



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 17 March 2016

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# Scottish Parliament

Thursday 17 March 2016

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

## General Question Time

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

### Council Tax Bands (Inverclyde)

**1. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government how many properties in Inverclyde would be affected by the proposed reforms to the top four council tax bands. (S4O-05676)

**The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil):** Of over 37,000 chargeable dwellings in Inverclyde, as at September 2015, only 6,900 are in the top four council tax bands E to H. Of those, 3,400 are in band E. The proposed reforms would result in a maximum increase of £110 per year, which is £9 per month or £2 per week.

As at March 2015, 200 bands E to H households in Inverclyde were in receipt of council tax reduction. Those households would be unaffected by the multiplier changes. In addition, bands E to H households with a below-net-median income—up to a limit of £25,000 per year—would be able to apply through the CTR scheme for protection from the multiplier changes.

**Stuart McMillan:** Can the cabinet secretary confirm that the proposals will result in a net financial income for Inverclyde Council, while protecting people who live in properties in the lower four bands?

**Alex Neil:** The investment will be targeted according to the number of eligible children, not where the money was raised. It will deliver additional education provision over and above what would otherwise have been available. Further details will be confirmed following discussions with local government on how best to implement the programme, but it will apply to children in primary school and secondary 1 to S3. The funding will primarily be calculated based on the number of children who are eligible for free school meals. The funding will go direct to headteachers.

The 75 per cent of Scottish households that live in bands A to D will be unaffected by the reforms to the council tax band system, and a further 54,000 households in bands E to H on low

incomes—more than one third of which are pensioner households—will be entitled to an exemption from the changes through the council tax reduction scheme.

### Living Wage (Care Workers in Glasgow)

**2. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government how it is helping to support delivery of the living wage to care workers in Glasgow. (S4O-05677)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** As part of the 2016-17 budget we have taken action to protect and grow our social care services and deliver our shared priorities by investing a further £250 million in health and social care partnerships. Part of that investment is to enable local authorities to pay a living wage to care workers who support vulnerable adults—including in the independent and third sectors. We have allocated £33.28 million to Glasgow. Given that significant enhancement in resource, we expect the local authority to utilise resources from its allocation to enable it to commission adult social care services on the basis that a living wage is being paid.

**Bob Doris:** Given that the care sector is female dominated, does the cabinet secretary agree that paying the living wage to care staff is also a gender equality issue, and that paying it will raise the status of that very important sector? How will the Scottish Government ensure that the commitment that is being funded by the Scottish Government will be delivered by Glasgow City Council?

**Shona Robison:** I agree with Bob Doris. The Scottish Government is committed to making Scotland a fairer place for all. The allocation of the further investment in social care will enable local authorities to ensure that our care workers—the vast majority of whom are women, as Bob Doris said—receive the living wage. We estimate that, in the city of Glasgow, about 6,000 care workers, and across Scotland, about 40,000 care workers, will benefit. Many of those workers are women.

We are working closely with the Convention of Scottish Local Authorities, local government leaders and third sector and independent sector organisations to ensure that the detail of the delivery is in place for 1 October, when it is due to be implemented.

### Fracking (Central Scotland)

**3. Margaret McCulloch (Central Scotland) (Lab):** To ask the Scottish Government what impact fracking would have on Central Scotland. (S4O-05678)

**The Minister for Business, Energy and Tourism (Fergus Ewing):** No fracking is

permitted in Scotland as we have a moratorium on unconventional oil and gas developments.

The Scottish Government will take no risks with Scotland's environment while unanswered questions remain about the potential impacts of unconventional oil and gas. One of the world's most comprehensive programmes of research into the technology is now under way, and we will also hold an extensive public consultation to let the people of Scotland have their say. That is the only approach that clearly and consistently promises to engage with the evidence and the public on the issue.

**Margaret McCulloch:** Even with the moratorium in place, people across Central Scotland are concerned about the impact of fracking and want to know that their leaders will fight against it, but Jim Ratcliffe of Ineos has reportedly received assurances that the Scottish National Party Government is not against fracking at all. He says that the Government

"are being quite clear. What they've said to us is they're not against fracking."

For clarity, has anyone acting on behalf of the Scottish Government ever given such an assurance?

**Fergus Ewing:** Absolutely not. The position is as I have stated this week, last week and the week before—it remains the same. Unlike the Conservatives—who have now arrived in the chamber—and the Labour Party, we take a sensible approach: we look for the evidence.

I will run through some of the areas in which I think it is absolutely correct that we are looking at the evidence. They include: understanding and mitigating community-level impacts from transportation, including in Central Scotland; decommissioning site restoration and aftercare; understanding and monitoring of undue seismic activity; climate change impacts; economic impacts; and scenario development. For all those areas and more, it is essential that we provide the evidence to stakeholders and the public. What could conceivably be wrong with that approach?

### **A9 Dualling (Progress)**

**4. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what progress is being made with the dualling of the A9. (S4O-05679)

**The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown):** Construction of the A9 dualling began between Kincaig to Dalraddy in September 2015. The first section is expected to be completed by the summer of next year.

The remaining dualling is on course to meet the Scottish Government's target of being completed by 2025. The design of remaining projects is progressing well, with one quarter of the preferred routes announced last week and the rest anticipated during 2016 and into early 2017. Exhibitions are currently taking place at which the route options are being displayed to the public for comment.

**Mike MacKenzie:** Does the cabinet secretary agree with me that as well as creating and retaining jobs during the construction phases, the dualling of the A9 will provide a long-term stimulus to the economy of the Highlands and Islands and improve safety for motorists?

**Keith Brown:** Mike MacKenzie is absolutely right that the construction will have benefits for employment and that dualling will have longer-term benefits in relation to increased productivity and a more efficient transport system. The A9 plays a vital role in supporting the economy not just of the Highlands and Islands but of Scotland, with an estimated £19 billion-worth of goods being transported annually on it.

The journey time and reliability benefits that are associated with the dualling programme will reduce transport costs for businesses. Dualling will also improve connectivity between the Highlands and the central belt, and provide opportunities for the key business sectors, including tourism.

The upgrading of the road itself will also reduce driver stress and frustration and lead to improved safety for the 12 million vehicles per year that travel between Perth and Inverness. I am pleased that the current Scottish Government made the first commitment to dual the A9 and the A96, which will mean that for the first time, all Scotland's cities are connected by at least a dual carriageway or a motorway.

### **Steel Industry (Support)**

**5. Clare Adamson (Central Scotland) (SNP):** To ask the Scottish Government what it is doing to support the steel industry. (S4O-05680)

**The Minister for Business, Energy and Tourism (Fergus Ewing):** I chair the multi-agency Scottish steel task force, which was convened immediately after Tata Steel's announcement that it planned to mothball its Scottish steel plants. The task force brings together the company, trade unions, local authorities, Government agencies and local elected representatives. The task force is doing everything within the power of the Scottish Government and its partners to support the continuation of Scotland's steel industry and a viable future for the steel plants at Dalzell and Clydebridge. We have made significant progress in five key areas—business rates, energy costs,

support for staff, environmental matters and procurement—which are all aimed at supporting our ambition to see an alternative operator on those sites.

**Clare Adamson:** The minister will be aware that I attended a European Commission conference on fuel-intensive industries and heard the concerns of the industry across Europe in the current economic climate of steel dumping and high fuel costs. Does he share my concern that the United Kingdom Government and the European Commission are taking too long to address the concerns of the industry, and that it is about time they took positive action and provided support such as has been demonstrated by the Scottish Government?

**Fergus Ewing:** I share Clare Adamson's concerns. There is a need for urgent action by both the UK Government and the European Union, and we continue to press the UK Government on that. Clare Adamson has pressed all the issues at the meetings of the task force, every one of which she has attended.

**John Pentland (Motherwell and Wishaw) (Lab):** Although that is appreciated, the key question is not what the Scottish Government has done but where it is going. It is now more than five months since Tata Steel made its announcement. For the workers, all that has happened is a phased decline with mothballing, and support to help them into other jobs. That was not supposed to be the objective.

When will the Scottish Government look at a plan B to fulfil its guarantee of a future for Scottish steel by whatever means necessary?

**Fergus Ewing:** John Pentland also sits on the task force, which is a non-political body, and we have all been working together. I am not sure that I accept his characterisation of the position—for example, several of the key workers who are necessary to restart the plant are currently undertaking a skills course, and their skills are being preserved precisely because there are not many people who know how to operate a steel plate mill. If we had not instituted that pioneering scheme to preserve the key skills that are required to operate a plate mill, it would simply not be practical to reopen the plant. That has been done at the Scottish Government's behest and at the taxpayers' expense.

Secondly, our objective remains absolutely resolute: to find an alternative operator to take over the plant and resume steel operations in Scotland. As the First Minister undertook to do, we have left no stone unturned. We continue to do that work, and I am sure that I will engage further next Wednesday with Mr Pentland at the last meeting of the task force prior to purdah.

## Speech and Language Therapy

**6. Richard Lyle (Central Scotland) (SNP):** To ask the Scottish Government what it has done to protect the provision of speech and language therapy services. (S4O-05681)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** The provision of speech and language therapy services is managed by national health service boards, and it is for individual boards to decide how best to deliver those services to meet the needs of the population.

We have appointed an allied health professional national lead for children and young people who is working with NHS boards across Scotland to support the creation of a network of speech and language therapy leads to enable a joined-up approach to service design and delivery. We have recently published the "Ready to Act" document, which is the first children and young people's services plan in Scotland, in order to focus on the support that is provided by AHPs, including speech and language therapists.

**Richard Lyle:** Scottish Government research has shown that people with unmet communication support needs are more likely to have negative interactions with the law. The Royal College of Speech and Language Therapists has suggested that a speech and language therapy pilot programme could be launched in Scotland's criminal justice system. Although the Government has made no formal commitments, are there any plans to make that programme a reality?

**Shona Robison:** Richard Lyle raises some important issues. The "Ready to Act" plan recognises that communication difficulties can impact on vulnerable young people at risk of entering the criminal justice system, and in particular highlights the importance of early intervention and prevention in seeking to identify and address behavioural issues that are caused by communication difficulties before they escalate.

We will work collaboratively with the Royal College of Speech and Language Therapists, and with education and social care colleagues, on the implementation of "Ready to Act", and we will consider with them how best to address that issue.

## Small Businesses (Jobs)

**7. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government, in light of the reported 12 per cent increase in small business jobs in five years, what it is doing to ensure that this growth continues. (S4O-05682)

**The Minister for Business, Energy and Tourism (Fergus Ewing):** The Scottish Government provides a supportive business

environment offering a range of assistance, including the small business bonus scheme, which alone reduces or removes business rates for almost 100,000 premises and delivers an estimated £174 million of savings in 2015-16. Ministers of the Scottish Government have committed to continue the scheme for the duration of the next parliamentary session, if we are re-elected.

**James Dornan:** In the past three years, 77 small or medium-sized enterprises in my Cathcart constituency have increased their workforce. Will the minister give me a bit more detail and tell me what role he considers the aforementioned small business bonus scheme has had in achieving those results not only in Cathcart but across Glasgow?

**Fergus Ewing:** Yes, I will. The small business bonus scheme, whereby small businesses—and I used to run one—pay no or low business rates, makes an enormous contribution to the economy and the growth of small businesses in Scotland. Official statistics show that more than 9,000 business properties in Glasgow benefit from the scheme. That is why we, if re-elected, will keep it for the whole five years of the parliamentary session. I hope that Opposition parties will join us in that pledge, so that it goes beyond politics and becomes something that is guaranteed for every small business in Scotland. That would be a truly great thing.

#### **NHS Greater Glasgow and Clyde (Meetings)**

**8. Mary Fee (West Scotland) (Lab):** To ask the Scottish Government when it last met NHS Greater Glasgow and Clyde and what issues were discussed. (S4O-05683)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** Ministers and Government officials regularly meet representatives of all health boards, including NHS Greater Glasgow and Clyde, to discuss matters of importance to local people.

**Mary Fee:** The cabinet secretary will be aware of the leaked report by health board officials that shows proposals for major service changes at the Royal Alexandra hospital in Paisley.

One local mum, Karen Meikle, has described how important the RAH children's ward is to her son, who has a severe form of cerebral palsy. She said:

"Every second counts when it comes to getting him treatment."

Will the cabinet secretary give a cast-iron commitment to worried parents such as Karen that, if her Government is re-elected, the RAH

children's ward will be protected from closure or any downgrading whatsoever?

**Shona Robison:** We recognise that the paediatric service provided from ward 15 at the RAH is a highly valued local service. NHS Greater Glasgow and Clyde chair, John Brown, confirmed that

"None of the contents"—

of the paper to which Mary Fee referred—

"have been approved by the Board or referred to the Scottish Government for consideration."

As Mary Fee knows, any proposal for major service change would be subject to formal public consultation and ultimately require our approval, and we have received no such request.

#### **Royal Alexandra Hospital (Children's Ward)**

**9. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Health, Wellbeing and Sport last discussed the future of the children's ward at the Royal Alexandra hospital with NHS Greater Glasgow and Clyde. (S4O-05684)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** I have not discussed the future of the children's ward at the Royal Alexandra hospital because, as the chair of NHS Greater Glasgow and Clyde made clear in his statement on 15 January, there are no formal proposals to change the services delivered from the ward.

**Neil Bibby:** That is a very interesting answer. The cabinet secretary has not discussed this important issue with the health board.

Thousands of people in Paisley, such as Karen Meikle, have made it clear that they do not want the RAH children's ward to be closed or downgraded. I am also clear that Scotland's largest town should have its children's ward protected and that it should not be subject to closure or downgrading. The question remains unanswered. Does the cabinet secretary agree with me? Yes or no.

**Shona Robison:** Perhaps Neil Bibby should have listened to the answer that I gave to Mary Fee: we recognise that the paediatric service that is provided from ward 15 at the RAH is a highly valued local service. [*Interruption.*]

**The Presiding Officer:** Order.

**Shona Robison:** As I said to Mary Fee, the chair of NHS Greater Glasgow and Clyde, John Brown, said:

"None of the contents"—

of that paper—



“have been approved by the Board or referred to the Scottish Government for consideration.”

If the contents have not been referred to me for consideration, we will not have considered them. We have had no request to do that. I hope that that is simple enough for Neil Bibby to understand.

**The Presiding Officer:** Before we move on to the next item of business, members will wish to join me in welcoming to the gallery His Excellency John Dramani Mahama, the President of the Republic of Ghana, and Her Excellency Mrs Lordina Mahama, the first lady of the Republic of Ghana. *[Applause.]*

## First Minister's Question Time

12:00

### Engagements

**1. Kezia Dugdale (Lothian) (Lab):** To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03298)

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

**Kezia Dugdale:** After yesterday's budget, we can start today on a consensual note. Both the First Minister and I agree that George Osborne's spending plans are bad for Scotland. In fact, it was a typical Tory budget, with tax cuts for the top 15 per cent of earners but spending cuts for everyone else. When our schools are facing cuts and thousands of people are losing their jobs, a tax cut for high earners cannot be the priority. When the powers are devolved next year, Scottish Labour would reverse that tax cut for the top 15 per cent. Can the First Minister confirm whether the Scottish National Party would do the same?

**The First Minister:** We will set out our detailed income tax proposals early next week, and they will be based on our judgment of what is right for Scotland now and in the long term. However, let me be absolutely clear today: a large tax cut for 10 per cent, actually, of the population—those on the highest incomes—at a time when support for the disabled is being cut and our public services are under pressure is, in my view, the wrong choice. That money should be invested in our public services and in protecting the vulnerable. That is why I was so surprised yesterday to hear Labour's shadow chancellor, John McDonnell, say that he actually supports these tax cuts.

**Kezia Dugdale:** People listening will know that that was anything but a clear answer from the First Minister. *[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order.

**Kezia Dugdale:** Let me explain why. Nicola Sturgeon has said that this is the wrong choice, but she has not said that she would take a different one when she has the power to do so. *[Interruption.]*

**The Presiding Officer:** Order. Let us hear Ms Dugdale.

**Kezia Dugdale:** This is an important issue about our priorities. Scottish Labour is absolutely resolute and we have been so since October—we would reverse George Osborne's tax cut for the top 15 per cent because, when classroom assistants are being cut and teachers are having

to buy their own materials, when the gap between the richest and the poorest kids is as stubborn as ever and when thousands of people are losing their jobs because of cuts to councils, a tax cut for the better-off simply cannot be a priority. This Parliament should not be a conveyor belt for Tory austerity. *[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** The First Minister has spent her entire career arguing that more powers mean fewer cuts. People deserve a clear answer, so I will ask her once again. Will she back Labour's plans to reverse George Osborne's tax cut for the top 15 per cent—yes or no?

