: I have a bid to speak from Rob Gibson. He will follow Nigel Don.

Nigel Don (Angus North and Mearns) (SNP): I rise as the convener of the Delegated Powers and Law Reform Committee to pick up on one issue. We very much welcome amendments 34 to 37. We recognise that they will introduce an enhanced form of affirmative procedure for the first introduction of regulations, which the committee

was extremely concerned would be achieved. However, we note that despite what the minister has said, the regulations remain as wide for any second and subsequent opportunity when they might be used, although the enhanced affirmative procedure will not be required. That will make perfectly good sense if the grand sweep is achieved the first time and subsequent amendments are technical issues at the edges.

However, there is a procedural point that is of concern to the committee: if the regulations were to be completely rewritten—I do not think that the Government is proposing to do that—the new regulations would simply come under affirmative procedure, which is not the right way to proceed. It would not be the right approach in any other circumstance. The committee will be grateful if the minister can confirm that there is no intention to use the wide scope of the regulations for any subsequent amendments, and that there will simply be some tidying up, as will inevitably be required. The committee would like that to be put on the record.

Rob Gibson: I am sure that SNP members across the country who have been following the debate will support our Government's competent, sensible and legally competent approach.

It is very concerning to me that it is suggested that the lengthy debates and discussions that have taken place during the passage of the bill, which have involved the members of my Rural Affairs, Climate Change and Environment Committee, Government ministers and officials, should be put aside for a proposal that has been brought in at the end of the process and which does not meet legal competence. Parliament is being asked to pass amendments 103 to 106 without having had sight of any legal advice as to their competence. Why not have such debates in the normal fashion of the Parliament—that is, during the time in which we are talking about the bill?

Claudia Beamish: Will Rob Gibson take an intervention?

Rob Gibson: Excuse me—I am not finished yet. *[Interruption.]*

The Deputy Presiding Officer: Order.

Rob Gibson: It is very important that we are able to hold to account people who have land. That is the practical aim of the bill. I hope that, eventually, when the land register is map based, we will be able to tax those people. The aim of holding landowners to account is the heart of the matter—it is encapsulated in the word “transparency”, and it is what the Government's proposals will do.

Paul Wheelhouse: As Patrick Harvie correctly suggested, we indicated earlier that we will

support amendment 34A in the name of Sarah Boyack. In case members missed it, I will repeat that section of my comments.

Amendment 34A seeks to provide that ministers “must” make regulations under Government amendment 34. The bill currently provides that ministers “may” make such regulations; that is the normal formulation in respect of affirmative regulations. The Scottish Government is clearly on the record as saying that it will make regulations, but in such exceptional circumstances, and with such a clear level of support for our proposals, we are willing to support amendment 34A.

The wide regulation-making powers that we are taking will be able to pick up any of the proposals in the amendments in Sarah Boyack's name, if they are supported in consultation; we are keen to take all practical steps to give careful consideration to those proposals. Sarah Boyack raised the point about the 18-months timescale and asked why we are being careful about the timing. Extensive consultation is required around the regulations and we want to respect Parliament's right to accept the timing.

Rhoda Grant (Highlands and Islands) (Lab): The minister will recognise that there are concerns—the issue came before Parliament previously and was voted down by the SNP. People have waited a long time for this, so reassurance that it will happen is very important.

Paul Wheelhouse: Absolutely. The Government is keen to give assurances that the work will take place. We are being careful about timing because much that is relevant is outwith our control and is in the hands of parliamentary committees. We do not want to prejudge the timing of committees' work and the outcome of the consultation. However, the Government is sincere about taking forward the work, which is why we have agreed to support amendment 34A to substitute “must” for “may” in the bill. That demonstrates our commitment to carrying out the work. I hope that Labour members take comfort from that.

Registers of Scotland is progressing plans for Scotland's land information system—ScotLIS—which will contain comprehensive information about any piece of land or property in Scotland. The Government and Registers of Scotland are taking significant steps to improve the transparency and availability of data about land ownership.

Michael Russell made excellent points about the competence of any bill—he made them so powerfully that I do not need to repeat them. The Government agrees with him that all legislation that passes through Parliament is competent and takes account of the ECHR.

On behalf of the Delegated Powers and Law Reform Committee, Nigel Don made reasonable points about use of the powers. As he requested, I confirm that we have no intention of rewriting the provisions. We will ensure that we remain within the spirit and the letter of the provisions as regards use of the super-affirmative procedure.

In relation to the wording of subsection (2)(h) of the new section that amendment 34 seeks to insert, I reassure Sarah Boyack that that would cover an exemption in circumstances in which publication would result in a person being at risk of domestic abuse.

The wording of amendment 37 is based on wording in the Public Services Reform (Scotland) Act 2010, which was passed by Parliament; there is no variation from that wording.

As far as Mr Dey's amendments are concerned, as he quite correctly said, we were concerned about their provisions potentially not being within Parliament's legislative competence. There are a number of reasons for that. Appropriate protections would not be provided for individuals' rights to privacy under article 8 of the ECHR, and the proprietor or the keeper would not be required to remove a person's name from the title sheet when that person had ceased to be a person with significant control. I am sure that Mr Dey is aware of the details, so we do not need to go through them now.

With regard to Patrick Harvie's reference to Andy Wightman's recent blog and the article in *The National* about the company structures that lie behind ownership of Buccleuch Estates, it is not appropriate for the Government to comment on the individual circumstances of landowners or the tax affairs of individuals. The Government believes that Patrick Harvie's proposals would not work. There is nothing in them that would prevent a company that owns land in Scotland from being wholly owned by another company registered in a British overseas territory or anywhere else in the world that may be termed a tax haven or a secrecy jurisdiction. All that Patrick Harvie's amendments would serve to do would be to put another company in the company chain, which would add to the complexity of the ownership chain. We stress that there are other countries that can be just as secretive, if not more so, than those that are the subject of Patrick Harvie's amendments.

Claudia Beamish: Will the minister confirm that the land reform review group's recommendation was that EU-based ownership should be looked at with great care? It is very disappointing that the risk-averse Scottish Government appears not to have gone as far as it might have done—

The Deputy Presiding Officer: Hurry along, please.

Claudia Beamish: I believe that the issue is not about capital, but about transparency of ownership.

Paul Wheelhouse: I say with respect to Claudia Beamish that we have made it clear throughout today's proceedings that we very much believe in transparency about land ownership in Scotland and are doing everything that we can to bring it about. However, as Michael Russell rightly said—and I reiterate—we must ensure that legislation that the Scottish Parliament enacts is legally competent and can be sustained through the courts if it is challenged.

The measures that Claudia Beamish rightly says were in the land reform review group's report—I remember reading them—are not measures whose inclusion in the bill we can support, on the basis of our understanding of their legal competence.

We need a solution that will deliver transparency in land ownership and which will apply to all landowners, regardless of where they are incorporated. The ability of Parliament to legislate on certain matters is limited; it is not within Parliament's competence to legislate on matters that are reserved, which include company law and measures aimed at reducing avoidance of non-devolved taxes including inheritance tax and corporation tax. In making legislation, we must also take into account our obligations under European law. As we have said, the Scottish Government considers that the provisions of Patrick Harvie's amendments are outwith Parliament's legislative competence.

Above all, it is crucial that we introduce measures to increase transparency in land ownership that are proportionate, effective and within Parliament's legislative competence. What Parliament can and will do is legislate on land ownership in Scotland. As Alex Cobham, director of research with the Tax Justice Network, said in *The National*,

"The Scottish Government ... can take its own steps to ensure that no land is owned without public record of the ultimate beneficial ownership—regardless of which jurisdiction or structure is used."

The regulation-making power that we have proposed will allow us to do exactly that—to make regulations that will require disclosure of information about persons who have a controlling interest in land and tenants, with that information being published by the keeper in a public register. Those regulations can apply to all landowners in Scotland, regardless of where they are incorporated.

Patrick Harvie: Will the minister take an intervention?

Paul Wheelhouse: I will bring in Mr Harvie in a minute.

Mr Harvie's amendments, on the other hand, seek to limit ownership to persons who are registered in certain jurisdictions. In our view, it would be easy for those restrictions to be circumvented.

The Scottish Government is committed to making land ownership in Scotland transparent, and we hope that all members are supportive of that goal and will work with ministers, the Scottish Government and the people of Scotland to help us to achieve greater transparency in land ownership in Scotland.

Patrick Harvie: The minister seems to be very satisfied that the bill as it stands will achieve the level of transparency that he is aiming for. Can he assure us that an entity such as Pentland Limited that is registered in one of the secrecy jurisdictions will be held to the high standard of transparency that we are not capable of achieving today?

Paul Wheelhouse: As we have said and as Mr Harvie will understand, such matters will potentially come under a lot of scrutiny through the process of developing regulations, which is why we are keen to take time and not set a timetable for the work. We want to work with the parliamentary process so that Parliament has the opportunity to scrutinise the regulations as they come forward, and ensure that they are robust enough to deliver the kind of transparency that Mr Harvie wants.

Nevertheless, I return to the point that whatever Parliament does has to be legally competent and within its competence. We cannot introduce in a bill measures that would allow it to be shot down by those who oppose it.

The Deputy Presiding Officer: I call Sarah Boyack to briefly wind up on amendment 34A and to indicate whether she intends to press or withdraw it.

Sarah Boyack: I very much welcome the minister's acceptance of the intention behind and the detail of amendment 34A, and I will certainly press it.

With brief reference to the other amendments in the group, both in my name and in the names of others, I note that Mike Russell said that work will produce good legislation. We all agree with that; indeed, that is our point in setting a timetable for the next Scottish Government. It is crucial that the process is planned and worked towards and is carried out effectively. To be frank, it was the Scottish Government that set the timetable for the bill; we need a better timetable for the next one, and we need a commitment that it will be Parliament, not the Government, that will do it.

Again, that is the point of amendment 35A. I should also say that, given that no one has effectively or adequately addressed my concerns in amendments 34B to 34D and 34F, I will move them, but I will not move a couple of the other amendments.

The minister asked why we could not have debated tax transparency earlier. It was debated earlier; it is in our stage 1 report, which ministers did not reply to until after the stage 1 debate. The issue has been out there for months—indeed, for years. The land reform review group made the point, as did our stage 1 report—it is not new.

Where is the Scottish Government's alternative? Today's response is disappointing. This is a missed opportunity, and it is unfinished business that the next Parliament will have to come back to.

Amendment 34A agreed to.

Amendment 34B moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34B 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
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)
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 38, Against 76, Abstentions 0.

Amendment 34B disagreed to.

Amendment 34C moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34C 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)
Brennan, Lesley (North East Scotland) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Fee, Mary (West Scotland) (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)
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)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (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)
Scott, Tavish (Shetland Islands) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)
 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 38, Against 76, Abstentions 0.

Amendment 34C disagreed to.

Amendment 34D moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34D 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)
 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)
 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 38, Against 74, Abstentions 0.

Amendment 34D disagreed to.

Amendment 34E moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34E 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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 38, Against 75, Abstentions 0.

Amendment 34E disagreed to.

Amendment 34F moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34F 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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 38, Against 75, Abstentions 0.

Amendment 34F disagreed to.

Amendment 34G moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 34G 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)

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)
 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 38, Against 74, Abstentions 0.

Amendment 34G disagreed to.

Amendments 34H, 34I and 34J not moved.

Amendment 34, as amended, agreed to.

Amendment 35 moved—[Aileen McLeod].

Amendment 35A moved—[Sarah Boyack].

13:00

The Deputy Presiding Officer: The question is, that amendment 35A 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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)
 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)
 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 37, Against 75, Abstentions 0.

Amendment 35A disagreed to.

Amendment 35 agreed to.

Amendment 36 moved—[Aileen McLeod]—and agreed to.

Amendment 37 moved—[Aileen McLeod].

Amendment 37A not moved.

Amendment 37 agreed to.

Section 35A—Land Register of Scotland: information to be included in title sheet

Amendment 38 moved—[Aileen McLeod]—and agreed to.

After section 35A

Amendment 103 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 103 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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 33, Against 81, Abstentions 0.

Amendment 103 disagreed to.

Amendment 104 not moved.

Amendment 105 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 105 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)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (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, 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)
 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, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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 33, Against 80, Abstentions 0.

Amendment 105 disagreed to.

Amendment 106 not moved.

Section 36—Power of Keeper to request information relating to proprietors of land etc

The Deputy Presiding Officer: That brings us to group 6. Amendment 39, in the name of the minister, is grouped with amendments 40 to 52.

Paul Wheelhouse: These amendments are aimed at increasing the availability of information about land ownership in Scotland.

In its report, the land reform review group stated that a lack of consistently accurate information

about patterns of land ownership was an issue that hindered it in carrying out its review. To gain an understanding of how land ownership affects patterns of land use in Scotland, and the effect of Government policies connected to land, it is important to have further information on land ownership. For example, to understand the effectiveness of Scottish Government policy on community ownership, it is essential that accurate information about the amount of land that is owned by community groups is available.

Registers of Scotland is often asked to provide information about how much land is owned by a certain category of owner. That information cannot always be retrieved as it is not captured as part of the land registration process.

When the bill was introduced, section 36 provided a power for regulations to be made, enabling the keeper of the registers of Scotland to request information relating to proprietors, including information relating to the category of the owner or tenant and information relating to individuals having a controlling interest in owners or tenants. In its report on the bill at stage 1, the Rural Affairs, Climate Change and Environment Committee recommended that section 36 should be amended so that the keeper could require that information and not just request it.

Amendments 39 to 49 amend the regulation-making power that will be inserted into section 48A of the Land Registration etc (Scotland) Act 2012, so that regulations can be made enabling the keeper to request and require information about the category of person or body that certain owners or tenants of land fall into.

We have already discussed the amendments that the Government has brought forward regarding information about controlling interests in owners and tenants of land. As a result of those amendments, it is no longer necessary for the regulation-making power in inserted section 48A(1) to be wide enough to allow regulations to be made requesting information about individuals having controlling interests in proprietors. Amendments 40 and 46 reflect that.

It is intended that the regulations under section 48A will enable the keeper to require the provision of information about categories of owner or tenant as part of the land register application form, and we consider that providing that information should be relatively straightforward. We anticipate that the land register application form will provide a list of potential categories and that the applicant would be required to select any that are relevant to the owner or tenant.

The bill already provides that regulations that are made under inserted section 48A(1) will be subject to the affirmative procedure.

Amendment 52 provides that the Crown cannot be criminally liable for any breaches of the requirements that are imposed by regulations that are made under section 48A(1).

In considering this policy, the Government came to the view that, in order to increase the number of owners or tenants about whom the information was provided, it was important that the keeper be given additional powers to add information about the category of the owner or tenant to the land register on her own initiative, in certain circumstances. Therefore, amendment 50 inserts section 48B into the 2012 act. That contains a power allowing the Scottish ministers to make regulations enabling the keeper to do so.

It is intended that the keeper will be able to add information about the category of the owner or tenant only when that information is already apparent from the land register. For example, if one of the categories of landowner is a Scottish local authority, it should be evident from the name of the proprietor that is entered in the title sheet whether the proprietor is, or is not, a Scottish local authority. It is not intended that adding that information to the land register should have an effect on a person's legal title.

Amendment 51 provides that regulations that are made under inserted section 48B(1) will be subject to the affirmative procedure.

The Government intends to consult before making regulations under inserted sections 48A and 48B.

I urge the Parliament to support these amendments, and I move amendment 39.

Claudia Beamish: The minister's amendments will help to clarify the position on this important part of the bill, which concerns the availability of information on land ownership. With regard to land reform, it is important that there is a category for information on community land ownership. The additional powers that allow the keeper to act on her own initiative are also important.

Alex Fergusson: We do not intend to oppose these amendments, but I want to repeat and place on record my concerns about significant provisions being introduced to legislation by way of regulation, with limited scrutiny. That is not the right way to go about making robust legislation, and I hope that what is being done does not end up being open to challenge. I know that the Delegated Powers and Law Reform Committee has concerns, too.

The Deputy Presiding Officer: Minister, do you feel the need to wind up the debate?

Paul Wheelhouse: I am happy to waive the right.

Amendment 39 agreed to.

Amendments 40 to 52 moved—[Aileen McLeod]—and agreed to.

Section 37—Guidance on engaging communities in decisions relating to land

Amendments 53 to 56 moved—[Aileen McLeod]—and agreed to.

The Deputy Presiding Officer: Before I suspend this meeting, I advise members that, when we reconvene, there will be a five-minute suspension for the first division of the afternoon.

13:10

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Education and Lifelong Learning

The Deputy Presiding Officer (Elaine Smith): Good afternoon. The first item of business this afternoon is portfolio questions on education and lifelong learning. As ever, in order to fit in as many people as possible, I would prefer short and succinct questions, and answers to match.

Teacher Recruitment

1. Bruce Crawford (Stirling) (SNP): To ask the Scottish Government what it is doing to recruit more teachers. (S4O-05656)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): I launched a recruitment campaign last September to encourage more people to become teachers. In January, I announced an additional £2 million to increase the number of teacher training places by 260 this year, taking the total to 3,490. The 2016-17 total is 66 per cent higher than the 2011-12 target. We have supported a number of innovative schemes with a view to attracting people who might not otherwise have come into teaching, and we are working to help local authorities meet some of the particular and localised challenges that they face in recruitment.

Bruce Crawford: Is the cabinet secretary aware of the excellent initiative between Heriot-Watt University and the University of Stirling to provide teacher training places at Stirling for science, technology, engineering and mathematics graduates who come from Heriot-Watt? It is an innovative practice. What other innovative schemes like that are in place to help meet the need for more teachers?

Angela Constance: I very much welcome the proposed collaboration between the University of Stirling and Heriot-Watt University, which has seen STEM undergraduates training to become teachers. It is a welcome initiative and the Government has worked closely with the two universities to help to develop the proposal.

We have been working with a range of partners to develop other new routes into teaching. For example, we have supported the development of the University of Aberdeen's part-time distance learning initial teacher education primary programme, which allows local authorities in the north and north-east to have existing members of staff trained as teachers while they are still working. We also support a similar programme that the University of Dundee delivers in

partnership with Perth and Kinross Council and Angus Council, in which members of staff study on a part-time distance learning basis while continuing to work for the local authority. The University of the West of Scotland has a similar initiative with Dumfries and Galloway Council, although in that instance members of staff study on a full-time basis while the council continues to pay the trainee teachers' salaries during their training.

Liz Smith (Mid Scotland and Fife) (Con): The cabinet secretary will know that paragraph 18 in the recommendations of the Silver report, which was published this week, describes concerns about access to teachers for those pupils who are studying some higher and advanced higher courses. What is the Scottish Government doing to address those concerns?

Angela Constance: As Ms Smith is probably aware, we very much welcome Dame Ruth Silver's comprehensive and bold report. We are studying all the recommendations, but the point that is made in the report—and by Ms Smith, if I understand her correctly—is that diversity in the teaching workforce is important. In the same way that there are endeavours to widen access into the medical profession, we must take on that challenge in teacher education.

Iain Gray (East Lothian) (Lab): One particular area of difficulty is in recruiting physics teachers. Those who enter teacher training to teach physics in England are eligible for a £25,000 bursary that is administered by the Institute of Physics but funded by the Government. Has the Scottish Government considered replicating that scheme, and why has it decided not to do so?

Angela Constance: I can reassure Mr Gray that we are aware of that scheme and that we have looked at it. The bursary of £25,000 is available to some graduates, but it is not universally available to all physics graduates who wish to pursue a teaching career. We have looked closely at the evidence, and I suggest that it is less than conclusive. My understanding is that, south of the border, there has been an attempt to roll back from the scheme. However, we are always open-minded and we will scrutinise it closely.

Education Attainment Gap (Discussions with Headteachers and Stakeholders)

2. Jim Eadie (Edinburgh Southern) (SNP): To ask the Scottish Government what discussions it has had with headteachers and other stakeholders on closing the education attainment gap. (S4O-05657)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The Government and Education Scotland continually

engage with headteachers and local authorities on closing the education attainment gap. Discussions take place on all school inspections and through support activities.

In February and early March, Education Scotland ran five leadership events across Scotland, for all secondary school headteachers and deputies, at which the education attainment gap was discussed and ways of closing that gap were shared. Additionally, a networking event for headteachers from all 57 schools that are involved in the attainment Scotland fund programme was held on 23 February in Glasgow. That event provided an opportunity for them to share their experiences of the work they are doing to close the education attainment gap. Education Scotland's area lead officers are involved in ongoing discussions with all 32 local authorities on strategies to close the education attainment gap.

Jim Eadie: Given the Scottish Government's clear commitment to close the attainment gap, together with the leadership that has been provided by the First Minister and the cabinet secretary, what further assurance can the cabinet secretary provide that the work of the commission on widening access—particularly its recommendation that one in five students at university should, in future, be from deprived backgrounds—will not be undermined by any attempt by the Scottish Further and Higher Education Funding Council to cut the existing funding available for programmes to support the entry of working class students into university?

Angela Constance: I am very clear that there must be no diminution of efforts. In my letter of guidance to the Scottish funding council, I made it very clear that the Scottish Government expects the funding council to drive further and faster progress in the widening access agenda, using all the levers at its disposal and informed, of course, by the findings and recommendations of the commission on widening access. Having immediately accepted the commission's recommended target that 20 per cent of students from the most deprived backgrounds must represent 20 per cent of entrants to higher education by 2030, I also expect to see that progress reflected in continued improvements in national measures. Therefore, far from there being a reduction in the number of students from poorer backgrounds, we very much expect numbers to increase.

College Sector (National Pay Negotiations)

3. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Government whether it will provide an update on the national pay negotiations in the college sector. (S4O-05658)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): Good progress has been made. The vast majority of colleges have signed up to national bargaining, and three out of four unions have accepted the pay offer for 2015-16.

I made my three immediate priorities clear to the Educational Institute of Scotland and to the management side. Those priorities are the pay award for teaching staff; a formal commitment to national pay bargaining from those who have not yet given a commitment; and a clear road map with short to medium-term milestones for harmonising the terms and conditions of college staff.

Claudia Beamish: I thank the cabinet secretary for that answer and note her three points. However, I have serious concerns for students in further education—including those who study part time and could lose out on a large proportion of their time with lecturers. There must be a fair arrangement for lecturers, who work beyond the call of duty to make it possible for marking, planning and the provision of support for individual students to be carried out within contracted hours.

Having talked with Russell Taylor, a union representative at Borders College Scotland, in my region, I ask the cabinet secretary whether she believes that the imposition of a pay award on FE lecturers makes it more likely that the dispute will be resolved amicably. What action can be taken to avoid the first day of the 32-day strike that is ahead of us?

Angela Constance: Claudia Beamish touches on a number of very important points. The National Union of Students in Scotland has written to me to share the concerns that she articulated regarding the impact of strike action on students, particularly in the very important third term that we are approaching. The priority has to be on the resolution of the dispute.

It is for the employers to account for imposing a pay deal. I have met representatives of the employers' side this week, and I am advised that there has been further constructive dialogue. I repeat my view that both the trade union side and the employers must continue to engage in that constructive dialogue, as industrial action is not in anyone's interest, least of all that of students. The priority must be to get matters resolved.

Mary Scanlon (Highlands and Islands) (Con): I have an email from West Highland College, which says that it is unable to sign up to the current national bargaining initiative because it threatens the college's financial viability and business continuity. I welcome the fact that some colleges have signed up but, where the disparity is the greatest—in other words, among the

University of the Highlands and Islands colleges—will the Government dig a bit deeper to help out the colleges? We do not want there to be any initiative that would threaten their future.

Angela Constance: I expect all colleges to be signed up to the principle of national pay bargaining. I have met representatives of the employers' side this week to discuss how we can make that happen and facilitate that.

“Establishing a Stronger Summer Safety Net: Promoting how we can raise retention in post 16 education”

4. Hanzala Malik (Glasgow) (Lab): To ask the Scottish Government what its position is on the Students Association of the University of the West of Scotland's report, “Establishing a Stronger Summer Safety Net: Promoting how we can raise retention in post 16 education”. (S4O-05659)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The Minister for Learning, Science and Scotland's Languages will tomorrow meet the president of the students association, Jack Douglas, to discuss the report.

Improving retention is a priority for colleges and universities. It is one of the key performance indicators that the Scottish Further and Higher Education Funding Council evaluates as part of the outcome agreement process. The funding council also continues to invest strategic funds to support improvement. That has delivered progress. Retention rates in the college sector have improved since 2008-09 and are at record levels in the university sector. However, we want to continue to make progress, and the Students Association of the University of the West of Scotland is to be commended for its contribution to this important issue.

Hanzala Malik: Although summer support is an ambition for students, recent figures released by the Scottish funding council have revealed a £2.4 million shortfall in the term-time bursary funds available for college students. What is the cabinet secretary doing to address that shortfall in support of our further education students?

Angela Constance: Support for students in the FE sector is at a record high of £105 million, which is a 29 per cent real-terms increase over the term of office of this Government. It is important to recognise that retention levels in FE have increased to 75 per cent, and we want those retention rates to be higher. In higher education they are 83 per cent. University retention rates are at 91 per cent—as I said in my original answer, they are at record levels.

We know that retention is a complex matter, as was ably explained and indicated in the Ruth

Silver report. We know that institutions are developing more sophisticated and adept means both to identify students who need additional support and to enhance their pastoral care of students.

John Scott (Ayr) (Con): The cabinet secretary is aware of the poor retention rates among students at UWS, particularly first-year students, from the student manifesto, which seeks to have the problem resolved. I am pleased to hear of the meeting with Jack Douglas tomorrow.

What progress has been made on implementing the student manifesto, which highlights the problem? Will any new protocols be put in place for this summer to address the matter?

Angela Constance: It is a very live issue, and Mr Scott raised it with me when we last had education and lifelong learning portfolio questions. At that point, he was seeking clarity about retention funds. I am pleased to say that the widening access and retention fund of £14.7 million is still in place. That will facilitate further work in the area.

Education Attainment Gap

5. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government what progress it is making in reducing the education attainment gap. (S4O-05660)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): As outlined in the national improvement framework interim report, a range of measures suggest that we are making progress in narrowing the education attainment gap in Scotland. For example, school leaver data shows that the gap in attainment at Scottish credit and qualifications framework level 5 or better has decreased over the past three years from 28 percentage points in 2011-12 to 23 percentage points in 2013-14. However, there is still work to do, and everyone involved in Scottish education needs to focus their efforts relentlessly on reducing the impact of deprivation on educational outcomes.

Colin Beattie: As the cabinet secretary may know, the area of Mayfield and Easthouses in my constituency has historically been ranked among the 10 most deprived in educational terms, according to the Scottish index of multiple deprivation. What specific steps will be taken to help the areas that are ranked in that percentile?

Angela Constance: As the First Minister announced, our intention in the next session of Parliament would be to make progressive changes to local taxation to raise an additional £100 million annually for schools. That funding will see the reach of the attainment Scotland fund extend to

every part of Scotland, including the communities of Mayfield and Easthouses in Mr Beattie's constituency. We will allocate the money directly to headteachers, so that they can invest in what they need to support children to learn and to raise attainment. That means that, over the next session, we will commit an extra £0.75 billion, over and above existing budgets, to raise the attainment of the most disadvantaged children and young people in our country.

The Deputy Presiding Officer: I will take a brief supplementary question from Iain Gray. I ask for a brief answer, too.

Iain Gray (East Lothian) (Lab): The cabinet secretary will be aware that, earlier this week, the Scottish Parliament information centre produced evidence to show that there is no mechanism to allow the direction of resources to schools in the way she has described. How would such direction happen in detail?

Angela Constance: I cannot explain that in detail in the time that I am permitted. I will write to Mr Gray about it. In extending the reach of the attainment Scotland fund, we have tried to take a very comprehensive approach to some of the systemic issues. We are targeting resources nationally, at community level and at school level.

The Deputy Presiding Officer: I have taken a number of supplementary questions. We need to make progress as we are now behind time. I make another plea for brief questions and answers.

High School Provision (Dunfermline)

6. Cara Hilton (Dunfermline) (Lab): To ask the Scottish Government what recent discussions it has had with Fife Council regarding the future provision of high schools in Dunfermline. (S4O-05661)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): We had contact regarding the future provision of high schools in Dunfermline in April, May, November and December last year.

The most recent contact I had with Fife Council about the matter was from Councillor David Ross, who wrote to me on 28 January. I responded to his letter on 16 February.

Cara Hilton: Does the minister share my concern that pupils in Woodmill high school in my constituency are being taught in a category C building and that the condition of the school is continuing to deteriorate? In addition to its poor condition, the school is in a rapidly growing area of Dunfermline and is now literally bursting at the seams.

Fife Council is keen to replace the school as soon as possible, but given that no further funding

will be available through the schools for the future programme, what is the likelihood of new funding being made available to replace Woodmill high school in the near future?

Dr Allan: The member will be aware that there has been a great deal of support from the Scottish Government for Fife Council for a number of building projects. Auchmuty high school, the Buckhaven and Kirkland high schools replacement—Levenmouth academy—and the Waid academy have been supported by £58 million of funding.

I understand that during phase 4 of the schools for the future programme there were no applications from Fife in the final phase, although Waid featured in earlier phases.

Support is there at a national level. I reassure the member that we have had a great deal of success in removing children and young people from category C and D schools. The number of schools in good and satisfactory condition has gone up from the 61 per cent that we inherited in 2007 to 84 per cent now.

European Union (Impact on Education of Withdrawal)

7. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): To ask the Scottish Government what analysis it has carried out of the potential impact on education in Scotland of the United Kingdom withdrawing from the EU. (S4O-05662)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The Scottish Government believes that European Union membership is in the best interests of Scotland and the rest of the United Kingdom. We will focus our resources on continuing to make the strongest case possible for a vote to remain in the EU.

Last month, 103 university leaders across the UK urged the public

"to consider the vital role the EU plays in supporting our world-class universities".

Eleven of the signatories to that letter were from universities in Scotland.

An analysis that was published by the Centre for Economics and Business Research in March 2014 estimated that, in 2011, approximately 336,000 jobs in Scotland were associated with exports to the EU, of which around 6,000 were associated with education.

Through the horizon 2020 programme, organisations in Scotland have secured €158 million in research and innovation funding. Other benefits of EU membership for our education

sector include life-changing opportunities abroad for our students and researchers, and support for international collaboration—for example, through the Erasmus+ programme.

Christina McKelvie: The cabinet secretary will be aware that it was our very own Madame Ecosse, Winnie Ewing, who helped to set up the original Erasmus programme. The cabinet secretary referred to students travelling and studying abroad. Is she as concerned as I am that a withdrawal from the EU might put at risk our participation in that programme?

Angela Constance: Yes—I too acknowledge the work of the former Scottish National Party member of the European Parliament Winnie Ewing, and I share the concerns that the member has articulated. Scotland's participation in the new Erasmus programme for 2014 to 2020 is in line with our aspirations to increase student and staff mobility and to promote Scotland as a learning nation.

Last year, 151 projects based in Scotland—in schools, higher education, vocational education and training, and youth and adult education—were awarded funds to a total value of almost €13 million, or 11.5 per cent of the UK Erasmus+ budget, so we are punching above our weight to secure a strong share of those funds.