**The First Minister:** If we can just dispense for a moment or two with the mock indignation, we should reflect on the fact that, for any fair-minded person who was actually willing to listen to my answer, it was a very, very clear answer indeed.

I said that the choice of giving a fairly hefty tax cut to 10 per cent of the population—the highest income earners in our country—was the wrong choice. I think that that is fairly clear. I then said that we will set out our plans for income tax early next week. I have always said that we would set them out prior to the dissolution of this Parliament, and that is what we will do. Finally, I said that I thought that we should and would choose to invest that money instead in our public services and protecting the vulnerable. I think that anybody who is fair minded who was listening to what I said will find that a very clear answer indeed.

That is why I say to Kezia Dugdale that, given that I am answering the question very clearly, perhaps she should not waste her energy on trying to persuade me of this argument. Instead, she should use her energy on trying to persuade Labour's shadow chancellor, who said yesterday that Labour would support the increase in the 40p threshold.

**Kezia Dugdale:** Twice I have asked the First Minister—*[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** Twice I have asked the First Minister whether she will reverse George Osborne's tax cut for the top 15 per cent, and both times she has told me that she does not support the plan. However, she has not yet said whether she would reverse it.

The new tax powers that are coming to Scotland give us a real opportunity to stop George Osborne's cuts. I have already said that this Parliament is surely not a place that should pass on Tory austerity; instead, it should stop it. Faced with the choice between using the powers of this Parliament to invest and carrying on with the cuts, we can choose to use the powers.

If we cannot get a clear answer about the top 15 per cent, let us see whether we can get one about the very richest few. I believe that the top 1 per cent—or those who earn more than £150,000 a year—should pay more tax so that we can invest in education. Page 5 of last year's Scottish National Party manifesto says:

"We will also vote for ... the reintroduction of the"

50p top rate of tax. Will this year's manifesto make the same commitment?

**The First Minister:** The problem for Kezia Dugdale is that the people who are watching this are starting to laugh not with her but at her as she pointedly refuses to hear what I am saying. Let me try again—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister, Mr Bibby.

**The First Minister:** —and let me make it as simple as possible: the Scottish Government will set out our detailed income tax proposals early next week, before the dissolution of Parliament, as we have committed to doing.

Secondly, I have said and will say again—now, I think, for the third time—that the chancellor's decision yesterday, in a budget in which he cut support for the disabled, confirmed that the Scottish Government's budget between now and 2020 will reduce by £1 billion in real terms and piled more pressure on our public services, to give a large tax cut to the 10 per cent of the population at the highest end of the income spectrum is the wrong choice. Clearly if I think that it is the wrong choice, it is not a choice that I am going to make myself. Perhaps that is simple enough for Kezia Dugdale.

At a time when our services are under pressure, it is important that we protect our public services and, of course, protect the things that taxpayers in Scotland enjoy but which taxpayers in England do not, such as free education for young people going to university, free personal care for our older people and free medicines for people who are sick. I will continue to take decisions that are fair and balanced and which are in the interests of people across our country, in the interests of our public services and in the interests of our economy, and I will leave Labour to its increasingly desperate battle to hang on to second place.

**Kezia Dugdale:** I think that the people watching this at home are wondering why the First Minister of Scotland cannot answer a question with a simple yes or no. *[Interruption.]*

**The Presiding Officer:** Order.

**Kezia Dugdale:** That answer was a bit like the First Minister's answer about fracking. She says

that she is highly sceptical, but she will not actually spell out how she will do it any differently.

The First Minister tells us that she is against the cuts and opposes Westminster's austerity agenda, but when faced with a choice between using the powers of this Parliament to invest and carrying on with the cuts, she chooses cuts and refuses to use the powers. She has just stripped £500 million out of school budgets and vital public services; she will not confirm that she will reverse Osborne's tax cut for the top 15 per cent; and she will not even commit to her manifesto pledge from last year on the 50p tax rate.

The powers of this Parliament mean that we can choose a different path from the Tories. We have a choice: we can either wring our hands and wave the cuts through, as the SNP chooses to do, or we can use the new tax powers to end austerity, which is what Labour argues for.

Is there any power that the First Minister is prepared to use to stop the cuts?

**The First Minister:** Kezia Dugdale's line of questioning reminds me of the Labour Party in Scotland in general—it is going absolutely nowhere. When Kezia Dugdale was scripting these questions, you would think that she would have factored in the possibility that I would answer the question at the first time of asking, and that she would have the ability to amend her subsequent questions.

Let me say, for the fourth time, that I think that George Osborne's decision to cut taxes for the 10 per cent of the population at the highest end of the income spectrum is the wrong choice, and that I will not take the same choice. I have said that four times; surely somebody on the Labour benches must have understood me. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** Unlike Labour, I have also set out what I will do with local taxation. We have not heard Labour comment on that yet. I have set out plans for local taxation and, in a few days, I will set out plans for income tax. Taken together, those plans will be fair, reasonable and balanced, and they will protect our public services and our economy. I will continue to argue in favour of that position, and perhaps that is why trust for this Scottish Government is at an all-time high. Perhaps Kezia Dugdale will want to reflect on that when she continues in opposition, on whatever side of the chamber that might be.

### Secretary of State for Scotland (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-03299)

**The First Minister (Nicola Sturgeon):** Tonight.

**Ruth Davidson:** Many of the income tax decisions that were announced in the budget yesterday will not apply to Scotland's workers. Such decisions will be for this Parliament to make, and they require serious analysis and proper thought. Last year, the Scottish Conservatives brought together an independent commission of experts to study that issue in detail, and their recommendations were published in January.

The First Minister has at her disposal a team of economic advisers, as well as an army of civil servants. What detailed analysis has she published about how we can use the new tax powers to strengthen Scotland's economy?

**The First Minister:** As I said to Kezia Dugdale, we will set out our proposals on income tax early next week. When we do that, we will set out the analysis that backs up the decisions that we will take on income tax.

It is interesting that Ruth Davidson says that she appointed a commission to look into how we can best use new income tax powers for Scotland. From what she has said, it seems that she does not propose to use those powers at all and that she will simply mimic George Osborne. That is the wrong choice for Scotland.

**Ruth Davidson:** It is obvious that no analysis or evidence base has been put forward. Incredibly, if we run through the minutes of meetings of the First Minister's Council of Economic Advisers from any point in the past year, we see that the new tax powers do not even merit discussion. That was evident yesterday, when we saw the Deputy First Minister on the television looking like a rabbit in the headlights as he talked about how those powers will be used.

I do not want to see a sign at the border that says "Higher taxes here". I think that that is the wrong choice for Scotland, and I am not the only one who thinks that. In this morning's press, Jack Perry, the former chief executive of Scottish Enterprise, wrote:

"a further tax grab ... will only weaken our tax base and depress the economy. That will do nothing to help support schools, hospitals and an ageing population."

Mr Perry ran Scotland's main enterprise body for five and a half years. He is not a politician. I ask the First Minister: why is he wrong?

**The First Minister:** As I have said repeatedly, I will set out my proposals on income tax. It is interesting that Ruth Davidson is not proposing to use the income tax powers. Over the past year, how many times has she stood over there and said to me, "The time is soon when we will all have to decide how we will use the income tax powers"? Yet, as she confirmed at her conference, she is not proposing a single iota of difference from George Osborne's tax proposals.

Ruth Davidson led the troops up to the top of the hill, promising a 30p tax band but, when she got them there, she said that she was going to march them straight back down again. She is going to mimic George Osborne; I am going to take the decisions that are right for Scotland.

If Ruth Davidson wants to talk about differences between Scotland and England, I will give her some. If someone is a taxpayer in Scotland, their children do not pay for a university education, unlike in England. If someone is a taxpayer in Scotland, they do not pay for personal care for their elderly parents, unlike in England. If someone is a taxpayer in Scotland, they get medicines free when they are sick, unlike in England.

Those are some of the benefits that taxpayers in Scotland get—unlike those in England—but which Ruth Davidson wants to take away. Perhaps she will answer this: how much do the Tories think that people should pay for a university education and how much would she have the prescription charge return to? Let us have some answers from her before she has the nerve to stand here and lecture anyone else.

**The Presiding Officer:** We have some constituency questions.

**Kenneth Gibson (Cunninghame North) (SNP):** Earlier today, I received notification that Z Hinchliffe & Sons, which is a textile company with a factory in Dalry in my constituency, began this morning to issue 90-day redundancy notices to its 86 employees, although the factory has been in full operation throughout an initial 30-day consultation period. The company claims to be in negotiations with a potential buyer but has refused to name that buyer or allow Scottish Enterprise to help find another. The management, which is based in Huddersfield, has also refused to let the partnership action for continuing employment team into the factory to speak to the workers. Given those circumstances, what pressure can be put on Z Hinchliffe to ensure that the workforce is given the assistance that it needs and deserves at this difficult time?

**The First Minister:** I am aware of the developing situation at Z Hinchliffe in Dalry and I was concerned when I learned about it. This is an anxious time for the company's employees, their families and the local community. Fergus Ewing will be engaging directly with the business and I assure Kenny Gibson that we will do everything that we can to ensure that the workforce is given the assistance that it needs and deserves at this difficult time. I undertake today to ensure that Fergus Ewing keeps the member fully updated about those discussions.

**Cara Hilton (Dunfermline) (Lab):** The First Minister will be aware that Longannet power

station in my constituency will close at the end of the month, with the loss of 236 jobs locally and more than 1,000 jobs across central Scotland in the supply chain. A £9 million economic recovery plan has been drawn up by Fife Council, Clackmannanshire Council and Falkirk Council. The plan is vital to the long-term economic regeneration of the area, as it will enable recovery from what will be a devastating blow to Kincardine and surrounding communities.

I was disappointed to hear this week from Fife Council leader David Ross that the plan is not going to be funded by the Scottish Government. Will the First Minister please reconsider that decision before Longannet closes on 31 March, to ensure that the communities that I represent have a fighting chance of recovery?

**The First Minister:** We established the multiagency, multipartner task force to consider such issues when the decision about Longannet's future was announced. We continue to engage with Fife Council about proposals to support economic regeneration and recovery in the area. We have also been working through the task force and our PACE organisation to help individuals into alternative employment, and I understand that many of the individuals who were employed in Longannet have been able to move into alternative employment. We will continue to engage with the local council through the task force, and with members who represent the area, to ensure that we are doing everything possible and appropriate to help individuals and the local economy.

**James Dornan (Glasgow Cathcart) (SNP):** The First Minister will be aware of the announcement by ClydeUnion Pumps, which is part of the SPX group and is based in my constituency, that consultations have begun with unions on the prospect of the company making 114 workers redundant. If that comes to pass, it will mean that more than one third of the workforce has gone in the past 12 months, after the loss of 90 jobs last year.

Given the company's importance to my constituency—for example, my mother and my brother worked in it—and the fact that, starting as Weir Pumps, the plant has stood on Newlands Road since 1886, will the First Minister tell me what the Scottish Government can do to help the workers who are threatened with redundancy and to help the company through the temporary downturn in the oil and gas industry?

**The First Minister:** I am acutely aware of the situation and of the impact that it will have on those who work there, their families and the local area. Indeed, as the MSP for the neighbouring constituency, I know the importance of the employer and how long-standing its presence has been in the south side of Glasgow.

I can tell James Dornan that Scottish Enterprise met the company yesterday to explore all possible options for supporting the business and retaining its highly skilled employees. Our PACE team has also been in contact with the company and is offering support for affected employees. It will remain in contact with the company and employees throughout the consultation period. We will do everything possible to ensure that all options are explored and that the workforce is given all the support that it expects and deserves at this time.

### **Commission on Widening Access (Response)**

**3. Liam McArthur (Orkney Islands) (LD):** To ask the First Minister what the Scottish Government's response is to the final report of the commission on widening access. (S4F-03307)

**The First Minister (Nicola Sturgeon):** I warmly welcome the report from the commission on widening access, which was published on Monday. Let me take the opportunity to thank Dame Ruth Silver, the chair of the commission, and all the commission members for the very good work that they have done.

I have repeatedly made clear my personal commitment and ambition—indeed, the commitment and ambition of this Government—that every young person, no matter their background, will have an equal chance of going to university, if that is what they choose to do. That is why we immediately accepted the commission's recommended targets—to maintain the urgency and focus that are needed so that by 2030 students from the 20 per cent most deprived backgrounds should represent 20 per cent of entrants to higher education. We will now consider the other findings and recommendations carefully. If we are re-elected, we will bring forward a full response very early in the next session of Parliament.

**Liam McArthur:** Widening access must be tackled right from the start of schooling. Having seemingly abandoned the area-based approach to raising attainment in schools, which ignored the needs of too many children in too many parts of the country, will the First Minister now accept that our idea of a pupil premium is the best approach for the whole of Scotland?

Given how important colleges are as a gateway to learning, and having rejected our penny for education proposal, how will the First Minister prevent her damaging cuts to council education budgets and colleges from undermining efforts to meet her new university targets?

**The First Minister:** First, Liam McArthur is right to say that dealing with the issue of access to university does not just require the efforts and

inputs of universities; it requires all of us, right across the system, to play a part. That is why the commission was right to call it a “whole system problem” that needs a whole-system solution.

As for the rest of Liam McArthur's question, we have not abandoned anything. Our attainment fund, which was doubled by the Deputy First Minister in the budget, will continue to provide dedicated support to primary schools in our most deprived communities. It is already providing support to more than 300 primary schools across the country. In addition, we will extend the reach of our attainment fund, using the £100 million that is going to be raised every year through reforms that we have announced to local taxation. That money will be allocated to schools on the basis of eligibility for free school meals. It will go directly to schools—directly to headteachers—on the basis of greatest need. Taking together what the Deputy First Minister announced in the budget and what I announced at the weekend, if we are re-elected, over the life of the next Parliament there will be an additional three quarters of a billion pounds spent specifically on attainment in our schools.

**Iain Gray (East Lothian) (Lab):** One of the commission's recommendations was that care-experienced young people who find their way to university should be supported by a full grant while they are there. That recommendation will certainly be part of Scottish Labour's manifesto. Will the First Minister commit to it too?

**The First Minister:** It is a good recommendation, and I will set out our response to it over the next few weeks of the election campaign. Actually, Iain Gray is not describing the recommendation as fully as he could have. It does not just talk about grants versus loans for students with care experience; it also says that where students with an experience of care meet minimum access requirements, they should be guaranteed a place at university. I think that those are sensible recommendations that can have an impact on our goal of making sure that there is equal access to university. We will consider them very carefully.

**Liz Smith (Mid Scotland and Fife) (Con):** One concern that the report expressed was that some schools do not have a sufficient number of teachers to be able to offer some highers and some advanced highers. What is the Scottish Government doing about that situation?

**The First Minister:** Many suggestions have been made by many different people about how we make sure that, as part of ensuring equal access to university, all young people have access to the subjects when they are at school. One suggestion that I think has particular merit—not just because it helps ensure equal access but for other reasons as well—is schools working much

more in clusters, so that when a particular subject might not be offered in one school, it can be accessed in another school.

The commission and others that have an interest are doing a lot of serious work. The output of all the work will certainly be reflected in my party's manifesto. As I said, if we are re-elected, we will introduce a full and comprehensive response to the commission's report early in the next session of Parliament.

**Roderick Campbell (North East Fife) (SNP):** One of the report's recommendations is that those who compile key university rankings should

"ensure greater priority is given to socioeconomic diversity within the rankings"

and that the institutions that take those actions should not be penalised. What is the Government's view on that? How can we allay universities' concerns about the ranking implications?

**The First Minister:** I strongly agree with what the report says on that issue. It is essential that university rankings are not compiled in such a way that universities find themselves penalised for doing the right things to widen access to students from our more deprived areas.

Our world-class higher education system is—rightly—a source of great pride to us. Rankings are, understandably, important to institutions' reputation and income. The report makes it clear that a strong and growing body of evidence suggests that socioeconomic diversity improves standards and the education experience of all students. Therefore, universities should be credited not penalised if they make their student body more diverse in that respect. That strong recommendation is backed by strong analysis. It will form part of our response to the report early in the next session of Parliament should we be re-elected.

#### United Kingdom Budget (Response)

**4. Stuart McMillan (West Scotland) (SNP):** To ask the First Minister what the Scottish Government's response is to the United Kingdom budget. (S4F-03309)

**The First Minister (Nicola Sturgeon):** As a result of yesterday's budget, between now and 2020 Scotland will see a £1 billion real-terms cut from the day-to-day budget that pays for our public services. That is before the impact of the hidden £3.5 billion cuts in the budget is fully understood. Yesterday's budget statement delivers very little for Scotland. The modest consequential cuts that we receive are almost certainly wiped out by the increase in public sector employer pension contribution costs from 2019.

Presiding Officer, as you will have heard me say in earlier stages of these exchanges, we will continue to do everything in our powers to protect the most vulnerable from austerity measures and to protect our public services and our economy.

**Stuart McMillan:** Does the First Minister agree that this budget will hammer society's poorest and disabled while helping higher earners? Cutting the employment and support allowance by £30, and changing the eligibility to personal independence payments, which will slash £130 million-worth of support to disabled people in Scotland, will have a hugely damaging impact on those affected. It is a typical Tory action by a savage Tory chancellor.

**The First Minister:** Yes, I agree. The changes to personal independence payments are cruel on some of the most vulnerable people in our society. In Scotland, they will result in about 40,000 disabled people being made worse off. Of that 40,000, two thirds could be worse off by almost £3,000 a year; the remainder could be worse off by almost £1,500 a year.

When the changes were first proposed in January, the Scottish Government, alongside disabled people and a range of charities for the disabled, made clear to the UK Government that we were fundamentally opposed to the changes, which would narrow the eligibility for benefits that support disabled people in their daily lives. We will continue to press that case. As power over disability benefits comes to this Parliament, we build a social security system that treats people, particularly our disabled people, with the dignity and the respect that they deserve.

#### Cancer Patients (Access to Diagnostic Tests)

**5. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** To ask the First Minister what steps the Scottish Government is taking to ensure that all cancer patients have timely access to diagnostic tests. (S4F-03303)

**The First Minister (Nicola Sturgeon):** Our new £100 million cancer strategy was published by the Cabinet Secretary for Health, Wellbeing and Sport on Tuesday. It aims to improve prevention, detection, diagnosis, treatment and after care for those affected by that devastating disease.

Of the funding, £50 million will be used to deliver an additional 2,000 diagnostic scopes a year and to fund additional diagnostic capacity to ensure that people who are suspected of having cancer receive swift access to the diagnostic tests that they urgently need.

I believe that this might be Malcolm Chisholm's last appearance at First Minister's question time, unless he has questions planned for me next week. Just in case he has not, if you will allow me, Presiding Officer, I would like to recognise his

service not just to this Parliament, but to the national health service.

When Malcolm Chisholm was health minister, among his other achievements, he abolished trusts in Scotland and he brought the Golden Jubilee hospital back into public ownership. Those are landmark achievements. I thank him for his service and take the opportunity to wish him well for the future. *[Applause.]*

**Malcolm Chisholm:** I thank the First Minister for her very kind words. I was going to say as a preamble that I think that there has been great progress in cancer care during the years of the Scottish Parliament under this and the previous Administration.

Today, I want to highlight Cancer Research UK's campaign, Scotland vs cancer, and ask whether the First Minister agrees that it has been right to highlight the long waits that some people have for diagnostic tests. I welcome the measures that she referred to and the cancer strategy that was published this week, but will she give us a bit more detail on the timescale for the proposed changes and the effect that she thinks they will have?

**The First Minister:** I do agree with Cancer Research UK. Obviously we need to make sure that we have first-class care and treatment of people who are diagnosed with cancer. However, what we need to do most is to make sure that we maximise our efforts to prevent it and to diagnose it as quickly as possible, so that people get access to the best care as quickly as possible. That is why our detect cancer early programme is so vitally important.

Waiting times at all stages of the cancer journey are much shorter than they have been in previous years, but, particularly in relation to diagnosis, we are determined to go further. That is why the actions that I outlined in my earlier answer are so important.

On timescales, this is a cancer strategy that we will start to implement immediately. As well as the additional diagnostic capacity that I spoke about, we will also invest to increase the capacity for radiotherapy treatment. As technology develops, that becomes more and more important in the treatment of cancer.

Whether on prevention, diagnosis or world-class treatment, we have to make sure that we are doing everything possible to continue to reduce deaths from cancer. There can be few things that are more important to any Parliament, anywhere.

### Film Studio

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister when the Scottish

Government expects a new film studio for Scotland to be delivered. (S4F-03319)

**The First Minister (Nicola Sturgeon):** The Scottish Government, with Scottish Enterprise and Creative Scotland, is firmly committed to supporting the growth of the screen sector in Scotland. That is underlined by the record £24.1 million awarded to support the sector in 2014-15 and the extra £4.75 million that we announced last year across three new funds.

I am pleased to say that proposals from Wardpark Studios Ltd for a permanent film studio in Cumbernauld are now progressing well, and a planning application for extensive development of facilities was submitted to North Lanarkshire Council on 11 March. We hope and expect that the new studio will be operational no later than the end of 2017.

**Murdo Fraser:** The First Minister will be aware that the film industry in Scotland has made very clear its dismay at the non-delivery of a long-awaited film studio. Last week the Cabinet Secretary for Culture, Europe and External Affairs told us that the Scottish Government would be supporting an extension to the Wardpark facility in Cumbernauld by 30,000 square feet, but we do not know when, or indeed if, that will actually be delivered. In the meantime the Scottish Government is sitting on a planning application for a 230,000 square feet facility at Straiton.

What confidence can we have in the Scottish Government that something will actually and eventually be delivered that meets the industry's needs?

**The First Minister:** It is certainly true that Murdo Fraser did not know when it would be delivered before I answered his first question, but he should know now—no later than the end of 2017.

Everybody else is hearing me today, are they not?

**Members:** Yes.

**The First Minister:** Because Kezia Dugdale certainly did not appear to be, and now Murdo Fraser does not appear to be hearing me either.

Look, the issue is seriously important. I represent the south side of Glasgow, which is home to places such as Film City. I understand absolutely, and plenty of people remind me—rightly—of the importance of the film industry and the screen sector in Scotland. I am not going to comment on Pentland studios for the reason that Murdo Fraser cited; it is subject to a planning application at the moment and it would be wrong for me to comment on that.

We think that the progress around Cumbernauld is very positive and I hope that we continue to see that move forward, so that we have a fully operational film studio—let me say this again—no later than the end of 2017.

## Food

### **The Deputy Presiding Officer (John Scott):**

The next item of business is a members' business debate on motion S4M-15826, in the name of Alison Johnstone, on Scotland's food future. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak buttons as soon as possible, please. I also invite MSPs and members of the public who are leaving the chamber to do so quickly and quietly, please.

### *Motion debated,*

That the Parliament believes that everyone in Scotland should have financial and geographical access to nutritious food both as a right and with dignity; welcomes the work of the Scottish Food Coalition and its report, *PLENTY: Food, Farming and Health in a New Scotland*; applauds efforts to strengthen community-based food networks and end food poverty, and commends the work of Granton Community Gardens, Edinburgh Community Food, Broomhouse Health Strategy Group, Pilton Health Project, Leith Community Crops in Pots, Edinburgh Food Belt, Nourish, the Cyrenians and groups providing emergency food relief to people across the Lothians.

12:35

### **Alison Johnstone (Lothian) (Green):**

I welcome the opportunity to debate in Parliament Scotland's food future, and I thank colleagues who have made that possible by supporting my motion.

My motion highlights the work of the Scottish food coalition and its report "PLENTY: Food, Farming and Health in a New Scotland". The coalition is made up of several organisations whose contribution to improving the health and wellbeing of people in Scotland is widely recognised, and deservedly so. The report is a landmark report that should be discussed far and wide, and steps should be taken to implement it. It begins with the statement:

"We have plenty of land in Scotland, and plenty of sea, and plenty of skilled people, scientists and innovators. There's no reason why we shouldn't have plenty of good food for everyone."

Hear, hear.

It is absolutely the case that, as the report states,

"At the moment, our food system is characterised by inequalities and exploitation."

Given the importance of food—it really is one of the few things that we cannot live without—our food system should be founded on the principles of social and environmental justice. A food system that is founded on those principles would enable us to address inequality, climate change, declining wildlife, animal welfare and poor health.



Some people may be of the view that business as usual is “Just grand, thank you very much”, but if we are what we eat, many people in Scotland are clearly not eating well. In a country with

“plenty of land ... and ... sea”,

why is that the case? Why are 65 per cent of people in Scotland overweight or obese, and why is it that in 2014-15 almost 120,000 people required emergency food aid and almost a third of those were children? That reliance on food aid exists in a country that rightly celebrates its food and drink sector. However, the focus is very much export based, with much ado about whisky and salmon—despite the environmental damage that fish farms create in Scotland—to boost the profits of companies, many of which are based outside Scotland. I would like to see more focus on an agroecology approach and more investment in growing our organic sector.

Fifteen per cent of Scottish households do not own cutlery. Such is the concern about our food culture, which is impacting terribly on our health, that leading consultants have coined the new term “diabesity”, which reflects the relationship between obesity and diabetes. That epidemic, which has a global reach and impact, also has a very local one. It costs health and happiness and, like demographic change and population increase, puts our national health service budget under increasing pressure.

Corporations can and do make huge profits from dominating the food market, often with unhealthy food and unsustainable ways of growing and producing the food that we eat. However, the public purse pays for the pollution and ill health. Lobbying at the highest levels of Government has created the perverse logic that is needed for our leaders to think that international deals such as the transatlantic trade and investment partnership deal are a good idea for our food system.

It does not have to be that way. We are all aware of amazing projects in our communities; there is in the Lothians region a fantastic collection of those projects and community energy, which connect people to Scotland's true food future. Community gardeners are taking over Granton's street corners to create mini gardens, vegetable plots and communal meals. The Broomhouse Health Strategy Group and the Pilton Community Health Project work with people on budgeting, cooking skills, getting them more active in their daily lives and much more. Leith Community Crops in Pots is building a more rural feeling from concrete patches in Leith. We can grow almost anywhere. The Cyrenians at the Royal Edinburgh hospital and its Leith FareShare depot and kitchen are doing an excellent job helping people to learn to cook, enjoy food together and appreciate all the wondrous things that food can do.

**Bruce Crawford (Stirling) (SNP):** On Monday, I visited a fantastic project in Balfron in my constituency. It is a Food Connections project, the aim of which is to encourage pupils to understand where their food comes from and how to cook it. A polytunnel has been established, in which food is being grown for the kids to use. Does Alison Johnstone think that we should have such exemplary projects throughout Scotland?

**Alison Johnstone:** I thank Bruce Crawford for mentioning that project because it is a fantastic example of making the best use of land everywhere. If we can engage pupils in our playgrounds from the earliest age, what better use of space can we make? There is so much space that is unused when it could be productive.

Musselburgh Transition Toun is another example. It is working wonders with a wee community garden by the river. Edinburgh Community Food is building a network across the city, and many other groups are doing fantastic jobs providing emergency food relief. I want to mention two of them: Transition Edinburgh South and the wonderful walled garden at Gracemount. There are undoubtedly many more that I have failed to mention, and they are all working wonders.

Food should help us to grow and to get well when we are not well; it should make us feel good. Really nutritious food helps us to keep well and gives us the ability to deal with busy lives, no matter how old we are. It gives us personal resilience. Local food networks are vital to the development of resilience at community level. We need to think about the future and about our ability to produce the food that we need closer to home.

In yesterday's stage 3 proceedings on the Land Reform (Scotland) Bill, I spoke about the situation of the smallholder Jim Telfer, who is a tenant farmer who fears losing both the land that he rents and his livelihood, because his land is where the film studio that was discussed at First Minister's question time, which is the subject of a speculative proposal, would be located. Is his farm on poor-quality land? No—it is on prime agricultural land. I hope that that will be recognised and valued, and that the film studio will be built elsewhere. Cumbernauld has been discussed as a possible location, but Shawfair, which is nearby, has excellent transport links and a school that focuses on the creative industries. Members of the local Damhead community have rallied round Jim and have campaigned hard. The vision that they have for the land where they live is for it to be formally recognised as Edinburgh's food belt. We need to think about the idea of urban crofts. Green-belt land has never faced such development pressures, but we need to think about where the

food that citizens within and outwith Edinburgh's green belt eat comes from.

The food belt is a compelling idea—it represents a much better way of thinking about the value of our green belt and its benefits. Land in the food belt is a way of connecting us to our food. Land here could have many more local businesses providing employment to people in cities and in more rural areas. For too many people, the green belt is a patch of land that they commute through without giving it much thought. We can rethink that land.

I hope that the minister understands not just the power of ideas, but the power of money. Yesterday, I learned that the funding that allowed the Scottish food coalition to form has been cut—in fact, it has been completely removed: Nourish Scotland's funding has gone from £90,000 to nothing.

**The Deputy Presiding Officer:** You must draw to a close, please.

**Alison Johnstone:** I will.

Nourish Scotland would like to tender for work, but it turns out that the only tender that is available to it is one that wraps up a massive amount of work on local food in a £3 million contract, which is inappropriate for small and medium-sized enterprise bidders.

I congratulate and thank all those who are working to make us a better food nation, from our school dinner ladies to the Soil Association. Let us make sure that we are not just a well fed but a properly nourished population.

I would be grateful if the cabinet secretary could address the funding situation that I outlined when he closes the debate.

**The Deputy Presiding Officer:** Many thanks.

We are tight for time today, so speeches should be of four minutes.

12:43

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I congratulate Alison Johnstone on her motion and I congratulate all the local groups that are mentioned in it, especially those that are based in my constituency, which I will talk about shortly. I also congratulate the Scottish food coalition on its excellent report, which rightly emphasises the need to have the right to food in legislation. I hope that that will be taken on board in the next session of the Scottish Parliament. The Scottish food coalition report also emphasises that the core principles of environmental awareness and sustainability should be at the heart of production.

Unfortunately, the reality is very different. Instead of a right to food, we have an increasing number of food banks and unacceptable food poverty, which has been highlighted in a recent report by the Pilton Community Health Project, which is mentioned in the motion. Its report, "Good Food for All", found that poverty and food poverty are intrinsically linked, and that securing a fairer food system is very difficult in the light of very deeply rooted and persistent poverty. That is why that excellent project, which I have known for more than a quarter of a century, has always emphasised the importance of dealing with the broader determinants of poor health and health inequalities. It has also had excellent initiatives specifically on food and other lifestyle factors.

The Pilton Community Health Project's report, which is certainly worth reading, also notes the rise in voluntary activity to help people to eat, and to eat well. I want to highlight two excellent projects in my constituency that do precisely that. The Granton community gardeners, to whom Alison Johnstone referred, work in north Edinburgh, not far from the Pilton Community Health Project. They are local residents who are growing fruit and vegetables in several garden plots, some of which are on street corners in Granton.

The Scottish food coalition makes an interesting point in its report, to which Alison Johnstone's motion refers, when it highlights the power of planning to ensure that vacant land is safeguarded for growing crops. That is an important part of the subject.

A great many positives are coming out of the food-growing project in Granton. There is an educational dimension, with many people learning how to grow food and acquiring information about food. Indeed, the group ran a 10-week course for local people to encourage such knowledge. There is the opportunity to taste new fruit and vegetables, and the project builds community cohesion, as people talk to neighbours to whom they might not have talked before, as they garden—which, of course, is an intrinsically healthy activity. Meals are made from the produce and are then shared and distributed to a large number of families and volunteers. The project also has a strong environmental dimension, which is crucial. Its aims include encouraging care for the environment and an awareness of local wildlife and biodiversity.

The environmental dimension is also extremely important for Leith Community Crops in Pots, which is also mentioned in the motion. Crops in Pots educates people about the interaction between food and the environment and, more important, puts environmental sustainability into practice by growing food, planting trees, helping to

reduce food waste and encouraging dietary change in order to reduce environmental impacts and improve health. The charity is grateful for the climate challenge funding that it received in the most recent round—and, I think, the previous round—which has enabled it to build up a great team, to establish infrastructure including raised beds, sheds and a tree nursery, and to build close relationships with the community. Crops in Pots has put in another bid, and I hope that the minister will look favourably on it, because funding is crucial to the next stage of the charity's development, if it is to expand its community outreach, create habitats and, of course, continue to save carbon. The charity works in local schools, holds community events and is involving more and more local people, but it needs a further round of climate challenge funding if it is to keep its excellent work going.

12:47

**Christian Allard (North East Scotland) (SNP):**

I did not sign the motion, because although I read the report and thought that it was very good, I think that something is missing: it needs a stronger emphasis on where people buy their food every day. People buy their food from the major retailers. We need to take a stronger approach with the major retailers, not just by having better legislation and regulation as in other countries, but by ensuring that the major retailers sell local produce. To my mind, that should be at the centre of everything that we do when we consider food. I very much enjoyed the report, but it does not have enough on that.

I am delighted that Alison Johnstone secured the debate. The "PLENTY" report starts with a statement that begins:

"We have plenty of land in Scotland".

We do, and because Parliament backed the Scottish Government's Land Reform (Scotland) Bill yesterday, as Alison Johnstone said, more of our land will be used to grow food. That is really the heart of the issue.