Library Provision in Schools (Highlands and Islands)

8. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Government how it encourages the provision of libraries in schools in the Highlands and Islands. (S4O-05663)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): We recognise the important role that school libraries play, and we would encourage local authorities to provide such services. As well as providing resources and support, libraries improve children's ability to read, write, talk and listen, and they often foster a lifelong love of reading and books from an early age. There is an important role for school libraries and public libraries to play in our read, write, count literacy and numeracy campaign, and in all our work to raise attainment and close the attainment gap.

Jamie McGrigor: I thank the minister for that reply, with which I agree. Is he aware of the level of concern in Argyll and Bute at the council's decision to cut librarian jobs from secondary schools? Does he agree that discovering books, and the joy of reading and intellectual curiosity and inquiry, outside the school curriculum is a key part of going to school? Does he further agree that the removal of a highly skilled school librarian is deeply disappointing and will make that much

more difficult to achieve for pupils in Argyll and Bute because it will deprive pupils of a most basic and important experience, enjoyment and skill?

Dr Allan: I am aware of some of the concerns that have been expressed about not only school libraries but mobile libraries in Argyll and Bute. I very much agree with what the member says about reading for pleasure and curiosity being absolutely central to a young person's achievement and to their life chances with regard to closing the attainment gap.

Neil Findlay (Lothian) (Lab): Does the minister agree with me that it was rank hypocrisy for the Cabinet Secretary for Education and Lifelong Learning to pose in a library for media opportunities the day after she voted to rip out another £0.5 billion from local government services, which will close the very libraries in which she was posing?

The Deputy Presiding Officer: Minister, the original question was on the Highlands and Islands, so there is no requirement for you to respond unless you wish to do so.

Dr Allan: I say merely that the member would know all about posing.

The Deputy Presiding Officer: I remind all members of the need for respect in the chamber.

Education (Spending Per Pupil)

9. Christian Allard (North East Scotland) (SNP): To ask the Scottish Government how much it spends per pupil, and how this compares with England. (S4O-05664)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): Official statistics show that, in 2014-15, average revenue expenditure per primary school pupil in Scotland was £4,814 and average revenue expenditure per secondary school pupil in Scotland was £6,790. Directly comparable figures are not available for England, but research by the Institute for Fiscal Studies suggests that average funding per pupil in England in 2014-15 was approximately £4,500 in primary schools and £6,000 in secondary schools.

Christian Allard: I thank the cabinet secretary for that interesting answer. Will she outline whether total revenue spending on schools in Scotland has risen since the Scottish National Party came into government in 2006-07?

Angela Constance: Yes—under the SNP Government since 2006-07, total revenue spending on schools has risen by at least £220 million or 4.8 per cent. Official figures show that councils plan to increase spending by a further £150 million in 2015-16.

Daily Mile (Promotion in Schools)

10. George Adam (Paisley) (SNP): To ask the Scottish Government how it is promoting the daily mile in schools. (S4O-05665)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The daily mile, which was developed by Elaine Wylie, a retired headteacher of St Ninian's primary school in Stirling, is an excellent initiative that is simple, free and flexible. I am delighted to see it and other daily physical activity initiatives being adopted by so many schools across Scotland.

In November, to support the daily mile, along with the Cabinet Secretary for Health, Wellbeing and Sport, I wrote to all headteachers in Scotland to make them aware of the initiative and to encourage schools to adopt daily physical activity initiatives that are appropriate to their circumstances. In December, Education Scotland published its resource "Approaches to physical activity in the primary years", which features case studies about implementing the daily mile and other initiatives in primary schools.

George Adam: Can the minister advise how many schools in Renfrewshire are currently taking part in the daily mile programme? Will he expand on how the initiative can help children and young people's future health and wellbeing?

Dr Allan: I understand that seven primary schools in Renfrewshire are currently participating and that three more intend to do so in the near future. The benefits of the daily mile are currently being studied at the University of Stirling, but I know from visiting St Ninian's and other schools that participate in the initiative that, anecdotally, the benefits are not just for the health of the young people concerned but for their ability to concentrate and to attain at school.

Education Attainment Policy (Impact of Poverty)

11. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what action it is taking to ensure that its policy on children's attainment takes account of the impact of poverty. (S4O-05666)

The Minister for Children and Young People (Aileen Campbell): The Scottish Government's policy on raising attainment will continue to take account of children, families and communities that are affected by poverty.

In the Scottish attainment challenge, we have used the Scottish index of multiple deprivation—a long-established set of indicators that show levels of deprivation in communities across Scotland—to identify the seven authorities with the greatest concentration of children of primary school age

living in the 20 per cent most deprived areas in Scotland. Using the SIMD, we identified an additional 57 primary schools outside the seven challenge authority areas that are serving the most deprived communities, and they have been allocated moneys through the attainment Scotland fund.

An additional £100 million a year will be invested in schools across Scotland as a result of a package of reforms to council tax that the First Minister outlined earlier this month. Further, the Education (Scotland) Bill, which Parliament passed unanimously last month, places legal duties on the Scottish ministers and education authorities to reduce inequalities of outcome that are caused by socioeconomic disadvantage.

The national improvement framework focuses on raising attainment and closing the gap—on delivering both excellence and equity. It will provide the evidence to make substantial progress in eliminating the attainment gap within a decade.

John Mason: Can the minister say anything specifically about what the Government is doing on the impact of poverty in children's learning in the early years, which also has a significant bearing on their attainment in key basic skills?

Aileen Campbell: We have already set out ambitions to further expand early learning and childcare provision to 1,140 hours per year. That is building on the previous expansion to 600 hours for three and four-year-olds and the 27 per cent of two-year-olds who benefit the most. In the previous session of Parliament, we delivered free school meals for those in primaries 1 to 3, which benefits 135,000 children and saves families £380 a year for each child.

If we are re-elected, we will expand early learning and childcare to fully include day provision and will ensure that our youngest children get access to a healthy and nutritious meal that improves their capacity to learn without the stigma of means testing. We will also replace the sure start maternity grant with a new and expanded maternity and early years allowance for those on lower incomes—40 to 50 per cent of families might qualify. The payment on the birth of a first child will increase from £500 to £600 and we will restore payments of £300 for second and subsequent children. We will also make payments of £250 to help to meet additional costs that low-income parents face at two further stages in a child's life: when they start nursery and again when they start school.

We have a comprehensive range of measures, because we understand completely that, to allow children to flourish, we have to act early and effectively to address the attainment gap in the earliest years of children's lives. The Government

is completely and utterly focused on that comprehensive package.

Special Schools (Pupil to Teacher Ratio)

12. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Government what the pupil to teacher ratio is in special schools, and how that compares with 2008. (S4O-05667)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The summary statistics for schools in Scotland indicate that in September 2015 the pupil to teacher ratio in special schools was 3.6:1. That compares with a pupil to teacher ratio of 3.2:1 in 2008.

We want all children and young people to receive the support that they need to learn. At the end of this week I will publish my annual report to Parliament on the implementation of additional support for learning, which sets out that in 2015 education authorities spent £579 million on additional support for learning, an increase of £24 million on 2014.

Dr Simpson: The minister will be aware of the fact that there are 164 more special school pupils than there were in 2008, with a total of 6,920, but that there are 172 fewer teachers teaching that group of pupils. If the group is a priority in relation to inequalities, what is the Government going to do to restore that ratio to one that is reasonable, and to ensure that the numbers of special needs assistants in those schools, who are also vital, are not cut with the present pressure on local authorities?

Dr Allan: The member will obviously be aware of the commitment that the Government has to maintaining teacher numbers and pupil to teacher ratios, in the relationship that we have set out with local government on that very issue.

I know that the member is familiar with some of the reasons why there has been an increase in the number of pupils who fall into this category in recent years, due to the difference in the way that that number is recorded. That said, I am very alive to the fact that we need to continue to ensure that we provide the services that are needed. I am pleased about the fact that attendance has improved and also, crucially, that attainment has improved among that group of pupils. We all need to work together to ensure that those trends continue.

Named Person Provision (Benefits for Children and Families)

13. Mark McDonald (Aberdeen Donside) (SNP): To ask the Scottish Government what it considers the benefits of the named person provision will be for children and families. (S4O-05668)

The Minister for Children and Young People (Aileen Campbell): The Government is absolutely committed to ensuring that all our children get the best possible start in life. Getting it right for every child, including the measures in the Children and Young People (Scotland) Act 2014, is an investment in all our futures.

The named person provision will offer a number of benefits to children, young people and families. As the single point of contact, the named person will be well placed to provide direct advice and support to the child and family when necessary or to help them to access other services.

The named person approach was developed so that families would not have to repeat their stories unnecessarily to professionals and to ensure better co-ordination across services to support children's needs. It aims to change the culture and practice of professionals by giving them the confidence, skills and knowledge that they need to put children's needs and interests at the heart of the services and support that they provide for families.

Mark McDonald: I note my interest as a member of the advisory board of the National Autistic Society Scotland, which has added its voice to the long list of charities that support the named person system. It states:

"We believe this system will simplify and reinforce existing processes, ensuring the welfare of children in our society by bringing greater consistency and coordination to the support that is offered to families."

However, it points out that as one in 100 children and young people are autistic, it is important that named persons have an awareness and understanding of autism in order for their role to be effective. Will the minister and her officials contact NAS Scotland to discuss the issue?

Aileen Campbell: Absolutely. I am grateful to NAS Scotland for its support and reiterate that what is of benefit for families who have children with additional needs is that the system avoids them having to repeat their stories time and again to different services in order to get the support that should be there for them when they need it.

I make the commitment that I or my officials will meet NAS Scotland to ensure that its voice is heard in the guidance and supplementary information that will be necessary to ensure the good running of the named person policy.

British Sign Language (Scotland) Act 2015 (Implementation)

14. Dennis Robertson (Aberdeenshire West) (SNP): To ask the Scottish Government what progress it is making in implementing the British Sign Language (Scotland) Act 2015. (S4O-05669)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): We have established a British Sign Language national advisory group, which will inform the development of the first BSL national plan. On Friday, we announced that the group will comprise nine Scottish public bodies that are subject to the 2015 act and 10 deaf people whose first language is BSL. An 11th BSL representative is a hearing parent of a deaf child. The group will meet six times in the next 18 months and the first BSL national plan will be published by October 2017.

Dennis Robertson: I am sure that the minister will agree that it is important for parents and families to get involved at home in the teaching of a child. What specific support is given to parents of a deaf child to ensure that that child can get the most out of their school?

Dr Allan: I very much agree that parents are the most important people in a child's life and that we need to support what they do. We are providing substantial funding for the National Deaf Children's Society to deliver support to families with a deaf child, including teaching them family sign language so that they can communicate—it is often forgotten that communication can be a great difficulty for many families. As we announced last week, we have appointed deaf and hearing parents to the national advisory group.

Further Education Colleges (International Students)

15. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government what recent representations it has made to the United Kingdom Government regarding international students and further education colleges. (S4O-05670)

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): The Scottish Government remains deeply concerned that the UK Government's enforced changes to immigration rules are significantly impairing our colleges' ability to attract talented students from around the world. I wrote to the UK immigration minister on 15 February about my concerns. He replied just last week, when he again outlined the rationale behind the UK Government changes. However, the Scottish Government continues to have concerns. Our colleges remain committed to further developing their portfolio of international activities. We will continue to do all that we can to support our colleges in the matter and to make clear our concerns to the UK Government.

Linda Fabiani: The cabinet secretary has been writing to the UK Government about what I see as inherent discrimination in the treatment of further education colleges as compared with higher education institutions. After international students

complete access courses such as higher national diplomas, they must go home to apply to university, rather than move straight on. I ask the cabinet secretary to continue to make the case to the UK Government, in the strongest possible terms, that Scotland's colleges, such as South Lanarkshire College in East Kilbride, offer students unique access opportunities to higher education, which they should be able to offer to international students without the apparent discrimination in the current system.

Angela Constance: The Scottish Government continues to be concerned and we will do all that we can on the implications of the tier 4 changes. Linda Fabiani raises a fundamental point about the role and potential of colleges. South Lanarkshire College, in her constituency, provides excellent HND opportunities that offer articulation into universities, an affordable fee structure and the ability for students to work part time in order to gain experience and support themselves.

We must remember that one of our largest colleges, City of Glasgow College, is a key provider of specialist higher education to international students. This year, more than 4,000 students from more than 130 countries are studying at that college.

STEM Subjects (Promotion in Schools)

16. Stewart Stevenson (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what it is doing to promote science, technology, engineering and mathematics in schools. (S4O-05671)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): On 9 March, the Scottish Government announced funding of £1.5 million for a range of initiatives to support the delivery of science, technology, engineering and maths in primary and secondary schools. The funding will support classroom learning in STEM subjects with training programmes for teachers of science and technology, a primary science mentoring programme and support for maths delivered by maths champions in each local authority area. The funding is in addition to the making maths count programme, which is designed to promote enthusiasm and confidence in maths.

Stewart Stevenson: I particularly welcome the support for having maths champions, which is a personal interest of mine. The minister will be aware that some councils face challenges in teacher recruitment in STEM subjects. Will he outline the steps that the Scottish Government has taken to address the barriers to recruitment that remain?

Dr Allan: The Scottish Government launched a teacher recruitment campaign in September to encourage more people to become teachers. We are supporting a collaboration between the University of Stirling and Heriot-Watt University whereby some of Heriot-Watt's STEM students will train as teachers in parallel with their undergraduate STEM studies. Part of the £12 million transition training fund, which will help people who face job losses in the oil and gas sector to find alternative employment, will be available to support people who want to become teachers.

Land Reform (Scotland) Bill: Stage 3

14:40

The Deputy Presiding Officer (Elaine Smith):

The next item of business is continuation of stage 3 proceedings on the Land Reform (Scotland) Bill.

I remind members that, in dealing with the amendments, they should have the bill as amended at stage 2, the marshalled list, the supplement to the marshalled list and the groupings. As with this morning, the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

Section 37—Guidance on engaging communities in decisions relating to land

The Deputy Presiding Officer: We move to group 7. Amendment 57, in the name of Sarah Boyack, is grouped with amendment 58.

Sarah Boyack: An issue that the Rural Affairs, Climate Change and Environment Committee raised in our consultation on the Scottish Government's draft proposals was the need to take evidence from communities about the effectiveness of the guidance that will sit alongside the legislation. A clear lesson from the Land Reform (Scotland) Act 2003 was that the guidance did not always assist communities in the way in which it was intended to do, because of how it was drafted and interpreted.

My aim in lodging amendments 57 and 58 was to ensure that the need to learn lessons from the implementation of this next stage of the land reform story is captured effectively and that ministers are able to consider the issue and change the guidance as they see fit, to improve its success.

As a result of amendments that I lodged to part 4 of the bill at stage 2, the Scottish ministers will be required to prepare and lay before the Parliament a report that assesses the extent to which section 37 guidance is being followed, no later than three years after the date on which the first part 4 guidance is issued. Subsequent reports are to be laid no later than three years after the date of the previous report. The committee

accepted my amendments in that regard, and the minister supported them on the basis that the Scottish Government would welcome further discussion on how to strengthen the provisions and on the most appropriate review period.

Following further discussion with the minister, I am delighted that amendment 57 will strengthen the purpose of the report, so that, rather than simply assessing the extent to which part 4 guidance is being followed, it will assess the effectiveness of the guidance and set out the Scottish ministers' views on further steps that they think should be taken to improve the effectiveness of the guidance. Amendment 58 will change the review period to within five years, rather than three, for all subsequent reports, to align with parliamentary terms. However, the first report must still be laid within three years of the date on which the first part 4 guidance is issued.

I am pleased that we have been able to have constructive discussions and I hope that members will be keen to support amendments 57 and 58, which will enable us to achieve momentum and make progress in the next parliamentary session.

I move amendment 57.

Michael Russell: I warmly support amendments 57 and 58 in the name of Sarah Boyack. Part 4 is one of the shortest parts of the bill and in my view should have benefited from the much stronger language that is used in the policy memorandum. In relation to part 4, the question is what happens if there is not engagement with communities on estates, whether estates are owned by private owners or the public sector. There is no answer to that. The intention of part 4 is to encourage better practice. I accept that laudable intention, but what happens if better practice does not kick in in every part of the country? What happens if some landowners do not wish to engage with the people who live on their estates?

Many landowners are drawing on substantial sums of public money, so cross-compliance becomes an issue. Let me explain what that means, for members who are not involved in rural affairs. Cross-compliance means that there is a sanction upon those who receive public funds of one sort or another if they do not pursue the wider public good objectives—not just those objectives for which the money is paid. I wanted to see in this bill some suggestion that there would be sanctions.

14:45

Clearly, there needs to be a reasonable period for the Government to prove that the approach will work. Sarah Boyack is right to strengthen the review that takes place—I am glad that the

Government has been positive about that—so that if, after the review, it is clear that there are still those, in the private or the public sector, who are not consulting and who have no intention to consult, sanctions will be applied. We will strengthen that part of the bill to ensure that nobody in Scotland lives on an estate or in an area where what they wish, what the community wishes, or what their views are about that area can be set at naught by a private or a public landowner.

I hope that the approach will work, but if it does not, the review needs to be vigorous and needs to be conducted in such a way that we move on to ensure that the public policy objectives of the bill are finally fulfilled.

Paul Wheelhouse: We welcomed Sarah Boyack's amendments at stage 2, which created a requirement to report on the extent to which part 4 guidance is being followed.

We support amendment 57, which strengthens the reporting requirements, and amendment 58, which creates, in our view, a review period that is better suited to the work that is required for the stronger review that amendment 57 introduces.

The Deputy Presiding Officer: I invite Sarah Boyack to wind up and to intimate whether she intends to press or withdraw her amendments.

Sarah Boyack: I welcome the comments from members across the chamber. I think that we all broadly agree on the importance of the amendments. I press amendment 57, and I hope to press amendment 58 as well.

Amendment 57 agreed to.

Amendment 58 moved—[Sarah Boyack]—and agreed to.

Amendment 59 moved—[Paul Wheelhouse]—and agreed to.

Section 43—Provisions supplementary to section 42

The Deputy Presiding Officer: We move to group 8. Amendment 60, in the name of the minister, is grouped with amendments 68 to 71, 96 and 97.

Paul Wheelhouse: Amendments 60, 96 and 97 adjust the requirements on community bodies that exercise the right to buy under the Land Reform (Scotland) Bill and the Land Reform (Scotland) Act 2003 to notify the Scottish ministers of modifications to their memorandums, articles of association, constitution or registered rules.

Currently, section 43(1) requires community bodies to have the written consent of the Scottish ministers before making any such changes. Those

provisions duplicated provisions in the Land Reform (Scotland) Act 2003 and were made to ensure that, in changing its core governing documents, a part 5 community body did not inadvertently cease to be a part 5 community body.

On reflection, we believe that the requirements under section 43(1) are overly bureaucratic. Many changes that are made to core documents by community bodies may be simple or minor matters that are unrelated to the requirements in section 42, such as changes to how notices are to be communicated to members or to the remit of office-holders. There is no need for ministers to know about such changes in advance, and it is therefore disproportionate to require community bodies to seek the Scottish ministers' permission for them. The effect of the amendments will be to require community bodies only to notify the Scottish ministers as soon as possible after the changes, rather than to seek permission in advance.

Amendments 96 and 97 effect corresponding changes to the right-to-buy provisions in the Land Reform (Scotland) Act 2003, including changes to the crofting community right-to-buy provisions.

Sections 55(3)(b) and (c) deal with scenarios in which the valuation of the land, or a section 57 determination on an application to buy a tenant's interest, is either completed late or is appealed. They also deal with how those scenarios impact on the date that the consideration under part 5 is to be paid by a community body.

Amendments 68, 69 and 70 are minor and technical amendments that correct drafting omissions in section 55, in order to take account of the various permutations in the timetable for valuation.

Following stage 2, amendment 71 is a missed consequential amendment to section 58(4). The reference to subsection (2)(b)(i) is wrong, as that provision is now subsection (2)(a)(zi). The amendment corrects that.

I move amendment 60.

Amendment 60 agreed to.

Section 47—Right to buy: Ministers' decision on application

The Deputy Presiding Officer: We come to group 9. Amendment 7, in the name of Michael Russell, is grouped with amendments 107, 108, 8, 61, 62, 9, 109, 63 to 65, 10, 11, 66 and 67.

Michael Russell: Amendment 7 seeks to avoid unintended consequences in public or community purchases of land. I hope that I will not want to press the amendment to a vote, as I am seeking assurances and reassurance from ministers that

there will be sufficient protection in the bill to ensure that unintended consequences cannot happen.

This crucial issue was first raised with me by a group of farmers in my very first meeting in my constituency on the bill, in Kilmartin glen. They pointed out that they thought that it was distinctly possible under the bill that a community could seek to purchase one part—even a small part—of a farm or agricultural holding because it had some objection to the way that it was managed or to the choices that the person who worked it made. For example, some people object to oilseed rape growing next to their house. In those circumstances, the community might say that it will purchase the field and ensure that that never happens again. However, that field might be a vital part of an economic unit and without it the economic unit might not be viable. Therefore, there needs to be a reassurance such things cannot happen.

At stage 2, I moved a similar amendment, which was perhaps not as well crafted but which also sought that reassurance. I hope that amendment 7 improves on it. The ministers gave that reassurance, but I am now looking to be straight about the matter.

I draw attention to the fact that Paul Wheelhouse has not been through the detailed process. I am very sorry that the Minister for Environment, Climate Change and Land Reform, who has done an absolutely wonderful job on the bill, is not here—that is a great pity. However, I hope that Mr Wheelhouse will be able to give me a reassurance in concrete terms—maybe that is not the best phrase—so that those who are in such a position will know what the situation is.

Repetitive applications are another issue that I moved an amendment about at stage 2, and I know that Alex Fergusson will address it in speaking to one of his amendments. No council can call for a school closure twice in a five-year period, and there was an argument that maybe the same should apply to community purchases. However, I am persuaded that that would not be sensible. Although the school closure process is not simple, it is fairly clear in statutory terms, and the process of purchasing land is not nearly as clear or, frankly, as simple. It is not uncommon for communities to find themselves having to withdraw an initial application in order to come back with a second application that has more detail or which relates to a slightly different parcel of ground. If there was a bar so that there could be no second approach in three or five years, that would unfairly disadvantage those who were in that position. I understand that ministers have the power, and will continue to have the power, to ensure that there are no vexatious applications.

The amendment's purpose was to prevent vexatious applications.

We are beginning to get into great detail on land purchase and agricultural tenure. Those are complicated matters, but the simple thing that should guide us is the principle of fairness. There should be fairness in the process. In the part of the process in question, that fairness is about ensuring that those who have viable agricultural units are not unfairly disadvantaged by the bill, and I hope that the minister will be able to give the reassurance that I seek.

I move amendment 7.

Alex Fergusson: My amendments 107 and 109 would simply provide an improved alternative to Mike Russell's amendments 7 and 9.

Whereas Mike Russell's amendments apply only where the land in question "includes agricultural land", my amendments would bring into the equation other land-based businesses, such as forestry and tourism, as well as other rural-related activities. As a result ministers could not consent to an application to buy land under section 45 if the purchase would have a detrimental impact on the business of the landowner or on the productive management of the land.

Mike Russell—rightly—seeks to protect agricultural and farming businesses. I seek to apply the same principle to a slightly wider sector of rural economic activity. I live in hope that the minister will see the sense in what I say and encourage Mike Russell to withdraw amendment 7 and to not move amendment 9 in favour of my amendments 107 and 109, although I am possibly being slightly optimistic.

Amendment 108, as Mike Russell highlighted, seeks to ensure that any owner or tenant of land cannot be constantly subjected to applications to purchase. Being the owner or tenant of any land that is subject to an application to purchase, particularly when that is against the seller's will, can only be a fairly stressful experience, and it is important to protect them from repeated applications. Therefore, amendment 108 proposes to make it impossible for an application to be made within three years of a previous application. That would reduce any stress involved; perhaps more important, it would allow the business involved to plan ahead with at least some certainty for that three-year period.

It is particularly important to protect small family farms—whether owned or tenanted—from repeated applications.

Amendment 108 would also encourage the best possible practice in communities, because it would

encourage only the best possible applications to be made.

We have no difficulties with the other amendments in the group, apart from those in the name of Dave Thompson, which simply weaken and dilute key tests that communities will have to pass in order to make an application to buy. I do not favour any dilution of those tests, and we will not support those amendments.

Dave Thompson: In the debate later on this afternoon, I will comment on the comments that Mr Fergusson made about the ECHR. He quoted me out of context, and I hope that he will have a look at the matter before the debate, so that he can answer appropriately.

Among the conditions that are set out in part 5 are a number of sustainable development conditions in section 47(2) that Scottish ministers have to be satisfied are met before they can exercise their power to consent to an application to buy land under part 5.

At stage 2, I lodged an amendment to one of the sustainable development conditions in section 47(2). That resulted in discussions over the requirement that Scottish ministers be satisfied that not consenting to an application would result in "significant harm" to the community, which is a high test to meet. There was general support for the principle behind my amendment and agreement from the minister to consider the issue further ahead of stage 3.

Amendments 8, 10 and 11 in my name seek to provide some additional flexibility for ministers, while providing the necessary balance between the interests of communities and those of landowners. The amendments amend the test of

"significant harm to the community"

in section 47(2)(d) to one of only "harm to the community". That does not mean that ministers would be required to consent to an application if they were satisfied that not granting consent would be likely to result in any harm to the community, even if it was just negligible harm. Ministers would still need to be satisfied that the other conditions in part 5 were met, and they would still be required to act in a way that was compatible with the ECHR rights of the landowner or tenant. In considering that, ministers would still have to look at the degree of harm likely to be caused to the community by not consenting to the application.

In considering whether any interference with the landowner's rights under article 1 of protocol 1 of the ECHR was proportionate, and whether there was a fair balance between the public interest and the rights of the individual landowner or tenant, ministers would need to consider the degree of

harm likely to be caused by not consenting to an application.

I am confident that my amendments will provide ministers with a marginal increase in flexibility when considering the degree of harm that is likely to be caused by not consenting to an application under part 5, while safeguarding the rights of individual landowners and tenants.

The Deputy Presiding Officer: I invite the minister to speak to amendment 61 and other amendments in the group.

15:00

Paul Wheelhouse: I will speak first to Mr Russell's amendments 7 and 9 and Mr Fergusson's amendments 107 and 109 together. Unfortunately, if accepted, those amendments could in some instances create a significant restriction to the right to buy for our communities that we do not consider appropriate.

Any application to buy land under part 5, including an application to buy agricultural land, can only be consented to by ministers if all the sustainable development conditions are met and the procedural requirements are complied with. That means that the transfer must be in the public interest; that the transfer of land is likely to result in significant benefit to the community; that it is the only practicable or the most practicable way of achieving significant benefit for the community; and that not granting the transfer will likely result in harm to the community. In addition, ministers can only consent to an application under part 5 if doing so would not be incompatible with any person's rights under A1P1 of the ECHR.

Those are strong tests and I do not believe that certain sorts of land, as proposed by Mr Russell and Mr Fergusson, should be excluded from part 5 applications. We would like to remind Parliament that the purpose of part 5 is to allow communities to apply to buy land for the purposes of sustainable development. If we start to exclude certain sorts of land, whether agricultural land or productive land, we will severely restrict not only the sort of land that communities can apply to buy but communities' sustainable development opportunities.

I will give an example of the difficulties that the amendments could cause. If one of the reasons for a part 5 right-to-buy application was to buy agricultural land to provide opportunities for tenant farming, the effect of the amendments would be to prevent such a transfer from taking place.

However, I recognise the points that Mike Russell and others have made on the need for reassurance. We certainly want to reassure Mr Russell and others who are concerned about the

matter that we will take into account the impact on the productive use of land in considering an application to buy land. Indeed, it is important to reflect that this is not just a rural issue—the right to buy will apply equally to urban areas, so the importance of existing urban land use and its impact on urban businesses will also, in certain cases, be relevant considerations. I reassure members that we will look at the impact on business and at whether the wider public interest is being served in approving an application.

A Scottish Government stage 2 amendment inserted subsection (8A) into section 47, requiring ministers, in determining whether the

"transfer of land is in the public interest",

to take into account any information provided by landowners or tenants on how a part 5 application would affect their interests. It also requires ministers to

"consider the likely effect"

on land use in Scotland

"of granting (or not granting) consent to the transfer".

In our view, that addresses concerns about agricultural land and other sorts of productive land that were raised by some stakeholders and indeed by members today.

For the record, I note that the Scottish Government is committed to supporting agriculture and other land-based industries where they make a positive contribution to the wealth and wellbeing of society. We urge members to resist amendments 7, 9, 107 and 109.

We also resist Mr Fergusson's amendment 108. It is similar to a stage 2 amendment lodged by Michael Russell, except that amendment 108 refers to three years, not five. At stage 2, Mr Russell kindly withdrew his amendment after Dr McLeod gave an assurance to the committee that part 5 applications would be closely monitored by the Scottish Government to make sure that the part 5 right-to-buy process was not being abused or misused and that malpractice, either by the community or by the landowner, was not taking place. We give the same assurance to Parliament today.

However, I must point out that there seems to be no evidence of existing rights to buy leading to vexatious applications or to the system being abused. We cannot foresee what circumstances may arise in the future, of course, and there may be occasions when it would be appropriate for an application to be made under part 5 where one had been made in the previous three years. For instance, there may be cases where having to wait a further three years could lead to significant harm to communities.

Each application will be considered on its merits and ministers will not be able to consent to an application unless the sustainable development conditions have been met and the procedural requirements have been complied with. We do not believe that it would be a good idea to amend the bill so that decisions are based on procedural technicalities such as making communities wait three years before having the chance to make a further application.

I will now speak to amendments 8, 10 and 11 from my colleague Mr Thompson, which we support. At stage 2, Dr McLeod welcomed the intention behind Mr Thompson's amendments to the test in section 47(2)(d) regarding significant harm. However, ministers were unable to accept them because it was felt that they lacked sufficient clarity and certainty to be compatible with A1P1 of the ECHR. Mr Thompson's stage 3 amendments now give that certainty and we are happy to support them.

I will now speak to Dr McLeod's amendments 61, 66 and 67. At stage 2, Mr Russell lodged amendments that sought to strengthen section 47(10), which provides that, in determining what constitutes significant benefit or significant harm to a community, the Scottish ministers must consider the likely effect of granting consent to an application on the lives of persons in that community and that, in doing so, they must refer to certain considerations, such as economic development and social wellbeing. Mr Russell's amendments inserted paragraphs (ca) and (cb) in section 47(10), which add

"furthering and giving effect to equal opportunities"

and

"the realisation of human rights"

to the list of considerations.

At stage 2, another amendment from Mr Russell introduced section 47(3A), which required ministers to have regard to the International Covenant on Economic, Social and Cultural Rights in considering an application to buy land under part 5. Dr McLeod supported Mr Russell's amendments, although she said that she would consider a stage 3 amendment to redraft them to make them clearer and more effective.