The statement goes on to say that Scotland has "plenty of sea". We do. Scottish fish are back. I have been saying that for a long time—I worked in the fishing industry for 30 years before I entered Parliament—but now the fish are back in terms of quantity and size, after the fantastic efforts of our fishermen over the past 10 years, and the fantastic efforts of this Parliament, the Scottish Government and the Cabinet Secretary for Rural Affairs, Food and Environment in backing our fishermen. That is good news.

The statement goes on to say that we also have "plenty of skilled people".

It is important to realise that our food industry in Scotland is part of our culture and is a subject of research in our universities, for example. We are able to produce food for export and for local consumption. We have fantastic experts in food production in this country, from farmers and fishermen to scientists and innovators.

I agree with the end of the statement, which says:

"There's no reason why we shouldn't have plenty of good food for everyone."

The solution is always easy: people are always the solution, so we need to talk about people and understand more about food insecurity.

I have met a lot of people in my region, including Dave Simmers, who is the chief executive of Community Food Initiatives North East—CFINE. He has a fantastic organisation that has developed more and more. He used to work for the Cyrenians and has been working in the area for the past 40 years, so he knows the food issues and how they are linked to poverty. CFINE has had its Fruit Mart shop in Peterhead since October last year. Previously, it was in the village of Longside. It also has a charity shop that not only provides local produce but employs 17 people and offers support and employment guidance to adults with learning difficulties. A lot is happening in the countryside and in our cities. We need to welcome that.

Scientists are important. Many members will know Dr Flora Douglas from the University of Aberdeen who often comes to Parliament. She is passionate about what food represents. It is more than food: it is about our culture, our society and how we see ourselves.

On Tuesday night, Rob Gibson MSP hosted the fantastic food for thought event, at which another expert—Shirley Spear, the chair of the Scottish Food Commission—talked about the work and outcomes involved in the school programme. I recommend that members read the Food Commission's interim report. It is a very interesting read.

We need a different approach. It must involve everybody, including businesses and our food producers. We need to buy local, buy Scottish and trust our farmers, fishermen, food producers and experts. That way, we will ensure that we have plenty of good food for everyone.

12:52

**Alex Johnstone (North East Scotland) (Con):**

I come to the debate from a slightly different point of view, having spent most of my life in the food production industry or the farming industry prior to becoming involved in politics.

In the opening speech, Alison Johnstone said that, in Scotland, there should be

“plenty of good food for everyone.”

I could not agree more. Scotland's farming industry is one of the most efficient and productive to be found anywhere in the world. The intensive methods that it uses are high output and low impact and we have the highest standards of animal welfare to be found anywhere on the planet. We have a great deal to be proud of.

I have no wish to offend or to cause discord when other members talk about organic methods. I do not object to organic farming, but I object to the idea that that method is somehow better, more appropriate or worthy of greater support than the traditional Scottish methods than many Scottish farmers use to produce high-quality food. I will always defend those farmers.

**Alison Johnstone:** I am sure that Alex Johnstone will agree that organic farming is traditional and that it could do with greater support in Scotland than it receives.

**Alex Johnstone:** It is important to realise that, if a particular method is productive and worthwhile, it should compete in a competitive environment with other methods of farming. We should demonstrate what is more effective by seeing what we achieve at the end of the day.

The truth is that there is a problem with food production and supply in Scotland but it is not at the farming end. Although there are problems with the returns that are gained from the marketplace—we must work to achieve more on that front—we are extremely good at producing food. In spite of the fact that many of us can criticise the supermarkets for much of what they do, the supermarkets have an efficient method of distributing high-quality food to the marketplace.

**John Finnie (Highlands and Islands) (Ind):** Will Alex Johnstone give way?

**Alex Johnstone:** I ask Mr Finnie to let me carry on. I have only four minutes.

Food is produced and it gets to the shops where people can buy it. The problem is that not all people can afford to buy it. That is not caused by the cost of food. The truth is that, in terms of family income, food costs are about a 10th of what they were in the 1950s. Food costs are not the problem—the problem is the other costs to the family that cause distortions. Food is a relatively insignificant cost, but housing costs are higher than ever. Fuel and transport costs are high. As a natural result of that, food often becomes a low priority, although it has a low cost. That is why so many of the organisations that have been mentioned today are so important to ensuring that food is made available to those who find that food

is the thing that drops off the table at the end of the day.

As I said, we have a good system in place and it does not need radical reform from the bottom up. However, it needs to be adapted to cater for the demands of the small minority who are currently suffering. The charitable sector does an enormous amount of good work, but we all know that the sector should not be required to achieve those objectives. Although we praise the charitable sector for the good work that it does, let us find a way to ensure that, in the future, the best of Scotland's produce ends up in the hands of those who currently can least afford it.

12:56

**Sarah Boyack (Lothian) (Lab):** I welcome the Scottish food coalition's important set of policy asks in advance of the Scottish Parliament elections. The fact that the group is a coalition of environmental campaigners, anti-poverty campaigners, trade unions, farming and food producers gives us the impetus to think across the political agenda about food poverty, food quality and accessibility to food. That means that we can think about all the key policy levers that we need to put into place and pull.

On a side note, I thank Alison Johnstone for getting the issue on our agenda. I whole-heartedly agree with her about the funding for the project work that Nourish has been doing. That work is cutting edge and crucial in setting the agenda for the Scottish Government. I am interested to hear the cabinet secretary's response on that in his closing remarks.

I am tempted to get sidetracked by responding to all of Alex Johnstone's points, but I am not going to go there because it would get me too annoyed and I have only four minutes for my speech.

The agenda is important because it brings together fairness and social justice, applying that to the food chain and right across our communities. It is appropriate that we are at the end of Fairtrade fortnight. There are so many interconnections that we could be making. Focusing on the rights of workers and food growers in some of the most disadvantaged countries on the fair trade agenda and bringing that closer to home, we need to be thinking about the value that we give to food and the principles of fairness and social justice. Those things need to apply in Scotland, too. That theme runs through Alison Johnstone's motion.

It is good to see the Scottish food coalition arguing for fair pay for those who work in our Scottish agriculture and horticulture industries;

they are some of the lowest paid workers across the country.

**Christian Allard:** Will the member take an intervention?

**Sarah Boyack:** No, thank you.

That is why Scottish Labour has campaigned so strongly for the Scottish Agricultural Wages Board to be retained. The board is crucial to preventing the exploitation of vulnerable workers, whether that is for isolated workers in our rural communities, or in the particular challenge of protecting migrant workers. It has also been important in focusing on health and safety because workers in our rural communities can be isolated.

It is significant that Nourish and Unite have argued together the importance not just of retaining the Scottish Agricultural Wages Board, but of having a real living wage.

In yesterday's debate on land reform, we were delighted to see the Scottish Government pick up the issue of human rights and food security. That chimes very well with the motion that we are considering. We should consider food security as part of human rights. We have adopted the International Covenant on Economic, Social and Cultural Rights and now have the voluntary guidelines on responsible tenure of land, fisheries and forests in the context of national food security. That brings a new dimension to our food policy for the future. That is our challenge.

I welcome the work that is being done by Nourish and the food coalition to put food policy in a national context. I argue very strongly that we also need to make the connections at a local level. I want to celebrate the work that is being done by those local groups. In the Lothians, we have the back greens initiative in Gorgie and Dalry, which has transformed people's back greens and brought residents in tenements together.

**The Deputy Presiding Officer:** Can you draw to a close, please?

**Sarah Boyack:** I also welcome the sustainable food cities initiative and I want to link in the work that is being done by our allotment-growing networks. Let us look at challenging what is being done for the future. A lot of work needs to be done. I would like to see food growing in our schools and in our hospitals, linking in to the eco schools movement and the community orchards movement.

We need to think about how we use our urban land but we also need to think about empowering people to be able to grow food. The allotments and gardens movement is a key way in which we can do that and we need to tie that in to community empowerment, health, and that wider

food-growing movement, which I think will help us to address the issue of affordable food and accessibility to food.

**The Deputy Presiding Officer:** You must close, please.

**Sarah Boyack:** It is the interconnection between that range of issues that will deliver on the fantastic work that is being done by the food coalition.

13:01

**John Wilson (Central Scotland) (Ind):** I congratulate Alison Johnstone on bringing this important debate to the chamber. I spoke recently in the chamber about the amount of food that is wasted and I questioned the Scottish Parliamentary Corporate Body about food waste in the Parliament. We know that much food is being wasted throughout the country and, although some of that food could be given to individuals and families, there are clearly other issues that need to be dealt with. It is not just about giving leftovers to charities to patch up a failing system; it is about making sure that the system works for everyone in society.

As others have mentioned, Scotland is a resource-rich nation. According to the Scottish Government, Scotland's current farmable land amounts to roughly 5.6 million hectares, which equates to around 71 per cent of Scotland's total land area. As an island nation, we are surrounded by the sea, as others have mentioned, and we have large rivers and lochs that could provide plentiful food if we were to use those opportunities. Like Sarah Boyack, I do not want to challenge Alex Johnstone now, but clearly there are issues with what he said in his speech.

As well as the projects that Alison Johnstone identified in her motion, people are working hard on a number of other projects throughout Scotland not only to make people aware of where the food on their plate comes from, but to encourage them to start growing their own food. I recently visited a small project in Kirkshaws that has a few raised beds and one polytunnel. It is bringing in schoolchildren and unemployed people to give them an opportunity to start growing their own healthy food and showing them where that food comes from.

We also have the Community Empowerment (Scotland) Act 2015, which this Parliament passed and which states a desire to see an increase in the availability of land for allotments. That is one way of taking forward the debate, with people being able not only to access food but to access their own food, grow it, and be actively involved in understanding the production methods.

There is another issue: procurement policies in Scotland. I met a group on Tuesday who told me that they still find it difficult to get their produce on to the procurement agenda because of how the system works. If we can get local producers engaged in the procurement process so that they can supply schools, hospitals and other public sector buildings, that would give encouragement to that sector to develop and allow it to be actively involved in providing locally produced, locally sourced, nutritious food.

Comments must be made about the other people who are working in the food production sector. I pay tribute to John Hancox, who is involved in the Commonwealth Orchard and cosponsors the Parliament's apple day every September. He has attempted on a number of occasions to get fruit trees grown in common space, in schools and in other areas. The aim was to show children and adults that food production could take place at a local level, and that planting fruit trees in common space could enable people to go along and help themselves to nutritious fruit rather than eating fruit that had travelled halfway around the world.

**The Deputy Presiding Officer:** The member should draw to a close, please.

**John Wilson:** We must be bolder in delivering opportunities for communities to have the resources to produce food locally. We need to work together to ensure that that works for the benefit of Scotland as a whole, and to end the food poverty that exists in Scotland.

13:05

**The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):** I congratulate Alison Johnstone on bringing the debate to the chamber. It is a welcome, topical and timely debate, and it illustrates the growing importance that we all attach to Scotland's food culture and systems, and the need to improve in those areas.

The report on which Alison Johnstone's motion focuses, which is entitled "PLENTY: Food, Farming and Health in a New Scotland" and is published by the Scottish food coalition for a socially and environmentally just food system, is also timely, and it is another sign of the momentum behind the food debate in Scotland. I say to the authors of the report that it is first class, although I do not necessarily agree with absolutely everything in it. It discusses the ways in which we can change Scotland's food culture and systems; that will not happen overnight, but the report certainly gives us many ideas for how we can get to a much better place in the future, and I support much of what is in it.

At my party's conference at the weekend, I spoke at a meeting that was hosted by the RSPB and Nourish Scotland. There were a lot of common themes expressed by all the speakers at that very well-attended event.

As a country, we celebrate our food and drink industry and resources. Scotland has a fantastic wealth of natural resources, and the natural environment allows us to produce the raw materials. We have our seas, our fertile land—at a time when the rest of the planet is running out of fertile land—and we have the men and women with the skills to take the raw materials and turn them into fantastic produce that people in this country and overseas want to enjoy.

That brings an important economic benefit, and exports are an important part of that success. However, it would be unfair—in response to what Alison Johnstone said at one point—to say that Scottish food policy is all about exports and big business, and salmon and whisky. Those industries are immensely successful, and after all we want people to be able to afford to buy food, so they need jobs. We have those economic strengths and we should make the most of them in Scotland.

However, Scottish food policy has placed a huge emphasis over the past few years on the other dimensions of food policy, such as the environmental impact, particularly in the context of wanting to achieve our climate change targets. It has also focused on tackling the ironic situation in which we are able to produce so much nutritious food on our own doorstep and yet we have record-breaking diabetes and obesity statistics, which we wish was not the case. We have all that healthy food, but people are not enjoying it.

In addition, we have food poverty in Scotland, which is a mark of shame. The UK's austerity agenda is largely responsible for where we are with that at present. I, like many other members, congratulate the many community initiatives and charitable efforts that are taking place across Scotland to ensure that people can access food at their time of need. The answer is clearly to ensure that people can afford to buy their own food in the first place, and the Scottish Government is bringing forward funding to help such initiatives.

Local food is undergoing a revolution in Scotland just now. Again, that has been supported by the Scottish Government, which gave more than £2 million between 2013 and 2016 to support many local initiatives across the country. Indeed, 140 initiatives have been supported through that funding, ranging from community food initiatives, to ensure that people can access food that is grown locally, to food festivals and other food events, which are important in supporting the local food revolution that is taking place in Scotland.

**John Finnie:** The cabinet secretary mentions all those small community projects; they are tremendous, and the aggregate effect can be very impressive. However, what part should planning policy play in food production? For instance, should the Government decide not to allow good agricultural land to be used for building?

**Richard Lochhead:** Planning policy should play a role. I welcomed the fact that many of the initiatives that members mentioned in the debate originated from and have been supported by the Scottish Government. For instance, the issue of planning policy and allotments came out of a meeting that I had a few years ago with a Fife Council official, who told me the difficulties of securing land for allotments in Fife. We have now managed to change the legislation in Scotland to deal with those sorts of issues, and planning policy is at the heart of that.

Before I close I will touch on two or three other issues that members raised, the first of which is food waste. One of the ironies is that there are people who cannot afford or access good quality food at a time when, as a society, we waste a lot of food. That is a crazy place to be, given the impact that it has on our pockets, households and budgets, as well as the fact that it is bad for the environment and that it simply is a waste of a valuable resource. The Waste (Scotland) Regulations 2012, which this Parliament passed, mean that measures are in place to stop food waste going to landfill, and the Scottish Government has set Europe's most ambitious food waste target: to cut food waste in Scotland by a third by 2025. We are leading Europe on tackling food waste.

Food waste is also a global issue. People talk about genetically modified food—which this Government does not support—as a way to produce more food and feed more mouths around the world. However, the United Nations reports that, as a planet, we waste around a third of the food that is produced in the world. About 28 per cent—if I remember the statistic correctly—of our agricultural land is used to grow food that is wasted. Clearly, to tackle food poverty and malnutrition around the world, we must tackle food waste at a global level as well as a Scottish level.

On tackling the issues at a European level, I agree that the common agricultural policy needs to be reformed. Indeed, if it was up to me I would rename it the “European food policy”, and there would be other dimensions within it.

**Alison Johnstone:** Will the cabinet secretary give way?

**The Deputy Presiding Officer:** The cabinet secretary is in his last minute.

**Richard Lochhead:** Food education, which some members mentioned, is also crucial. It is not good enough that our young people do not know where the food on their plate comes from, how it was grown, the impact that it has on the environment or, most important, the impact that it has on their health. Only last week, at Holyrood high school in Edinburgh I announced about £870,000 of new money for food education initiatives in Scotland. Over the next year, that cash will support food education initiatives working with teachers, staff and pupils in many of our schools. More than 300,000 pupils have already benefited from Scottish Government food education money over the past few years.

Food education is key to changing Scotland's food systems and food culture, and it is key to creating a good food nation in this country.

**The Deputy Presiding Officer:** I thank you all for taking part in this important debate.

13:12

*Meeting suspended.*

14:30

*On resuming—***Business Motion****The Deputy Presiding Officer (Elaine Smith):**

Good afternoon. The first item of business this afternoon is consideration of business motion S4M-15968, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Private Housing (Tenancies) (Scotland) Bill.

*Motion moved,*

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

Groups 1 to 5: 30 minutes

Groups 6 to 12: 1 hour 25 minutes

Groups 13 to 16: 2 hours 20 minutes

Groups 17 to 20: 3 hours.—[*Joe FitzPatrick.*]*Motion agreed to.***Private Housing (Tenancies)  
(Scotland) Bill: Stage 3**

14:30

**The Deputy Presiding Officer (Elaine Smith):**

The next item of business is stage 3 proceedings on the Private Housing (Tenancies) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP Bill 79A, the marshalled list of amendments and the groupings.

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 button as soon as possible after I call the group. I would be grateful if members would now refer to the marshalled list of amendments.

**After section 2**

**The Deputy Presiding Officer:** We turn to group 1. Amendment 5, in the name of the minister, is the only amendment in the group.

**The Minister for Housing and Welfare (Margaret Burgess):** Amendment 5 is a technical amendment that ensures that formal writing is not required to create a private residential tenancy.

Under section 8 of the bill, a landlord is required to set out in writing all the terms of the tenancy and to provide the tenant with a written tenancy agreement. However, if a landlord fails to do that, a private residential tenancy will still exist if the property is let to an individual as a separate dwelling, the tenant occupies all or part of it as their principal home, and the tenancy is not one that is excluded under schedule 1.

I move amendment 5.

**Alex Johnstone (North East Scotland) (Con):**

I have concerns about amendment 5. I understand what the minister said and the amendment's purpose, but I am concerned that it may have unforeseen circumstances. I ask the minister to explain a couple of key things in order for me to not oppose the amendment.

First, has the amendment been properly thought through to ensure that there are no potential unforeseen circumstances or potential grounds for dispute?

Secondly, has there been any attempt to consult more broadly on the potential unforeseen circumstances that the amendment may bring



about? I am gravely concerned that the amendment could open up a situation in which existing arrangements may be pursued as tenancies that were never intended to be tenancies.

**Margaret Burgess:** As I said, amendment 5 is a technical amendment that ensures that, if someone is operating as a landlord, there is someone in the premises and the landlord has not provided the appropriate documents, they cannot use that as an excuse to say that the person does not have a private residential tenancy. We have thought the amendment out very carefully to ensure that it cannot be abused, and we are very satisfied that it is the appropriate way to take the matter forward.

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

**Members:** No.

**The Deputy Presiding Officer:** As Parliament is not agreed, there will be a division. Before I call the division, I suspend the meeting for five minutes.

14:34

*Meeting suspended.*

14:39

*On resuming—*

**The Deputy Presiding Officer:** We will now proceed with the division on amendment 5.

**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)  
 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)  
 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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 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)  
 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)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 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, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**Against**

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (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 85, Against 10, Abstentions 0.

*Amendment 5 agreed to.*

### **Section 3—Power to modify schedule 1**

**The Deputy Presiding Officer:** We move on to group 2. Amendment 6, in the name of the minister, is grouped with amendments 28 to 31, 33, 34, 93, 45, 46, 50, 51 and 69.

**Margaret Burgess:** Amendments 6, 45 and 69 are minor tidying amendments that will have no impact on the policy or operation of the new tenancy.

At stage 2, the bill was amended so that the default notice period that tenants must give to end a tenancy is 28 days, irrespective of the tenancy's duration. *[Interruption.]*

**The Deputy Presiding Officer:** Can we have order in the chamber, please?

**Margaret Burgess:** The bill as introduced specified a 56-day default notice period for tenancies that had lasted more than six months. Amendments 28 and 29 simply tidy up section 39 in consequence of the amendments at stage 2 and do not in any way change the substance of the provision.

Amendment 30 splits section 41 into two sections. That does not change the effect of the section; the purpose is simply to improve the readability of the bill. The first new section will set out what an eviction order is, and the second will provide further detail about the circumstances in which such an order can be made. Amendment 93 is a consequential amendment.

Where a wrongful-termination order is granted against joint landlords, the first-tier tribunal can specify that each landlord is liable for a particular amount as a penalty. That allows the tribunal to reflect the fact that one of the landlords is more culpable than the others in relation to the wrongful termination. The cumulative total of individual amounts is capped so that the total penalty payable to the tenant will not be more than it would have been if there was one landlord, rather than joint landlords.

At stage 2, the maximum amount payable by a landlord under a wrongful-termination order was increased from three months' rent to six months' rent. Amendments 31, 33 and 34 therefore update the total amount recoverable from joint landlords, so that that is also set at six months' rent.

Schedule 1 sets out the types of tenancy that cannot be private residential tenancies and includes tenancies of agricultural land that meet the conditions that are set out in the schedule. The Land Reform (Scotland) Bill creates two new types

of tenancy: the modern limited duration tenancy and the repairing tenancy. Amendment 46 inserts the new tenancies into schedule 1, so that they are excluded on the same basis as the existing types of agricultural tenancy are excluded.

Amendment 50 ensures that the provision relating to trust ownership applies only where a person is acting as landlord in his or her capacity as a trustee. If the landlord happens to be a trustee under a trust, but that is unrelated to the let property, amendment 50 ensures that the trust provisions do not apply.

Amendment 51 replaces an existing reference to particular types of trust beneficiary with one overarching reference to trust beneficiaries. The amendment in no way widens the scope of the provisions but simply uses more modern language.

I move amendment 6.

**The Deputy Presiding Officer:** I call Alex Johnstone, to be followed by Jim Hume.

**Alex Johnstone:** I will pass on this group, Presiding Officer.

**The Deputy Presiding Officer:** Jim Hume?

**Jim Hume (South Scotland) (LD):** Oh, hi there. *[Laughter.]* Thanks very much, Presiding Officer.

**The Deputy Presiding Officer:** That was an unusual form of address, Mr Hume, but there we go.

**Jim Hume:** Well, we have known each other for about nine years, and it is about time we got a bit less formal in this Parliament. I look forward to being part of a less formal Parliament after being returned in May. *[Interruption.]*

**The Deputy Presiding Officer:** Order, please.

**Jim Hume:** I appreciate the minister's point about the new tenancies that are created by the Land Reform (Scotland) Bill, which we passed only yesterday. Will she say whether she has considered giving tenanted houses in the agriculture sector the protection that we accord to normal tenancies?

**Margaret Burgess:** We have not done so in this bill, but we are discussing with the environment minister how we can address agricultural tenancies, in the context of repairs, in the next parliamentary session.

*Amendment 6 agreed to.*

### **After section 4**

14:45

**The Deputy Presiding Officer:** That brings us to group 3. Amendment 7, in the name of the

minister, is grouped with amendments 52, 71, 110, 72 to 76, 78 and 79.

**Margaret Burgess:** Amendment 7 is a technical amendment that extends the meaning of tenancy and connected expressions in other enactments to include a private residential tenancy.

Various statutes lay down rules in relation to tenancies. When the word “tenancy” is used in a statute, it ordinarily picks up the common-law meaning. At common law, a fundamental feature of a tenancy is that it has an end, or a termination date. A private residential tenancy does not have an end. Therefore, in enactments passed before or after the bill, references to tenancies would not ordinarily catch private residential tenancies. Amendment 7 ensures that they do, where appropriate.

Amendment 52 is being made simply to flag up in the bill the effect of the amendment made by amendment 75 to the Housing (Scotland) Act 2001, which will prevent a sublet or other private transfer of a social rented house from creating a private residential tenancy over the social rented house.

Amendments 71 to 74, 76, 78 and 79 make changes to various other pieces of legislation in consequence of the bill. I do not propose to go through each amendment in detail but, in brief, the other pieces of legislation affected by the consequential amendments are being altered so that they will, in future, apply in the same way in relation to private residential tenancies and tenants as they presently apply in relation to existing types of statutorily protected tenancies and tenants.

Amendment 110 is not required, as paragraph 7 of schedule 1 to the Housing (Scotland) Act 2014 will, once it has been brought into force, make the change that the amendment would make. Therefore, the amendment duplicates existing statutory provisions and I cannot support it. Accordingly, I ask David Stewart not to press amendment 110.

I move amendment 7.

**David Stewart (Highlands and Islands) (Lab):** My amendment 110 would amend the Rent (Scotland) Act 1984 to ensure that the offence of illegal eviction references the requirement for landlords to go to the first-tier tribunal to secure an eviction to remove a tenant from the property. The amendment is essential to make it crystal clear that the provisions of the 1984 act apply to the new private residential tenancy.

I am aware that the minister is committed to making that change via the Housing (Scotland) Act 2014 and, therefore, I will not move the

amendment. I thank the minister for meeting me and taking the time to consider the issue in detail.

*Amendment 7 agreed to.*

## **Section 14—First-tier Tribunal’s power to sanction failure to provide information**

**The Deputy Presiding Officer:** That brings us to group 4. Amendment 8, in the name of the minister, is grouped with amendments 9 to 11.

**Margaret Burgess:** The bill requires landlords to provide tenants with certain things. Section 8 imposes an obligation in relation to the written terms of the tenancy, while section 9 imposes a separate obligation in relation to other information that may be specified by regulations. Where those are not supplied, the tenant can apply to the tribunal for a payment order against the landlord.

Amendment 8 provides that, where there are separate failures under sections 8 and 9, the maximum financial penalty available will increase accordingly. That is, the tribunal will now have the ability to award an amount not exceeding three months’ rent for each breach, rather than a maximum of three months’ rent for both breaches. That recognises that the sections impose two distinct obligations and ensures that a landlord who has already breached one of the sections cannot then disregard the other with impunity.

At the same time, amendment 8 avoids the penalty being increased for every individual breach of section 9 that is cited in an application. It recognises that any section 9 failure is, in essence, one of not providing the package of any additional material to which the tenant is entitled under section 9. If that breach consists of a number of different failings, the tribunal can take account of that fact when deciding whether to award the maximum amount for a breach of section 9, rather than a lesser sum.

Amendment 9 prevents a tenant from increasing the amount he or she can be awarded by bringing separate applications for each individual item not provided under section 9. This means that there is no second opportunity to make a claim under section 9 if it could have been included in an earlier section 9 claim. That will ensure that the tribunal’s time and resources are not wasted by having to consider separately later something that it could have taken into account in its consideration of the earlier application.

I move amendment 8.

**Alex Johnstone:** I support amendment 8, and I will explain briefly why. During the evidence that was taken on the bill, it appeared that the three months’ rent penalty that was stipulated in the bill at stage 1 was inadequate as an appropriate punishment for some of the actions that may be

taken by landlords. That evidence supported a stiffer penalty, so the six months' rent penalty that will now be available in some circumstances is appropriate.

I said at an earlier stage that I would accept that change in order to ensure that we had a balanced bill. Sadly, that balance will not be in the final bill today. Nevertheless, as I said that I would support the change, amendment 8 has my support.

*Amendment 8 agreed to.*

*Amendments 9 to 11 moved—[Margaret Burgess]—and agreed to.*

## After section 22

**The Deputy Presiding Officer:** That brings us to group 5. Amendment 12, in the name of the minister, is grouped with amendments 13 to 18.

**Margaret Burgess:** The bill provides that when a landlord's proposed rent increase is referred by a tenant, a rent officer can set the tenant's rent at what he or she judges to be the open-market value. Amendment 12 allows a rent officer to correct an error in an order that he or she has issued, which means that time and resources need not be spent on an appeal against the order to deal with a simple mistake that can easily be fixed by the rent officer issuing a corrected order.

Amendments 13, 14, 16 and 17 rephrase the open-market rent calculation, which is carried out when a tenant disputes the landlord's proposed rent increase. That does not alter the effect of the provision, but simply makes it clearer—that is in response to feedback that was received from stakeholders.

It continues to be the case that the calculation is based on a hypothetical new letting of the property by a willing landlord to a willing tenant. The current tenant is relevant to the calculation only if his or her actions would, for better or worse, change the open-market rent that could be achieved on a hypothetical new letting.

It also continues to be the case that the landlord is not to benefit from a higher rent due to the tenant having carried out any improvements voluntarily, and the tenant is not to benefit from his or her failure to comply with tenancy terms where that has a direct impact on the open-market rent, for example, because the furnishings have been ruined. However, those are now the only two exceptions which need to be stated.

In addition, the scope of the exception has been extended to cover all work that is voluntarily paid for or carried out by the tenant for maintenance as well as improvements, and work that is paid for by the tenant but carried out by someone else.

In calculating the open-market rent rate, one of the criteria is the start date of the new hypothetical open-market let. The underlying principle is that that ought to be the date on which the rent increase would have taken effect had it not been contested. At stage 2, the mechanism by which a rent increase notice takes effect was amended. Amendment 15 updates the open-market rent calculation in order to reflect the amended rule, so that it is always tied to the date on which the increase should have taken effect.

Where a landlord's proposed rent increase is disputed, the rent officer to whom the dispute is referred must issue a provisional order before issuing a final order setting the new rent. That gives the parties a chance to contest the rent officer's proposal before it is finalised.

Section 28 deals with the case where the parties have settled the dispute themselves before the rent officer has made a decision. It requires the rent officer to make an order simply giving effect to whatever agreement the parties have reached. Amendment 18 removes the requirement for a rent officer to issue a provisional order in those circumstances. That is in recognition of the fact that the order reflects the parties' agreement, so there is no need to give them an opportunity to contest it.

I move amendment 12.

*Amendment 12 agreed to.*

## Section 27—Determination of open market rent

*Amendments 13 to 17 moved—[Margaret Burgess]—and agreed to.*

## Section 28—Withdrawal of referral or appeal

*Amendment 18 moved—[Margaret Burgess]—and agreed to.*

## Before section 30

**The Deputy Presiding Officer:** We move to group 6. Amendment 19, in the name of Patrick Harvie, is grouped with amendments 20 to 24, 80 to 82, 43 and 44.

**Patrick Harvie (Glasgow) (Green):** It has been clear to me for some considerable time that some rent control is necessary if we are to ensure that private rented accommodation is affordable for people who need it. As has been made clear in debate after debate in the chamber, far too many people have been left knowing that owner occupation is unaffordable to them and social rented housing is unavailable to them.

That being the case, we cannot afford to allow private rented housing to be seen merely as a

market commodity. The provision of housing is not like any other transaction; it is a serious responsibility to take on and, if the private rented sector is going to continue to do more and to provide more housing for people who have no other option, we need such housing to be provided on a basis that they can afford and which does not leave people—as too many are today—being fleeced for poor-quality accommodation.

The Government's acknowledgement that some form of rent control mechanism is necessary—although it took some time to get there—was welcome. It is welcome that we have something in the bill on the issue. However, I have argued consistently that the bill could be improved. It appears that the Scottish National Party's membership agrees that a stronger and bolder national form of rent controls would be a good idea and I commend it for making that decision at the SNP conference.

**Mike MacKenzie (Highlands and Islands) (SNP):** Does Mr Harvie agree that to be unduly harsh with rent capping might deter investment and prevent the provision of new homes in the very areas where they are scarce and that a proportionate intervention, as suggested by the Scottish Government in the bill, is the appropriate way forward?

**Patrick Harvie:** “Unduly harsh”? I do not think that we should be unduly harsh; I think that we need to be just harsh enough.

Having the ability to ensure that the sector provides affordable, high-quality accommodation should be our priority. In other countries that have a full national form of rent control, there is good evidence to show that it does not deter investment from responsible landlords who want to provide accommodation at the level that it should be provided at.

The arguments about how far we should go in the bill will rumble on. Although I would prefer a system that simply gave local authorities the ability to designate a rent pressure zone themselves—I am not sure that I see why they need to ask permission from central Government to do that—I acknowledge that we will not get to that point in the bill.

At stage 2, I sought to introduce a time limit within which the Government had to respond to such an application. Let us be clear that, by the time a local authority reaches the point of applying for a rent pressure zone, that will be on the back of months, and possibly even years, of sustained pressure and campaigning from those who are at the hard end of the debate—those who are being fleeced for accommodation that they ultimately cannot afford.

15:00

By the time the application comes through, it must be dealt with rapidly. The Government was unwilling to accept my stage 2 amendment to set what I thought was a reasonable limit. I have been willing to compromise with the Government, and I lodged amendment 20 because I gather that the Government is willing to accept the idea of an 18-week period.

I ask the minister to tell us, in responding to the group of amendments, what requirements she has in mind in specifying that the Scottish Government can set out requirements that an application must meet in order to be valid. I recognise that the Government is willing to accept a compromise that goes some way towards what I had been hoping for. However, if the Government is able to specify the requirements that define a valid application, why will it still be necessary to have a period of 18 weeks in which to consider whether an application should proceed? Can the minister tell us what the requirements will be? I look forward to hearing her response to that question and to hearing responses on the wider aspects of the group of amendments from the minister and other members.

I move amendment 19.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** On a point of order, Presiding Officer. I would like clarification. My console is showing the number 85. That does not refer to the amendment that we are discussing, does it?

**The Deputy Presiding Officer:** We are discussing amendment 19. If we come to a vote, the console should show the right number.

**Christine Grahame:** Oh, right—it is the seat number. *[Laughter.]* I did not know that I had a seat number.

**The Deputy Presiding Officer:** I hope that the consoles will show the amendment numbers when we come to vote. I invite the minister to speak to amendment 43 and the other amendments in the group, and I ask members to settle down, please.