Amendment 67 seeks to impose on ministers a duty to have regard, when considering a decision under section 47 on a right-to-buy application, to

"relevant non-Convention human rights"

and

"the desirability of encouraging equal opportunities".

Relevant non-convention human rights are the human rights that ministers consider to be relevant, and they include the human rights in the

ICESCR. Convention rights are excluded from that definition, because ministers are already required to act compatibly with the convention by virtue of section 57(2) of the Scotland Act 1998.

Our amendments 61 and 66 seek to remove section 47(3A) and sections 47(10)(ca) and 47(10)(cb). That paves the way for amendment 67, which we believe to be an improvement on the previous drafting, as it will require the Scottish ministers to have regard to relevant non-convention human rights and equalities when considering a part 5 decision, and it defines relevant non-convention human rights.

I will now speak to Government amendments 62, 63 and 65, which are on taking into account part 4 guidance when a part 5 determination is made. At stage 2, Michael Russell lodged an amendment to section 37 to allow ministers to have regard to adherence to community engagement guidance when considering a part 5 application to buy land. Dr McLeod supported the intention behind Mr Russell's amendment but felt that its placement in the bill and its drafting needed to be reconsidered, and Mr Russell kindly agreed not to move his amendment.

Amendments 62 and 63 seek to amend section 47 so that, in determining whether the sustainable development conditions are met in relation to an application under part 5, the Scottish ministers may take into account the extent to which, in relation to the community that made the application, regard has been had to part 4 guidance.

Amendment 65 is a consequential amendment that applies the definition of "relevant community" in section 47(9) to amendments 62 and 63.

I will now speak to Dr McLeod's amendment 64, which seeks to amend section 47(8A) so that it applies to the consideration of an application to purchase a tenant's interest as well as an application to purchase land. Amendment 64 provides that ministers, in determining whether the transfer of a tenant's interest is in the public interest, must take account of information that is provided by an owner or tenant regarding the impact on their interests of the proposed transfer, and must consider the likely effect of granting or not granting consent to the transfer on land use in Scotland generally.

The Deputy Presiding Officer: I will allow Claudia Beamish to make a short contribution.

Claudia Beamish: Thank you, Presiding Officer.

I would like to speak in support of amendment 67. I am pleased that the amendment has been lodged because, as the minister highlighted, it seeks to include in the bill

“relevant non-Convention human rights”

and

“the desirability of encouraging equal opportunities”

as issues that ministers must have regard to. There was much discussion of those important issues in the Rural Affairs, Climate Change and Environment Committee, and it is right for them to be recognised in the bill.

With regard to Mike Russell’s amendments 7 and 8, I am somewhat reassured by what the minister said, and I might encourage Mr Russell to withdraw amendment 7 and to not move amendment 8. However, the situation of small farmers, who could be adversely affected, would become the ministers’ call, which is an important issue to take into account.

We cannot support Alex Fergusson’s amendment on repeat applications, as a community might have very valid reasons for wishing to make a repeat application. In addition, a different community group might wish to apply to buy the same bit of land for different purposes.

I will leave it at that.

The Deputy Presiding Officer: I invite Mike Russell to wind up and indicate whether he intends to press or withdraw amendment 7.

Michael Russell: Thank you, Presiding Officer. I will be very brief.

I, too, am very pleased that equalities and other human rights issues have been included in part 5. I am particularly pleased that they are being made so clear on the face on the bill. Human rights issues will now underpin a whole range of sections to such an extent that, in any decision in future, we will have to be mindful of considerations that are wider than property rights.

I am also very reassured by and grateful for the inclusion of the community engagement issue. At stage 2, the minister said that that issue would be considered, and it is exceptionally useful that community engagement will be a criterion for part 5 applications.

I stick with my original view on repeat applications being unsafe. I was persuaded of that at stage 2; there might well be people in the chamber who have heard of the situation, but I call in evidence the Castle Toward case, where there have, I think, been three applications over a five-year period. That would have been a problem had the provision in Mr Fergusson’s amendment been in place and the bill itself used.

I am also reassured on the issue of viable units. As long as ministers are very clear that the issue will be kept in mind in the consideration of part 5 applications, we will be going in the right direction.

In any case, if the minister has managed to persuade Claudia Beamish, he must have been able to persuade me. I will not press amendment 7.

Amendment 7, by agreement, withdrawn.

Amendment 107 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the afternoon, I suspend Parliament for five minutes.

15:11

Meeting suspended.

15:16

On resuming—

The Deputy Presiding Officer: We will now proceed with the division on amendment 107.

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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

The Deputy Presiding Officer: The result of the division is: For 20, Against 96, Abstentions 0.

Amendment 107 disagreed to.

Amendment 108 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 108 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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

The Deputy Presiding Officer: The result of the division is: For 20, Against 96, Abstentions 0.

Amendment 108 disagreed to.

Amendment 8 moved—[Dave Thompson].

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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 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)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 95, Against 20, Abstentions 0.

Amendment 8 agreed to.

Amendments 61 and 62 moved—[Paul Wheelhouse]—and agreed to.

Amendment 9 not moved.

Amendment 109 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 109 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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

The Deputy Presiding Officer: The result of the division is: For 20, Against 96, Abstentions 0.

Amendment 109 disagreed to.

Amendments 63 to 65 moved—[Paul Wheelhouse]—and agreed to.

Amendment 10 moved—[Dave Thompson].

The Deputy Presiding Officer: The question is, that amendment 10 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 97, Against 19, Abstentions 0.

Amendment 10 agreed to.

Amendment 11 moved—[Dave Thompson].

The Deputy Presiding Officer: The question is, that amendment 11 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)

MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
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 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
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 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)
 Hume, Jim (South Scotland) (LD)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
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 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 95, Against 19, Abstentions 0.

Amendment 11 agreed to.

Amendments 66 and 67 moved—[Paul Wheelhouse]—and agreed to.

Section 55—Completion of transfer

Amendments 68 to 70 moved—[Paul Wheelhouse]—and agreed to.

Section 58—Compensation

Amendment 71 moved—[Paul Wheelhouse]—and agreed to.

After section 64

The Deputy Presiding Officer: We come to group 10. Amendment 72, in the name of Sarah Boyack, is the only amendment in the group.

Sarah Boyack: I am very grateful to the Presiding Officer's team for agreeing to select amendment 72 for debate. The genesis of the amendment was my experience visiting town centres and speaking to local authority colleagues about why they are not able to regenerate areas, improve the quality of shopping, and get housing back into use. *[Interruption.]*

The Deputy Presiding Officer: Order. Can we have some quiet in the chamber?

Sarah Boyack: The reply that they invariably gave was that that inability is due to the lack of effective powers being available to them to force action. It is an issue on which the land reform review group recommended action be taken, and I raised it during the passage of the Community Empowerment (Scotland) Bill last year.

A range of organisations have worked hard to get the issue further up the political agenda. I want to thank Shelter Scotland, Scotland's Towns Partnership, Rural Housing Scotland, the Scottish empty homes partnership and Community Land Scotland for their work on the policy background to amendment 72, which we discussed at stage 2.

During stage 2, I argued that the bill would be greatly strengthened by the inclusion of a compulsory sale order power in respect of empty buildings. The power would enable local authorities to bring difficult long-term-empty private properties back into use, and would be used only as a last resort, when other mechanisms have failed to bring such private properties—which blight communities—back into use. The hope is that the power would encourage property owners to get moving, and not to leave their properties in a state of disrepair. The power would be important because the best-practice process to support owners to bring their properties back into use, which is promoted by the Scottish empty homes partnership, has several steps. The use of a CSO enforcement power would be the very last of those steps. Nevertheless, I think that having that power would concentrate minds.

There are 150,000 people on housing waiting lists across Scotland and, although I believe that we urgently need to build new housing, it is crazy to forget that there is an opportunity to bring back into use empty properties that have sometimes stood empty for years, but could make excellent housing.

During the stage 2 debate, the minister offered me an opportunity to meet her colleague, the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, to discuss the issue. I received a positive response from the cabinet secretary, and we had constructive dialogue. I hope that moving amendment 72 will provide an opportunity for the Scottish Government to give an update to Parliament on its proposals to introduce a compulsory sale order power in the future. I look forward to a commitment of intent and a timescale being put on the record.

I move amendment 72.

Alex Fergusson: I will be very brief. As I said at stage 2, I am broadly sympathetic to the principle of Ms Boyack's amendment 72. I believe that there is a major crossover with the Community Empowerment (Scotland) Act 2015. That is a matter that I raised at stage 2, but did not get an answer.

I am not convinced that local authorities do not already have a range of powers that would achieve the same end as CSOs. The proposed powers encompass other policy areas including housing and planning. I am not entirely comfortable with the proposal being raised in relation to the bill. Therefore, it is my intention to abstain on the amendment.

Paul Wheelhouse: At stage 2, Sarah Boyack lodged three amendments on compulsory sale orders. Scottish ministers welcomed the spirit of the amendments, but asked the committee to reject them in order to allow for careful thought and consultation on such a far-reaching proposal. We understand and very much appreciate the issues that Sarah Boyack has raised, and we welcome the opportunity for Parliament to reconsider them.

The Government's position remains that it would not be appropriate to accept amendment 72, so we ask Sarah Boyack not to press it to a vote. We know that Ms Boyack has spoken to the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil. We know that, as Sarah Boyack said, Mr Neil is sympathetic to the aims of amendment 72 and supports the introduction of compulsory sale orders. I can confirm that, subject to the outcome of the election, Scottish ministers will look to include provision for compulsory sale orders in the legislative programme for the next session of

Parliament, once all the necessary preparatory work—including legal and practical issues—has been considered and resolved. I hope that that gives the assurance that Ms Boyack needs.

The Deputy Presiding Officer: I invite Sarah Boyack to wind up and indicate whether she intends to press or withdraw the amendment.

15:30

Sarah Boyack: I seek Parliament's agreement to withdraw amendment 72. I very much appreciate the response from the minister. We will spare Alex Fergusson the difficulty of having to abstain on the matter.

The subject of amendment 72 is a big issue that sits between land reform, community empowerment and the whole matter of the powers that our local authorities have. There are so many town centres that are basically underutilised and blighted, so we need strong mechanisms. Whoever is in government, we would be very keen to push the policy, and we will get action in the next session of Parliament.

Amendment 72, by agreement, withdrawn.

After section 67

The Deputy Presiding Officer: We move to group 11. Amendment 73, in the name of Michael Russell, is grouped with amendments 110 to 113, 133 and 134.

Michael Russell: Group 14 concerns effective deer management, but group 11 deals with the entry in the valuation roll of shootings and deer forests. Amendment 73, in my name, seeks to make a link between effective deer management and the entries in the valuation roll. I am not against the valuation roll including sporting estates and deer forests, and I will vote in favour of that, but I do not wish to see effective deer management being damaged by the provisions.

Those who know the history will know that sporting rates were abolished in 1995. One reason for abolishing them was to allow proprietors to spend more on effective deer management. I know that members of the Rural Affairs, Climate Change and Environment Committee will have heard this from me before, but Scotland has a severe deer problem. The roots of the problem lie in the 19th century, as do those of many of the problems in land and land reform. The sheep runs that were established by absentee landlords across Highland Scotland, which were intended for profit, were replaced by deer forests, which were for sport. At one stage, 1.5 million hectares of Scotland were under deer forest.

In effect, there was no systematic control over deer numbers. That problem began to be noticed

at the beginning of the 20th century. Over 100 years, there were seven inquiries into how deer numbers might be controlled. Ultimately, in 1959, the Red Deer Commission was established with the aim of controlling the number of deer. That was the start of an even more ineffective public policy on deer than had applied in the 100 years before.

The number of red deer was estimated at 100,000 in 1959. Frank Fraser Darling, the distinguished environmentalist who was the adviser to the commission, had estimated the number that the land could properly carry to be around 60,000. Deer do enormous damage, particularly when they get out of control. They prevent not only tree growth but regeneration, and they change the nature of the landscape. Deer can also do immense damage to each other—having too many deer in one spot leads to starvation.

Given that Frank Fraser Darling's estimate was 60,000 after the Red Deer Commission was established, the measures have not worked, if we judge from the figures that the Scottish Parliament information centre gave in 2013. The estimate is that there are in Scotland today between 360,000 and 400,000 red deer, between 200,000 and 350,000 roe deer, 25,000 sika deer and about 2,000 fallow deer.

Just to stabilise that population, we would have to cull a third every year, and nothing like that is taking place. We will discuss deer management later, and there are proposals that will begin to assist with that, but my strong view is that the voluntary principle has not been effective. It has been good in some places but very poor in others. We must do everything that we can to encourage effective deer management.

I have been asking the Scottish Government to link the sporting rates for deer forests with effective deer management in the bill. I am grateful to the cabinet secretary, the minister and the Deputy First Minister for the several discussions that have led to amendment 73. The amendment would say to those who are involved in the valuation process that they should take into account effective deer management. Where effective deer management exists and is working, that should be factored into the rates that the deer forest pays.

I hope that that would encourage effective deer management to continue. The matter does not concern just large estates. As Alex Fergusson knows, there is a growing problem of deer management in the south of Scotland. Getting the right mechanism in place there for deer management is crucial if the huge mistakes that were made in the Highlands are to be avoided. We will achieve that only if there is encouragement to allow it to happen.

Some of the other amendments in the group attempt to change the provision and in some sense object to the imposition of sporting rates and rates for deer forests. I do not share that objection.

I want to make sure that whatever we do does not make a particular situation worse. Anything that discourages effective deer management will allow deer numbers to continue to grow. There are places in Scotland where it is impossible to grow trees without fencing and where the nature of rural occupations is changing because we have not tackled the problem.

The Scottish Government is committed to a review of deer management in the coming year. I hope that it will be a radical review that is undertaken in such a way that we get effective action. At this stage, I seek to make sure that nothing that we do will make the situation worse.

I move amendment 73.

Alex Fergusson: I very much welcome Mike Russell's amendment 73. My concerns are not so much about deer management and deer forests as about commercial shootings. Members might remember that I attempted to remove part 6 of the bill at stage 2 on the ground that the committee's stage 1 report had been pretty scathing about the Government's proposals to reintroduce sporting rates and the almost complete lack of information or evidence to back up its assertion that it was somehow fair to do so. There was considerable confusion about how long the exercise to place a value on the land for which sporting rates would be levied would take, how much the proposal would cost, how much it would raise and even why the Government wished to raise the idea in the first place.

I remain dissatisfied with the Government's response to the committee's demands for further and better information and I am surprised that I appear to be almost alone in that dissatisfaction. Despite the fact that 88 per cent of sporting businesses are—according to the British Association for Shooting and Conservation—run at a loss and the fact that most shootings and deer forests are run on a not-for-profit basis, the intention to reintroduce the tax on rural businesses remains.

Amendment 110 would place a duty on each local authority to introduce a scheme for those who can demonstrate that a reintroduction of sporting rates would have a detrimental impact on any business that is associated with commercial shootings or deer forests. That would help to prevent job losses and the possible closure of several businesses across rural Scotland as a result of the measure.

Amendment 111 would place a duty on the Scottish Government to conduct robust research into the direct impact of sporting rates on rural businesses. That would satisfy the committee's request for a full socioeconomic impact assessment before the reintroduction of the tax.

Amendment 112 would introduce a sunset provision by placing a duty on the Scottish Government to review the impact of the reintroduction of sporting rates after one full session of the Parliament, with a subsequent decision on whether they should be continued. That would also enforce post-legislative scrutiny, which most members agree we should do a lot more of.

Amendment 113 would place a further duty on ministers to present a report on the impact that sporting rates have had on businesses and on communities that are related to those businesses.

That level of examination is necessary for this legislative measure, which has been brought in without any persuasive reasoning or research and which the Government appears to be reintroducing simply because it has the ability to do so. Taken as a package, I believe that amendments 110 to 113 would add badly needed back-up to the Government's proposals and provide an appropriate level of post-legislative scrutiny, which, if the Government really has faith in its proposals, it should welcome.

Claudia Beamish: Deer management is in vital need of reassessment, and we will come to it later. As for the entry in the valuation roll of deer shootings and deer forests, I will speak against all the amendments in the group. My concern with Mike Russell's amendment 73 is about the wording

"In arriving at the net annual value ... regard may be had to such factors relating to deer management as the assessor considers appropriate".

That is too vague and leaves too much to the assessor, and it would water down the rates arrangements. I acknowledge that there will be instances of estates working hard on conservation, but the attempts to assess that work for which the amendment provides have not been given the clarity that we would want.

Alex Fergusson's amendments—especially amendment 113—are too prescriptive. The time has come for shooting businesses to be treated in a similar way to other rural businesses, such as those in the tourism sector. There will be other protections for small rough shoots and other small businesses.

Paul Wheelhouse: I thank Michael Russell for setting out the rationale behind amendment 73. It would recognise the potential relevance of deer management factors to the net annual value of

deer forests and it would ensure that there was no doubt that assessors can take account of those factors in determining the net annual value that is to be entered in the valuation roll.

Although we take the view that assessors will already be able to take material factors into account as part of their valuations, we appreciate the importance of the wider deer management context in making provision on deer forests. We are content for the point to be reflected in the bill in the proposed way so that there will be no doubt that assessors can, if they deem it appropriate, take account of deer management factors in their valuation methodology.

We reiterate our commitment that, once valuation information in respect of the provision is available from the assessors, we will engage with the sector and with the Rural Affairs, Climate Change and Environment Committee or its successor ahead of finalising decisions on the rates liability for 2017 implementation. We support amendment 73.

I thank Alex Fergusson for setting out the rationale behind amendments 110 to 113. He has covered much of the explanation of what the amendments seek to achieve, so I will cover only the rates relief issue.

We have said that we are not persuaded of the need for a rates relief scheme—other than the small business bonus scheme—as it could undermine our revenue and fairness objectives for part 6. It could be onerous and problematic for council practitioners, and we feel that there are better ways of targeting support to improve outcomes.

In any case, the value of the tax base must be known in order to make an informed decision, for which part 6 of the bill provides. Ministers will then make separate rating and relief decisions under secondary legislation. Furthermore, I regret to say that we believe that Mr Fergusson's eligibility criteria in relation to substantial detriment to a business are nowhere near practicable.

As for a report on impacts, ministers have already said that, once valuation information is available, which is likely to be later in 2016, we will engage with the committee before making rating decisions. We have covered that at length, including in an 18-page report that we submitted to the committee in January.

Mr Fergusson unfortunately seems to be alone among RACCE Committee members in believing that a property tax bill can somehow be translated into a fully detailed scenario to show how a community would be affected. We believe that it cannot be translated in that way and that doing that would represent speculation rather than analysis.

We accept that tax must be proportionate and sustainable, and that is our intention in the bill. That is why the rateable tax base is based on market values and set by independent assessors and why the Government maintains dialogue with practitioners and sector stakeholders.

There is no need for Mr Fergusson's sunset clause. If, for whatever reason, the rates liability needed to be amended or even repealed, that could be done by way of regulation. There would be no need to stop valuing the tax base, which is what part 6 provides for, rather than the setting of the tax.

Michael Russell: I am sorry that Claudia Beamish does not feel that she can support my amendment 73. I point out to her that what I propose—and what I hope that members will support—is more or less what existed pre-1995. If members support the reimposition of such rates, they are supporting something that mirrors the pre-1995 situation.

The assessors' pre-1995 practical notes, which were provided to assessors for their work, stated:

"In any case where an assessor is satisfied that a greatly increased bag is purely the result of compliance with Red Deer Commission guidance, he should be prepared to base his valuation upon a notional figure closer to the average seasonal bag shown in the records."

That meant that, if proprietors were observing good and effective deer management, there would be a variation. My amendment would reinstate the pre-1995 situation almost exactly.

I say to Alex Fergusson that, although nobody likes paying any type of taxation, there is a basic equity and fairness in the proposals, which is that other rural businesses are required to pay rates. In those circumstances, it is a necessity to reintroduce sporting rates, unpopular as that might well be with those who have to pay them.

By putting a reference in the bill to effective deer management and making sure that that counts, we will take a good step forward. I am glad that the Government supports amendment 73 and I hope that members will support it.

15:45

The Deputy Presiding Officer: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: Amendment 110, in the name of Alex Fergusson, has already been debated with amendment 73—[*Interruption.*] I am sorry—I did not hear members saying no. We will retake the question on amendment 73.

The question is, that amendment 73 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, 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)
 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)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Wilson, John (Central Scotland) (Ind)

The Deputy Presiding Officer: The result of the division is: For 81, Against 34, Abstentions 0.

Amendment 73 agreed to.

The Deputy Presiding Officer: I apologise for that mix-up.

Amendment 110 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 110 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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

The Deputy Presiding Officer: The result of the division is: For 19, Against 97, Abstentions 0.

Amendment 110 disagreed to.

The Deputy Presiding Officer: I call amendment 111, in the name of Alex Fergusson.

Alex Fergusson: I recognise a trend, Presiding Officer, so I will not move the amendment.

Amendments 111 to 113 not moved.

The Deputy Presiding Officer: We move to group 12. Amendment 114, in the name of Patrick Harvie, is grouped with amendment 135.

Patrick Harvie: In speaking to amendment 114, I draw members' attention to a typographical error in subsection (3) of the new section that amendment 114 would introduce: the word "be" should be the word "by". I am advised by the legislation team that the issue could be dealt with as a printing point under section 2.71 of the guidance on public bills, so I hope that that will not cause a problem.

During the recent budget debate, several political parties suggested packages of measures to raise revenue to protect public services from the effect of cuts, which begin at UK level but which we feel should not be passed on to local council level. Although there was a difference of opinion about how best to raise that revenue, the Greens advocated, as we have done since 2011, that we should raise revenue as fairly and as progressively as possible at local level.

It is interesting that, since that debate, the Scottish Government's proposals for long-term reform of the council tax, such as they are, reflect quite closely some of the emergency short-term measures that the Greens proposed for raising revenue in the current financial year, not just the council tax multiplier but the more substantial element of our revenue-raising package, which was taxation of vacant and derelict land.

The Government is now proposing to consult on that measure which, by a conservative estimate, could raise something in the region of £250 million a year. We argue that that should be done now, not only to raise revenue to protect public services but to ensure that people who see vacant and derelict land know that those who hoard it and hold it back from development have to contribute at some level to the investment that we require—for example, investment in housing to meet the needs of people whose needs for housing are unmet by the current housing market.

The measures that I proposed during the stage 2 discussion on this issue were about ensuring that vacant and derelict land was brought on to the valuation roll. We were told by the minister that that is already provided for in statute. Therefore, the amendment that I am bringing today at stage 3 will merely ensure that local authorities will be in a position to raise a levy on that land. That is entirely consistent with other measures that the Scottish Government has already taken. The Government has already talked about reducing the reliefs that are available for derelict and disused industrial properties. If we do that but do not address the question of vacant and derelict land, we will increase the already perverse incentives for buildings to be demolished in order to avoid payment of tax, so that the owners of such sites stop paying their fair share to the common good.

It is entirely reasonable and proportionate to raise revenue at local level from resources that are being underused by those landowners who are hoarding them from development. It would ensure that the Scottish Government and local authorities are equipped, not just at some point during the next parliamentary session, but in the short-term, to raise the revenue that is necessary to protect our public services, which are under such severe threat.

I hope that the amendment will have the support not just of the Scottish Government in relation to its existing measures to reduce relief on empty and derelict industrial property but of other members who have argued for the raising of revenue in the immediate crisis period that our public services are facing.

I move amendment 114.

Sarah Boyack: It is very welcome that Patrick Harvie has lodged this amendment. It gives us the chance to discuss its merits as part of the overall package that we need to consider in order to bring land back into productive use, and the general issue of how we broaden local government funding. Given the crisis that we now face in local government funding, we need options for the future.

We are very interested in exploring the principle of the amendment. We have had the commission on local government and then the Scottish Government's own working group to identify a more sustainable and accountable set of options for funding local government. The issue has to be seen in that context.

The principle of enabling a levy on vacant or derelict land would add to the motivation for landowners not to sit on land or hoard it. There is a cost of vacant or derelict land to wider society. It can bring down the quality of people's lives, it can lead to areas becoming unattractive, it can lead to personal safety concerns, and it can bring down the value of people's property and undermine economic activity in an area.

We all know of land that a developer has sat on in the hope that one day its value will rise, or that a local authority will reduce its planning requirements and standards, just to get something developed. It is high time that we have a discussion about the issue and we are very glad that it has been raised in the context of today's debate.

Alex Fergusson: I will be very brief and say that I feel very similarly about amendment 114 to how I felt about Sarah Boyack's amendment on compulsory sale orders. I can see where Mr Harvie is coming from and, as Sarah Boyack said, the principle is worthy of exploration, but I do not think that it is best dealt with in this legislation. I

think it would be better looked at as part of consideration of non-domestic rates in the next session of Parliament. For that reason if no other, I will not be supporting the amendment.

Paul Wheelhouse: I thank Patrick Harvie for setting out the rationale behind amendment 114. The Government has great sympathy with the principle that he outlined of trying to secure regeneration. Sarah Boyack and Alex Fergusson made similar comments. However, amendment 114 would give local authorities wide discretion to charge a levy on certain vacant and derelict land, subject to any regulations that ministers might make. Ministers met Patrick Harvie following our offer to do so in respect to his related stage 2 amendment 129, which he withdrew, as he said. We were grateful for that discussion.

As members may be aware, on 2 March the Scottish Government committed to a consultation on the taxation of development land and vacant and derelict land. The Government's objective in that respect is to unlock development land and accelerate the supply of land for housing, rather than to try to address a revenue issue. The consultation will therefore address whether, how and under what circumstances we should introduce any such levy. We understand that there are differing views as to whether such a measure would be effective or necessary, which is what we will seek to determine through the consultation.

We have already started to engage with stakeholders and we intend to confirm details of the consultation before the summer parliamentary recess, if we are re-elected. I therefore ask Patrick Harvie to withdraw amendment 114, and if he does not I ask members to reject it.

Patrick Harvie: At one level, I agree with something that Alex Fergusson said: that this issue could be best addressed in the context of wider reforms of non-domestic rates. Members will be well aware that my party's long-standing position on fundamental reform of the way that we fund local services is to replace council tax and non-domestic rates with a land value tax. During the next couple of months, when I am sure that all of us will put forward our ideas about how Parliament should conduct its business in its next session, we will introduce proposals to move us in that direction.

In the short term, we are facing a crisis in the funding of many local services, as Sarah Boyack acknowledges, and I see no reason to hold off from this shorter-term measure, which would allow us to raise revenue, as well as to achieve a social and environmental benefit by putting land into productive use, within the context of what is permissible under the planning system.

In saying that amendment 114 would give local authorities “wide discretion”, the minister seemed to imply that that was a bad thing. I would like us to give much wider discretion on financial matters to local authorities in general, not just in relation to this measure.

Paul Wheelhouse: I was referring to the wide-ranging nature of Patrick Harvie’s proposal in relation to the fact that we require a consultation on it, so that people know what they are getting, rather than criticising local authorities having discretion over taxation.

Patrick Harvie: I am grateful for that clarification and I look forward to the minister voting assertively in favour of the maximum level of financial discretion for local authorities in the future.

Given that ministers would have the right to set regulations under which the levy would be charged, as has been stated, the measure is a reasonable and proportionate way of addressing the immediate situation. I was a little disappointed when the minister said that the Scottish Government intends to consult not only on how to do this, which I was expecting, but on whether and how to do it. That is a disappointing approach to the consultation. Whatever happens to amendment 114, in its next session the Scottish Parliament must be resolved to ensure that revenue is raised in this and other ways at local level.

I press amendment 114.

The Deputy Presiding Officer: The question is, that amendment 114 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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)
 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)
 Malik, Hanzala (Glasgow) (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)
 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, 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)
 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 34, Against 81, Abstentions 0.

Amendment 114 disagreed to.

After section 68

The Deputy Presiding Officer: We move on to group 13. Amendment 115, in the name of Sarah Boyack, is the only amendment in the group.

16:00

Sarah Boyack: We need a debate on the issue that amendment 115 covers. I have been pursuing it since our discussions on the Community Empowerment (Scotland) Act 2015 and I think that it is unfinished business.

Section 71 of the Local Government (Scotland) Act 1973 provides that

“for the purposes of any of their functions under this or any other enactment, a local authority may be authorised by the Minister concerned with the function in question to purchase compulsorily any land”.

The reference to “enactment” covers new provisions on allotments. However, my reading of the answer that I received to a recent parliamentary question on the updating of the law on allotments is that the existing power to acquire land for allotments will be lost when the Community Empowerment (Scotland) Act 2015 comes into force. I hope that that is an unintended by-product of the 2015 act, and I drafted amendment 115 to avoid that happening.

I hope that the minister will be able to pick up the issue today and support amendment 115 or provide comfort by assuring me that my

interpretation of the answer that I received is not correct. I am keen for the minister to confirm, on the record, either that local authorities will still have powers to acquire land for allotments and how they may do so, or that the Scottish ministers will support amendment 115.

I move amendment 115.

Alex Fergusson: Again, I do not think that the issue should be slotted into this bill without proper scrutiny or indeed evidence on the subject, especially as we spent considerable time trying to simplify the legislation that relates to allotments during the passage of the Community Empowerment (Scotland) Bill. I do not know whether the minister is minded to support amendment 115, but I am afraid that we are not so minded.

Paul Wheelhouse: I understand that Dr McLeod responded to Sarah Boyack’s question on 10 February. The Scottish Government response remains the same today: the minister’s officials are reviewing the position on the need and justification for the compulsory purchase of land for allotments, using compulsory purchase orders. If legislative proposals are to be introduced as a result, sufficient scrutiny will need to be given to the best approach. There are issues to do with article 1 of protocol 1 to the ECHR, as we said in the context of other measures in the bill. Work on this important matter is going on and we are taking a considered and proportionate approach to the issue, rather than attempting to address it at a very late stage of the Land Reform (Scotland) Bill.

Section 119 of the Community Empowerment (Scotland) Act 2015 places a duty on each local authority to

“prepare a food-growing strategy for its area.”

The Scottish Government is employing an allotments officer from Fife Council, part time, to take the work forward in partnership with local authorities, the Scottish Allotments and Gardens Society and the wider growing community. Given the underpinning work that is going on in the background, I hope that Ms Boyack is reassured that we are taking the matter seriously.

The compulsory acquisition of property is a significant measure that can have an adverse impact on people’s rights. The inclusion of a provision in that regard at stage 3 of this bill, without going through the proper process of parliamentary scrutiny and evidence taking, is not something that we can support. However, we acknowledge the strong demand for allotments and Ms Boyack’s strong interest in ensuring that it is met.

Sarah Boyack: I see that I will not get a majority on the issue. In one sense I am reassured

by the minister's words. I am well aware of the food-growing strategy provision and that there is huge support for allotments, with waiting lists for allotments across the country.

I am less reassured by the question mark that the minister placed over the ambition that local authorities should be able compulsorily to acquire land for allotments. If we are requiring local authorities to make allotments available, we need to give them the tools with which to do so. I will not press amendment 115, on the basis that it will be defeated and I do not want to create division on an issue on which we should all agree, but I urge ministers to be clear about the work that is going on and to take more seriously the challenge for local authorities that do not have land available for allotments but are faced with huge demand and a requirement—which we placed on them in the 2015 act—to provide allotments for constituents who would like to benefit from them.

Amendment 115, by agreement, withdrawn.

After section 69

The Deputy Presiding Officer: We move to group 14. Amendment 116, in the name of Claudia Beamish, is grouped with amendments 74 to 76.

Claudia Beamish: Amendment 116 provides for Scottish Natural Heritage to review its code of practice on deer management every three years. The purpose of the review would be to assess the extent to which owners and occupiers of land are complying with the code and the effectiveness of the code in promoting sustainable deer management. SNH would submit to the Scottish ministers a report based on the findings of the review, including any recommendations. The Scottish ministers would be required to lay the report before the Parliament.

I note that the Association of Deer Management Groups has expressed concern about this amendment in its stage 3 briefing. However, I believe that there is some consensus across the chamber on the grave concerns about deer management and on the fact that the issue is really out of control. Scottish Labour and I are clear that this provision is now necessary to help focus the minds of those who are not doing what they should be doing as we go forward as a country to create a countryside where biodiversity is at the heart of our actions, even as we take into account economic interests.

Amendment 116 would ensure regular monitoring and reporting on compliance with the code by all landowners and occupiers, and not just public bodies. There would be a clear case for Government to take action if the report indicated that the code was not being complied with and

was therefore not proving effective in achieving sustainable deer management.

At this point I would like to thank the minister in her absence and her officials for their support in the development of this amendment, which comes from stage 2 work that I did. I also acknowledge Michael Russell's work on the issue, along with the work of others on the Rural Affairs, Climate Change and Environment Committee.

I support the minister's amendments in this group, which give power to SNH

“to require return on number of deer planned to be killed”.

I also support the subsequent level 3 fines for non-compliance, which I think are proportionate.

I move amendment 116.

Paul Wheelhouse: We certainly agree with Claudia Beamish that it will be very important to ensure that all those who manage deer are focused on the deer management code and are taking heed of the comprehensive advice that is available through the code. I whole-heartedly identify with her concerns regarding impacts on biodiversity and the other issues that she raises.

Amendment 116 will provide a means of signalling the importance of the code to private landowners and managers as well as public bodies. It will also provide a mechanism for SNH to assess compliance with the code and bring non-compliance to the attention of ministers and the Scottish Parliament.

We thank Claudia Beamish for the amendment. The minister is very happy to accept it, and I am happy to confirm that on her behalf.

I will start by speaking to amendment 74. Mike Russell's amendment at stage 2 means that, rather than approving a deer management plan without modifications, or rejecting it, SNH can approve a plan with or without modifications, or reject it. Dr McLeod was happy to accept that amendment at stage 2 on the ground that it was intended to allow—indeed to encourage—dialogue between SNH and deer management groups on their plans. Concern, however, has been expressed that that amendment could have the effect of allowing a plan to be imposed on those groups without discussion. The concern is that SNH, should it be minded to do so or should pressure be put on it to act in this way, could rewrite sections of a deer management plan, hand it back to the owners and managers, and tell them to get on with delivering it, without further input or consultation.

We propose amendment 74 to ensure that discussions take place between SNH and owners or occupiers when a deer management plan is being prepared. The amendment would formalise

that in legislation and ensure that any modifications that SNH proposes to make to a plan must be discussed beforehand with the owners or occupiers.

Amendment 75 provides SNH with the power to require owners and occupiers of land to make a return that shows how many deer are to be culled during the following year on their land. It replaces section 70A, which was added to the bill by Mike Russell at stage 2. I understand that Dr McLeod indicated then that, although we supported the intention, there were problems with the operation of the related offence provisions. Those have been addressed in this further amendment.

Section 40 of the Deer (Scotland) Act 1996 allows SNH, by notice, to require returns from owners or occupiers as to the number of deer killed on the land during a period of up to five years immediately preceding the serving of the notice. It is an offence to fail to make such a return or to provide any false information when making a return. Projected deer cull returns would allow SNH to compare planned and actual culls, and would focus the minds of owners or occupiers on carrying out responsible deer management. We supported Mike Russell's amendment for that reason. However, the way in which his amendment to section 40 was drafted means that the offence of providing false information applies to the returns on projected culls. The provision of false projections would have been difficult to prove, and we do not think that the accuracy or otherwise of projections should be potentially subject to criminal proceedings.

The Government's amendment 75 therefore creates a new section 40A in the Deer (Scotland) Act 1996, on projected deer culls, rather than attempting to include them in the existing section 40. The false information aspect of the offence provision has been omitted. Failing to provide a deer cull projection return will be an offence under proposed section 40A that is comparable with the existing offence of failing to provide a deer cull return for previous years under section 40. Amendment 76 removes section 70A from the bill because it is superseded by amendment 75.

Michael Russell: I am very supportive of Claudia Beamish's amendment 116 and the Government amendments in the group. I am grateful to the Scottish Government and particularly to the minister for accepting much of what I argued at stage 2. I thank the Scottish Wildlife Trust for its help in taking the issue forward at stage 2 and Richard Cooke of the Association of Deer Management Groups. That tribute to him will probably surprise him as much as it surprises me, but his work and that of many of his members has been effective; the problem is that it has not been effective enough, as the scale

of the problem is much greater than an entirely voluntary system can cope with.

In 1989, 30 years after the establishment of the Red Deer Commission, the then chairman of the commission said in his annual report:

"Thirty years on and no improvement".

He said:

"the single over-riding factor during the thirty years of our existence has been the steady increase in red deer numbers (to 300,000) ... the success of well managed estates and groups has been more than cancelled out by the performance of others who have failed to appreciate the problems that over-population brings to neighbours and the deer themselves ... If we cannot get the required cooperation from deer managers the Commission will have no alternative but to seek a statutory solution to the problems."

At the conclusion of the Deer Commission, whose merging with SNH I was involved with, virtually exactly the same thing was said. In the concluding report, the chairman said:

"the current voluntary system has not evolved much in the last 20 years ... if opportunities for reform are not taken then other approaches will need to be considered."

I am grateful for Simon Pepper's work in putting together an analysis of the reports of the Red Deer Commission and the Deer Commission over 50 years, because they tell us that the measures that have been adopted have not been successful. Essentially, this is the last chance for the voluntary system to work. SNH must try to ensure that it does so.

The amendments give further powers to SNH, which should focus on ensuring that there is effective deer management in every part of Scotland. I know that, if that cannot happen and the review later this year does not produce that, the Scottish Government—whatever Scottish Government there is then—will be more than prepared to act.

After 50 years of the voluntary system and a century and a half of deer being a resource that is largely used by absentee landlords, the problem is now of a massive proportion in Scotland, and the problem for the south of Scotland is just beginning to be noticed. In those circumstances, we require a solution soon.

Alex Fergusson: It may well be true that deer management has not changed much in the past 50 years, but it may have changed more in the past two years than at any other time for a very long time. That is due to the kicking, if I may put it that way, that the Rural Affairs, Climate Change and Environment Committee has given to the world of deer management.

I want to put that in context. I have no issues at all with amendments 74 to 76, but I am afraid that we will not support amendment 116 because,

given that SNH is already required to approve the process of deer management planning and that management plans are reviewed annually by SNH, I cannot see any merit in Claudia Beamish's proposal, which would simply heap a further onerous extra layer of bureaucracy on a sector that is already admittedly struggling to cope with what we are rightly asking it to do.

Perhaps I am a bit of an old softy about the issue, I do not know, but when we are asking big changes of people—and we have put a bit of a bonfire under the sector—I sometimes think that we also need to be seen to be a little encouraging and supportive and to help the sector through the changes that we are demanding, rather than just heaping more bureaucratic burdens on it.

16:15

Claudia Beamish: I point out to the member and to the chamber that SNH's 2014 deer management report highlighted a significant number of issues that were not being resolved. Scottish Labour and other members of the Rural Affairs, Climate Change and Environment Committee are concerned that we may have to move to statutory interventions. My amendment is a way of moving in that direction and putting down warning signs. Let us see where that takes us.

Alex Fergusson: The member mentioned 2014, which was when the report was drawn up. I have said already that we have probably had more changes in the past two years than in the past 50 years.

I do not take away from the possibility of statutory intervention. The member will know that I have never shied away from that in committee. However, at this final stage of voluntary work, we should be seen to be supportive of and encouraging to the sector, rather than just heaping more burdens on it.

I am aware that my view will be defeated and that Claudia Beamish will have achieved a double in having two amendments agreed to this afternoon. That is two more than I am likely to get, but it will not stop me from opposing amendment 116 on principle.

Rob Gibson: As the person who perhaps propelled to notice the issue of deer management groups and their lack of effect, particularly in the Assynt area in my constituency, it is interesting to see in what are probably the last days of how the voluntary system works the very mixed figures that are being collected by SNH.

I have recently been given some figures. In March 2006, the density of deer in Assynt was 7.6 per hectare. The figure moved up to 7.7 in 2011 and 7.9 in 2013. It reached a low of 4.9 in

November 2014, when the SNH count took place. In the most recent count in March 2016, the number is 10 deer per hectare. That is a huge density—twice the amount that is required. It is necessary for the proposed action to be taken.

Jamie McGrigor (Highlands and Islands) (Con): Will the member give way?

Rob Gibson: Not at the moment, thank you.

On the idea of looking at having SNH modify the rules to consent and so on, as proposed by the Government amendments, it is essential to realise that the groups that make up the Assynt sub-group include the John Muir Trust, private shooters, the Assynt crofters who make a small income, some woodland groups and others.

Meeting all the needs of those groups in a voluntary system is almost impossible. It would be ridiculous if the current system of orders under section 7 and section 8 of the Deer (Scotland) Act 1996 were applied against the Assynt crofters and not against the bigger estates or the ones that will do nothing.

The need to have the amendments passed is merely a short passage towards the need for a much more statutory than voluntary system as indicated by Mr Russell. I support the amendments, but I point out that the figures show the necessity for action.

The Deputy Presiding Officer: I call Jamie McGrigor, who has just pressed his request-to-speak button.

Jamie McGrigor: The figure of 10 deer per hectare just cited by the member would mean that a 1,000 acre farm would have 10,000 deer on it. I cannot believe that the figures are correct.

The Deputy Presiding Officer: I call Claudia Beamish to wind up, and to press or withdraw her amendment.

Claudia Beamish: I press amendment 116.

The Deputy Presiding Officer: The question is, that amendment 116 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)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
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 Kidd, Bill (Glasgow Anniesland) (SNP)
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 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
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 Macintosh, Ken (Eastwood) (Lab)
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 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)

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 116 agreed to.

Section 70—Deer management plans

Amendment 74 moved—[Paul Wheelhouse]—and agreed to.

After section 70

Amendment 75 moved—[Paul Wheelhouse]—and agreed to.

Section 70A

Amendment 76 moved—[Paul Wheelhouse]—and agreed to.

After section 79A

The Deputy Presiding Officer: We move to group 15. Amendment 117, in the name of Alex Fergusson, is the only amendment in the group.

Alex Fergusson: I lodged amendment 117 in response to a set of circumstances that was brought to my attention only at the end of our

stage 2 proceedings. That was unfortunate, to say the least, because I believe that those circumstances would attract the sympathies of most members as, in effect, they lead to the accidental creation of a secure 1991 act tenancy without the landowner's consent and often even without their knowledge.

We are not talking about big landowners, but rather about somebody who has a few acres around their house or a smallholding from which they have not sought to make a living. As a perfect example, I will read an email that I received that highlights the circumstances that I am referring to. I think that other members will have received the same email.

"To whom it may concern ... Our family is in a situation where we own a small area of land, approximately 24.26 ha.

Through circumstances, we rented 20.46 ha of this land on a seasonal basis in the mid 1980's.

No formal agreement was ever put in place, it was a verbal agreement. There was no ingoing valuation, but the tenant did state that he would only be interested in proceeding if he had a reassurance that he would be allowed to continue to farm that portion of the farm for 10 years. We (the family) thought that this was a fairly reasonable request as there would be a requirement for him to upgrade machinery. All was done on what we assumed was a trust basis, and was sealed with a handshake.

The person who rented this land engineered a situation, through growing winter crops, where a secure tenancy was created. Two internal fences were completely removed without any consultation and the remaining fences have been allowed to deteriorate to such a stage that the majority of the farm is not suitable for livestock farming. The initial arrangement was purely for bare acres, no buildings were included.

Again through naivete we allowed use of some of the buildings. Now each year about 60 cattle are wintered in our steading, and grain and machinery are stored. Minor damage has occurred but never repaired. No contribution is given for use of electricity, and when I asked for a contribution to the water bill, it fell on deaf ears ... In December of 2013 I offered to sell 11.7ha to the 'tenant' and resume 8.76ha to support my flocks of pedigree sheep. Again there was no response to this offer, not even an attempt to negotiate."

The person writing the email is now of an age where they

"would like to give up full time work and semi retire to my small farm."

In order to accommodate their small flock of sheep, they have to rent

"seasonal grazing leases ... The 'tenant' has used public money in the form of the Single Farm Payment since its inception and has done nothing to enhance the value of the property or improve it ... We are just a very ordinary family with no desire to be landlords. We feel in our semi retirement that it would only be right, just and proper if we were allowed to farm our small parcel of land."

My amendment 117 seeks to deal with such unjust situations. It provides that, when a landowner owns land that is subject to a secure tenancy that was created without the consent of the owner, that owner can apply to the Scottish Land Court for an order that would convert the secure tenancy to a modern limited duration tenancy, the term of which should be left to regulations. I believe that the involvement of the Land Court is absolutely essential, because there would undoubtedly be differing views on whether consent had been given.

I accept that amendment 117 focuses on an issue that was not considered at stage 1 or stage 2, but it focuses on a set of circumstances that really needs to be addressed. I also accept that there might well be other options for how best to address it. If amendment 117 goes the way of all my other amendments and is not accepted by ministers, I ask that the Government commits—at the very least—to consulting on the issue and addressing it in the next session of Parliament.

I move amendment 117.

Claudia Beamish: The example that Alex Fergusson gave is of a negative nature, and one can have sympathy for the family concerned, but we do not know the extent of such problems. At this stage, it would be difficult to support amendment 117. In addition, there might be examples on the other side of the argument. The fact that generations of tenants have not had leases of a modern nature is a cause for concern.

Alex Fergusson: Hence my suggestion that the Land Court should be involved when there is a dispute about how or when a tenancy was created.

Claudia Beamish: I understand Alex Fergusson's point, but given the lack of consultation on the issue, I think that it is not appropriate to proceed with his proposal. That is Scottish Labour's position.

Jim Hume: I seek some clarification from Alex Fergusson. I am not minded to support amendment 117. As Alex Fergusson said, the issue has emerged very late in the day for members of the Rural Affairs, Climate Change and Environment Committee.

I am always concerned about unintended consequences, which there might be in situations in which there is not a written 1991 act tenancy agreement but it is understood that people have such an agreement—I believe that such situations are quite common across Scotland. The amendment could have a negative effect on those who hold what Alex Fergusson and I would consider to be a 1991 act tenancy. I would appreciate it if the cabinet secretary and Alex Fergusson could address that point.

Richard Lochhead: Although I understand why Alex Fergusson lodged amendment 117 and respect his reasons for doing so, I do not believe that it solves the problem that he is trying to fix.

Before the law was changed in 2003, it was possible for a 1991 act tenancy to be created from a short tenancy if the landlord did not take the necessary steps to end the tenancy properly. I appreciate that that can mean that some people find themselves in unfortunate situations, such as in the case that Alex Fergusson cited, but the position of landlords with tenancies that they have inadvertently allowed to become 1991 act tenancies would not change as a result of amendment 117.

The reason for that is that the legislation does not distinguish between a 1991 act tenancy that was created intentionally and one that was created unintentionally. Allowing landlords to come forward now and claim that they did not consent to what happened in the past would be difficult not only to justify but to prove, and it could be open to abuse. We also know that there is no consensus in the industry about how long converted leases should last for.

The Scottish Government does not hold statistics on the number of landlords whose tenants have a 1991 act tenancy as a result of their not taking the action that was needed to end the tenancy. It is an issue that would need to be considered carefully in the future and, if there was good evidence that there is a problem, it would merit more attention, as Alex Fergusson said. However, we do not believe that the lodging at stage 3 of an amendment that has not been the subject of any prior consultation is the way forward.

For all those reasons, the Government cannot support amendment 117.

16:30

Alex Fergusson: I thank those members who took part in the brief debate. I think that there is a genuine issue to address here—indeed, I would not have lodged the amendment otherwise—and it is highly regrettable that it was not brought to the attention of any of us until after stage 2 had been completed. It is perhaps surprising that nobody took advantage of the opportunity to provide written evidence in order to highlight the issue, but I have no doubt that this is an issue. I know of circumstances other than the one I have just read out of people finding themselves locked into a situation that they had no intention of getting into when they shook the hand of the person in question in agreement. The problem is born, perhaps, of naivety, but it is naivety for the right reasons—the charitable act of allowing someone

to use a bit of surplus land that the land's owner did not wish to use themselves. I hope that my intentions are, at least, seen to be honourable, because I believe that they are.

I accept—and I said as much when I was speaking to it—that the amendment might not be appropriate; it is therefore a probing amendment. I am not sure that I got a commitment from the cabinet secretary to look at the issue in the next session of Parliament, but I think that I heard a willingness to do so should it come forward in another guise. If that is the case—I see the cabinet secretary nodding his head—I seek leave to withdraw the amendment.

Amendment 117, by agreement, withdrawn.

Section 79B—Repairing tenancies: creation

The Deputy Presiding Officer: We move to group 16. Amendment 77, in the name of the cabinet secretary, is grouped with amendments 78, 79, 98 and 99.

Richard Lochhead: Amendments 77 to 79 relate to the repairing period in a repairing tenancy, which is the crucial period at the start of such a tenancy when the tenant is expected to improve the holding so that it can be farmed productively. Under section 79B, the repairing period must last at least five years, but the parties can agree a longer period at the start of the tenancy. At the moment, however, if the parties want to extend the repairing period later on, they need to apply to the Land Court. The amendments mean that the parties can agree an extension between themselves instead, without their having to go to the Land Court.

Amendment 79 provides that, where either party applies to the Land Court for an extension of the repairing period, the Land Court can extend the repairing period if it believes that in light of all the circumstances such a move is appropriate. The extension can be for however long the court thinks is necessary but, in practice, it is likely to depend on the state of the farm at the beginning of the tenancy, the reasons for seeking more time and whether a reasonably skilled tenant would need more time to bring it up to the proper standard.

Amendment 98 is a consequential amendment to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 and ensures that the act's provisions do not apply to modern limited duration tenancies and repairing tenancies. After all, they already do not apply to 1991 act tenancies, limited duration tenancies or short limited duration tenancies.

Amendment 99 is a consequential amendment to section 19 of the Agricultural Holdings (Scotland) Act 2003, which states that any provision of that act with regard to a tenancy's

termination does not affect the landlord's separate right to resume the holding. Amendment 99 also ensures that section 19 applies to the landlord's right of resumption under new section 17A of the 2003 act on repairing tenancies.

I move amendment 77.

Amendment 77 agreed to.

Amendments 78 and 79 moved—[Richard Lochhead]—and agreed to.

Section 79G—Repairing tenancies: irritancy

The Deputy Presiding Officer: We move to group 17. Amendment 80, in the name of the cabinet secretary, is grouped with amendment 1.

Richard Lochhead: Amendment 80 adjusts new section 18B of the 2003 act on irritancy—which, in non-jargon, means the termination of the lease—in repairing tenancies to ensure that the new provisions on irritancy of MLDTs in section 18A of the 2003 act also apply to repairing tenancies throughout their duration. The one very important exception is that, during the repairing period, the lease cannot be irritated on the grounds that the tenant has breached the rules of good husbandry. That is out of fairness to the tenant, because during the repairing period the holding might not yet be in a good enough condition to enable the tenant to farm in accordance with the good husbandry rules.

I am pleased to support amendment 1, in the name of Claudia Beamish, which will have a real impact by removing the possibility of tenants in short limited duration tenancies and limited duration tenancies having their leases brought to an end for not paying the rent on time, unless they have first been given a fair chance to put the situation right. A landlord will still be able to bring the lease to an end if the tenant ignores the demand and does not pay the rent due.

I move amendment 80.

Claudia Beamish: I am pleased to hear that the cabinet secretary is willing to support my amendment 1. I appreciate the support that I have had and the discussions that I have had on the matter with Scottish Government officials.

I will recap quickly. As the cabinet secretary said, amendment 1 inserts into section 18 of the Agricultural Holdings (Scotland) Act 2003 new subsection (2A), which provides that SLDTs and LDTs may not be irritated or terminated on the ground of non-payment of rent unless the landlord has first

“given the tenant a demand in writing requiring the tenant to pay the rent due before the expiry of the period of 2 months beginning with the date of the demand, and ... the demand has not been complied with.”

That means that, when the tenant has not paid the rent when it is due in accordance with the terms of the lease, the landlord must send a written notice setting out the rent that is due and giving the tenant two months in which to make the payment. If the tenant does not make the payment within two months of the demand, the landlord is free to proceed to exercise the irritancy provision of the lease. The irritancy is therefore purgeable.

Usually, an action for removing will then be raised in court, and the tenant will have an opportunity to challenge in court the lawfulness of the exercise of the irritancy clause, although the grounds for doing so are limited. Thereafter, the landlord must give two months' notice before they exercise their right to remove the tenant.

I also support the cabinet secretary's amendment 80, because it would be absurd for a landlord to be able to terminate a lease on the basis that good husbandry was not being carried out when the purpose of a repairing lease is to get the leased land into a state of good husbandry.

Alex Fergusson: We are starting to get to the nitty-gritty of my interest in the bill. I am starting to get revved up, I am afraid.

I am happy to endorse amendment 80, but I am afraid that amendment 1 is a piece of nonsense, to be frank. As I said at stage 2, any tenant will know when their rent is due, especially with an SLDT or an LDT. It will nearly always be at Martinmas or Michaelmas—on 28 May or 28 November—and even if it is not, the lease will set out clearly when the rent should be paid. There is no need for amendment 1, which in effect simply requires an invoice for rent to be issued to the tenant after it should already have been paid and before the expiry of a two-month period. Amendment 1 is unnecessary and I am afraid that we simply cannot support it.

Richard Lochhead: I would only add in response to Alex Fergusson's comments that we believe that amendment 1 provides a protective buffer against irritancy for non-payment of rent, and therefore that it adds value. I ask Parliament to support it.

Amendment 80 agreed to.

Section 89A—Tenant's offer to relinquish 1991 Act tenancy

The Deputy Presiding Officer: We move on to group 18. Amendment 81, in the name of Jim Hume, is grouped with amendments 82 to 90, 140, 127, 128, 91, 129 and 130.

Jim Hume: New entrants and farmers wishing to progress are currently undefined in the new part 3A to be inserted into the Agricultural Holdings (Scotland) Act 1991, on the relinquishment and

assignment procedure. Instead, the definitions are left to regulations. I do not intend to labour the point, but I highlight again that the way in which the definitions are framed will be crucial to the success or failure of the policy. If the definitions are too wide, more established farmers will fall within them and will outbid new entrants who are seeking to get a foot on the ladder. If they are too narrow, no one will be able to use the process.

I expected the definitions to be contained in the primary legislation so that we could scrutinise them fully and see the measure as a whole. Instead, we are being asked to consider a measure when we do not know who will benefit from it. Given that we will rely on regulations for the definitions, the regulations should be subject to the affirmative procedure, and that is what amendment 81 seeks to achieve.

Amendments 129 and 130 are a little more complicated. Section 89B(4) will allow ministers to make regulations to apply or disapply part 3A to partnerships, including limited partnerships, and I am concerned about the power that allows ministers to make regulations to apply part 3A to the general partners of limited partnerships. Given recent events and the terrible fallout from the *Salvesen v Riddell* case, we are all aware of how difficult and complex limited partnerships can be.

I appreciate that, as the bill is currently drafted, the ministers have only a regulation-making power, but it is clear that regulations could perhaps seek to apply part 3A to individuals who are not tenants. I am clear that the general partners of limited partnerships who hold tenancies are not secure and should therefore not be treated as such, as a clear distinction needs to be made between cases in which there is a true secure tenant on the land and cases in which there is a limited partnership.

We need to exercise great caution, and that is why I have lodged amendments 129 and 130, which I hope will get support from across the chamber, to help to boost the trust in the letting of land that is vital for new entrants and which we all desire.

I move amendment 81.

Richard Lochhead: I should forewarn the chamber that there are a lot of amendments in this group and that I therefore have a lot to say.

I start with Jim Hume's amendment 81, which would make the regulations defining "new entrants" and "persons progressing in farming" for the purposes of the relinquishment and assignment provisions subject to the affirmative procedure. I cannot support the amendment.

First, I do not think that it is necessary to increase the level of parliamentary scrutiny in this

instance. It is our full intention to consult widely with stakeholders to arrive at sensible and fair definitions for "new entrants" and "persons progressing in farming". Secondly, elsewhere in the bill—in section 74 on modern limited duration tenancies—there is another regulation-making power for defining new entrants for the purposes of that section, and that is subject to the negative procedure. The definition of new entrant is likely to be the same for both sections of the bill, so it is only logical that the level of parliamentary scrutiny should be the same for both. I therefore invite members to reject amendment 81.

Government amendments 82 and 83 ensure that, in circumstances where the tenant farming commissioner appoints and pays for a valuer as part of the relinquishing and assignment process, the commissioner can then recover those costs from the tenants.

Government amendments 84 to 90 all relate to the valuation calculation that is used in the relinquishing and assignment process. Those refinements are being made following further discussions with stakeholders to ensure that the provisions are as clear and workable as possible. Currently, the bill requires the valuer to take into account the existence of what is known as a special buyer—a person who would be willing to buy the land at a premium, because they have a particular interest in the land. However, the premium should already be factored into the holding's market value, so it would be difficult to calculate separately. Amendment 84 means that the valuer is no longer required to take into account the existence of a special buyer.

The bill also requires the valuer to take into account any sporting interests contained in the lease. That is right and proper, but there may be other rights that have an impact on the value, such as mineral rights. Amendment 85 removes the reference to sporting rights to make sure that they are not given preference over other rights in the lease for the purposes of the valuation. It ensures that all relevant leases affecting the land are considered in the valuation process.

Amendment 86 makes it clear that the valuer is not to take into account whether the tenant has a successor that they could hypothetically have passed their tenancy on to if they were not using the section 89A process.

Amendments 87 and 89 are technical drafting changes. They make the wording in new sections 32I and 32K consistent.

I turn now to amendments 88 and 90. The bill currently says that the valuer should not take into account any increase or decrease in the value of the land that results from using the land for a purpose that is

“not an agricultural purpose or the carrying out of conservation activities”.

However, even if a use is agricultural or conservational, it might not actually be permitted under the lease, so amendments 88 and 90 make it clear that the valuer should take into account factors that impact the value of the land only if they are uses that are permitted under the lease.

Sarah Boyack emphasised at stage 2 how important it is that we make sure that the new relinquishing and assignation process works as effectively as possible. I absolutely agree, and the amendments that I have just outlined are part of ensuring that that is the case.

16:45

Of course, this is a brand new process, not just for tenants and landlords but also for agricultural valuers. With that in mind, I brought forward amendment 140, which introduces a regulation-making power that will mean that we have the flexibility to adjust the valuation provisions to make sure that they work as well as possible for the sector.

The regulations would be subject to affirmative procedure, so that the Parliament will have the opportunity to consider them fully. Equally important, we will be keen to hear the views of stakeholders from across the sector in that process. After all, they are the people who will use that new process. Throughout the bill's passage, we have been keen to engage extensively with stakeholders on the new process, and amendment 140 demonstrates our continued commitment to that.

Alex Fergusson's amendments 127 and 128 propose replacing the relinquishment and assignation provisions that are currently contained in section 89A with a new process. I find it ironic that, during stage 2, Alex Fergusson said that the relinquishment and assignation provisions had not received sufficient scrutiny—despite the fact that they were developed over a period of several months and involved extensive discussions with stakeholders as well as updates to the Rural Affairs, Climate Change and Environment Committee—yet at stage 3 he brings forward substantial new provisions that have not been subject to any wider scrutiny or consultation.

The committee, including Alex Fergusson, has consistently reminded us of the need to give the bill's provisions the scrutiny and due diligence that they merit—Alex Fergusson has reminded us of that again today. We have taken that very seriously in the preparation of the bill. When we have made notable changes during the passage of the bill, they have been developed following

engagement with, and feedback from, stakeholders and the committee.

Those issues aside, I believe that the amendments proposed by Alex Fergusson are flawed in several ways. First, his proposals specify that the process can be used only by a tenant who is seeking to retire from farming. The process in the bill is aimed at supporting tenants to retire, and in practice I anticipate that the great majority of tenants who use the process will be retiring from farming, not least because of the tax implications. However, I do not believe that it would be possible to define a tenant who was “seeking to retire” in a way that was meaningful, fair and enforceable. Also, I do not believe that it would be right to exclude tenants who want to downsize as a step on the road to retirement from being able to relinquish or assign their tenancies.

Secondly, Alex Fergusson's amendments would let the landlord announce that he wants to buy out the tenant's interest in the lease after the tenant has already lined up an assignee. Why would a potential assignee go through the whole process of entering into negotiations with the tenant for the lease—securing finance, valuing the tenant's interest and making an offer—if they knew the landlord would trump them if they subsequently offered to buy the tenant out at exactly the same price?

It gets worse than that. Under Alex Fergusson's amendments, the landlord could say that he wants to buy out the tenant, block the assignation and change his mind months later. The tenant would then be able to assign the tenancy, but by that point the assignee that they had lined up would probably no longer be interested, or might not be in a position to take on the tenancy. Indeed, they might no longer be eligible if they do not meet the definition of a new entrant or progressing farmer by that point.

Under Alex Fergusson's amendments, the tenant could assign the tenancy only to the assignee that they originally proposed at the very beginning of the process so, if the original assignee is no longer a possibility, the tenant cannot assign. In addition, there is nothing to prevent a tenant from colluding with an assignee to assign for an inflated price that the landlord could never afford, because there is nothing in Mr Fergusson's amendment that would require the assignee to pay the price if they ever got to that point in the process.

Thirdly, if the tenant is able to successfully assign, the assignee gets a tenancy that they can rely on for only 25 years. That is because Alex Fergusson's process lets the landlord issue the new tenant with an incontestable notice to quit, for any reason, 25 years after the tenancy is assigned.

The relinquishment and assignation provisions in the bill were carefully developed, and we have continued to engage with stakeholders on refining them throughout the bill's parliamentary passage. Indeed, the Government's amendments in this group reflect further feedback that we took on board from stakeholders from across the sector.

Our overarching objectives, which I think everyone in the chamber will share, are to create secure routes into retirement for existing tenants, and accessible routes into farming for newer tenants. For the reasons I have outlined, I do not believe that the process that Alex Fergusson proposes would achieve that, so I invite Parliament to reject amendments 127 and 128.