**Margaret Burgess:** Okay, Presiding Officer—*[Interruption.]*

**The Deputy Presiding Officer:** Order, please.

**Margaret Burgess:** I will speak to amendments 19 to 24, 80 to 82, 43 and 44. I thank Patrick Harvie for his contribution and I am pleased to support his amendments 19 to 24.

**The Deputy Presiding Officer:** Minister, I will stop you for a moment. Could we have order in the chamber, please? One or two members have requested to speak on the group so, if members

have to conduct conversations, I ask them not to do so in the chamber.

**Margaret Burgess:** Patrick Harvie may feel that he might have gone further with amendments 19 to 24, but I believe that he has managed to strike a good balance, which is why the Government is happy to support them. However, his amendments 80 to 82 seek to broaden the scope of the criteria for a rent pressure zone to include rents that are “too high”. At stage 2, he lodged a broadly similar amendment to amendment 80 and the committee members rejected it by seven votes to zero.

I appreciate that Mr Harvie’s concern may relate in part to the affordability of rents in the private rented sector, but I cannot support amendments 80 to 82, for two reasons. First, the bill provides that any rent caps that ministers set in a rent pressure zone must be at least at the level of the consumer prices index plus 1 per cent. Accepting Mr Harvie’s amendment 80 would mean that, in an area where rents were considered to be too high but were not currently increasing by too much, a rent cap could be imposed that was more than the amount by which rents were increasing. That could encourage landlords to increase rents further, by the full amount of the cap, which would leave tenants worse off.

Secondly, we are working hard to encourage institutional investors to enter the private rented sector and contribute to the supply of new housing.

**Patrick Harvie:** If the minister is not able to accept amendments 80 to 82, what does the bill have to offer for those for whom rents have been spiralling out of control before the legislation comes into force? What disincentive will there be that leads landlords not to hike up their rents before the rent control system comes into being?

**Margaret Burgess:** I have debated that issue previously with Patrick Harvie. We said that we would consult on increasing rents in rent hot-spot areas, and that is what we are doing.

What Patrick Harvie proposes would not help the very people whom he suggests would be helped. In areas where rents were deemed to be “too high”—as he describes them—his proposal could encourage landlords to put up rents by CPI plus 1 per cent year on year, which might not happen if rents were not subject to the amendments that Patrick Harvie lodged.

We have in the bill a proportionate approach to rent controls, which involves areas that have been identified as hot spots that are impacting on the wider housing system. At the same time as we are passing the bill, the Government is committing to increasing the supply of housing across all tenures, because we know that increasing supply will ultimately bring rents down. There would be

unintended consequences to Patrick Harvie’s amendments 80 to 82, which I certainly wish to avoid.

I want to be absolutely clear. We will make landlords and tenants fully aware of the tenant’s right to challenge a rent increase through a rent officer and then the tribunal. In addition, the rent increase notice, which will be prescribed by ministers, will contain sources of support and money advice, as will all the prescribed notices under the new tenancy.

The provisions in the bill on rent pressure zones address the problem of rents rising by too much in hot-spot areas. As I said, Patrick Harvie’s amendments 80 to 82 could lead to higher rents, so I cannot support them and I ask members not to support them, either.

I turn to my amendments 43 and 44. The bill provides that a local authority may apply to the Scottish ministers to request that all or part of its area be designated as a rent pressure zone. After receiving an application from an authority, ministers may make regulations to designate an area as a rent pressure zone.

At stage 2, I lodged amendments that provide that regulations to amend or revoke any designation will be subject to the negative parliamentary procedure. After stage 2, the Delegated Powers and Law Reform Committee asked that I consider again whether that procedure was appropriate for regulations to amend or revoke a zone. I have reconsidered, and amendments 43 and 44 will make regulations that amend or revoke a zone subject to the affirmative procedure, just as regulations to designate a zone are. I thank the committee for its input on the subject.

**Ken Macintosh (Eastwood) (Lab):** I thank Patrick Harvie for lodging his amendments and I offer Labour’s support for not just the amendments but his comments on the operation of rent pressure zones. As the minister will know, although Labour supports the introduction of rent pressure zones, we have concerns and we are not entirely convinced that they are the best way to take action on rent rises. We remain concerned about how the zones will work in practice. We are particularly concerned about their effectiveness in addressing affordability in the private rented sector.

Patrick Harvie’s amendments would offer improvements to the proposals in that they would not only introduce an 18-week timeframe in which to act but help tenants in areas where rents are already too high—not just areas where rents are rising too fast. For those reasons, we will support his amendments.

**Alex Johnstone:** The inclusion in the bill of rent pressure zones is one reason why I will oppose the bill at decision time. It is a fact that Patrick Harvie and I will never agree on how market forces operate in a marketplace. I believe strongly that, if a rent pressure zone is designated, it will create an investment vacuum in an area where we can least afford it. As a consequence, I oppose the zones per se. The provisions in Patrick Harvie's amendments in the group would make rent pressure zones not better but worse, so I will oppose the amendments in his name.

Although amendments 43 and 44, in the minister's name, relate to the rent pressure zone provisions, they relate particularly to the change from the use of the negative procedure to the use of the affirmative procedure. I have always been a fan of the negative procedure. I have spoken up in many committees and in the chamber more than once to defend its use in many circumstances, and I do not have the prejudice against it that those who prefer the affirmative procedure have. However, if the Government wants it that way, it can have it that way, so I will support amendments 43 and 44.

**Clare Adamson (Central Scotland) (SNP):** One of the few things that Mr Johnstone and I might agree on this afternoon is that the bill is intended to be a balanced bill. The proposals on rent pressure zones represent a balance between the pressures on tenants and investment in the area, and I believe that they will benefit tenants who find themselves in such situations.

We will not, for reasons that the minister outlined, support amendments 80 to 82. I also say to Patrick Harvie that we are not at the SNP conference today—we are at the final stage of a bill that has been through committee deliberations. The committee unanimously—including Labour members—voted against the same proposals at stage 2 because we did not feel at that time, and I do not agree now, that they would bring any benefit to the bill.

**The Deputy Presiding Officer:** I invite Patrick Harvie to wind up and say whether he intends to press or to seek to withdraw amendment 19.

**Patrick Harvie:** I whole-heartedly support Alex Johnstone's comment that he and I will never agree on the operation of market forces. That is an unquestionable truth. Our society has failed people who have been left with no alternative but the private rented sector. They are left at the mercy of those market forces, and the market is not operating in their interests.

The imperative is for a house to be a home and not a speculative investment. Although there is good evidence from other European countries that a rent control system is entirely compatible with

continued investment in the provision of private rented housing—[*Interruption.*]

**The Deputy Presiding Officer:** Order, please.

**Patrick Harvie:** Without that basic level of rent control, we will continue to see too many of our constituents being fleeced for poor-quality housing.

I thank Ken Macintosh for his supportive comments. On the minister's view that amendments 80 to 82 could have unintended consequences that I might not have thought of, I note that if the amendments are not agreed to and we pass a bill that looks only to address future rent increases but fails to address historical rent increases, this debate will remain open. There will be unintended consequences if we pass the bill without the measure, because without it we will still have continual demands from our constituents to address the historical unfair and exploitative rents that too many of them are being forced to pay.

I say again that I welcome the fact that the minister supports amendments 19 to 24, although it will be important to ensure that the Government responds quickly and straightforwardly to local authorities that want to have rent pressure zones. However, as I will also say in relation to the next group of amendments, I fear that we will pass a bill that will not be as effective as it could be and which will not provide what is genuinely needed. I feel that we have made a compromise between those who want nothing and those who want something that is genuinely workable. I am glad that we are taking a small step forward, but I am quite sure that it will not be the last one.

I will press amendment 19.

**The Deputy Presiding Officer:** The question is, that amendment 19 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Griffin, Mark (Central Scotland) (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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### 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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 81, Against 18, Abstentions 0.

*Amendment 19 agreed to.*

15:15

*Amendment 20 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 20 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 81, Against 17, Abstentions 0.

*Amendment 20 agreed to.*

#### Section 30—Power to designate a zone

*Amendment 21 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 21 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)

Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 82, Against 17, Abstentions 0.

*Amendment 21 agreed to.*

*Amendment 22 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 22 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)  
Wilson, John (Central Scotland) (Ind)

#### 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)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, Tavish (Shetland Islands) (LD)  
Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 81, Against 17, Abstentions 0.

*Amendment 22 agreed to.*

#### Section 32—Limits on power to designate a zone

*Amendment 23 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 23 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)  
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)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Dey, Graeme (Angus South) (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)  
Griffin, Mark (Central Scotland) (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)  
Kelly, James (Rutherglen) (Lab)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Lochhead, Richard (Moray) (SNP)  
Lyle, Richard (Central Scotland) (SNP)  
MacAskill, Kenny (Edinburgh Eastern) (SNP)  
MacDonald, Angus (Falkirk East) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
Macdonald, Lewis (North East Scotland) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Mackay, Derek (Renfrewshire North and West) (SNP)  
MacKenzie, Mike (Highlands and Islands) (SNP)  
Malik, Hanzala (Glasgow) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
Mason, John (Glasgow Shettleston) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
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)  
Murray, Elaine (Dumfriesshire) (Lab)  
Neil, Alex (Airdrie and Shotts) (SNP)  
Paterson, Gil (Clydebank and Milngavie) (SNP)  
Robertson, Dennis (Aberdeenshire West) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Stewart, David (Highlands and Islands) (Lab)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Urquhart, Jean (Highlands and Islands) (Ind)  
Wheelhouse, Paul (South Scotland) (SNP)  
White, Sandra (Glasgow Kelvin) (SNP)  
Wilson, John (Central Scotland) (Ind)

#### 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)  
Scanlon, Mary (Highlands and Islands) (Con)

Scott, Tavish (Shetland Islands) (LD)  
Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 82, Against 17, Abstentions 0.

*Amendment 23 agreed to.*

*Amendment 24 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 24 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)  
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)  
Crawford, Bruce (Stirling) (SNP)  
Dey, Graeme (Angus South) (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)  
Griffin, Mark (Central Scotland) (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)  
Kelly, James (Rutherglen) (Lab)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Lochhead, Richard (Moray) (SNP)  
Lyle, Richard (Central Scotland) (SNP)  
MacAskill, Kenny (Edinburgh Eastern) (SNP)  
MacDonald, Angus (Falkirk East) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
Macdonald, Lewis (North East Scotland) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Mackay, Derek (Renfrewshire North and West) (SNP)

MacKenzie, Mike (Highlands and Islands) (SNP)  
Malik, Hanzala (Glasgow) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
Mason, John (Glasgow Shettleston) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
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)  
Murray, Elaine (Dumfriesshire) (Lab)  
Neil, Alex (Airdrie and Shotts) (SNP)  
Paterson, Gil (Clydebank and Milngavie) (SNP)  
Robertson, Dennis (Aberdeenshire West) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Stewart, David (Highlands and Islands) (Lab)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Urquhart, Jean (Highlands and Islands) (Ind)  
Wheelhouse, Paul (South Scotland) (SNP)  
White, Sandra (Glasgow Kelvin) (SNP)  
Wilson, John (Central Scotland) (Ind)

#### 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)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, Tavish (Shetland Islands) (LD)  
Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 81, Against 17, Abstentions 0.

*Amendment 24 agreed to.*

#### Section 33—Procedure for designating a zone: consultation and information

*Amendment 80 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 80 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 Murray, Elaine (Dumfriesshire) (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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 71, Abstentions 0.

*Amendment 80 disagreed to.*

*Amendment 81 moved—[Patrick Harvie].*

**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

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 Murray, Elaine (Dumfriesshire) (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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 71, Abstentions 0.

*Amendment 81 disagreed to.*

*Amendment 82 moved—[Patrick Harvie].*

**The Deputy Presiding Officer:** The question is, that amendment 82 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 Murray, Elaine (Dumfriesshire) (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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 71, Abstentions 0.

*Amendment 82 disagreed to.*

#### After section 34B

**The Deputy Presiding Officer:** We move to group 7. Amendment 83, in the name of Patrick Harvie, is the only amendment in the group.

**Patrick Harvie:** Amendment 83 is fairly simple. It requires ministers to conduct a review of the bill within three years of it being passed. The report of that assessment should take account of the impact that rent control provisions have on the affordability, availability and quality of private rented housing during that period.

If Alex Johnstone's worst dreams come true and the bill has a terrible impact on the availability of housing, we will be able to assess that outcome. However, I suspect that that will not happen. Rather, I suspect—particularly on account of the votes on some of the amendments in the previous group—that the bill will introduce a rent control measure that is a small step in the right direction but which does not do enough. After that three-year period, I doubt that many rent pressure zones will have been declared, and I doubt that we will have helped many tenants in the private rented sector.

I do not for a moment regret the fact that the Government has taken this much of a step, but it is going to have to go further. The demand from within the political spectrum and beyond—from the people we represent and the organisations that work to support people in relation to housing, and the private rented sector specifically—will continue to build the call for a more coherent, bolder and more national form of rent control mechanism. As I have mentioned, the evidence from other European countries shows that that can be achieved and that we can ensure that the private rented sector, whether it is a small or a large part of the housing mix, provides a value-for-money, affordable and high-quality offer to its tenants. That is what we should all be looking to achieve, and we will be in a stronger position to achieve that if we conduct the kind of review that amendment 83 calls for. Given that we are implementing a new measure, it is reasonable and proportionate to spend a few years seeing how it works, shake out any flaws and then figure out whether we can build on it and go forward with something stronger.

The Government indicated in the debate on the previous group that it would accept some of my amendments. I have no idea whether it will accept this one, but I encourage the minister to recognise that this kind of exercise will have great value with regard to taking forward the rent control system and ensuring that it is as good as it needs to be.

I move amendment 83.

**The Deputy Presiding Officer:** We are tight for time over the whole afternoon, so I ask members to keep their remarks as brief as possible.

**Ken Macintosh:** Today's bill offers extra protection, flexibility and security to private renters in Scotland. However, on the issue of affordability, it remains to be seen how much support it will offer tenants who are exploited by rip-off rate rises. As the living rent campaign highlighted just last week, the proposals fall far short of a credible strategy to tackle the spiralling and unaffordable cost of renting. Similarly, it is difficult to predict at this stage what the effect of the bill will be on the quality and availability of private rented housing. I

intend to move an amendment on that very point later today.

Amendment 83 proposes that the Government review the operation and impact of the legislation on the affordability, quality and availability of private rented accommodation within the next three years. My Labour colleagues and I believe that that is not only sensible, reasonable and proportionate, as Mr Harvie pointed out, but very much required.

On affordability in particular, the proposals in the bill on rent pressure zones feel as if they have been designed almost never to be used. They offer no protection to those whose rents are already unaffordable, and there is a chance that they could drive up rents for those vulnerable tenants who have to move frequently. I point out to the minister that the living rent campaign and Shelter, with its make renting right campaign, are supportive of the amendment. I urge the minister also to support amendment 83.

**Alex Johnstone:** On hearing Patrick Harvie describe the way in which his amendment might function, I was almost—but not quite—tempted to support the idea. The ground on which I do not support it involves the fact that we have a Government that conducted two detailed consultations with the industry and, in the end, saw only what it wanted to see. I suspect that the requirement for the Government to report on the outcome of the legislation would just be one more opportunity for the Government to see what it wants to see.

**Margaret Burgess:** I do not support the amendment, but not on the ground that Alex Johnstone has just outlined—I want to be absolutely clear about that.

I have concerns about the amendment in relation to its timescale, which involves conducting a review three years after the bill receives royal assent. The new tenancy is expected to commence in late 2017, to tie in with the commencement of the new private rented sector tribunal, as that is an essential part of its operation. That will also allow us time to develop the supporting secondary legislation, including the model tenancy agreement, and raise awareness among tenants and landlords. Therefore, the new tenancy would commence approximately halfway through the review period. That means that, by the review date, the new tenancy would have been operational for only approximately 18 months, and I do not think that that is a sufficient amount of time to allow us to undertake a full and comprehensive assessment of how the new tenancy is impacting on the sector. Further, I do not consider the amendment to be necessary, as I have already committed to reviewing the new tenancy within five years of its commencement.

The proposal would therefore place an unnecessary duty on the Government and an additional burden on the Government's resources. Therefore, I ask Mr Harvie not to press amendment 83.

15:30

**The Deputy Presiding Officer:** I invite Patrick Harvie to wind up and to indicate whether he intends to press or withdraw his amendment.

**Patrick Harvie:** I was a wee bit anxious that Alex Johnstone was going to throw his weight behind this amendment and scupper it, but it seems that the minister had already decided not to support it anyway. Maybe I dodged a bullet.