I am mystified as to why Jim Hume has brought forward amendments 129 and 130. We all know how important it is to get the law on partnerships right, as shown in the case of *Salvesen v Riddell*. That is something that takes a lot of time. In the supplementary delegated powers memorandum for the bill, we said that we do not think that it would be feasible for tenants in certain partnerships to use the process outlined in part 3A. However, it is crucial that we consider the issue very carefully to ensure that we do not discriminate against any group and that we are ECHR-compliant.

Although part 3A of the 1991 act applies to partnerships just now, new section 74A of the *Agricultural Holdings (Scotland) Act 2003* provides the power to make regulations so that ministers have the flexibility to do whatever may be necessary to get things right in the future. Jim Hume's amendments would tie ministers' hands before we knew what provisions we might need to make and what solutions are available.

We are acutely aware of the difficulties that are faced by people in limited partnerships. Of course, we would have supported Jim Hume if he had made proposals to help those in limited partnerships to move actively into new and more stable arrangements, but he has not done that, so we cannot support his amendments 129 or 130.

Finally in this group, I turn to the Government's amendment 91. Section 55(4) of the *Agricultural Holdings (Scotland) Act 2003* lets a tenant offer to give up their tenancy before the end date in exchange for compensation from their landlord. As part of the relinquishment and assignation process that is created by section 89A of the bill, tenants under 1991 act tenancies can no longer use section 55(4) of the 2003 act, because the new process replaces it. However, the bill removes the section 55(4) right from tenants of limited duration tenancies and modern limited duration tenancies, even though they are not eligible to use the new process.

Amendment 91 simply corrects that, with the effect that tenants with MLDTs or LDTs will still be able to offer to terminate their leases early in exchange for compensation from their landlord under section 55 of the 2003 act.

Alex Fergusson: It is quite clear that the cabinet secretary and I—and possibly other members—have what I fear to be an irreconcilable difference over this issue. My belief is that the introduction at stage 2 of the ability of a 1991 act tenant to relinquish his or her tenancy and assign it for value has ensured one certain outcome: that the bill cannot deliver at least one of its policy objectives—that of increasing the amount of land that is available to rent in Scotland.

The bill as it stands will, I believe, do the exact opposite. That is because, first, any landlord who can afford it will almost certainly take the opportunity to buy out the lease when it is offered for relinquishment, at however unfair a price it may be. Secondly, no one with land available to let will let it on any kind of long-term or even short-term basis from now on. Welcome to the age of contract farming.

I still do not understand how the cabinet secretary can pursue a measure that fails to meet that policy aim of the bill—which was specifically ruled out by the review group that he chaired himself—on the grounds that it was not in the public interest.

It is telling: we might well expect Scottish Land & Estates to support my position on this matter; I find it interesting that the National Farmers Union Scotland does, too. The NFUS does so, as it has stated, because it simply does not see any benefit to agriculture from the proposed measure.

Instead of pursuing the agricultural holdings legislation review group's vision of gradually allowing 1991 act tenancies to be replaced with more modern letting vehicles, the Government has chosen to mothball secure tenancies for evermore. The conversion model that was being progressed through the stakeholders group had a very real chance of changing things for the better, but that prospect has been well and truly torpedoed.

It is clear that relinquishment and assignation will soon become part of our legislation. My amendments 127 and 128 seek to restore a measure of balance, while helping to achieve the policy aims of the bill, by inserting an alternative new part 3A into the 1991 act, which contains four main differences from the existing new part 3A proposed by the bill.

First, my new part 3A would, as the cabinet secretary pointed out, restrict those who can use the measure to tenants seeking to retire. That would surely better target the policy to those it is seeking to assist.

Secondly, my proposals would introduce a new process by requiring the tenant to serve a notice to assign, which would include details of both the proposed assignee and the amount payable by that assignee. The landowner would then have an effective right of pre-emption to match that sum and buy out the lease.

Thirdly, the assigned lease would remain as a 1991 act tenancy for a period of up to 25 years, after which, as the cabinet secretary pointed out, the tenant could be served a notice to quit. That would allow the agricultural holdings legislation review group's vision of secure tenancies slowly dying out to be realised without engaging the possible ECHR implications of allowing them to continue indefinitely.

Finally, the amount that is paid by the landowner in matching the assignee's offer would be deemed to include compensation for tenants' improvements, as the assignee would already have taken that into account. Any other approach would involve double accounting.

I believe that the adoption of my amendments 127 and 128 would bring about a more balanced and fairer approach to relinquishment and assignation and that it would bring the bill closer to achieving one of its policy aims. It would also reduce the very likely possibility of the legislation being challenged in the courts, as I warned about at stage 2 and very much fear will happen. If we cannot bring a more balanced approach to this part of the bill, I fear that we will have to watch from the sidelines as the tenanted sector falls apart.

Before I move on, I want to support strongly amendments 129 and 130 in the name of Jim Hume. I totally oppose manuscript amendment 140. I cannot understand why the Government suddenly considers it necessary to make what I see as very sweeping changes at such a late stage, even if the provisions are to be subject to the affirmative procedure.

Given that many other amendments in the group clearly define the valuation procedure, I am at something of a loss as to the sudden desire to virtually negate them via amendment 140, which gives no indication of either when or why the powers would be exercised. The cabinet secretary will no doubt smile, but to introduce an extensive power without either consultation or scrutiny says a great deal about the Government's approach to the legislation. It will not receive the support of Conservative members.

Claudia Beamish: Scottish Labour will not be able to support Alex Fergusson's amendment 127, which I am sure comes as no surprise to the member. The STFA has highlighted that the amendment aims to reduce the length of a

tenancy assigned to a new entrant or a progressive farmer. On that basis alone, we are not able to support it.

We support Jim Hume's amendment 81, so that parliamentary scrutiny can be heightened in relation to new entrants. I note what the cabinet secretary said about the need for consistency, but I still feel that we should support the affirmative procedure in this case.

Scottish Labour cannot support amendments 120 and 130, for very similar arguments to those put forward by the cabinet secretary on general partnerships, which I will not go into again because of shortage of time.

Scottish Labour is not able to support the cabinet secretary's amendment 86. The STFA has expressed concern, and I would like to highlight what it said. In its briefing, it states that amendment 86 proposes to value the tenant's interest in the lease, taking no account of any potential successor of the tenant. That will place an unacceptably low value on the tenancy. In practice, the value of a tenancy will vary according to when the landlord would expect to gain vacant possession. That would obviously depend on the age and circumstances of the tenant and the existence of any successors.

Labour will not support Scottish Government amendment 86, but we will support the cabinet secretary's other amendments in the group.

Michael Russell: I very warmly support the amendments in the name of the cabinet secretary, as I and others supported the amendments that he brought forward at stage 2.

The provisions in question were inserted at stage 2, and there was a hugely loud reaction from those opposed to the changes. The changes do not provide for expropriation of land, in any sense. They would be seen in many places as very modest proposals that people have the right and expectation to get some advantage from the work and investment that they have put in to a tenancy.

I do not disagree with Alex Fergusson that there is a difficulty in balancing the rights of tenants and creating a security in the market for those who are going to lease land. If that cannot be achieved in a single bill, I hope that those of us who will have to choose in relation to the present bill will choose very firmly on the side of the tenants, and those tenants in particular who have put an enormous amount of time and effort into their tenancies and who still, at the end of the day, may walk away from those tenancies with very little.

That is the case particularly for those who are going to retire. The provisions will help those who intend to retire but have great difficulty in doing so because they do not have and cannot find

successors. It will allow them to exit from their work with some dignity and some ability to look forward to their period of retirement.

Alex Fergusson: I do not disagree with much of what Michael Russell has just said, as I think he knows. However, I hark back to a point that the rent review working group made to the committee before Mr Russell joined us. The group said that, if we got rent review and waygo right, we would solve a lot of the problems in the tenanted sector. Does Mr Russell not think that many of the problems to which he has just referred—and I understand why he did so—could have been properly addressed with a much-changed waygo procedure?

17:00

Michael Russell: No, I do not believe that the evidence supports that view. It is an opinion, and the rent review working group was entitled to have an opinion on various issues. The reality is that, in most circumstances, creating a right is what needs to be done. There is no ambiguity in creating such a right. It says to a tenant, “You have the right—you have the ability to do this, and you should therefore exercise it.”

We see the issue arising again and again in the tenanted sector—for example, in relation to the question of a code of practice for land agents, which we debated earlier. There are very good landlords and good tenant-landlord relationships, but there are also circumstances in which the relationship is very bad. In those circumstances, individuals require rights. If they do not have those rights firmly placed in statute, they will be taken advantage of and they will suffer.

I will finish on one issue that has not yet been taken forward in the bill; the cabinet secretary knows what it is. I lodged an amendment—which I did not press—at stage 2 on the issue of those who have lengthy tenancies. If anybody has a tenancy of 50 years or more, they have created the agricultural unit, and in those circumstances they should be given the opportunity to buy it.

When I lodged that amendment, I was accused of creating further instability. Indeed, I have been accused of doing so by some people this week. However, the reality is that the issue will not go away.

There are huge differences in Scotland, west and east. There are undoubtedly many people on the east coast who do not wish to see any change to the legislation, as they believe that that would be threatening. However, many of the people I represent wish to see such a change. They believe that it is long overdue. Until they have that change, they will not regard themselves as being able to do the best that they can, not just for their

families and their farms but for the communities in which they are set. Those communities would only benefit from such a change.

I believe, therefore, that the issue will require to be revisited, but I commend the cabinet secretary for the step that he has taken. It is the right step, and it should be supported by members on all sides of the chamber.

Jim Hume: I have quite a few amendments to cover, but I will be fairly brief. I thank Alex Fergusson for supporting my amendments 129 and 130. Unfortunately, the minister finds them mystifying, but I believe that they would help to boost the trust in letting land that is vital for new entrants and which we all desire.

In return for Alex Fergusson’s support for my amendments, I am happy not to support his amendments in this group, which I believe are wrecking amendments.

I am happy to support the Government’s amendments in the name of Richard Lochhead. I believe that amendment 81 would go a long way—to put it mildly—towards helping the Parliament in its scrutiny. The cabinet secretary mentioned that there is no need for affirmative procedure, but his amendment 140 states:

“Regulations under subsection (5) are subject to the affirmative procedure.”

It is unfortunate that he and his party will not be supporting amendment 81, but I am glad that Labour will be doing so.

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 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, Michael (Uddingston and Bellshill) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, 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 52, Against 64, Abstentions 0.

Amendment 81 disagreed to.

Amendments 82 to 85 moved—[Richard Lochhead]—and agreed to.

Amendment 86 moved—[Richard Lochhead].

The Deputy Presiding Officer: The question is, that amendment 86 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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (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)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 86, Against 30, Abstentions 0.

Amendment 86 agreed to.

Amendments 87 to 90 moved—[Richard Lochhead]—and agreed to.

Amendment 140 moved—[Richard Lochhead].

The Deputy Presiding Officer: The question is, that amendment 140 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 McGregor, 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 140 agreed to.

Amendment 127 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 127 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 McGregor, 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)

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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 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 13, Against 102, Abstentions 0.

Amendment 127 disagreed to.

Section 89B—Tenant's offer to relinquish 1991 Act tenancy: consequential modifications

Amendment 128 not moved.

Amendment 91 moved—[Richard Lochhead]—and agreed to.

Amendment 129 moved—[Jim Hume].

The Deputy Presiding Officer: The question is, that amendment 129 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)

Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 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 18, Against 97, Abstentions 0.

Amendment 129 disagreed to.

Amendment 130 not moved.

After section 95

The Deputy Presiding Officer: We move to group 19, on alternative forms of dispute resolution. Amendment 92, in the name of Graeme Dey, is grouped with amendment 131.

Graeme Dey: I will not take any more time than necessary to speak to amendment 92. I suspect and hope that it will command support from across the chamber, because the amendment stems from lines that Sarah Boyack, Claudia Beamish and I pursued at stage 2, when we sought to explore whether arbitration could be used to settle disputes over amnesty, and whether other matters that are currently excluded from access to arbitration might be opened up.

Section 61 of the Agricultural Holdings (Scotland) Act 1991 and section 78 of the Agricultural Holdings (Scotland) Act 2003 provide scope for a landlord and tenant, if they so agree, to seek dispute resolution. There is, however, a list of exclusions—matters that must go to the Land Court—a number of which I felt could reasonably be removed, potentially allowing them to be dealt with by arbitration rather than the more formal legal setting. Amendment 92 reflects the progress made in that regard with the Scottish Government since stage 2, for which I am grateful to the cabinet secretary, Richard Lochhead, and his team.

The effect of the amendment is essentially as follows. Under section 90, a tenant can serve an amnesty notice on their landlord, notifying the landlord that they intend to claim compensation for an improvement at the end of their tenancy. As the bill stands, if the landlord objects, then, in order to have the objection overturned and therefore be eligible for compensation for the improvement, the

tenant has to apply to the Land Court to have the improvement approved. The amendment provides that, instead of going to the Land Court in those circumstances, the tenant and landlord can agree to go to binding arbitration.

The following are some of the items that were previously on the list of exclusions that will be opened up to arbitration. Section 8(6) of the 1991 act says that disputes over a record of the condition of the holding are to be referred to the Land Court for determination. Under the amendment, those can be taken to arbitration instead, if the parties so agree. It also opens up cases that are covered by section 39 of the 1991 act and section 49(2) of the 2003 act. Those sections cover cases where a landlord has objected to an improvement and the tenant has appealed to the Land Court for approval. They also cover cases where the Land Court has granted approval and the landlord has said that they will carry out the improvements but has then failed to do so in a reasonable time, so the tenant has applied to the Land Court to be able to carry out the improvements themselves.

I move amendment 92.

Sarah Boyack: As Graeme Dey acknowledged, I raised this issue at stage 2 because I had been contacted—as had other colleagues—by the Scottish Agricultural Arbiters and Valuers Association and the Central Association of Agricultural Valuers. They were strongly of the view that the bill needed to incorporate more and better forms of dispute resolution.

That view is something that makes sense and has support. We certainly support Graeme Dey's amendment today. It is useful, as it would extend the matters on which the parties can agree to refer a matter to arbitration to include consent for tenants' improvements with those under the proposed amnesty and records of condition. Alongside the Scottish Tenant Farmers Association we will therefore support this amendment.

However, SAAVA and CAAV believe that the change may be of little practical effect without the important reform that is proposed in amendment 131, which would give arbitration—and expert determination—parity of esteem and status with the Land Court. It would broaden the practical options for tenants and landlords and give the option of a final and binding answer.

I hope that when we pass this significant legislation today it will help to create a new framework for fairer decision making. That does not mean, however, that there will suddenly be an outbreak of sweetness and light. There will still be areas where there are significant disagreements

between parties, which will have to be addressed effectively.

17:15

Alex Fergusson: As Sarah Boyack will know from what I said at stage 2, I am sympathetic to much of what she is saying. However, a criticism of her amendment is that it might create different systems of arbitration in agricultural holdings, which could further complicate matters and thus discourage some parties from using the process, which would be the opposite effect to that which she is looking for.

Sarah Boyack: That certainly is not the intent behind amendment 131. CAAV and SAAVA are very much of the view that we should add this set of options. One of the difficulties of moving amendments at stage 3 is that it is difficult to have a more probing discussion, which may be more suited to stage 2. I certainly acknowledge that. However, following stage 2 we did not get the response that would have enabled us to fix the problem.

SAAVA believes that we need the practical means to deliver that ambition. Amendment 131 addresses the points that were made at stage 2 and it reflects subsequent discussions that SAAVA had with the Scottish Government. I am keen to hear what the cabinet secretary has to say on that, and I hope that he will contribute to this debate.

We know that there will still be disagreements. Alex Fergusson made a point about what the options are. The option of going to the Land Court is expensive and time consuming. It is so expensive and time consuming that for many it is not an effective way to resolve disputes. Certain parties just do not take up the option.

I will quote from the principles that are set out in the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security". Those guidelines are referred to in the Scottish Government's amendment 18, which amended the bill today, and they suggest that it is best to provide

"timely, affordable and effective means of resolving disputes".

With amendment 131, I am trying to raise the level of debate and add something to the bill. If members do not believe that it does the job, it is incumbent on them to suggest alternatives. The objective is to widen choice and give a range of options for available, practical and proportionate means to settle disputes and differences between parties. It includes the option for the arbitrator's decision to be final and binding. The intention is that it is very much in line with the aims that

Graeme Dey set out when he moved amendment 92.

The objective is to avoid the Land Court being the only option available, because, as I said, that option is not suitable for everybody who needs to resolve a dispute. I have tried to put on the table an amendment to improve access to remedy where there are differences and disputes and to deliver better answers in a way that is more affordable, proportionate and appropriate.

I am willing to listen to colleagues across the chamber and I am particularly interested in the cabinet secretary's views, given that SAAVA has been in discussion with him since stage 2. We are just trying to get to a better place.

Richard Lochhead: At stage 2, I made it clear that I agreed that tenants and landlords should have the option to settle amnesty disputes through arbitration. I also said that I would support parties being able to use arbitration—or another dispute resolution mechanism—to settle matters that are currently reserved to the Land Court but which would be suitable for arbitration as well. I am therefore pleased to support amendment 92, and I thank Graeme Dey and members of the Rural Affairs, Climate Change and Environment Committee for raising the issue. I know that a number of members, especially Sarah Boyack, have a general interest in it.

Amendment 131 has a bit of déjà vu about it, because the Scottish Parliament has been round the block on arbitration for tenant farmers. In 2002, the Parliament supported the ending of widespread arbitration for tenant farming, because the industry thought that it was too expensive and took too long to resolve disputes. Soon after that, Parliament introduced the ability to use the Land Court to resolve disputes, but it still allowed people to use arbitration if they wanted to.

Amendment 131 tries to apply the Arbitration (Scotland) Act 2010 to statutory arbitrations under the Agricultural Holdings (Scotland) Act 1991 and the Agricultural Holdings (Scotland) Act 2003. When the Parliament passed the 2010 act, it acknowledged that a one-size-fits-all approach does not work for statutory arbitrations; each case has to be considered carefully, because all cases are different.

The 2003 act made a lot of modernising changes to agricultural arbitration, making it much simpler and clearer. Amendment 131 would do the opposite, which is unfortunate. It would introduce uncertainty about which procedure applies in which situation and it would force parties and arbitrators to try to figure out when the 2010 act rules apply and when the 1991 and 2003 acts apply instead. As I am sure that members who have just listened to me say that know, that is a

recipe for confusion as well as court appeals. Far from encouraging more arbitration, the approach would be likely to end up putting people off arbitration even more.

Sarah Boyack: I think that we are all trying to get to the same place. After the bill is passed, will the cabinet secretary publish something that sets out the circumstances in which people can take different options, whether we are talking about mediation, arbitration or the Land Court? Could we have guidance that brings together all the different pieces of legislation on the issue and the different options, perhaps with best-practice guidance for farmers, whether they are small farmers or larger farmers, on how to access dispute resolution processes? Will the cabinet secretary act in that regard in conjunction with the industry, groups such as SAAVA and mediation networks?

Richard Lochhead: That is a perfectly sensible idea, which I recall discussing in the committee at stage 2. Sarah Boyack makes a constructive suggestion, which I am keen to follow up. The issue is confusing, as many members are aware and, as with most confusing issues, no simple solution can be found that does not require a lot of detailed, careful thinking.

More work is required to understand all the implications of applying the 2010 act to agricultural holdings legislation, given that legislation already exists to enable parties to go to arbitration. We should not rush to make further changes to the dispute resolution process; if we did so, we would be in danger of fixing nothing and making matters even more confusing.

I cannot support amendment 131 but, in the spirit of my exchange with Sarah Boyack, I say that I recognise that there are issues that require to be addressed in future.

Amendment 92 agreed to.

After section 97B

Amendment 1 moved—[Claudia Beamish].

The Deputy Presiding Officer (Elaine Smith): The question is, that amendment 1 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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 101, Against 15, Abstentions 0.

Amendment 1 agreed to.

The Deputy Presiding Officer: I call Sarah Boyack, to move or not move amendment 131.

Sarah Boyack: On the basis of the commitment that the cabinet secretary has given to review the issue and produce guidance that will helpfully provide mapping for everyone who is involved in a dispute, I will not move amendment 131.

Amendment 131 not moved.

The Deputy Presiding Officer: We now come to group 20. Amendment 132, in the name of Alison Johnstone, is the only amendment in the group.

Alison Johnstone (Lothian) (Green): Small landholders are tenants under small landholders acts that were passed between 1911 and 1931. In character, small landholdings are similar to crofts, and they share a common history. However, unlike crofters, small landholders have been left behind as crofting legislation has been modernised and

as the right to buy has been introduced for crofters and for agricultural tenants with a secure 1991 act lease.

Once numerous, there were an estimated 149 small landholdings left in 2014. In a letter to the Rural Affairs, Climate Change and Environment Committee on 9 February 2016, the Scottish Government revised that number down to 74, and there is still a feeling of uncertainty over the numbers.

As the Scottish Tenant Farmers Association observed in 2015:

“These tenants find themselves in a unique and unenviable situation—although they share similar rights of security with crofters and 1991 tenants, they have few of the benefits. They have had to provide the entire infrastructure of their farms; housing, buildings fencing and drainage but they have neither the rights of purchase of the crofter nor even the pre-emptive rights of the agricultural tenant. Moreover, they have limited assignation rights and little in the way of end of tenancy compensation. Small Landholders are still forced to operate under century old legislation which is in dire need of modernisation.”

I very much welcome the Scottish Government's stated intention, in its letter to the committee of 9 February, to hold a consultation later in 2016 with a view to introducing legislation to improve the rights of the remaining small landholders. My amendment today seeks to make that a statutory obligation.

Jim Telfer is a small landholder in my constituency. In the evidence that he gave to the committee, he stated:

“My family have farmed this smallholding since 1915 and I am now in the unfortunate and critical situation of facing the possibility of eviction by my landlord”.

I am sure that Parliament would agree that tenants such as Jim deserve better than that. I very much hope that the Government will support my amendment and give us the assurance that the issue will be treated with the seriousness and urgency that it deserves.

I move amendment 132.

Michael Russell: I raised the issue of small landholders at stage 2, with an amendment that sought the involvement of small landholders in the bill.

As Alison Johnstone has indicated, the legislation on small landholders has not essentially changed in more than 80 years. Although an attempt was made to include them in crofting legislation some time ago, it was not successful: it was well meaning, but I think that it misunderstood the nature of the arrangements that small landholders have.

It is very difficult to discover the number of small landholders, because some small landholders do not even know the nature of their tenancy. What is

true, however, is that those tenancies tend to be extinguished when those people die or move off the landholding, because it is very difficult to find a way for them to leave it or to move it on.

Like other members of the Rural Affairs, Climate Change and Environment Committee, I have been in correspondence with Mrs May Macdonald in Arran. There are a range of small landholders in various parts of the country, but, again, we do not know precisely where they are and what they intend to do.

I was grateful to the cabinet secretary for giving a cast-iron commitment—which I am sure that he will confirm—to move the issue forward, first of all with a consultation, given that a legislative solution is not simple and will relate to the issues that arose this morning in some of our discussions about article 1 of protocol 1 of the ECHR. There are difficulties, just as there are with the right to buy, in ensuring that the tenancies can move in some direction, either through conversion into another form of tenancy or through purchase. A purchase in the nature of croft purchases may be a possibility, although that has been tried and does not appear to have succeeded.

A considerable amount of work needs to be done on the issue. I am very glad that Alison Johnstone has brought forward her amendment, because it will tie that cast-iron commitment down to a natural legislative solution. Should the amendment be agreed to—I hope that it will be—that solution will be in the bill, and therefore some hope will be given to small landholders that the issue will come to an end.

I very much support amendment 132. I hope that the Government can find it in itself to support it too, because then progress of a sort will have been made for small landholders today.

There are other people in different circumstances—I am sure that we will discuss them in the debate—for whom the bill still does not have a solution, such as those who hold land under interposed leases.

17:30

Claudia Beamish: The Isle of Arran smallholder May Macdonald, whom my colleague Mike Russell referred to, wrote to MSPs this week asking for support for urgent action. She said:

“Already a century has passed since the last meaningful legislation was passed offering improvements to such tenancies so there is no time to delay.”

The STFA supports Alison Johnstone's amendment 132. I ask members across the chamber to give support to smallholders across Scotland and a commitment to act urgently by

supporting the amendment so that we see that commitment in the bill.

Richard Lochhead: I absolutely agree that action is needed to address the issues that face tenant farmers under the small landholders acts. That issue was raised very vocally at stage 2 by the committee, in particular by Michael Russell, from whom we have just heard, and by the convener of the committee, Rob Gibson, who raised the issue with me. That is why I gave a commitment on the record at stage 2 that, subject to the results of the election, we will carry out a consultation later this year to help us to explore the issue and how we can most effectively address it. I am pleased to repeat that commitment and to assure Alison Johnstone and the other members who have spoken that the ground work for that consultation is already under way. Indeed, I understand that my officials have offered to meet Alison Johnstone as part of the development of the consultation. I am sure that they will meet other members as well.

I am happy to strengthen the commitment by accepting amendment 132.

Alison Johnstone: I thank colleagues for their very positive and helpful comments. Mike Russell was right to point out that some small landholders lack clarity on where they fit into the system. It is clear that a review is long overdue. I welcome the recognition of the need for that action and will not take up any more of the Parliament's time. I press the amendment.

Amendment 132 agreed to.

Section 98—General interpretation

Amendment 93 moved—[Paul Wheelhouse]—and agreed to.

Section 99—Subordinate legislation

Amendment 133 not moved.

Amendment 94 moved—[Paul Wheelhouse]—and agreed to.

Amendments 134 and 135 not moved.

Section 101—Crown application

Amendment 95 moved—[Richard Lochhead]—and agreed to.

Schedule 1—Right to buy land to further sustainable development: minor and consequential modifications

Amendments 96 and 97 moved—[Richard Lochhead]—and agreed to.

Schedule 2—Agricultural holdings: minor and consequential modifications

Amendments 98 and 99 moved—[Richard Lochhead]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments to the Land Reform (Scotland) Bill.

Land Reform (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-15925, in the name of Aileen McLeod, on the Land Reform (Scotland) Bill. I invite members who wish to speak in the debate to press their request-to-speak button now.

17:35

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): 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 Land Reform (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

It has been a long day legislating, but it has been a good day for Scotland. The decisions that we have taken today on the amendments, and the decision that we will hopefully take shortly, are part of the process of modernising our society and country. It has been a very good day for the land reform agenda.

Parliament will know that the Minister for Environment, Climate Change and Land Reform, Aileen McLeod, was in the chamber this morning during stage 3 and had hoped to be here to deliver the opening speech in this final debate on the bill. I am sure that all members noticed her suffering when she spoke. She is deeply disappointed that she cannot be here, but she is unwell. I pay tribute to the minister's skill, determination and perseverance. I am sure that all those who have worked with her on the legislation will acknowledge her commitment and willingness to listen and to act, where possible, on what people say. The radical and ambitious bill before us is in no small measure down to her dedication, hard work and leadership. *[Applause.]*

I know that Dr McLeod is always happy to visit communities as part of her ministerial visits and that, when she does, she encourages people to think about what they might want from local land and amenities and what opportunities might be available to them. This morning, she was delighted to announce the new £10 million Scottish land fund, which will open for applications on 1 April. That tripling of funding will create opportunities for more communities to realise their dreams and aspirations. Communities across Scotland have been supported by the fund, which, in the past three years, has awarded more than £9 million to 52 communities across the nation—from Drummole at the bottom of the Mull of Galloway

to, most recently, Gallan Head in the Outer Hebrides.

We realise that that financial support is important, but it is not the only help that local groups need to help them to realise their dreams of community ownership. The Government has set an ambitious target of 1 million acres in community ownership by 2020 and set up a short-life working group in 2015 to design a strategy to deliver the target. The group delivered its report in December last year, and ministers met members recently to hear about the recommendations and priorities that must be progressed in order for the target and the ambition to be realised. We will work with the group and others to deliver the support required for communities across Scotland. The provision of funds to assist community ownership sits alongside the radical Land Reform (Scotland) Bill that we are debating today.

The debate on reforming Scotland's land is rooted in the very DNA of Scottish politics and our country's national debate and, indeed, in the very DNA of my party, the Scottish National Party. I know, welcome and respect the fact that it is also very close to the heart of a number of other parties and parliamentarians across this Parliament. It is a vital part of this Government's aspirations for a fairer, more equal and socially just Scotland and the bill that we are debating today represents a major step forward.

Land reform is an issue that is in the very soul of Scotland and, indeed, has been closely connected politically with the movement for home rule down the centuries. It has been said many times that devolution is a process not an event, and one of the most important aspects of the bill is that that is now true for land reform in Scotland.

The establishment of the Scottish land commission means that land reform will remain on the agenda—it is not going away. The bill's provisions will be built on and the Parliament will continue to take action on this important agenda for our people, society and communities. The establishment of the commission will help to achieve one of the objectives that we set when we introduced the bill—to end the stop-start nature of land reform in this country. I hope that that will be warmly welcomed by all.

As part of the process, the bill will also establish the role and office of the tenant farming commissioner. The role demonstrates the importance and value of our proposals to tenant farmers, as well as to other groups. Once he or she is in post, the tenant farming commissioner will have a range of functions such as preparing codes of practice and guidance to tenants and landlords of agricultural holdings, which will provide benefit across the sector.

Of course, supporting our tenant farming sector is crucial and a major feature of the bill has been how we open up opportunities for new entrants, how we give those who want to retire dignified routes of exit and how we ensure that more land is available to let in Scotland so that we have people putting food on our tables and caring for our environment.

On the overall purpose of the bill, when it was introduced in June last year, we said that we wanted to change the relationship between the people of Scotland and the land that we live, work and depend on to make sure that our land delivers for our people for generations to come. Nine months on, the subject of land reform continues to provoke a high level of interest outside this Parliament as well as in the chamber and our committee rooms.

Land reform is not an academic issue. It is real and it can have a huge impact on the lives of the people of Scotland and on communities. It is about putting fairness, equality and social justice at the heart of how land is owned, managed and used. It is about giving an opportunity to community groups to come together to discuss what they want to see for the land in their local areas and to work together to deliver on that local vision.

It is about strengthening the hand of tenant farmers over the land that they have farmed for generations, and it is about shining the bright light of transparency into land deals and into who owns land and who manages land—too often, those matters have been shrouded in too much secrecy.

It is about ensuring that the people of Scotland have access to the land that they need to promote business and economic growth and to provide access to good-quality and affordable food, energy and housing. It is about ensuring that there is proper and constructive dialogue between all those who have an interest in land, whether they be landowners and landlords, community groups or tenant farmers.

The Government has worked hard to give opportunities to people and communities, to encourage and support responsible and diverse land ownership and to ensure that communities have a say in how land in their area is used. I want to see that work continue and I believe that the bill will help to encourage and embed the desire for local involvement in local land. I want land reform to be seen and accepted as an issue for people across Scotland—not just in particular areas of the country, but right across the land.

The provisions in the Land Reform (Scotland) Bill and in other recent legislation such as the Community Empowerment (Scotland) Act 2015 will provide benefits for urban and rural Scotland; for north, south, east and west; for mainland and

lowland; and so on. For example, on the day that the bill was introduced last year, ministers visited Carluke. The Carluke Development Trust is an example of an ambitious local community that is trying to buy the town's old historic mill and the land around it to turn it into a community and tourist resource. Last month, ministers had the pleasure of visiting South Uist to see the hugely impressive Lochboisdale harbour development, which forms a centrepiece of the local estate.

The Government has made significant changes to the bill because we have listened and worked with others in the Parliament and beyond and because we wanted to strengthen the bill, make it more radical and deliver more. At stage 2, and at stage 3 earlier today, Parliament has agreed a range of amendments to strengthen the bill. Many of the amendments have been controversial; many of the issues around the whole land reform debate in Scotland over many years have been controversial. That is because this is a debate about power, influence and ownership and about how the land, which is our biggest natural resource, is managed, exploited and used to further the cause of our people and our quality of life and to build a sustainable economy in this country at the same time.

In introducing amendments we have sought, through consideration and consultation, to provide a balance between the various and sometimes competing interests across the range of those who are involved with land in Scotland. As someone said during the debate, good landowners and good landlords have nothing to fear but there are issues out there in Scotland that need to be addressed and which have needed to be addressed for many, many years. Parliaments have passed legislation before but quite clearly, in 2016—even after more than 100 years of improving legislation in this country—there is still a lot to do.

The creation of a land rights and responsibilities statement and the establishment of a dedicated and permanent Scottish land commission underline our commitment as a Government to land reform. The bill is bold, wide ranging and ambitious. I pay tribute again to Aileen McLeod, who has put her heart and soul into the bill.

I thank those who have helped us to get to this stage over many months and years, not least the scores of officials within the Scottish Government—including many lawyers, given the topic of legislation—who have done so much behind the scenes to work with stakeholders and members across all political parties.

I say a special thank you to the Rural Affairs, Climate Change and Environment Committee under its convener, Rob Gibson, who retires at the upcoming election. He has been an outstanding

convener and has served Parliament, his constituents and Scotland well in his time in that role. *[Applause.]* The committee considered the bill and related issues with customary diligence, and members brought their considerable experience in this area to bear.

I am also grateful to the Delegated Powers and Law Reform Committee and the Finance Committee for their contribution to the scrutiny of the bill.

Large numbers of individuals and organisations from outside the Parliament have taken a keen interest in the bill, and many of them have made suggestions as to how we might improve it; we are grateful to them for that. The message has been that, with the bill, we have an opportunity to make a difference and that we should be radical, and I believe that we have been radical. With the changes that we have made, we have grasped that opportunity.

The bill is not the end point of Scotland's land reform journey, but it is a vital part of a wider programme of reform across urban and rural Scotland. We cannot roll back hundreds of years of history overnight, nor can we change history, but we are introducing a range of important measures that will allow us to continue on the journey to a more equal and fairer society.

Our provisions on transparency, on placing human rights at the heart of land reform, on introducing a land rights and responsibilities statement and on establishing the Scottish land commission are radical and urgently needed, and they will bring about change. I believe that, as a result of the bill—if we pass it today—Scotland will be a better place and our society will be a better society.

I move,

That the Parliament agrees that the Land Reform (Scotland) Bill be passed.

17:46

Sarah Boyack (Lothian) (Lab): Today marks an important new chapter in Scotland's land reform story. Scottish Labour has worked hard and, I hope, in a co-operative manner to secure stronger, more effective legislation. I am very proud of the changes that we have made and, for us, the issues on which we have not secured progress become unfinished business for the next session of Parliament.

I was proud when we passed the Land Reform (Scotland) Act 2003, and it is clear that the appetite for land reform has stretched across the whole country. We have inspiring examples of community ownership in some of our most fragile rural areas, but there are key lessons that need to

be learned. There is a need for consistent political and financial support from the Scottish Government to enable communities to use the legislation that the Parliament passes and, crucially, we need guidance that is fit for purpose.

From the start, Scottish Labour has supported the ambitions behind the bill. Our main issue was whether the rhetoric was matched by the words in the bill. Enshrining in legislation the principle of community land purchases to deliver sustainable development represents progress, but far too many of the details will be left to members in the next session of Parliament to deal with. The cabinet secretary referred to the comments of the Delegated Powers and Law Reform Committee; one of its most trenchant comments was that too much has been left to secondary legislation that will be dealt with in the next session, and we need to reflect on that point.

I am disappointed that key amendments that Scottish Labour lodged have not been agreed to. It will take a significant amount of time for the new register to be completed. The proposals on financial transparency and the important question of those with significant control have yet to be addressed, and I hope that the Parliament will come back to look at those issues in the future.

The new land commission and the tenant farming commissioner will be important new players in giving support for and a new impetus to land reform in urban and rural areas, but we will need coherent Government policy on the land rights and responsibilities statement, the land use strategy, our climate change strategy and the national planning framework, all of which need to work in tandem. The land reform process needs to add to and be informed by them.

We in Scottish Labour were particularly keen to add our weight to the strengthening of our tenanted farming sector to deliver greater security and fairness. I hope that the new tenant farming commissioner will help to promote best practice, to resolve and avoid conflicts, and to support more constructive relationships right across the sector. As the cabinet secretary suggested, good land owners and land managers have nothing to fear from the bill's provisions. We want the best practice that exists in some parts of the country to be spread across the whole country.

We would have liked the bill to have made more progress on rural housing, particularly for farm workers and tenants, and we will continue to press for more action on the matter. Frankly, I cannot accept that housing standards that would be unacceptable in urban areas are acceptable in some of our rural areas; indeed, on the consultation visits that we made during stage 1, we found conditions that are genuinely unacceptable in the 21st century.

The challenge now moves from debating the principle behind these powers to looking for new opportunities across Scotland. As a member of the Scottish Co-operative Party, I have been very keen to highlight the benefits of community and co-operative structures as ways of securing democratic participation and community benefit. The points that Johann Lamont made at stage 2 and today are important, but we will need stronger action from the Scottish land commission and co-operative development Scotland if we are to deliver on what is an exciting agenda. Tremendous strides have been made in some of our most fragile rural communities on community energy schemes, and we now need a raft of new community businesses that will take the new opportunities for developing sustainable and environmentally responsible tourism opportunities, new opportunities for land management and food growing and, crucially, new jobs in our communities. I hope that all of us in urban and rural areas can agree on that.

I have been very keen to raise the issue of allotments, given that community gardens and allotments need to be part of our land reform story and our approach to food security. We need them in order to maximise access to affordable local food and the health benefits that come from that. I will return to the issue because, although I was reassured by some of the minister's comments, we still need to bottom out some sharp questions about local authority powers.

I believe that there is much to celebrate today, even though we will need to do a lot more work in the next session of the Scottish Parliament to deliver on our aspirations for land reform. However, I want to comment on the process with regard to the bill's passage through Parliament. I do not think that it has been good enough. The process matters to the quality of the legislation that we will pass, and I feel that it was extremely rushed at the end and that it was not as transparent as it might have been. If the Government had responded to our committee's report, the work of the land reform review group, which reported in July 2014, and the work of the agricultural holdings legislation review group, certain issues in the bill that were brought to us pretty late on in the day could have been raised much earlier. Those issues are not, as the Scottish Government has portrayed them, new ones; they have been on the table for a long time. It would be more accurate to say that the Scottish Government decided not to pursue them in the bill until it was put under pressure by a range of organisations.

The point is that the next Parliament needs to look at some of the issues in the Rural Affairs, Climate Change and Environment Committee's legacy paper. As the committee's newest member,

I was struck by the committee's sheer work rate, the complexity and challenging nature of the issues that it was dealing with and the extent to which we were dealing with hotly disputed matters. The parliamentary authorities need to give some thought to how committees work; indeed, I know that the Presiding Officer, who has just joined us in the chamber, has been raising some pertinent questions with regard to committees. One particular question that will need to be dealt with is how we review the effectiveness of land reform. We could have done more on that in this session as we moved towards the bill, and some issues need to be looked at in much more depth.

I thank the clerks, the Scottish Parliament information centre and the parliamentary team who supported the committee for their fantastic work. They gave the committee huge support across the range of its work and, without their support on this bill, we would not have got to the stage that we have reached today. We had a radical consultation process that went right across the country, and I hope that we were able to seize that opportunity to speak to those with an interest in our discussions, no matter whether they were enthusiastic about what we were going to come up with or dreaded it.

The bill is complex and controversial, and the fact that we had to pull two pieces of legislation into one bill made the challenge facing us more complex and tougher. The *Salvesen v Riddell* decision hung over us all and concentrated our minds, and I hope that in his summing up the cabinet secretary will tell us whether he has managed to find space in his diary to meet my colleague Claudia Beamish and eight tenants who are very keen to speak to the Scottish Government.

Notwithstanding the difficulties, it has been a privilege to work with those who gave evidence and the other members of the committee. We have done our best to make the bill fit for purpose. I also thank the minister, Aileen McLeod, for being prepared to talk to us, as committee members, on the other side of the fence and sometimes being prepared to negotiate with us. Sometimes, although it was late in the day, I felt that she was attempting to get us to a different place on some significant issues.

Although there were lots of disagreements in the process, we found a way forward on many issues, and that was really because of the work that the stakeholders did. I particularly thank Peter Peacock from Community Land Scotland, Global Witness and the Scottish Human Rights Commission. I thank the farmers and their representative organisations, NFU Scotland and the Scottish Tenant Farmers Association, and also the raft of players who have been in touch with us,

from Scottish Land & Estates on land management and ownership issues to Scottish Environment LINK.

We have had huge disagreements. The challenge for the next Parliament will be to continue the level of scrutiny that we have had on the bill and to try to ensure that the legislation, as it is implemented, is fit for purpose. A lot of aspirations are hanging on it.

I thank the campaigners from across the interested parties who have written to us and contacted us on social media. We will be able to read Twitter later, but there has been a running commentary today. Those people have helped to make the bill stronger.

We have debated a lot of difficult issues and I hope that we have got to a better place. In the end, what we all want is stronger, fairer and more resilient communities and social, economic and environmental justice for our urban and rural communities. That has been the aspiration behind the legislation. Now, we have to make it work. The next set of MSPs will have their work cut out, because the work has only started. They will have to do the detailed work in the next session.

The Presiding Officer (Tricia Marwick): I call Alex Fergusson. This will be Mr Fergusson's final speech in the chamber.

17:56

Alex Fergusson (Galloway and West Dumfries) (Con): Thank you, Presiding Officer. I start by drawing members' attention to my entry in the register of members' interests.

I thank the clerks to the Rural Affairs, Climate Change and Environment Committee for the quite extraordinary work that they have done over the past five years. They have been a phenomenal team. I entirely empathise with Sarah Boyack's closing remarks, because the committee has had an enormous workload and, without the clerking team that we had, it would have been considerably more onerous. I am delighted to have this opportunity to put that on the record.

This is the last speech that I will make in the chamber, and I only wish that it could have been on a more consensual subject. I do not like finishing on a negative note, but I am going to have to do that, because I am sorry to say that we will not be able to support the bill at decision time. As members are aware, we did not support the bill at stage 1, and I am afraid that nothing has happened during stages 2 or 3 to change our minds. In fact, I believe that it has become a bill that simply cannot achieve at least one of its policy aims—a fact that I think the cabinet secretary now concedes.

I have always believed that we should have had two bills: one on the various aspects of land reform and one on agricultural holdings. I say that for two reasons. The first is that we could have undertaken our duties of scrutiny much more thoroughly if that had been the case, and the second is that, although there is much in the non-agricultural holdings parts of the bill with which we have no major disagreements, we cannot and will not agree to the further demise of the tenanted sector of agriculture that I have no doubt will come about as a result of some of the provisions in the bill.

Before I come to that aspect, I will comment briefly on just two aspects of parts 1 to 9 of the bill with which we have some disagreement. My colleague and fellow retiree Jamie McGrigor will expand on them in closing. The first is the community right to buy even from an unwilling seller. It is the latter aspect that gives us some cause for concern, because it is breaking very new ground in respect of community rights. We understand and recognise the right to buy derelict and abandoned land as defined in the Community Empowerment (Scotland) Act 2015, but the bill takes us towards a right to buy land that is neither derelict nor abandoned and which the owner may well wish to retain. That right does not fit comfortably with my vision of a free society.

My second area of concern is the Government's decision to reintroduce sporting rates on commercial shootings and deer forests. I have not been able to find one valid reason for that proposal, other than that the Government is introducing the tax simply because it can. It is, in my view, a vindictive move, brought in, according to the minister, out of fairness, although I have never yet discovered to whom it is meant to be fair—certainly not to the commercial shooting businesses in Scotland, which bring millions to our local economies and which will now be put at a serious competitive disadvantage compared with similar businesses in other parts of the United Kingdom. The losers will not be the landowners or managers of those businesses. It will be the hotels, the shops, the restaurants and the employees of those businesses, all of which are partially dependent on the shooting businesses, that will lose out. The measure will hurt the wee man, who is surely the unintended victim of much of the legislation.

Michael Russell (Argyll and Bute) (SNP): Will the member reflect on the fact that what he says about a competitive disadvantage would be true only if shooting were price sensitive? There is no evidence to show that that is the case. Indeed, the unique selling point of Scottish sporting estates means that it is the advantages of those estates that count rather than the price sensitivity.

Alex Fergusson: I hear what the member says, but if he had listened to my contribution when we were discussing amendments, he would have heard me quoting the British Association for Shooting and Conservation, which said that more than 80 per cent of shooting businesses operate at a loss. I call that price sensitive.

I believe that the bill will hurt the wee man, and that is certainly the case with part 10 of the bill, on agricultural holdings, because the losers in what the Government is now proposing, through its relinquishing and assignation measures, will be the very people who were supposed to be the winners—the new entrants, the young farmers and those who are trying to progress on the farming ladder.

The main policy aim of the bill was to create an environment within which those with land to let are encouraged to let it, but I believe that the impact of assignation for value—as was recognised by the agricultural holdings legislation review group, which was chaired by the cabinet secretary himself—will be stagnation in the sector, the mothballing of a sterile and inflexible letting vehicle and a massive reluctance among those with land to let to do so on any kind of long-term, or even short-term, basis.

The tenanted sector, as we know it, will start its terminal decline at decision time this evening. There will be those who welcome that decline, but I am not among them.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Does Alex Fergusson have any evidence that there has been improvement and non-decline in the tenanted sector over the past 20, 30 or 40 years?

Alex Fergusson: No, but my belief is that, had we worked towards the conversion model that all stakeholders were working towards and making progress with before the new idea of assignation came in, we would have been able to reinvigorate the tenanted sector. That has always been my aim. Nobody has been more consistent over the years in calling for that reinvigoration than I have been.

In dissenting from that entire part of the bill at stage 1, I highlighted the real progress that was being made by all stakeholders working on the conversion model, but I said that it needed more time—time that I believe could and should have been provided in the next session of Parliament, with the ultimate prize of a consensual outcome and restoration of trust between landlord and tenant.

Instead, we are ploughing ahead with a crude assignation model, a new rent review system that no one yet knows how to work, or even whether it will work, and the distinct likelihood that short

limited duration tenancies and the limited duration tenancies that will be coming to an end over the next few years will just not be renewed. That does not point the way to a vibrant or reinvigorated sector. It points to one that is moribund, ineffective and dying in the water, and I can say with certainty that I will take no pleasure in watching its death throes in my retirement.

I have said many times over the past 17 years that I hope that I am wrong in my predictions, so I will finish my 17 years by repeating that hope. I hope that I am wrong in my predictions, but I am afraid that I do not say so with any conviction, and for that I am truly sorry.

If I may be indulged for a further 30 seconds, Presiding Officer, I would like to say that I am not sorry for having spent the past 17 years of my life as a member of this Parliament. I want to thank all of my staff who, over the years, have made my role so much easier in so many ways, and I want to thank the Parliament staff—all of them, but particularly those who supported and guided me through my four years in the role of Presiding Officer. That was a privilege and an honour that came close to that of serving the people first of the South of Scotland, then of Galloway and Upper Nithsdale, and latterly of Galloway and West Dumfries. That privilege is one that will stay with me for as long as I am able to remember anything, so to parody the words of the former First Minister this morning, this is goodbye from me—not for now, for good.

The Presiding Officer: On behalf of the Parliament, I thank Alex Fergusson for his contribution as an MSP, as a committee convener and, of course, as Presiding Officer between 2007 and 2011.

In 2007, you put yourself at the disposal of this Parliament. You served us well, with good humour, grace and distinction. I wish you well in whatever you do in the future.

We move to the open debate.

18:05

Rob Gibson (Caithness, Sutherland and Ross) (SNP): In tribute to Alex Fergusson, I have always championed his right to say what he believes to be correct, even if we disagree—very often fundamentally—about his proposals. It is in that spirit that I will comment on the way in which the RACCE Committee has worked, and I hope that everybody who took part in the committee recognises that they got a fair hearing. I wish Alex Fergusson well.

The Land Reform (Scotland) Bill has been the subject of widespread consultation. Its intent is radical, its purpose is practical and its basis is

competent in law. I want to remind members of the collaborative process by which the bulk of the bill was evolved. Many parts were agreed by all parties in the RACCE Committee but, as we have seen, some were not. However, the formation of the Climate Change (Scotland) Act 2009 set a precedent, as it was achieved by civil society, MSPs of several parties, and ministers working together. In the main, the committee tried to do exactly the same, and that approach is a good precedent for Parliament.

Already, members have thanked many of those who took part in the process for working through the many parts of the bill to reach a very workable and incisive whole. They include Community Land Scotland, the Scottish Tenant Farmers Association, the Scottish Human Rights Commission, Global Witness, individual human rights lawyers, MSPs, ministerial teams, heroically led by Dr Aileen McLeod, and the cabinet secretary, Richard Lochhead. I would like to pay particular thanks to Chris Nicholson, the chair of the Scottish Tenant Farmers Association, who joins us in the chamber, although he is likely to have to head off in a hurry to Dumfries, where his wife will deliver a new member of the family. All the best to him as we, too, try to deliver a lusty child.

The results are a strengthened and more practical bill. Good intentions have been made into workable, practical law. Make no mistake—a proportionate set of objectives and clear aims, applied with proportionate measures, takes us forward to a fairer and more equal land.

I was surprised that Labour members were prepared to jeopardise the whole bill by backing Patrick Harvie's speculative amendments on European Union registration. I repeat that we need to hold landholders to account and, after the map-based land register is complete, we will need to be able to consider taxing them as well.

The RACCE Committee has worked well. Many of the sections were agreed across the parties, and very few required a vote. That shows that the committees of this Parliament can work as designed, bearing in mind that all Governments—be they coalitions or majority Governments—make sure that their views prevail in key committees. Labour and the Liberal Democrats did that in their coalition, as did the Scottish National Party Government. However, that does not negate a collaborative approach.

This bill gives voice to the public interest. Around 80 per cent of MSPs support its measures. It signals a shift of power towards more responsible and diverse land ownership. It increases transparency to a great extent and helps communities to have more say in the land that they live on. It toughens deer management rules

and extracts shooting rates from estates to boost the land fund. It addresses fairness, equalities and social justice and helps to underpin a thriving, tenanted farming sector.

The cornerstone of the bill is placing land reform on a permanent footing in Scotland with the appointment of the land commission. That makes history, as does the statement of land rights and responsibilities, which the Parliament will have to debate and agree. That puts land reform front and centre as the radical underpinning of a progressive Scottish nation. After so many centuries of ownership and control in the hands of the few, the breakthrough to a fairer Scotland comes with the application of international standards of human rights, which other colleagues will probably deal with in some detail.

I thank all those who helped us to get here: my staff at the Rural Affairs, Climate Change and Environment Committee, the Scottish Parliament information centre and the bill teams. I hope that people across Scotland will take forward our work with practical schemes to show how, rather than being the monopoly of large proprietors who have dominated the rural and urban Scotland of the past, land developments can be in the hands of many more people.

I will get a chance on Tuesday next week to have a small debate about my constituency, and I will be touching then on many of the issues of this debate. Local control is among the top priorities.

If, in 10 years' time, Scottish Land & Estates has attracted 15,000 members instead of 1,500, comprising individual small farms, community owners and a host of somewhat smaller, leaner large landholdings, that will be both a measure of the success of the bill's intent and a radical departure from the iniquitous tag as the nation with the most concentrated pattern of land ownership in Europe.

The Land Reform (Scotland) Bill gets to the roots of how better to own, tenant and use sustainably the resources of Scotland beneath our feet. The Parliament has now taken radical action. People can go forward in confidence, backed by competent measures of Scots law, to utilise our precious land.

I fully support the bill.

18:11

Johann Lamont (Glasgow Pollok) (Lab): I am very happy to be involved in this debate, which is very dear to my heart. I would go so far as to say that, alongside seeing what poverty and disadvantage did to people in the city in which I was brought up, the question of the land and the way in which inequality in Scotland is expressed

through a lack of control over it is something that very much shaped my own thinking as I grew up.

I commend Alex Fergusson for his speech, and I wish him all the best. I have always found him to be extremely valuing, thoughtful and kind, and committed to this place, being part of the group of 99. As Duncan McNeil referred to this morning, we felt as if we were under siege, and Alex Fergusson played a critical role in sustaining this institution in the early days. As we have seen in the debate, he has always been willing to say what he believes, even when sometimes it is not part of the consensus. Perhaps we ought to be a little more relaxed, in the chamber and elsewhere, in recognising that there is a diversity of views in Scotland about a whole range of issues. It is important that we hear those views in a valuing way. I wish him all the best for the future.

Rob Gibson and I could probably have any number of arguments, but no one can doubt his commitment to and passion for the whole question and importance of the land and liberating it in the interests of the people of Scotland. I wish him well, too.

I recognise that my role in the consideration of the bill has been far more limited than that of most of the other people who are in the chamber. I know that people engaged in a lot of detail at stage 1 and stage 2. I congratulate everyone on the position that we have now reached.

It is a matter of regret that the minister, Aileen McLeod, has not been able to be part of the debate right to its conclusion, and I wish her a speedy recovery. As a deputy minister myself—it seems like forever ago now—I know that taking a bill through as the minister in charge is, as Rob Gibson said, almost akin to having a baby, although there is not quite so much noise at the very end. I remember the joy of getting to the point when the bill is delivered, and it is a shame that she has not been here to get this bill to that point. Everyone recognises that she has been particularly willing to listen to people on all sides of the Parliament and to try and build consensus where she could.

On a day like today, we can get bogged down in the minutiae of the debate and somehow lose sight of the essence and the heart of what the debate is about. For me, the bill is a recognition of the importance of the land, its ownership and the ability of people in our communities to shape their future, in particular through community ownership. We can draw on evidence that community ownership has already been successful and has transformed many of our communities across Scotland. We want to build on that. Time will tell whether the bill is a further step along the road to realising the aspiration of many—in all parties and

in none—that we have genuine land reform in Scotland.

I have reservations about the consequences of some of the decisions that have been made today. I am disappointed that my amendment was not supported. Community benefit societies and co-operatives can and should be significant in creating sustainable communities and diversifying land ownership. We should be clear that not all types of land ownership are the same. There is a particular issue around community ownership that allows communities to focus on what they can do and what they understand needs to be done to regenerate and sustain themselves.

We need to look at the role of the Scottish land commission and of Community Development Scotland in actively arguing in the mainstream for the co-operative model. I have asked the Scottish Government to ensure that it mainstreams thinking on co-operatives into its economic and social strategies.

I am disappointed that the Scottish Government voted down amendments that would have addressed the critical question of transparency in land ownership. The fundamental point is that we cannot manage, tackle or confront what we do not know.

There are lots of active landowners, but there are, sadly, all too many who are indifferent to the needs of communities. How can we engage with them if we are not able to identify them? That is a debate that the Parliament will need to return to.

Today's debate has been rather understated and civilised. Alex Fergusson has opposed the bill in his usual civilised and mannerly way. There was an unfortunate start to the debate, in which particularly alarmist and provocative language around the right to buy—"land grab", for example—was used. In my view, that is disrespectful to the reasonable expectations of communities that they should have the ability to shape their own future and tackle benign neglect or active indifference.

For me, this is a simple issue of justice and of tackling a historic injustice that saw people cleared off their land and denied any control. Critically, it is also about now and the future. It is about economic optimism as well as social justice. That is not sentimentality. Of course, it is an emotional debate, but it is also a hard-headed, critical assessment of how we sustain communities across Scotland.

The land question is central. It is an issue on which there is commitment across and beyond parties. I am proud of the role of my own party, but I do not pretend that we should have a party-political debate about who cares most.

This is an important day and another step. I have identified the challenges that remain for the Scottish Government over co-operation and transparency. Let us remember, too, that the bill is not just about the remote and rural parts of Scotland. The bill should unlock potential in urban areas, and I charge the Scottish Government to focus on making sure that people in urban communities realise that the bill is for them too.

The challenge now is to move beyond the parliamentary debate, the soundbites and the claims about party roles in the consideration of the bill to ensure that there is a real legacy from the debate, with settled, sustained communities that release, rather than resist, the potential of our people. I hope that the bill is that step that we all aspire to.

I recognise that the hard work in making a difference in our communities is for the next session of Parliament and whoever is part of that. The bill is a very important staging post and I thank everyone involved in getting us to that place.

The Deputy Presiding Officer (John Scott): I ask members to note that this will be Dave Thompson's valedictory speech in our Parliament. We thank him for his nine years of service to the Parliament and to his constituents. The Presiding Officers wish him every success in the future.

18:19

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Thank you very much for your kind remarks, Presiding Officer.

I believe that the Land Reform (Scotland) Bill is the single most important bill with which I have been involved in my nine years as an MSP. I am extremely proud, with most of my colleagues—in fact, with all my colleagues, although there were some disagreements—on the Rural Affairs, Climate Change and Environment Committee, to have helped it along.

Many others have contributed to the important debate on land reform, but Community Land Scotland, Global Witness and the Scottish Tenant Farmers Association deserve special mention for their work on this vital issue. I commend the minister and the cabinet secretary for their leadership and their willingness to listen, and I thank all the parliamentary staff for their help during the bill process.

However, we should be under no illusion that the bill, which is soon to become an act, would ever have seen the light of day if we did not have the Scottish Parliament. The Westminster establishment in the House of Lords would have killed the bill stone dead long ago. Fortunately, their proxies—the Tories sitting opposite me—do

not have the same influence in this Parliament, but let that be a lesson to those who do not want any more powers for this place. Every power that they leave in London, they leave at the mercy of the Westminster elite, so on their own heads be it.

Rhoda Grant (Highlands and Islands) (Lab): I am a bit concerned that the member is totally ignoring the role of people such as Brian Wilson in the land reform debate. The member is ignoring what Brian Wilson, in particular, did before this Parliament was set up.

Dave Thompson: I do not really understand the relevance of the member's comment to what I was saying.

While we are talking about the Tories, I must correct the record following Alex Fergusson's misleading and selective quoting of my words in his speech this morning in relation to the European Court of Human Rights. I am disappointed in him for making what I felt was a cheap point.

I actually said:

"That is a wider issue that will not be dealt with here today. The fact that the ECHR is written into the 1998 act needs to be looked at. That provision needs to be removed so that we have the same freedom in proposing legislation as any other legislature has. Legislation could still be challenged under the ECHR—as, say, UK legislation would be—in the European Court of Human Rights."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 3 February 2016; c 56.]

I stand by that statement. The ECHR unfairly ties our hands, and the decisions in relation to compliance are untested and have not been subject to the full court process. That stifles debate in this place and unfairly restricts what we can do, and the same does not apply to Westminster.

Alex Fergusson: Will the member give way?

Dave Thompson: I am sorry, but I need to make progress. I have a few other points that I need to get in.

The transformative effects of the Land Reform (Scotland) Bill should not be underestimated. Once the bill is passed, it will mean the registration of all land in Scotland within the next 10 years or so, and—importantly—it will require transparency in who owns the land, which is integral to the whole land reform process.

The new land commission will have six commissioners, including the tenant farming commissioner. Importantly, there is a duty for the commission to take every reasonable step to ensure that a Gaelic speaker—or Gaelic speakers, as the bill now specifies—will be included; it will understand the Highlands and Islands and the land issue a lot better for that.

The commissioners will continue the job permanently of looking to fulfil our land's potential. That is long overdue, and will bring Scotland into line with other modern nations in Europe, where more equitable patterns of land ownership have already been delivered in recent centuries.

Fundamentally, land is God given: a finite gift that must be used for the benefit of all, for the common good and in the public interest. Psalm 24:1 says:

"The earth is the Lord's, and everything in it,
the world, and all who live in it".

Our land is a gift from God, and that gift should be treated with respect. We should all treat one another with respect, and consider the propriety of the language that we use when we are talking about Scotland's land and its use.

One recent example comes from a concerned constituent of mine, who exercises the right to roam on Balavil estate. My constituent highlighted to me the heavy-handed use of language on the signage that has recently appeared on a gate to the estate in relation to dogs being kept on leads at all times.

I have a photograph of the notice on the gate. Anyone who knows the outdoor access code will know that they have to keep dogs "under proper control", but it is quite another thing to stipulate that dogs must be kept on the lead at all times, followed by the threat of a ban from the estate for non-compliance. Signs threatening to ban folk from estates if dogs are not kept on a lead at all times are not helpful in developing relationships between those who own estates and those who frequent them.

That illustrates perfectly just why we need legislation and why voluntary compliance by vested interests does not work—greed and selfishness always get in the way. The owners of Balavil estate have given us all the evidence that we need to prove that that is the case. I am pleased that land issues will now be kept under constant review and that the two strong foundational pillars of the Land Reform (Scotland) Act 2016, as it will be, which are the land commission and the full and transparent registration of land ownership, will enable us to ensure that land reform is forevermore to the fore in Scotland's political debate.

This is my last parliamentary debate as an MSP and I could not have asked for a better subject to finish on. It has been a great privilege to represent the people of Skye, Lochaber and Badenoch in the Scottish Parliament for the past nine years or so. I wish well all those who are returned after 5 May and I give my commiserations to those who will not be returned. My proudest moment was in 2007, when I challenged the returning officer in

Inverness, had the result overturned and became the very last MSP to be elected, giving the SNP its majority of one—little old me! I hope that I have made a difference and I hope that I can continue to do so in the next chapter of my life, which starts next week.

18:27

Jim Hume (South Scotland) (LD): Liberal Democrats have long been advocates of land reform in Scotland, so it may be fitting to recognise the work of Ross Finnie, the Lib Dem minister who led on land reform and who, 13 years ago, before my involvement in the Parliament, introduced the first piece of land reform legislation, the Land Reform (Scotland) Act 2003, which was supported by all the Parliament. Of course, we could go further back many moons ago to the great land reform advocate Lloyd George in Wales. The 2003 act strengthened the right of responsible access to land, introduced a right for community bodies to register an interest in land and a first refusal to acquire it if and when it is sold, and introduced a right for crofting communities to acquire land under crofting tenure at any time. It was leading legislation at the time and a ground-breaking move in land reform.