In winding up, I reinforce the argument that, whoever is in the next Parliament representing the citizens we represent today, we should not be willing to let that Parliament go through another five-year period before we look at whether legislation that we are passing today does the job that we require of it. If this legislation is going to have a positive impact in making private rented housing more affordable and preventing the absurd rent rises that we have seen in recent years, we should start to see that effect happen during the next session of Parliament. Reviewing it at the three-year mark is a reasonable course of action. Leaving a review until after five years—which means until after the end of the next session of Parliament—would close off the opportunity that that Parliament should take to ensure that the system works as well as it needs to.

I will press amendment 83 to a vote.

**The Deputy Presiding Officer:** The question is, that amendment 83 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a one-minute division.

**For**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)



Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)

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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 32, Against 7, Abstentions 0.

*Amendment 83 disagreed to.*

#### After section 35

**The Deputy Presiding Officer:** We move to group 8. Amendment 25, in the name of the minister, is the only amendment in the group.

**Margaret Burgess:** Since 1449, legislation has protected Scottish tenants from losing their tenancies when ownership of the properties that they lease changes hands, whether by sale, deeds, death or otherwise. Amendment 25 ensures that private residential tenants will have that protection. It means that when the previous owner of a property was letting it out under a private residential tenancy, the tenancy will continue and the new owner will automatically take over as the landlord.

I move amendment 25.

**The Deputy Presiding Officer:** There are no requests to speak. Does the minister wish to add anything further?

**Margaret Burgess:** Nothing further.

*Amendment 25 agreed to.*

#### Section 37—Qualification of sub-tenant protection

**The Deputy Presiding Officer:** I call group 9. Amendment 26, in the name of the minister, is grouped with amendments 27, 59, 102, 103, 60, 61, 104 and 62 to 68. I invite the minister to speak to and move amendment 26 and to speak to all amendments in the group. [*Interruption.*] I also invite members to turn off their mobile phones.

**Margaret Burgess:** Schedule 3 to the bill currently contains a mandatory repossession ground that enables a landlord to regain possession of a property if the landlord or a family member of the landlord intends to live in the property.

When a family member wishes to live in the let property, my amendments 26, 27, 59 to 63 and 65 to 68 would change the nature of the repossession ground from mandatory to discretionary. That

means that, when a family member of the landlord intends to live in the property, an eviction order would be granted only if the ground is met and a tribunal considers that it is reasonable to evict the tenant. When the landlord intends to live in the property, the ground would remain mandatory.

The eviction ground is based on the intention of the landlord or his or her family member. Amendment 68 also provides that, if a family member is incapable of having or expressing his or her intention, the landlord and the person entitled to make decisions about where that family member lives can express the intent.

David Stewart's amendments 102 to 104 would make the ground discretionary in both cases. Under them, the tribunal would have discretion on whether to evict the tenant, even if it were established that the landlord intended to live in the let property. My amendments amend the ground so that, when a family member wishes to live in the let property, the tribunal will have discretion on whether to grant an eviction order. My amendments strike a better balance. Accordingly, I ask David Stewart not to move his amendments 102 to 104.

I move amendment 26.

**David Stewart:** Amendment 102 would have the effect of introducing a reasonableness test to the eviction ground that relates to a landlord or a member of the family intending to live in the property. Although I note that the minister has lodged amendments that would change the ground from mandatory to discretionary in respect of family members to a landlord, that does not go far enough. The first-tier tribunal's discretion should extend to the landlord's intention, too.

Enabling the tribunal to consider whether it is reasonable to grant the order will add an important layer of protection for private tenants from potentially arbitrary eviction. Evicting a tenant from their home is a serious sanction. That would affect not only the tenant but, potentially, their family and the children in the household. Therefore, it is vital to ensure that the tenants and the landlords' situations are fully examined by the tribunal before a decision is made either way.

Such an approach would also address concerns raised during the bill process that, by not enabling the first-tier tribunal to take into account whether an eviction order is reasonable, the bill may not sufficiently take into account human rights considerations, principally article 8 of the European convention on human rights, which states:

"Everyone has the right to respect for his private and family life, his home and his correspondence."

Amendment 102, alongside the other amendments on the grounds for eviction that I will move today, aims to ensure a holistic, reasonable and balanced approach to deciding whether tenants should be evicted.

**Alex Johnstone:** It is of significant concern that the opportunity for a family member to take up residence and to end a tenancy on that basis will become a discretionary rather than a mandatory ground. I would ask if the minister could possibly explain in her winding-up speech the reason for the change.

Was any evidence taken from stakeholders to influence the decision on why a landlord should have a mandatory ground for taking back a property should he wish to live in it but, should it be a family member that he wishes to put in that property, the ground for doing so would be discretionary? I am aware of simply too many examples of situations, particularly in rural areas, where the need to get a property back for a family member is too important to be treated as discretionary.

**Margaret Burgess:** We have struck a reasonable balance. We have listened to all sides in the debate about the repossession ground being discretionary or mandatory. I make it clear that, whether a ground is discretionary or mandatory, the tribunal must be sure that the ground has been established. If, for example, a landlord wants to live in the property themselves, they will have to provide evidence to the tribunal of why they intend to do so.

On making the ground for repossession for family members discretionary, that does not mean that such repossession would not be granted by a tribunal. It will look at the circumstances around the case. If the landlord wants to move into the property a family member who does not own the property, the tribunal will have the discretion to look at the case and ask why the family member requires to move into that property. Very often, repossession on that ground will be granted. The amendments are about putting into the bill the element of discretion when it comes to the family member.

We know that there is a fine balance between the ground being mandatory and discretionary and between the rights of landlords and tenants. We think that we have struck the right balance. We cannot accept David Stewart's amendments 102 to 104. One side is telling us that we are going too far; the other side is telling us that we are not going far enough. Perhaps we have got it right.

**The Deputy Presiding Officer:** The question is, that amendment 26 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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**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)  
 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 84, Against 13, Abstentions 0.

*Amendment 26 agreed to.*

*Amendment 27 moved—[Margaret Burgess]—and agreed to.*

**Section 39—Requirements for notice to be given by tenant**

**The Deputy Presiding Officer:** We move to group 10. Amendment 84, in the name of Alex Johnstone, is grouped with amendments 85 to 88 and 92.

**Alex Johnstone:** The purpose of these amendments is to reintroduce the initial period. I believe that the Scottish Government's stage 2 amendment to remove the initial period was an ill-thought-out overreaction to stage 1 lobbying. The private rented sector tenancy review group advised that there should be an initial period and, at the consultation stage, that proposal received 76 per cent support, including from Shelter Scotland. As I said earlier, during the consultations on the bill, there have been some interesting and unpredictable reactions by Government to fairly strong opinions that have been expressed.

The initial period would have given stability and flexibility to landlords and tenants, as acknowledged by the Infrastructure and Capital Investment Committee and by the Government at

stage 1. Stakeholders have offered the minister alternative solutions that would, without jeopardising the whole sector, address the issue of a tenant having to leave quickly, but those have been dismissed. Landlords' risk of tenant changeovers has increased from twice a year, had we used the six-month initial period, to up to 12 times a year, which is a disproportionate increase in risk.

Some landlords might decide to withdraw from the sector, which would have a negative effect on the market for tenants. Has the Scottish Government thought forward a step and considered the impacts of removing the initial period on a whim? My amendments seek to correct that and give the sector a chance.

I move amendment 84.

**The Deputy Presiding Officer:** I ask for short contributions from members, please.

**Ken Macintosh:** Labour is opposed to this group of amendments from Alex Johnstone. The issue of tying in tenants to an initial period came up at the Equal Opportunities Committee and was discussed by the Infrastructure and Capital Investment Committee in its deliberations on the bill at stages 1 and 2. Our concern, which is shared by most members across the chamber, is that the initial proposal in the bill to tie tenants into a six-month lease would have made it difficult for those who need to flee domestic abuse. That can be stressful and dangerous enough for victims of domestic abuse without the added burden or prospect of being chased for six months' rent for a property that they no longer live in. The Government agreed with Labour and campaigners at stage 2 and removed the provision from the bill. I urge Mr Johnstone not to attempt to reinstate it.

**Clare Adamson:** I concur with the concerns that Ken Macintosh has raised and the evidence that we received on the matter, particularly from the Convention of Scottish Local Authorities. The evidence on domestic abuse was absolutely compelling, so I will reject the amendments.

15:45

**Margaret Burgess:** I amended the bill at stage 2 to remove the initial period, as I had concluded that having an initial period was likely to cause problems for various groups of tenants, which I judged best to avoid. I noted the concerns that the Infrastructure and Capital Investment Committee raised about the impact that the initial period could have in cases of domestic abuse, and I concluded that the initial period could make it very difficult for someone in an abusive relationship to terminate a tenancy without incurring financial penalties.

I also noted other circumstances in which the initial period could prove unreasonably restrictive and inflexible for both tenants and landlords. For example, a tenant who had entered into a tenancy in good faith could suddenly find that they have to move quickly, perhaps to provide care and support to a family member who lives elsewhere or to accept a new job. A tenant might have to move elsewhere as part of their current job, or a landlord might offer a tenancy in good faith and then find that they need the property urgently for themselves or that they have to sell it for financial reasons.

The effect of my amendments at stage 2 was to make the tenancy completely open ended and enable tenants to end the tenancy by providing notice at any time, and landlords to use all the grounds for repossession from the outset of the tenancy. That approach has been widely supported throughout the sector, including by Shelter in its recent briefing. That is a simpler and more straightforward approach that will benefit tenants and landlords. Therefore, I cannot support Alex Johnstone's amendments, and I urge members not to support them.

**Alex Johnstone:** I am afraid that the case was made for the initial period early in the process, and that had strong support across the board. A specific set of circumstances was drawn to the committee's attention that could be addressed by eliminating the initial period, but there were alternative routes, and the loss of the initial period takes away predictability and stability from the landlord-tenant relationship in the early period of a new tenancy. The removal of the initial period was therefore a bad idea and it weakens the bill still further. I therefore propose its reintroduction.

**The Deputy Presiding Officer:** The question is, that amendment 84 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Urquhart, Jean (Highlands and Islands) (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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 15, Against 82, Abstentions 0.

*Amendment 84 disagreed to.*

*Amendments 28 and 29 moved—[Margaret Burgess]—and agreed to.*

**Section 41—First-tier Tribunal's power to issue an eviction order**

*Amendment 85 not moved.*

*Amendment 30 moved—[Margaret Burgess]—and agreed to.*

**Before section 44**

*Amendment 86 not moved.*

**Section 49—Wrongful-termination order**

*Amendment 31 moved—[Margaret Burgess]—and agreed to.*

**Before section 52**

*Amendment 87 not moved.*

**Section 52—Meaning of notice to leave and stated eviction ground**

*Amendment 88 not moved.*

**After section 52**

**The Deputy Presiding Officer:** We come to group 11. Amendment 32, in the name of the minister, is the only amendment in the group.

**Margaret Burgess:** The bill contains a repossession ground that enables a lender to regain possession of a property when they intend to sell it. Amendment 32 will ensure that a lender who is entitled to sell the property can apply for an eviction order in the same way that a landlord can.

I move amendment 32.

*Amendment 32 agreed to.*

**Section 53—Six month periods**

*Amendments 33 and 34 moved—[Margaret Burgess]—and agreed to.*

### **Section 54—Tenancy continues after tenant's death**

**The Deputy Presiding Officer:** We come to group 12. Amendment 35, in the name of the minister, is grouped with amendments 36 to 42, 70 and 77.

**Margaret Burgess:** The bill as introduced would have required an executor to terminate the tenancy if the sole tenant died and nobody inherited, and it gave a right to inherit only to the dead tenant's bereaved partner.

I have listened to the evidence that was given to the Infrastructure and Capital Investment Committee at stage 1, and I have lodged amendments 35 to 38 and 42 to remove the need for an executor's involvement to terminate a tenancy on the sole tenant's death, and amendments 70 and 77 are consequential on that change. If it is not inherited, the tenancy ends automatically with the tenant's death.

I listened to what Clare Adamson had to say at stage 2 and have lodged amendments 39 to 41 so that not only the tenant's bereaved partner but adult family members and carers who lived with the tenant in the let property as their principal home can inherit the tenancy if the appropriate conditions are fulfilled. I am grateful to Clare Adamson for her contribution.

The amendments also make it clear that, when a joint tenant dies, his or her interest under the tenancy dies too, with the surviving joint tenant or tenants being left to carry on the tenancy.

I move amendment 35.

**Clare Adamson:** Although we have talked about the balance of the bill, we must remember that the heart of the bill is about the family home and the need to recognise that the house that a tenant lives in is their home. I welcome the Government's support in this area, and I will support its amendments.

**Alex Johnstone:** I can see why the Government wants to make the proposed changes, and I can see that they are justified, but amendments 38 to 41 will produce an extraordinary degree of complexity. However worthy the amendments' objectives are—many of the objectives are worthy—on reading through the proposed new sections, I have grave concerns that the Government is simply creating a legal minefield that it will be extremely difficult to navigate. I seek the minister's reassurance that that is not what will happen and that we will not end up with a set of provisions that are so complex that they cannot be applied effectively.

**Margaret Burgess:** The succession rights that we set out in the bill are the same as the succession rights in social tenancies. They are

well known and approved and it will not be difficult for people to find their way around them. What we are doing is the right thing to do, as Clare Adamson said.

**Alex Johnstone:** Is it the minister's intention to ensure that private sector tenancies are indistinguishable from social tenancies, or is there an understanding on the part of the Government that there is a difference between the two?

**Margaret Burgess:** I simply say to Alex Johnstone that if they were the same we would not be here considering a bill on private residential tenancies.

*Amendment 35 agreed to.*

### **After section 54**

*Amendments 36 and 37 moved—[Margaret Burgess]—and agreed to.*

### **Section 55—Partner's entitlement to inherit tenancy**

*Amendment 38 moved—[Margaret Burgess]—and agreed to.*

### **After section 55**

*Amendments 39 to 41 moved—[Margaret Burgess]—and agreed to.*

### **Section 56—Executor's duty to terminate tenancy**

*Amendment 42 moved—[Margaret Burgess]—and agreed to.*

### **After section 56C**

**The Deputy Presiding Officer:** We come to group 13. Amendment 89, in the name of Ken Macintosh, is grouped with amendments 90 and 91.

**Ken Macintosh:** Amendments 89 to 91 are designed to drive up the quality and standard of accommodation in the private sector. My colleagues and I in Scottish Labour propose the creation of a private residential tenancy charter, to ensure that tenants in private lets are put on a similar footing to that of tenants in socially rented accommodation and have some assurance that their properties will be warm, secure and safe to live in.

It is important to say that good landlords—the majority—have nothing to fear from the amendments in this group. However, we need to take action to stamp out the rogue landlords who provide properties that are cold, damp and frankly inadequate. I discussed that very issue with volunteers from the homelessness charity Crisis at an event earlier this week.

We know from figures that the Bank of Scotland produced that people who rent are, on average, £1,440 a year worse off than people who own their own home. Tenants in the private rented sector pay much more rent than tenants in the social rented sector, yet all too often they receive poorer value for money. As Govan Law Centre's report "Powerless: no expectations, choice or security" demonstrated, vulnerable tenants are often treated very badly in relation to standards of accommodation and service.

It is unacceptable that private renters should be worse off financially and in relation to the state or quality of the home in which they live. Tenants in the social rented sector have recourse to the Scottish social housing charter, which sets out the standards and outcomes that tenants can expect from landlords. Labour thinks that tenants in the PRS should be able to expect the same.

As the minister and many members know, there is no doubt that the condition and maintenance of homes in Scotland is a serious problem. The recent Commission on Housing and Wellbeing found that half of all housing in Scotland falls short of official quality standards. Data from the Scottish house condition survey suggest that the rates of extensive disrepair, damp and condensation in homes remain unchanged, with more than 70,000 homes falling below the tolerable standard.

Some 14 per cent of people now live in the private rented sector, but it is estimated that a quarter of all the homes that fall below the tolerable standard are to be found in that sector. The PRS sector has more than doubled in size over the past decade, and the expanding number of people who are renting privately need the protection and method of asserting their rights that the amendments in this group would give them.

Amendment 89 would require the Scottish Government to create a private residential tenancy charter, with which landlords would have to comply. Amendment 90 would empower the first-tier tribunal to determine complaints from tenants where there had been a failure to comply with the charter, and would entitle local authorities, as well as individual tenants, to bring complaints to the tribunal. Amendment 91 is a consequential amendment.

I am grateful to Mike Dailly and his colleagues at the Govan Law Centre for all their work to help vulnerable tenants and for suggesting the charter as a way of addressing a gap in the bill on quality. Members will have seen from the briefing that was circulated in advance of stage 3 that my amendments 89 to 91 are supported by Shelter. These three amendments offer a powerful means to raise standards in the private rented sector, root out poor practice and ensure that PRS tenants obtain better value for money.

I move amendment 89.