Nine months ago, I landed for the first time on the shores of Orkney, for the Rural Affairs, Climate Change and Environment Committee's first evidence-taking session on land reform. We ended up visiting Fife, Dumfries and the bonnie Borders, to name but a few, and took evidence from land users, landowners, communities and legal experts the length and breadth of the country. I found the visit to the Scottish Land Court in Edinburgh of advantage. I appreciate the big piece of work that is done by the small team there.

From that process came plenty of evidence to highlight that—surprise, surprise—land reform is a complex matter. Today has highlighted that again. Perhaps the bill should not have been just one bill. Because it encompasses so much, perhaps it should have been broken into two elements or more. A feeling that the bill was rushed was highlighted throughout the process. The committee began by consulting broadly in June and, just nine months on, we have the finished article. Evidence of that is clear. There were 88 amendments today from members of the governing party of which 76—I think; I may have miscounted—were from the two ministers. Whole sections were removed and replaced with different text. Obviously, there is a concern that unintended consequences might arise because of what we have missed and what we could have amended for the better.

Rob Gibson: The member should realise that, when the Land Reform (Scotland) Bill was passed

in 2003, there were more than 230 amendments to it, and I am sure that a similar number of amendments were made when the Parliament dealt with tenant farming issues. Perhaps we are learning a bit, because we have been able to slim down the number of amendments and make them more useful.

Jim Hume: I appreciate that intervention from Rob Gibson, and I think that he would also appreciate that, whoever is in Government, it is always best to get the amendments and the bill right at the beginning. We had a 139-page amended bill today, with 43 pages of amendments. Legislate in haste; repent at leisure. Who knows whether we could have made it a more ambitious piece of legislation if we had not left it until the dying days of the parliamentary session?

The Government came late in this parliamentary session to land reform, but I appreciate where we are now and look forward to the bill progressing and to land reform being scrutinised in the future.

Time will not allow me to tackle all the issues that have arisen from the bill and that will arise from the bill. My views are on the record of many a Rural Affairs, Climate Change and Environment Committee meeting. There were four committee meetings at stage 2 of the bill, of which I believe one sat for a record length of time. I shall note a few issues, however.

Waygo has long been a concern and I believe that we have a more fit-for-purpose waygo system in this bill, which I believe and hope will put the negotiation position of the tenant back to a better situation for them. Before this bill I was vocally concerned about the lack of trust that there is in the letting of land, and about how I believe that has led to land not being let through fear of losing ownership of the land.

I know that more farms are being farmed in hand daily and I fear that the bill may not address that issue properly. We need a clarion call from this Parliament and the next Parliament that Scotland is open for business and that it is safe to let land.

We all talk about getting young or new entrants into the use of land, whether for farming or other uses. I believe that sabre rattling by some MSPs has perhaps done nothing more than accentuate that problem, albeit it may have helped their profiles in their local media. However, that is hardly what we are here for.

At stages 2 and 3 of this bill I have been at pains to ensure that the tenant farming commissioner should be someone with practical experience, who knows the ground and the many ways of working land, so that they can best judge this land reform bill in its progress. At the same

time I sought assurances that there would be a fixed term for the commissioner.

We heard from the minister that the fixed term would be a maximum of eight years. I appreciate the Government informing me of that at stage 3. It is unfortunate that we did not get that reassurance at stage 2, but I appreciate where we are today. I think that that is the correct way forward and I shall, of course, continue to monitor the suitability of the tenant farming commissioner as to their role in land reform as we move forward.

I have been on the RACCE Committee for five years and I must congratulate my fellow MSPs. We have all got on fairly well. Of course we did not always agree, but that is what debates are about. We mainly came to consensus. Three of the members of that committee are standing down and we have heard from them today. I would like to pay a special tribute to Alex Fergusson, Rob Gibson, and even Dave Thompson, thank them for some interesting times on the RACCE Committee and wish them well in whatever they do in the future.

The bill has raised many issues: deer management, agricultural tenancies, a welcome extension of land reform to the urban setting and the establishment of a tenant farming commission. I look forward to supporting the bill at decision time, and hope that its rushed nature does not lead to any unintended consequences. I look forward to land reform in the next session of Parliament and see a positive future for our agriculture, tenants and land businesses.

18:33

Graeme Dey (Angus South) (SNP): I am not sure about the analogies to giving birth, but today feels a little like waving a child off into the big bad world. You have invested considerable time and effort to make sure that they are as prepared as they can be for what lies ahead, and their departure will leave a little gap in your life, although a part of you is looking forward to the peace and quiet that is coming.

At the risk of overdramatising things, after nearly nine months of living and breathing land reform, that is a wee bit how today feels, although as with that offspring flying the nest, those of us who hope to return here post the election know that it is only a temporary parting. The next session of Parliament will bring with it scrutiny of the related secondary legislation and, almost certainly, further exploration of land reform.

During stage 2, I articulated my concern about how secondary legislation would be scrutinised effectively. I highlighted the fact that a number of RACCE Committee members who would have taken the bill through from the first evidence-

gathering trip to Orkney to today and would have listened to the arguments for and against provisions and amendments would not be around to oversee consideration of the secondary legislation. Some of us might want to be around but, by virtue of the electoral process, will not get the chance to be.

It is certain, as we have heard, that the vast experience of three MSPs will not be at the disposal of the successor committee, as a week from now they will be stepping down as parliamentarians. I want to take a moment to pay tribute to those committee colleagues: Dave Thompson, Rob Gibson and Alex Fergusson. It has been a privilege to serve on the committee. We—the wider committee—have not always agreed on everything, but committee business has always been conducted in a respectful and dignified manner and more often than not we have come to an accord on the subjects before us. That has been down to a genuine commitment on the part of members of all parties to do the very best job possible.

No one has exemplified that approach more than Alex Fergusson. As a former Presiding Officer and a farmer, not to mention a long-serving MSP, Alex brought a wide range of experience to the committee. More than that, he has always sought to engage constructively. He and I disagree on a number of points regarding the Land Reform (Scotland) Bill, but I respect entirely his view and wish him well in his life beyond this place—likewise my SNP colleagues Dave Thompson and Rob Gibson. Rob, Jim Hume, Alex Fergusson and I are the only survivors of the original RACCE Committee line-up from 2011, and for the past two and a bit years I have served under Rob as deputy convener. On a personal level I have found his vast experience and generosity to be enormously helpful as I have developed my knowledge and understanding of rural affairs, climate change and the environment. His inclusive convening style has unquestionably been at the heart of the ethos of the committee. Although Dave Thompson was a more recent arrival on the committee, he too has contributed considerably to its work, particularly in the areas of crofting, aquaculture and fishing.

At the risk of sounding like a participant on one of those dreadful TV talent shows, I say that these past nine months really have been a journey: a journey for the bill and for those of us charged with leading its scrutiny. We travelled the length and breadth of Scotland, from Orkney to Dumfries and from Fife to Skye, seeking views. I am in no doubt that the bill on which we will vote tonight is much the better for those endeavours.

I have some abiding memories, one of which is of an evidence session on human rights. We had

gone through a period when all that we were hearing was what should or could not be done with the bill. Then we heard from Eleanor Deeming, Kirsteen Shields and Megan MacInnes, who combined to tell the committee what could be delivered. It was a pivotal moment in the progress of the bill and one of the most positive contributions that the committee heard in the past five years.

My most abiding memory is of meeting a group of tenant farmers in the Borders: a group who would not be photographed with the committee for fear of possible consequences. For the same reason we even had to find a non-identifiable part of the farm where we met to get a picture of members for the committee website. We were told a story that day that highlighted the lengths that some landlords or their factors will go to in order to reclaim secure tenancies. It was the story of a dying farmer who wanted to see his son sign for the tenancy before he passed away. The estate agreed, the factor duly turned up at his bedside and the son was about to sign on the dotted line when the farmer's wife intervened and insisted that the family solicitor check over the paperwork first. It was a good job that she did, as the documentation presented to the son would in effect have seen him signing away that 1991 tenancy. It may well be the case that the overwhelming majority of landlords would never dream of behaving in such a way, but as long as that sort of conduct exists we know that we have some way to go in affording tenants appropriate protections.

The bill as amended has made progress in that direction, but I cannot help but take the view, which I know that colleagues share, that until the right-to-buy issue is addressed—albeit in a way that is restricted, perhaps, as Mike Russell has suggested, to secure tenancies of 50 years or two generations' standing—the agricultural sector will never truly be at peace.

Today is just one step—albeit a significant one—on the land reform journey. I am certain that we will return to the issue in the next parliamentary session, and I hope to be back here to play a part in that and in ensuring that the secondary legislation around the act is all that it requires to be, particularly in the area of transparency of land ownership.

I thank the Scottish Parliament information centre and, in particular, the RACCE Committee clerks for their enormous contribution to not just the Land Reform (Scotland) Bill but the wider work of the committee over the past five years. This institution is fortunate to be able to call upon the talents and dedication of such individuals.

I also want to pay tribute to the stakeholders who engaged so positively in making the bill all

that it could be. The amendments that I lodged were collaborative efforts with Community Land Scotland, Global Witness and Scottish Environment LINK—I am happy to acknowledge that. This is not the Scottish Government's bill or indeed this Parliament's bill. It has been made what it is by the contribution of wider Scotland.

18:40

Rhoda Grant (Highlands and Islands) (Lab):

It is concerning to learn that so many of the members who spoke in this afternoon's debate are standing down. One wonders who will be left to do the hard work that we have been told still requires to be done in the context of the bill.

I pay tribute to the contribution of my colleagues from the Highlands and Islands: Jamie McGrigor, Rob Gibson and Dave Thompson. I also pay tribute to Alex Fergusson, who has served this Parliament well, not just as a member of the Rural Affairs, Climate Change and Environment Committee but as Presiding Officer. I will miss his warmth and humour, albeit that I cannot agree with him on this bill, which I will be pleased to see passed tonight.

The bill is another step along the long road to land reform. It has taken a long time to get this far, but I hope that the Scottish land commission, which the bill establishes, will give the matter priority. Land reform is not an end in itself; it is for a purpose—although there is something very wrong when so few people own so much of Scotland. Land reform is about local empowerment, not for power itself but to give people the means to build their own economies and deliver jobs and futures for their communities.

Land and access to it are economic drivers. We need only look at the difference that community ownership has made in the areas where it has happened: economies are growing, housing is being provided, there are more jobs and people are returning. The people in charge are using those levers to grow their communities and give them confidence. No one says that that is easy. A huge amount of hard work has been required for the people who, in the words of Allan MacRae, "won the land". Each community has needed to develop leadership skills and raise finance. There is a huge responsibility for the people who lead on bids to take land into community ownership.

Those who are opposed to the principle of land reform will point to areas where mistakes have been made and where communities have disagreed about the way forward. I ask them to look at the alternative; I wonder whether those communities would have survived if they had not had community ownership. Debate and disagreement are to be expected, but board

members are democratically elected, so if someone does not like the direction of travel they can change it. That option is not available to people who do not even know who owns their estate.

I welcome the setting up of the Scottish land commission, which I hope will provide an impetus for continuing land reform and community empowerment. I hope that the commission will consider not only rural Scotland but urban Scotland. Many of the same problems to do with top-down power are experienced in our most deprived areas, and giving people in such areas access to their land and the power to decide what they need locally will have the same impact that community ownership has had in rural areas.

Our most deprived areas lack empowerment, and that manifests itself in a number of ways, not least in poorer health and shorter life expectancy. For that reason, it is of the utmost importance to ensure that the right people are involved in the commission. The land reform review group did not work initially, and it was only when Jim Hunter expressed his frustration and left that the Scottish Government took the issue seriously. We need people who will see the potential and take action. There is a wealth of experience out there that we need to harness, giving people the wherewithal to make lasting changes.

It is disappointing that we are consulting again on registering beneficial ownership. There have been a number of missed opportunities in that regard, including this bill and our work to set up the Scottish land register. I acknowledge that the bill provides that the Scottish Government must legislate for a register. We need to get that right. I have had cases of communities being prevented from proceeding with developments because they cannot get the permission that they need from the landowner and they do not know who owns the land or how they can be contacted.

Our land ownership pattern is unbalanced and it lacks transparency, which raises the question of why there should be such secrecy. What is not a secret is that many estates are bought as a tax avoidance measure and not for the good of the community. Too many lives depend on the running of estates for them to be owned by people or organisations that have no interest in their communities and their wellbeing.

I also hope that the commission will look at repopulation. The purpose of land reform is to build our local communities and to do that we need people. For too long many parts of the Highlands and Islands have been left without people. Many areas have never been repopulated after they were decimated by the clearances, and that simply is not right. We need to take steps to

repopulate the Highlands and Islands. It is in the public interest, and therefore it can happen.

It is also something that we need to charge our enterprise companies with. We have an ageing population, and our young people need opportunities to allow them to stay.

Land reform has to be the driver for repopulation. In the areas where it has happened, it has been a driver for economic growth and for opportunity. That is the purpose of land reform, and it is in the public interest. I am proud to have sat in a Parliament that recognised the importance of land reform. The Parliament led the way in our first session, and now we are making progress again. Let us continue to build on that progress to create vibrant and sustainable communities.

18:46

Michael Russell (Argyll and Bute) (SNP): I am very conscious this evening, after a very long day of debate, that we are now reflecting upon where we stand not just now but for the future.

We stand in two historical streams. One is the stream of those who recognise the scars on the Scottish psyche that were caused by the very unnatural pattern of land ownership in Scotland and by the great injustices that went with that. Next month is the 200th anniversary of the trial of Patrick Sellar. I had an email from a landowner some time ago who—please forgive the language, Presiding Officer, but it is a quote—said that

“oafs like me dredge up crap from hundreds of years ago in this debate”.

We cannot understand the importance of this debate without understanding that stream—the stream of injustice, which Johann Lamont also referred to. Before her, the great Bob Grieve also talked about resolving the problems of Glasgow and of the Highlands and Islands.

The other stream that we stand in is the stream of those who have attempted to do something about those injustices, from the 19th century onwards. There were those in the Land League, through the early years of the 20th century, and there was the work of people such as Tom Johnston. In the 21st century, there has been the work of the first Labour-Liberal Scottish Executive, and I pay tribute to Donald Dewar's passion for the issue. There is also the work of academics and activists such as James Hunter and Andy Wightman.

I regret that I did not get the opportunity to take land reform forward in government as environment minister. When Joe FitzPatrick rang me shortly after I left Government and asked me which committee I wished to serve on, I said, without hesitation, that I wished to be on the Rural Affairs,

Climate Change and Environment Committee—because of this issue. I wished to play a role in the next stage of land reform in Scotland. That was partly because of a huge constituency interest, but also because of a huge environmental interest and a historical interest.

It was also because land reform presents a particular problem to this Parliament: the problem of implementing a vision of a just, fair and equitable Scotland in terms of land ownership, but doing so without the full powers of a normal Parliament. As we have seen today, the powers to deal with money laundering or company law would have helped us with some of the issues that we needed to address.

There is also the challenge of dealing with the legacy of inaction over a long period of time. We cannot divorce the issues that we were addressing today, such as deer management, from the legacy of inaction that has led us here.

The Minister for Business, Energy and Tourism (Fergus Ewing) rose—

Michael Russell: I give way to Fergus Ewing.

The Deputy Presiding Officer: Mr Ewing—when you are ready. I hope that it is as soon as possible.

Fergus Ewing: My apologies, Presiding Officer.

Since Mr Russell has raised the issue of deer management, I will say that recently I had the pleasure of addressing the annual general meeting of the Scottish Gamekeepers Association. The gamekeepers raised their concerns about the slaughter of deer by the John Muir Trust at Knoydart, where the trust had left the carcasses of the deer on the hill, and the failure of the trust to collaborate with the neighbouring estates. Does Mr Russell agree that that practice is entirely unacceptable, and that the real question is how it can be avoided in the future?

Michael Russell: That is a very good question. It can be avoided in the future, and I regard leaving carcasses in that way and any such practice as unacceptable. The way to resolve the issue is to ensure that Scottish Natural Heritage does what it is meant to do by statute: act in those circumstances, and not stand back as it has done. That is also an argument for much stronger statutory deer management.

I want to pay tribute to a number of people. I certainly pay tribute to the ministers. Aileen McLeod and Richard Lochhead have both been friends of mine over a period of time, and I hope that they still are friends of mine after the experience of the past nine months. That has sometimes been slightly fraught, but I pay tribute to both of them for their determination to get the bill into the form that it needed to be in.

I pay tribute to the clerks, the interest groups, the civil servants and those who have campaigned on the issue—to those who are in organised campaign groups, those who have spoken very loudly and led on the matter, and people in the press. In particular, I pay tribute to *The National*, which has taken the issue as one of enormous importance and driven it forward.

I pay tribute to those who have changed my thinking on the matter. I have not always felt as passionately about change in rural Scotland as I do now. A lot of that has been formed by the experience of being the member for Argyll and Bute and spending long evenings talking to people about the issues. Those long evenings have often been with the Rozga family at Kilmeny on Islay. They, Catriona Bell and a whole group of people on Islay developed my thinking about how change must come. There is still change to come.

I also pay tribute to the members of the committee. I have lived, eaten, breathed and occasionally slept land reform over the past nine-month period. I have done that with a group of people who have usually been excellent company. I will pick out three in particular.

I have known Dave Thompson since the 1970s, when we both worked for Comhairle nan Eilean Siar. He has been assiduous in his work on the issue and for his constituents just north of my constituency.

I have sat next to Alex Fergusson every Wednesday for the past year and a half, and we have found ourselves from time to time in complete agreement and from time to time in complete opposition. However, he has been very good company. He will be missed in the Parliament not just because he is good company but because he is wise and because the manner in which he argues with people is one that we should all endeavour to emulate.

The convener of the Rural Affairs, Climate Change and Environment Committee, Rob Gibson, has been a friend of mine for more than 30 years. I have always been fond of his company and I have enormous respect for him. That has grown in the past 18 months. He has been an exceptional convener of the committee and has steered the bill and other matters through with great ability, including the ability to draw people in and get the best from them. I am immensely grateful for the time that I have spent with him, and I shall not forget it.

Land reform is a work in progress. In every country, it has been approached differently. Scotland has particular difficulties. We now have to take the issue forward. We can certainly do that by consensus, but we also take it forward with a democratic mandate. I am sure that the parties

that are seeking the renewal of their democratic mandate in the election will put arguments to the people of Scotland, but the people of Scotland want change. There is no doubt about that. That is not universal across the country, and the desire can change from place to place, but change is demanded. We have delivered substantial, good change today, but more is to come, particularly in the area of the right to buy.

We have made big steps forward in the bill, and everybody who has been involved should be pleased with that, but we are also redefining the nature of our relationship to land in Scotland. That has been a long time coming, and that is perhaps what we lost through two centuries of mismanagement and very often unforgettable and unforgivable cruelty to people who had to leave this country.

In finishing, let me draw attention to a historical coincidence. The tenant of Patrick Sellar's farm is in the public gallery. A line connects us to the events of April 1816, when Patrick Sellar went on trial for practices that are now infamous. That led to an awful amount of suffering in Scotland. We are in the process of undoing some of those things and righting some of those wrongs. We are modernising our relationship to the land, and what a wonderful task that is.

18:54

John Finnie (Highlands and Islands) (Ind): I, too, thank the many people who have been involved in the good work to get us to this point.

The policy memorandum says:

"Land, both rural and urban, is one of Scotland's most fundamental and finite assets".

As Johann Lamont and other members have said, it is important that we do not simply view the issue as one that relates to misty glens. Whether a person is the subject of ill treatment by an absentee landowner, a laird or a multinational corporation that has polluted the ground, the issue is relevant to them.

The policy memorandum goes on to say that land is

"linked to ideas of well-being, social justice, opportunity and identity and is key to ... success and development of its people and communities alike."

Although we may have different views on the meaning of "well-being", I do not think that anyone could argue with that statement.

The policy memorandum also says:

"Scotland as a modern nation needs the ability to frame the governance of its land for the 21st century".

Not many modern nations have 50 per cent of their rural land in the hands of such a small

number of owners. Nonetheless, I would argue that we have the ability to make progress. The questions on which we will be judged are whether the legislation progresses land reform and whether it is the next step in this Government's programme of ambitious land reform.

Land rights and responsibilities are often tagged. The Scottish Government is also a landowner. I must say that its stewardship of a farm in Knocknagael in Southside, Inverness and of the disease surveillance centre in Inverness are not the best examples of the kind of land ownership that I would hope for.

People have alluded to the principles regarding human rights. I was not privy to the evidence taking in that session, but I cite the Scottish Human Rights Commission's comments:

"the International Covenant on Economic, Social and Cultural Rights places a duty on ministers to use the maximum available resources to ensure the progressive realisation of rights such as the right to housing, food and employment ... viewed through this broader human rights lens, land should be seen as a national asset with key questions arising of how to strike the most appropriate balance between the legitimate rights of landowners and the wider public interest."

That is a topic that is challenged and on which there are different opinions in here.

SPICe said that our land pattern

"reflects historical forces and events of the second half of the nineteenth century".

I am keen that, in all our legislation, we tackle elites and the growing inequality that exists in our country, whether that be in wealth, health or whatever. To do that, we must understand the power of landowners and the connection with housing—the tied housing and the poor housing standards that have been alluded to, and the blacklisting that took place across estates in the Highlands.

I travelled a smoky journey south on Monday as moor burning was taking place for grouse shooting. There were bulldozed tracks—straight lines—into the hills. I do not know whether my colleagues are equally exercised about the mass slaughter of hares that took place there the other day.

I come from deepest rural Inverness-shire, where people wrestle with any concept that anyone can own a deer or a salmon. I spoke at a rural conference recently where I heard a landowner commend the millions of pounds that the grouse moors have brought into the Angus glens then berate the very notion that any contribution to the public purse should come from that. I am delighted to see the changes on shootings that the bill will introduce.

The crofters have been mentioned. There is a lot of legislation in that area. We can go back to 1882 and the battle of the Braes, Màiri Mhòr and the Crofters Holdings (Scotland) Act 1886. Under the Land Settlement (Scotland) Act 1919 returning soldiers who had contributed to the country felt largely abandoned and abused. I know that a number of tenant farmers have been subject to abusive treatment. Therefore, I am delighted that a Scottish land commission will be established.

I am also delighted for another category of people: the small landholders. My colleague Alison Johnstone secured agreement for an amendment that calls for a review. I am delighted and very grateful that the Government accepted that amendment.

Scotland and, indeed, the planet face challenges in how we house and feed our communities. Population is a factor in that. I warmed to what my colleague Rhoda Grant said about repopulation. We need that. On how matters would improve, Màiri Mhòr said in her poem:

"And the cold ruined houses
will be built up by our kin."

It is not just derelict land that will see buildings demolished. The Highlands are covered in townships where people have been abandoned, very much for the reasons to which Mr Russell alluded.

We are at the end of a long line, whether that be through the levellers of England, the battle of the Braes or the Crofters Holdings (Scotland) Act 1886 and all the people who have contributed to bringing us here. Professor Jim Hunter is worthy of comment—his counsel is always wise—as is Lesley Riddoch and Andy Wightman, who I hope will grace this chamber in a few months' time.

On Patrick Harvie's amendments about the registration of non-EU entities and British overseas territory entities, which did not enjoy support, Andy Wightman reported on Twitter:

"Corporate lawyers will be dancing in the streets of Georgetown, Grand Cayman tonight."

That is the case. That will remain the case unless we stop the dance. Future legislation needs to be done on that.

The Presiding Officer (Tricia Marwick): We move to closing speeches. I call Jamie McGrigor. This is Mr McGrigor's final speech in the Parliament.

19:00

Jamie McGrigor (Highlands and Islands (Con): Thank you, Presiding Officer. I refer members to my agricultural interests in the register of members' interests.

Before I turn to the subject of this debate, since this will be my last speech in the Parliament after almost 17 years, I hope that the Presiding Officer will allow me to thank her and her staff and all the many others in this Parliament, from SPICe to the security staff, the official report, the facilities management helpdesk, the information technology team, the posties—especially Robert—the cleaning and catering staff and all my own staff members, especially Douglas Pattullo, and the Conservative press and research unit for the excellent support and help that they have given me over all these years.

I thank my wife Emma and my six wonderful children—Sibylla, Sarah, Alexander, Violet, Rosanna and Daisy, four of whom were born during my stay in this Parliament—for their patience and forbearance, sometimes of my bad moods, during the time that I have been an MSP. They have been my rock and I will always be very grateful for their love and support.

I feel sad to be leaving the Parliament after 17 years but excited at possible new avenues. As Jim Paice said to me the other day, “It’s better to go when they’re asking why you’re going rather than when you’re going.” [*Laughter.*]

I wish all the new MSPs who are elected on 5 May every success in representing the fine people of Scotland—particularly the Highlands and Islands. Many of the people in the Highlands and Islands live difficult lives on the edge, in places of incredible beauty but sometimes great hardship because they are difficult places in which to make a living.

I remain concerned about some of the rhetoric that has come from the Scottish Government’s supporters during the process of the land reform bill, many of whom I am sorry to say seem in need of a reality check. The Scottish Conservatives have always argued that community ownership can and does play a positive part in land management; indeed, previous Conservative Governments have introduced good legislation in the area. The well-known Highland author Jim Hunter, whom Mike Russell mentioned earlier, said to me publicly that the Conservative Party record on land reform was better than that of any other party in the United Kingdom but the fact remains that the vast majority of private landowners contribute significantly to the Scottish economy and there are many examples of good practice and significant investments being made that are helping to sustain jobs, provide affordable homes and boost economic growth in often fragile and remote rural communities.

Anyone who works in the countryside knows that the costs of maintaining land and estates in good order are significant; drainage, fencing, upkeep of buildings and cross-compliance issues

are all practical costs. In many cases, those costs would fall on the public purse if ownership was transferred from individuals, which must surely be considered when decisions about sustainable developments are being made.

The Scottish Government needs to work with private landowners in just the same way as it would work with private industry anywhere else and recognise the huge contribution that they make to Scotland’s economy. It is also vital that landowners and tenants get on—what we want is a reform that causes that to happen on all sides. A better environment for doing agricultural business is surely what we should be looking for.

One of our other key concerns throughout this process has been to avoid doing things that would damage the tenanted farming sector and reduce the amount of land that landowners are willing to let out to the tenanted sector. I share the genuine concern of landowners, the NFUS and many tenant farmers that the Scottish Government’s decision to force through changes in relation to the relinquishment and assignation of 1991 act tenancies will simply decrease confidence in the sector and reduce the number of tenanted farms that are made available.

My colleague Alex Fergusson was completely right to argue that the relevant section of the bill should be removed entirely and that such matters should be deferred to the next session of Parliament to be dealt with in a separate bill, because getting the decisions on agricultural tenancies right is too important to be rushed through in this way. More time and a serious, detailed debate are needed if a working environment is to be produced in which both sides are happy to do business with each other. That is how the land that produces the food will be improved, which is the vital thing about the whole agricultural industry.

Although there might be different ideological views around the chamber, uppermost in all members’ minds should be the need to make good, workable legislation that is understood, and not just for the benefit of lawyers. Increasingly over the past session, there has been a move to reduce the amount of detail in bills and to put more onus on secondary legislation and regulations. That tendency is never plainer to see than in the Land Reform (Scotland) Bill. In that regard, I welcome the recent comments of the Delegated Powers and Law Reform Committee about the bill’s provisions and note the concerns from across the chamber about the delay in the Scottish Government’s response to the Rural Affairs, Climate Change and Environment Committee’s stage 1 report.

The process has been driven not by evidence but by politics, and the defeat of the minister’s land

reform motion at the SNP conference has had more impact on the content of the bill than the years of debate, discussion and evidence taking that have taken place. Surely that is a poor indictment of how the SNP makes law for Scotland. It would be a poor indictment for any Government to follow those principles, for they are wrong and they ignore the advice that is being given by the industry, which must be a bad thing.

On the reintroduction of rates for shooting and deer forests, I think that the Scottish Government is pushing ahead with a move that can only hurt an important section of the rural economy, and one that is of particular significance to my region of the Highlands and Islands. The stage 1 report said that the case for that change had simply not been made and warned about the impact on deer management as a result of the loss of game managers, gamekeepers and stalking jobs. Those jobs matter. It is deeply unfortunate that the Scottish Government has ignored the committee's report and is ploughing ahead with a move that I am sure it may well regret in future years as the consequences of its actions and their effect on rural businesses become clear.

There are some elements of the bill that we support, but because of our very serious concerns about key parts of it, especially those on agricultural tenancy reform and the reintroduction of rates for shooting and deer forests, we cannot support the bill and will vote against it tonight.

Before I depart the stage, if you will allow me, Presiding Officer, I would like to pay tribute to Alex Fergusson, who has borne the brunt of our opposition to the bill, and all the work that that has involved, on his extremely broad shoulders. Time will tell on who was right and who was wrong, but he has done his job magnificently, and I hope that he will buy me a drink later on. [*Laughter.*]

I have enjoyed my bouts with too many members to name: Mr Lochhead, Mr Wheelhouse, Mr Gibson, Mr Thompson, Mr Allan and Mr Russell are just some of them; I cannot name them all.

So, farewell Scottish Parliament and godspeed. [*Applause.*]

The Presiding Officer: On behalf of the Parliament, I thank Jamie McGrigor for his great contribution to the Parliament since 1999. It is fair to say—and his speech reflected this fact—that he is one of our Parliament's great characters, and I am sorry that those in the next session of Parliament will not have the pleasure of his company, which we have had and have enjoyed so much. The Parliament will be much the poorer without Jamie McGrigor.

I wish you all the very best for the future as you go down the new avenues that you mentioned.

19:09

Claudia Beamish (South Scotland) (Lab): Scottish Labour is strongly committed to the land reform process and has contributed to it throughout the life of the Scottish Parliament. We are determined to ensure that Scotland has a thriving and sustainable rural economy, opportunities for communities to regenerate, a fair distribution of land ownership, with real transparency, and a vibrant tenanted sector. The passing of the Land Reform (Scotland) Bill is a very significant step on our journey towards a fairer Scotland where all our people can contribute and prosper and where those in need of support can, wherever possible, be nurtured in their own communities.

I pay tribute to the cabinet secretary for part 10 of the bill and particularly to the minister, Aileen McLeod, for working in such an inclusive way and her commitment to land reform not only in the south but throughout Scotland. She is not here this evening, but this bill is her bill.

I pay tribute to Alex Fergusson for his distinguished contribution and for kindly supporting me, especially when I was a new MSP, and to the convener of the RACCE Committee, who throughout his term has impeccably enabled members of all parties to make their points. I thank Mr Gibson very much; as he has said, the bill will give voice to the public interest. I also pay tribute to Dave Thompson. I got to know him from sitting next to him at the committee, and his passion for land reform has shone through. Finally, I pay tribute to Jamie McGrigor and his inimitable style. We wish all of you well. [*Applause.*]

The passage of the bill has, from many perspectives, presented us with challenges, not least the time pressure that we have come under as a result of its coming so close to the end of the session. Land reform and agricultural holdings, not to mention crofting law, are complex issues, and sometimes the tensions that arise are difficult to face, let alone resolve. Nevertheless, I am clear that the bill, along with the Community Empowerment (Scotland) Act 2015 and relevant previous legislation, strikes the right balance to allow us in both urban and rural Scotland to proceed on this journey. We must recognise the land reform review group's contribution and the way that it focused minds on the way forward, and the Scottish land commission will be there to monitor progress and point to the future.

Graeme Dey has already highlighted the range of input that has enriched this bill. The hundreds of submissions that the Scottish Government and the RACCE Committee received, the visits across Scotland that the committee made over many months and the evidence-taking sessions that we had prove that the issue matters to Scotland—

and, at this point, I must thank our wonderful clerks and SPICe.

Some have argued in the past that land reform is only a Highlands issue and that there is no interest in it in other parts of Scotland. I believe that from the crofting counties to the Mull of Galloway that myth has finally been exposed. Community empowerment matters everywhere in Scotland. Land ownership is one of a number of significant factors in that respect; indeed, as Johann Lamont stressed, co-operative models can play a strong role here.

Some will argue that what matters is not land ownership but land use. Land use might be key, and it is good that, as Graeme Dey has made clear, the land use strategy has been recognised in relation to the bill. In the end, however, a landowner, however good they might be, can simply say no—and there lies the crux. In our view, the bill should be seen as a backstop. I hope that landowners will consider favourably approaches from local communities for land to use for community woodlands, gardens, allotments and other such requirements and that such negotiations can proceed amicably. As Rhoda Grant has stressed, the bill is also for urban Scotland, and deprivation will be addressed through it.

Although good landowners have nothing to fear—and that is not a cliché, I believe, but a truth—it is important that the parts of the bill that address failures in land ownership are robust. The bill addresses other connected issues, and the many formal groups that have fed into those provisions deserve our recognition and thanks.

On tenancy issues, part 10 will contribute to a fairer balance between the rights of landowners and those of tenant farmers. As has been highlighted many times, although the right to property matters, it must be balanced with other relevant covenants on economic and social rights, not only in the context of tenancies but in the context of the whole bill.

It must be acknowledged that the process has felt hurried, but we should take comfort from the comment in the stage 3 briefing from the Scottish Tenant Farmers Association that reminds the Parliament that

“Part 10 is the culmination of 2 years of thorough research and scrutiny of the problems of the tenanted sector by the Agricultural Holdings Legislation Review Group and the RACCE Committee.”

The STFA briefing also states:

“Part 10 of the Land Reform Bill contains the most significant changes to agricultural holdings legislation since 1948”.

I will focus on but one of those significant developments: rent reviews. It will be essential for

the next RACCE Committee to keep a watchful eye on the progress with modelling for productive capacity. The role of the tenant farming commissioner will be key to ensuring that that and other new arrangements between tenants and landlords are effective. The ministerial commitment on housing will also be important, as rural homes and indeed agricultural tenancy homes must be fit for the 21st century.

Wider rural issues such as the lack of choice of housing and rural fuel poverty were also raised with the RACCE Committee many times, and those complex issues must be high on the agenda of rural issues in the next session of Parliament. Looking to the future, it is also clear to me and many other members that some form of qualified or limited right to buy must be consulted on in the next session. The issue will not go away.

It is in the interests of both Highland and Lowland Scotland that we develop robust strategies for deer management. There is good practice, but progress has been alarmingly slow in too many parts of Scotland. The Scottish Wildlife Trust highlights in its briefing for this debate serious concerns about the suppression of native woodland expansion, failing protected sites, eroded peatlands emitting instead of storing carbon and increased downstream flood risks—the list goes on.

The bill will focus minds in the lead-up to the review of deer management later this year. Many have fought hard to get issues into the bill or lodged amendments to try to ensure that there will be robust scrutiny and review of secondary legislation in the next session. That is essential. Together, we must take forward further support for our communities, both urban and rural, and for tenants, whether we are in the Scottish Parliament or beyond this building. We must work with the whole of Scotland to ensure that we have a fairer future for all our communities.

The Presiding Officer: I call Richard Lochhead to wind up the debate. Cabinet secretary, you have until 7.30.

19:18

Richard Lochhead: As many members throughout the chamber have done, I begin by thanking everyone who has actively engaged in consideration of the bill, including the community groups, the interest groups, the stakeholders and members. I also take the opportunity to thank every single person who responded to the consultations, came to public engagement events, gave evidence to committees or otherwise took time to make their views on this important issue heard.

I also thank all the members of the Rural Affairs, Climate Change and Environment Committee, who went to extreme lengths to travel the length and breadth of Scotland and speak to many different communities, sometimes behind closed doors, about the serious, difficult and often controversial issues that are raised in land reform debates. They fulfilled their responsibilities with distinction and did an amazing job. Likewise, I thank the Finance Committee and the Delegated Powers and Law Reform Committee for their efforts in robustly scrutinising the bill during the parliamentary process.

I add my thanks to the land reform review group, which also travelled the length and breadth of Scotland taking evidence on the issue and came up with over 60 recommendations, many of which are included in the bill that I hope we will pass this evening.

The agricultural holdings legislation review group—which I chaired, enabling me to work with many fine individuals—also travelled the length and breadth of Scotland and spoke to many people. Again, sometimes those discussions took place behind closed doors, given the nature of the issues that were being discussed. The group issued a fine report and many of its recommendations are reflected in the legislation that I hope we will pass this evening.

I want to thank all my officials, particularly the bill team, for their hard work and effort during the whole process. They have gone out of their way to speak to members individually, across all parties, and have worked closely with the committee and with stakeholders throughout the process.

Today has been an emotional day for the Scottish Parliament: I have seen with my own eyes the emotions that have arisen for various reasons throughout the day. Land reform sparks powerful feelings and we have heard powerful, emotional valedictory speeches given by MSPs of all parties as they reach the end of their time in this Parliament.

I pay tribute to Alex Fergusson, with whom I served on the first Rural Affairs Committee back in 1999. He has not changed a bit since then, if I may say so, and he looks as youthful as ever. It is amazing to think that that was nearly 17 years ago. I have always found Alex Fergusson a great man to work with on a personal level and he has served his constituents and this Parliament, particularly on the rural agenda, with much distinction and has brought wisdom to many of our debates on rural issues. In particular, I pay tribute to him for his work during his time as Presiding Officer and I wish him all the best for the next chapter in his life.

Likewise, Jamie McGrigor is someone with whom I have often served on committees in this Parliament, and we have crossed swords on many rural issues, particularly on the important issue of the future of Scotland's prawn stocks, on which Jamie McGrigor is more of an expert than I am. He has also served his constituents in the Highlands and Islands with distinction and has brought many good points to debates on rural issues.

Dave Thompson is another member for whom land reform is close to his heart. He has played a great role on the RACCE Committee and has served his constituents well. I offer my personal thanks for the role that he played in delivering the first SNP minority Government in 2007. In many ways, if it was not for Dave Thompson, we might not be here discussing land reform today, so we should be thankful for that.

It has been more than 16 years since the Scottish Parliament was reconvened. For more than 300 years before that, our land laws—like all our laws in Scotland—were governed by Westminster. It is a great pity that the Conservative party in Scotland is still stuck in the 18th century and that its members have said that they will vote against progressive land reform legislation in this Parliament. The Conservatives remain out of touch with the people of Scotland. Their policies are outdated and the people of Scotland will not forget that today the Conservatives will vote against land reform legislation.

Alex Johnstone (North East Scotland) (Con):

Will the minister acknowledge that it has been the people sitting behind him in the chamber who have talked about the 18th century, and that the injustice of the 21st century is that, while Scotland's modern Parliament talks about the historical injustices of land reform, his party has failed to acknowledge during the entire debate that, although he is correct that much of Scotland is owned by a small number of people, the vast majority of Scotland's landowners are small landowners who have had no justice from this debate?

Richard Lochhead: That illustrates the good news that the Conservatives are no longer in charge of Scotland and that we now have a Scottish Parliament.

Now that he is in the chamber, I want to pay tribute on a personal level to Alex Salmond. It was a real privilege to be in the chamber today for his valedictory speech. Alex Salmond has led Scotland and this Parliament. He has inspired Scotland. Indeed, he inspired a young Richard Lochhead in the 1980s to get more involved in the SNP, and then he gave me the opportunity to serve in cabinet in 2007, so that I could make some small contribution to the land reform agenda.

that we are discussing today, as well as many other issues.

Alex Salmond deserves a lot of credit for the fact that we now have a Scottish Parliament and that we are able to address issues such as land reform. As he said, Scotland and the Parliament are on a journey, and it is the same for our land reform agenda. Now that we have a Parliament, we can scrutinise land law in this country.

The current outmoded situation was evident in a recent meeting of the committee, at which it had to discuss an act of Parliament from 1695, 12 years before the Scottish Parliament was adjourned in 1707. For hundreds of years, there was no Scottish Parliament to provide the necessary scrutiny and updating of Scotland's land laws. Now, once again, we have a Parliament, so that scrutiny is in place. That is why we are able to take action on land reform, which includes moves to repeal some of the outdated legislation.

Of course, the First Minister, Nicola Sturgeon, said that Scotland's land must be an asset that benefits the many and not the few. Since 1999, land reform has been central to achieving our desired outcomes of fairness, equality and social justice for the people of Scotland. Since 2007, the SNP Government has taken much action including the Land Registration etc (Scotland) Act 2012, the Long Leases (Scotland) Act 2012, the Community Empowerment (Scotland) Act 2015 and further legislation to modernise agricultural holdings and many other issues.

It is now 2016 and there is strong progress on land reform, but significant action is still required on issues such as the concentration of ownership; the lack of transparency of land ownership; the falling numbers of agricultural tenancies; and the lack of access to agricultural land for new entrants and those who want to farm.

Alex Fergusson: Will the member take an intervention?

Richard Lochhead: I have taken one intervention, and I want to proceed.

We bring forward this bill to tackle those issues, and that is why there are key provisions to publish a statement of land rights and responsibilities; to establish a Scottish land commission; to establish a public register of persons with a controlling interest in landowners; to establish a right for communities to buy land for further sustainable development; to initiate the entry in the valuation roll of shootings and deer-stalking businesses; and to address significant agricultural holdings legislation to improve relationships, redress some of the imbalances, facilitate retirement for tenant farmers, and create opportunities for those who want to farm.

The Presiding Officer: One moment, cabinet secretary. Can those who have just arrived in the chamber please do the cabinet secretary the courtesy of listening to him?

Richard Lochhead: It is a great pity that, once again, the Conservatives are voting against a land reform agenda, particularly on the basis of part 10 of the bill, which is about helping new people to enter agriculture. I say, to Alex Fergusson and his colleagues in particular, that the number of 1991 act tenancies—secure tenancies for tenants—has fallen by 24 per cent since 2008 and the area of land that is let has fallen to 44 per cent since 1982. Those statistics are not a reason for avoiding radical action; they are a reason for taking radical action, and that is why we are doing that in this bill.

As the STFA said in its news release, it is

“confident that assignation of 1991 tenancies would be of long-term benefit to Scottish agriculture by maintaining numbers of secure tenancies and providing access to them for new farmers. Landed interests can threaten to withhold land, but very little land has been let out on the open market for over a decade.”

That is why we are taking action.

As I draw to a conclusion, I would like to put on record my thanks to my colleague, Scotland's Minister for Environment, Climate Change and Land Reform, Dr Aileen McLeod. As we discussed previously, Aileen is under the weather and cannot be with us this afternoon and, importantly, she cannot be here for the vote this evening. However, she is here in spirit and has put her heart and soul into the bill and into the cause of land reform. She met stakeholders from all sides, she has taken on board the views of parliamentary colleagues and party members alike, and she has worked hard to deliver a truly radical step forward in Scotland's land reform story. I say this to Aileen, if she is watching proceedings, and I strongly suspect that she is: all of our thanks go to you for your hard work on this historic bill.

I also thank my colleague Paul Wheelhouse for stepping into the breach today.

I will end by quoting the words of Norman McCaig's poem “A Man in Assynt”:

“Who possesses this landscape? -
The man who bought it or
I who am possessed by it?
False questions, for
this landscape is
Masterless
and intractable in any terms
that are human.”

Those words are carved into the walls of the Scottish Parliament; they are part of this Parliament. Anyone who walks along the Canongate can read them and reflect on them. In that poem, McCaig beautifully describes the

Assynt landscape, and the damage and depopulation resulting from absentee and disinterested landlords. Today's bill is another step away from those days of destruction and neglect.

The Government will continue to do everything possible to support Scotland's land reform programme. The Parliament will continue to hold us to account to ensure that the bill is as effective as we all want it to be.

Like all legislation, however, the bill can only ever provide the tools and mechanisms for democratic accountability. Ultimately, the bill is about empowering communities and individuals to take control and giving them new opportunities to shape their future and their lives.

Every time we debate land reform in the Parliament there is a sense of history. We can all be confident today that the Parliament is making history and building a better Scotland. I urge all members to support the Land Reform (Scotland) Bill this evening.

Parliamentary Bureau Motions

19:30

The Presiding Officer (Tricia Marwick): The next item of business is consideration of three Parliamentary Bureau motions.

Motions moved,

That the Parliament agrees that the Budget (Scotland) Act 2015 Amendment Regulations 2016 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Qualifying Material) Order 2016 be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2016 be approved.—[*Joe FitzPatrick.*]

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

Decision Time

19:30

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business.

The first question is, that motion S4M-15941, in the name of John Swinney, on the Scotland Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament notes the agreement on a fiscal framework for the Scotland Bill published by the Scottish and UK governments on 25 February 2016, and agrees that the Scotland Bill, introduced in the House of Commons on 28 May 2015, as amended, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S4M-15925, in the name of Aileen McLeod, on the Land Reform (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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (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)
 Brennan, Lesley (North East Scotland) (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)
 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)
 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)
 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)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 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, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 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)
 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 102, Against 14, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Land Reform (Scotland) Bill be passed.

The Presiding Officer: The Land Reform (Scotland) Bill is passed. [*Applause.*]

I propose to put a single question on motions S4M-15931, S4M-15932 and S4M-15933.

As no member objects, the question is, that motions S4M-15931, S4M-15932 and S4M-15933, in the name of Joe FitzPatrick, on approval of Scottish statutory instruments, be agreed to.

Motions agreed to,

That the Parliament agrees that the Budget (Scotland) Act 2015 Amendment Regulations 2016 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Qualifying Material) Order 2016 be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2016 be approved.

Schools Autism Awareness Week

The Deputy Presiding Officer (Elaine Smith):

The final item of business today is a members' business debate on motion S4M-15289, in the name of Mark McDonald, on schools autism awareness week. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the National Autistic Society (NAS) Scotland's first Schools Autism Awareness Week, which is scheduled to run from 14 to 18 March 2016; understands that the aim of the week is to encourage schools across the country to help pupils understand autism by planning fun and imaginative lessons, activities and assemblies; notes that NAS Scotland has developed resources to support the schools that are taking part; believes that there is a great potential for the week to improve the lives of autistic people by helping children and young people better understand the condition, and hopes that a greater awareness of it in schools will equip a new generation with the knowledge to accept and empathise with autistic people.

19:34

Mark McDonald (Aberdeen Donside) (SNP):

I thank members across the chamber who supported the motion and made it eligible for members' business. I also thank those members who have stayed behind. We have had a very long day in the chamber, and their sacrifice in sticking around is noted and appreciated.

I declare an interest as a member of the advisory board of the National Autistic Society Scotland.

It has become an annual tradition for us to mark world autism awareness week with a debate in the Parliament, often on world autism awareness day itself. That is not possible this year: world autism awareness day is 2 April and world autism awareness week is from 2 to 8 April, but Parliament dissolves next week. I am advised that this year the National Autistic Society will launch its biggest ever public awareness campaign, and I am told that more details will follow about that.

I note that on Tuesday 22 March the BBC will screen a new drama series, "The A word", featuring Christopher Eccleston. It will portray a family coming to terms with their son's autism. I will watch it with keen interest. I am also aware that many will tune in who do not have a direct link to autism or an understanding or awareness of the condition.

That brings me to the substance of today's debate. Schools autism awareness week began on Monday 14 March and ends on Friday. It is the first ever schools autism awareness week that the National Autistic Society has run. The NAS has established an array of online materials to support

schools that wish to participate in the week's activities.

I was delighted to learn that my daughter's school—Dyce primary, which happens to be my former primary school—is taking part and will be increasing awareness and understanding of autism within the school throughout the week.

Why is the week important? The 2012 National Autistic Society report “Count us in” was launched in the Parliament by the actor Richard Wilson, who is the patron of the National Autistic Society Scotland. That survey tells us 78 per cent of young people with autism thought that people outside their family did not know enough about autism and 65 per cent said that they had faced bullying at school. In addition, 33 per cent of adults said that they had experienced workplace bullying or harassment. The 2007 National Autistic Society report “Think differently about autism” tells us that 92 per cent of people said that they had heard of autism but fewer had heard of Asperger's syndrome and 90 per cent did not know how prevalent autism is. That all stems from a lack of awareness and understanding, and, in some cases, a lack of empathy.

I watched a video last week that was put together by a group of young volunteers with the National Autistic Society. One girl spoke of the misconception that people with autism lack empathy. In fact, it is often the case that people with autism are themselves subject to a lack of empathy from both individuals and institutions. Taking awareness raising into schools is important as a means of addressing that, giving young people a greater appreciation of the difficulties that people with autism can face as a result of any or all of sensory issues, developmental delay and inability to respond to or recognise social cues.

Bringing into the school environment and giving young people a greater appreciation of autism will help to eliminate some of the barriers that can exist, and will increase awareness and understanding. That will support greater empathy for those with autism. Given that one in 100 individuals is autistic, it is highly likely that a large proportion of children will know a child or children in their school or community with the condition.

There is good work out there already. The autism toolbox, a resource for schools that was launched in partnership by the Scottish Government and Scottish Autism with support from the Autism Network Scotland, helps to support teachers who have autistic children in their classes, sharing practical examples and offering support and signposting.

NAS Scotland delivers an education rights service, which provides impartial and confidential information for parents and carers of pre-school

and school-age children. The service celebrates its 10th anniversary this year. NAS has also developed the my world service, which aims to provide education professionals with the tools to ensure that every autistic child is given the best chance.

In my research before the debate, I learned of the work done at Hillpark secondary school in Glasgow. Through the Hillpark autism unit buddy network, secondary 5 and 6 pupils volunteer to become buddies to pupils on the autistic spectrum. Potential buddies learn about the nature of the spectrum of human behaviour and relate that to themselves in areas such as shyness, organisational ability and sociability. The aim is to get young people to recognise that people with autism are not separate from them, do not have the stereotypical list of behaviours and are diverse in personality.

Feedback on the buddy network included these comments from an autistic pupil:

“The buddies helped me well with social skills. Classes were better when they were there because it was much more fun and they understood the kind of difficulties I had when I came to secondary school. The buddies can explain how the school works and how to get on with people. I would like to be a buddy when I am older because I like helping people and the buddies certainly helped me. It is good to have older friends in the school because it helped me to feel more part of the school when I first came here.”

I hope that schools autism awareness week helps to build on that work and, as it becomes more of a fixture, begins to address the statistics that I cited earlier.

Last week, a group of MSPs met with interested organisations and individuals to discuss how we can make Scotland a more autism-friendly nation. The meeting was designed to serve as a springboard for the establishment of a future cross-party group in the next session of Parliament. I do not know what the election holds in prospect, but I have said that, if I am returned to the Parliament, I would be happy to help in establishing a cross-party group. I know that other members on all sides of the chamber have similarly indicated their support.

Finally, I return to “The A Word”, and a scene that has been highlighted in advance of screening, in which the young boy at the centre of the drama experiences a meltdown at a birthday party. I know families whose child has been the only one in their class not to be invited to a birthday party because of their autism and a lack of understanding, and I know how that makes parents and children feel as a consequence. My hope is that, by raising awareness in schools and helping young people to become more aware, understanding and empathetic, we can consign such experiences to fiction.

19:41

Nanette Milne (North East Scotland) (Con): I extend my thanks to my North East Scotland colleague Mark McDonald for once again bringing to the chamber a debate on autism. In the lifetime of the Parliament, we have looked at many aspects of understanding and coping with the condition, such as relaxed cinema and theatre performances, which have made such a difference in enabling people—especially children—to enjoy pursuits that most of us take for granted.

The motion before us moves the campaign to raise awareness of autism to a new—and to my mind, exciting—level. The focus today is on the role that our schools across the UK can play in assisting their pupils in their understanding of autism. I was interested to learn that the National Autistic Society's approach does not involve lecturing, but instead involves activities that could be described as enjoyable as well as educational.

That approach complements the autism toolbox—already mentioned this evening—which was launched a few years ago. The toolbox is designed to support education authorities, schools and pre-schools in the delivery of services and planning for children and young people with autistic spectrum disorders.

The purpose of the toolbox is focused on supporting the inclusion of children and young people with ASD in mainstream education services in Scotland. It also introduces and describes some of the more common challenges that a pupil with autism might face. As Alasdair Allan, the Minister for Learning, Science and Scotland's Languages, said:

"The toolbox will help managers and teachers review their practice as well as providing advice on building relationships with parents and carers to create an inclusive environment that allows all pupils to learn and thrive."

The innovative approach that the National Autistic Society has taken at a United Kingdom level and a Scottish level with regard to how children in schools view autism is to be applauded. I was very impressed by the availability of resource packs that identify ways in which fundraising activities can be made fun for pupils and staff. The guide provides many suggestions for activities in which schools can engage. If I was a teacher, I would probably happily take part in the bake sale, although I think that I would be less than enthusiastic in being part of the onesie Wednesday. Having said that, a non-uniform day is a great way to bring students and staff together.

The impressive work that the National Autistic Society has undertaken in preparing an A to Z of proposed activities demonstrates that the charity takes very seriously this special week, which is designed to raise the awareness of autism in

schools, as part of its overall strategy in raising awareness of the condition. However, the NAS does not lose sight of the underlying importance of those activities.

For far too long, we have ignored how children with autism feel in an environment that does not always know how to approach them. Such an initiative is crucial in educating pupils to be inclusive and to learn to understand the problems that some of their classmates may face from day to day. There is an inspiring book called "Ten Things Every Child with Autism Wishes You Knew". One of those things is:

"It may look like I don't want to play with the other kids in the playground, but it may be that I simply do not know how to start a conversation or join in their play. Teach me how to play with others. Encourage other children to invite me to play along. I might be delighted to be included."

That is the sort of message that schools autism awareness week wants to get across—that children need to know that children on the autistic spectrum are no different. We cannot go back to an age when children with ASD were educated in separate facilities.

Although this is not my final speech in the Parliament, it is the last of the 126 or so members' business debates that I have contributed to in my time as an MSP, and I am pleased that the subject matter has been what is often a poorly understood condition that affects so many people, not least Mark McDonald and his family. I wish Mark and all those involved in raising awareness of autism all the very best in their future endeavours.

19:45

Christian Allard (North East Scotland) (SNP): I, too, thank Mark McDonald for bringing the debate to the chamber because, at the end of the day, the Parliament has maybe not been as good as it could have been regarding the autism awareness week initiative from the National Autistic Society Scotland. Such initiatives have to be celebrated, and there is a time and a place for doing that. I am delighted to be part of the debate and to make a contribution in it.

As Mark McDonald said, the lack of awareness and understanding affects us all. The week is about how we can live in a better society. Autism awareness week in schools increases the understanding and acceptance of the different struggles that we have to deal with. We have to reflect on that. Schools all over Scotland are improving the understanding of the effects of autism and encouraging people to be mindful of those effects.

One example is Fraserburgh academy, whose awareness week has been quite celebrated and mentioned in the local press. The school kick-

started the first autism awareness week by turning the school clock face purple, to show the commitment to the week. A local councillor, Charles Buchan, commented on that. He knows a lot about the issue, because he taught at the school before retiring and becoming a councillor for the town. He said:

"This awareness week can only be a good thing in removing some of the stigma which is associated with it."

In his 43 years working in Fraserburgh academy, he will have met a lot of people with autism. Well done to the pupils of Fraserburgh academy. It is important to ensure that the same thing is replicated across Scotland.

Other schools are doing fantastic work. For example, St Andrew's school in Inverurie offers a unique experience in an educational setting for pupils with a wide range of abilities and additional support needs, including a diagnosis of an autistic spectrum disorder. That is a fantastic and important school in a quiet area of Inverurie, which provides easy access for children and young people from three to 18 years. Of course, Aberdeenshire Council provides transport. Other schools in the north-east, such as Mile End school and Hazlehead primary school, are also participating in the initiative.

An organisation that Mark McDonald knows very well is the charity SensationALL in my home town of Westhill. It is doing fantastically in providing great support for families and young people with autism. The co-founders are two Susans. One of them is Susan Kay, who is a mum of two children, one of whom has autism. She has great experience. As Mark McDonald knows, we are fighting hard just now to secure a proper setting for the charity in Westhill old school. I have been living in Westhill for a long time. It is important that we have that kind of charity to prove that we can be a lot more inclusive. The other co-founder is Susan Strachan, who is very well qualified and who has a lot of interest in autism, sensory issues and dyslexia. The charity's development co-ordinator, Adele Lindsay, has a postgraduate certificate in autism and learning.

All those people in that third sector organisation have fantastic expertise and they can help our local school to understand better what it is all about.

Mark McDonald talked about last Wednesday's round table, which was run by the National Autistic Society Scotland at Our Dynamic Earth. I was very impressed by the many organisations that took part in the group discussions. They asked why this Parliament has not done more for people on the autism spectrum. It was a real eye opener for me—just the idea that looking at people in the eyes is very difficult for some people on the

spectrum. More important, maybe, was understanding that some people with autism will react differently from other people with autism. We need to understand that. It is not a homogeneous group of people; autism can have different effects in different people.

That made me think that it is not an autism-friendly society that we should strive for—a people-friendly Scotland is what we need. It is about people more than anything else.

19:51

The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn): I begin by thanking my friend Mark McDonald for initiating the debate today to mark the first schools autism awareness week.

Mark McDonald's contribution is, of course, entirely consistent with the tremendous work that he has done to raise the profile of issues around autism throughout his time as a member of this Scottish Parliament. I want to thank him for that work. He highlighted very clearly the importance of ensuring that autism is better understood in our schools, something that I agree with entirely.

I thank those other members who have contributed to the debate this evening. They have all done so with a genuine interest in raising awareness of autism in schools, and they have all highlighted the importance of doing so. Christian Allard finished very eloquently on the point that we want to create a people-friendly environment in Scotland. That, of course, has to include those with a diagnosis of autism.

I hope that members will forgive me if I focus in particular on Dr Milne's contribution. She has confirmed that that was not her last contribution in this Parliament. However, I rather suspect that it will be the last contribution that she makes in a debate that I will be taking part in with her. It is opportune for me to remark on that fact in advance of her retirement.

I am disappointed that she will not be able to take part in the Scottish Parliament onesie Wednesday that I think that we should hold in future, although she will, of course, be very welcome if she brings any produce for the bake sale that we can have. I wish her the very best for the future as she moves on to the next chapter in her life.

I thank the National Autistic Society for the work that it undertakes in general, but I highlight schools autism awareness week. I was very pleased to meet members of the society last week along with Mark McDonald. I am hugely impressed by their on-going commitment to supporting people with autism. That is a commitment that has

spanned two decades; this is their 20th anniversary, which I think that we should remark upon.

As part of the discussion that I had with the society and Mr McDonald last week, we touched on the suggestion that there may be a cross-party group on autism, pending the results of the election and so on. Clearly, the establishment of any cross-party group is not a matter for the Government, but I can say that if any such cross-party group is established we, as a Government, would be very willing to engage with it.

The resources that have been produced for schools as part of the schools autism awareness week are fantastic. I very much hope that teachers and pupils across Scotland enjoy taking part to raise awareness of autism. I am delighted to hear that there has been such a high uptake from schools. That is very encouraging indeed.

The Government is committed to improving the lives of people with autism. In 2011 we launched the Scottish strategy for autism. We are now halfway through that 10-year strategy, and although I would be the first to concede that there is still much to be achieved, we have come some way towards ensuring that people with autism are better able to participate in all aspects of the community and society in which they live, work and socialise. It is essential that work associated with the strategy improves the outcomes of individuals with autism, as I set out in yesterday's members' business debate on Hamilton Academical Football Club's community work, which includes a group to support families and carers of a person with autism.

Our priorities for people with such a diagnosis are for them to have a healthy life, choice and control, independence and active citizenship, just as we would wish for all Scotland's citizens. We want to contribute to the people-friendly environment that Christian Allard spoke of.

Today we are marking schools autism awareness week. I am delighted that the autism toolbox, which is funded by the Scottish Government, is being used in schools across Scotland. As Mark McDonald set out, the toolbox aims to support the inclusion of children and young people with autism in mainstream education services right across Scotland. The resource provides case studies from Scottish schools that can be translated and used by others. The autism toolbox demonstrates some of the positive work that is going on across the country to support autistic children at school.

The Government has a clear ambition for all Scotland's children and young people. We want them to get the most from the learning opportunities that are available, so that they can

flourish in learning, work and life. Through getting it right for every child and curriculum for excellence, that ambition can be achieved.

An important part of our approach is the recognition that all young people, whether or not they have autism, are different. Our approach is to enable young people to maximise their capabilities, and we recognise that sometimes additional support may be required. The Education (Additional Support for Learning) (Scotland) Act 2004 provided the framework for the provision of support for learning in Scotland and aims to ensure that all children and young people are provided with the necessary support to help them work towards their full potential. It promotes collaborative working among all professionals who support children and young people.

We know that parents and carers are the most important and influential people in their children's lives. When they are involved in their children's education, everyone benefits, which is why we want all parents and carers to be equal partners in that education. Curriculum for excellence provides teachers with the flexibility and freedom to adapt teaching practice to meet learners' individual needs. We want all children in Scotland to have the support that they need, regardless of their circumstances.

That is why the Scottish Government has invited the national parent forum of Scotland to lead a review of the Scottish Schools (Parental Involvement) Act 2006. The review activity will begin shortly, and it is vital that parents of children with autism are supported to take part in the work.

We want all children to be happy and to reach their full potential. I am sure that we all remember what it was like to be a young person who was trying to find their way in life. For young people with additional support needs, that can be more challenging. Young people with autism often tell us that a lack of understanding of their condition can be one of the biggest challenges that they face at school. At an event last week that the National Autistic Society organised, many young people spoke about what it is like to have autism and how other people's attitudes make them feel. Such young people want to be understood and accepted for who they are.

That reinforces the importance of ensuring that all children are aware of autism. I hope that schools autism awareness week results in greater awareness, understanding and sensitivity towards children and young people who are coping with autism. All those who have an interest in the area—and that must surely be all of us—can work collectively to that end.

The Deputy Presiding Officer: Many thanks. That concludes Mark McDonald's debate on

schools autism awareness week. If I had not been presiding over this debate, I would have wanted to participate in it.

Meeting closed at 19:59.

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