16:00

**Jim Eadie (Edinburgh Southern) (SNP):** I have some sympathy with the aims of Ken Macintosh's amendments but it is important to place on the record that the Infrastructure and Capital Investment Committee did not have the opportunity to consider them at stage 2. Had we had that opportunity, there would have been the opportunity for a debate and for the minister and Mr Macintosh to have had discussions in advance of stage 3 to scope the impact of the amendments and how best to develop them to have them properly considered and, possibly, included in the bill.

My objection is really that the amendments are being introduced at far too late a stage in the legislative process. For that reason, I urge members not to support them.

**Alex Johnstone:** I have often criticised the Government for introducing measures late in the legislative process but, in this case, it is not the Government that is to blame. As Jim Eadie said, we have not had the chance to consider the amendments. However, I am prepared to express an opinion on them.

I understand the objective that lies behind the amendments. Indeed, I would like the private rented sector to provide improved housing in Scotland, and anything that we could do to achieve that would be worth while. However, we have a problem in that, as we discussed a moment ago, Ken Macintosh has perhaps confused the opportunities that exist in the private rented sector with those in the social rented sector. The problem is that, were his amendments to be enforced, private landlords would not have to conform to them as he suggested. They would have an alternative: they could disinvest, which would be a catastrophe.

I agree with the objectives but not the means by which Ken Macintosh seeks to achieve them.

**Margaret Burgess:** On the face of it, the idea of a charter that lies behind Ken Macintosh's amendments may seem an attractive proposition. However, like Jim Eadie and Alex Johnstone, I have to say that no one in the consultations on our proposals for the bill—we consulted extensively—or during the extensive scrutiny by the committee at stage 1 and stage 2 suggested that the private rented sector needed or, indeed, would be suitable for a charter along the lines of the one that we introduced for the social sector. Neither Ken Macintosh nor any member of his party raised it.

That worries me, because we are being asked at this final stage of the bill's consideration to

introduce provisions on, by any standards, a significant new policy without having consulted the people who would be affected by it or who are intended to benefit from it. That is not how we should legislate. For that reason alone, I cannot support the amendments.

Also, I am not persuaded that a charter is necessary or would even have the intended effect of improving the quality of the private rented sector.

We are already undertaking significant work to improve the private rented sector, not least of which is the new tenancy that is provided for in the bill. That rebalances the relationship between landlords and tenants and, by removing the no-fault ground, better enables tenants to assert their existing rights—for example, the right to require a landlord to carry out repairs to their property.

There is already legislation on standards that privately rented property must achieve under the repairing standard in part 1 of the Housing (Scotland) Act 2006. The proposal is for a further, likely overlapping, set of standards with different enforcement rules. That would be inefficient and would be likely to cause confusion.

The Government's strategic approach to regulating the sector is set out in our strategy for the sector, which is the first of its kind since devolution. It includes the recent work to regulate letting agents and create a new, more accessible, specialist housing tribunal.

The current approach of setting minimum standards through the repairing standard is a better way of giving tenants the necessary safeguards in relation to the condition of their homes. From later this year, repairing standard cases will be heard by the new housing tribunal. The Government is also undertaking work to improve enforcement of regulations in the private rented sector, including new statutory guidance for local authorities on landlord registration, which will be consulted on later this year.

Although the charter proposed in amendment 89 is well intended, it would only create additional bureaucracy with limited benefit and place a significant extra burden on the new tribunal's resources, including its financial resources. Therefore, I cannot support the amendment, and I ask Parliament not to support it.

**Ken Macintosh:** I thank members for their comments. The minister seemed to welcome the intention behind my amendments but then put forward the argument that they would create additional bureaucracy with little effect. I am not sure that that would be the case. The main argument against the proposal seems to be that we did not discuss it at stage 2. I suggest that if it is right to take action, it is right to take action now.

It is a weak argument to say that the only reason not to do this is because it is too late.

**Margaret Burgess:** Ken Macintosh proposes a significant change to the bill. Indeed, it would impact not only on the bill, but on the financial memorandum. The charter for the social sector came out of a lengthy process involving lots of consultation with those involved. There has been no consultation on Ken Macintosh's proposed charter. It is not right or appropriate to include it in the bill at this late stage.

**Ken Macintosh:** The minister made the point that she thinks that it is a bit late. I remind her that the issues of quality and standards were raised by many witnesses, not least by Mike Dailly when he gave evidence to the committee. I accept that the minister has concerns about the potential cost, but it is clear that there are concerns about quality and standards.

I thoroughly reject Mr Johnstone's argument that introducing my proposal would cause disinvestment in the sector. The opposite of that argument would be that we should somehow be grateful for people investing in the sector to offer an inferior service, act as bad landlords and provide poor-quality rented accommodation. That is not right at all.

I accept that the minister has some reservations, although I would have preferred to hear some stronger words of encouragement to the effect that standards and quality matter. I intend to press amendment 89.

**The Deputy Presiding Officer (John Scott):** The question is that amendment 89 be agreed to. Are we all agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 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, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 24, Against 60, Abstentions 0.

*Amendment 89 disagreed to.*

*Amendment 90 not moved.*

### Section 60—Regulation-making powers

*Amendment 43 moved—[Margaret Burgess]—and agreed to.*

*Amendments 91 and 92 not moved.*

*Amendment 44 moved—[Margaret Burgess]—and agreed to.*

### Section 61—Interpretation

*Amendment 93 moved—[Margaret Burgess]—and agreed to.*

*Amendment 45 moved—[Margaret Burgess]—and agreed to.*

### After section 62

**The Deputy Presiding Officer:** We move to group 14. Amendment 94, in the name of Patrick Harvie, is grouped with amendments 98, 58 and 99.

**Patrick Harvie:** Earlier, I moved some amendments that I had good grounds for suspecting that the Government would support. Then I moved some on which I genuinely did not know which way the Government would go. This time, I will move an amendment that I am pretty certain the Government will reject, but which gives us the opportunity to have some debate about a more fundamental reform that may come in time but which the Government is clearly unlikely to accept in the bill.

We are quite rightly limiting the grounds for eviction that a landlord can exercise because we recognise that the purpose of housing is to provide a home and the security of tenure that people in the private rented sector are entitled to receive—people to whom, I remind Parliament again, we have given no other option; people for whom we have failed to provide either affordable owner occupation or available social rented housing. Those people are entitled to security of tenure—it is important to their quality of life, their wellbeing and their ability to raise their families—rather than simply being moved from home to home to home because landlord after landlord has a whim, as has been too many people's experience. We should be happy and proud that we are giving greater security of tenure to people in the private rented sector.

There will, of course, have to be some circumstances in which a landlord has to have grounds for eviction. None of us would disagree, for example, that a tenant's misbehaviour might be a reasonable ground for eviction. It has been argued even in some of the more progressive

countries in Europe that the intention to move into a property—particularly for a person who is not a professional landlord with dozens of properties—may be a necessity for that landlord; it may be something that they have to do, so we might agree that in such situations that ground for eviction might be used.

I am asking whether the intention to sell a property should be a ground for eviction. Amendment 94 would remove that ground for eviction after five years so that people who become landlords by accident or do so on a small level, perhaps speculatively—a buy-to-let mortgage having been seen as an alternative to a pension or other investment for their own future security—would have five years in which to decide whether to continue to be a landlord long term or to dispose of the property. During that time, they would be able to use the intention to sell as a ground for eviction. However, after that point a person who is doing the job of a landlord would be able to sell the asset with the sitting tenant: the tenant would not have their home taken away from them simply because the landlord had made a financial decision that best served their investment purposes.

If we want a professional private rented sector, it is reasonable that professional businesses that deliver that service should respect the rights of the tenants to whom they are selling the service. They would not simply offer keys month by month in exchange for monthly rent; they would be selling a service that includes security of tenure and a secure, safe and decent place to live. A person in that situation who wants to make a change in their own investment portfolio should not do so by evicting a tenant from his or her home.

I accept that that is a more radical reform than the Government will contemplate today, but I point out that in other countries including Germany it is much harder, although not impossible, for a landlord to use the intention to sell a property as a ground for eviction because being a landlord is about providing housing, and not about providing for one's own speculative investment purposes at the expense of somebody else's long-term secure and safe home.

I do not expect amendment 94 to be agreed to by Parliament, but I will be interested to hear whether there is any openness to discussing whether a reform of that nature might happen in the future.

I move amendment 94.

**The Deputy Presiding Officer:** I call David Stewart to speak to amendment 98 and other amendments in the group.

**David Stewart:** As with amendments 102 to 106, amendments 98 and 99 would enable the

first-tier tribunal to consider whether an eviction order is reasonable when a landlord has stated the intention to sell a property. That would enable the tribunal to look at the broader issue in terms of the landlord's case for an eviction action—for example, examining whether the landlord might be able to sell the property with the tenant in situ. That would add an extra safeguard for private tenants that would prevent arbitrary eviction and ensure that the security of tenure that the bill provides is cast iron.

16:15

**Margaret Burgess:** Patrick Harvie is right that the Government will not support his amendment 94. Landlords need to be confident when letting their property that they will be able to sell it with vacant possession. Property valuation for landlords is important, so not being able to evict the tenant in order to sell the property could be problematic for many landlords who need their property, or need to sell their property.

I believe that Patrick Harvie's amendment 94 would have a serious impact on the supply of private rented housing. It would either reduce the value of the property, which would potentially put landlords in financial difficulty, or it would mean that landlords would simply not want to let their properties as private rented homes. I therefore cannot support amendment 94, and I ask Parliament to oppose it.

David Stewart's amendments 98 and 99 would, as he said, make discretionary the eviction ground that the landlord intends to sell the property. Again, I emphasise that landlords have to have that right and the confidence that they are able to sell their property. I strengthened that ground by lodging an amendment to outline the types of evidence that may be considered by the tribunal when assessing a landlord's intention to sell a property. The tribunal has to be satisfied that the ground has been met before it can issue an eviction notice. I think, having listened to stakeholders from both sides, that that strikes a fair balance.

I cannot support David Stewart's amendments 98 and 99 because the suggested provisions could have a serious impact on the supply of private rented housing.

Amendment 58 is a technical fix that will enable a landlord to regain possession if he or she intends to sell the property for market value, whether on the open market or by private sale. I ask members to support amendment 58.

**Alex Johnstone:** Working backwards, I will discuss amendment 58 first. I am not convinced that I understand what advantage there is in replacing the phrase "on the open market" with "for

market value". In fact, I have discussed that with one or two people, who are worried about how "market value" might be established and prefer the "open market" wording as being more practical.

David Stewart's amendments 98 and 99 would turn a mandatory ground into a discretionary ground, which I believe would disadvantage landlords further within the imbalanced relationship that the bill creates.

On amendment 94, in the name of Patrick Harvie, I am concerned that its effect would be to guarantee that the length of every tenancy would be a day or two less than five years. I would not like that to happen.

**Patrick Harvie:** The minister made a wee slip of the tongue—it was not a serious one, but it was telling. She said that the issue was that landlords might "need their property", and then corrected herself to say that they might

"need to sell their property".

There is a fundamental difference between those things. If the property is a home—if that is its purpose and the reason why it exists—and the landlord needs the property to live in, they would have reasonable ground for eviction. However, we are talking not about landlords who need a property, but about landlords who want to maximise their profit. It is about whether the house is providing a home as it is supposed to do.

I accept that my amendment 94 will not go anywhere today. However, if the Government is successful in achieving the aim that it seeks to achieve through this part of the bill, which is the professionalisation of the private rented sector, I suspect that we will have to return to the question whether professional bodies that choose to reorder their financial assets should be able to evict tenants in order to make the exercise more convenient and profitable for themselves, or whether tenants should have a right to live in the home for which they are paying rent, regardless of whether the property is being sold by one professional landlord to another. I will press amendment 94.

**The Deputy Presiding Officer:** The question is, that amendment 94 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Finnie, John (Highlands and Islands) (Ind)  
Harvie, Patrick (Glasgow) (Green)  
Johnstone, Alison (Lothian) (Green)  
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)  
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)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Davidson, Ruth (Glasgow) (Con)  
Dey, Graeme (Angus South) (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)  
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)  
Scanlon, Mary (Highlands and Islands) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Wheelhouse, Paul (South Scotland) (SNP)  
White, Sandra (Glasgow Kelvin) (SNP)

### Abstentions

Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South 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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 5, Against 68, Abstentions 22.

*Amendment 94 disagreed to.*

### Schedule 1—Tenancies which cannot be private residential tenancies

*Amendment 46 moved—[Margaret Burgess].*

**The Deputy Presiding Officer:** The question is, that amendment 46 be agreed to. Are we agreed?

**Alex Johnstone:** 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)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brennan, Lesley (North East Scotland) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 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)  
 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)  
 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)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**The Deputy Presiding Officer:** The surprising result of the division is: For 94, Against, 0, Abstentions 0.

*Amendment 46 agreed to.*

**The Deputy Presiding Officer:** Thank you, Mr Johnstone. [*Laughter.*]

That takes us cheerfully to group 15. Amendment 95, in the name of Alex Johnstone, is grouped with amendments 96, 97 and 47 to 49. If amendment 97 is agreed to, amendments 47 to 49 will be pre-empted.

**Alex Johnstone:** I suspect that we will be okay on that pre-emption. I apologise for shouting no on the previous vote when I should have kept my mouth shut. I was thinking about this group.

I begin my comments on the group by offering the minister a great deal of praise, because this is the subject on which we got the most effective and constructive movement from the Government at stage 2. There was grave concern about the effect on purpose-built student accommodation and the choice of companies to invest in developing it if the bill was not changed to defend that business model. The Government understood that problem and lodged amendments at stage 2 that dealt with it. I praise the minister for having taken that action.

My concern is that perhaps there is a lack of flexibility in the Government's stage 2 amendments. My amendments 95 to 97 are designed to create a little more flexibility in how the changes can be implemented under the bill. What worries me—this is where my praise for the minister must be tempered—is that I suspect that amendments 47 to 49 are designed to do the exact opposite and appear to be a step back from the position that the minister took at stage 2.

An important change was made at stage 2. Greater flexibility would be of greater value to the industry and would encourage greater investment, but I worry that, after stage 2, the minister decided that she had perhaps gone too far. I encourage her not to believe that but to go forward boldly and create opportunities for investment in purpose-built student accommodation.

I move amendment 95.

**Margaret Burgess:** Alex Johnstone's amendments 95 to 97 would exempt all students from the new tenancy, which means that they would instead rent through a common-law tenancy or occupancy agreement simply because they were students. I cannot support that. I believe that all tenants in the private rented sector should have the same rights and protections. That is only fair and right.

As I have said many times, the basic principle of the new tenancy is that, if someone rents out a property in the private rented sector, they have to regard it as the home of the person they rent it to. I recognise that landlords who let to students may need to adapt their business model to the new

tenancy, but that should not be insurmountable. Many students will continue to leave at the end of term, as they will not want to pay rent for a property that they will not be living in. If students stay, it will be because they call where they stay their home. I therefore ask Alex Johnstone not to press his amendment 95. If he presses it, I urge the Parliament to oppose it.

I turn to amendments 47 to 49. The bill provides that a student let of a property with student-specific planning permission—that is, purpose-built student accommodation—is exempt from the new tenancy. Student-specific planning permission means that planning permission for the construction, conversion or change of use of the property or any building of which it forms part was given on the basis that the let property would be used predominantly for housing students.

My amendments 47 and 49 add an extra limb that states that only an institutional provider of student accommodation may be exempt from the new tenancy. The amendments describe an institutional provider as a landlord that has at least 30 bedrooms in the same building or complex and intends to use them predominantly for the purpose of housing students.

The exemption in the bill is framed so as to exclude HMO properties in the mainstream private rented sector, because they do not have planning permission in the terms that I just outlined. The amendments will make it 100 per cent clear that the exemption is only for institutional providers of student accommodation. I ask members to support my amendments 47 to 49.

**Ken Macintosh:** Labour will not support Alex Johnstone's amendments 95 to 97 but will support the minister's amendments 47 to 49. The issue came up in evidence at stage 1, when the committee and the Parliament considered it at length. It is clear that students do not wish to be singled out as deserving of less protection or security of tenure than anyone else in our society.

In many ways, Alex Johnstone's amendments reflect the question whether we should regard a private rented flat primarily as a business or as a home. Do we want to frame the law to meet the needs of those who rent out property to students or the needs of the students who live there? I recognise that the two are not mutually incompatible, but the whole point of the bill is to shift the emphasis on to the rights of tenants. I urge Alex Johnstone to withdraw amendment 95 and not to move amendments 96 and 97.

**Jim Hume:** We will not support the Conservative amendments in the group, but we will support the Government's amendments 47 to 49, as what they propose is only fair. We have had representations from individuals who say that we

should not support those amendments but, if we block up our halls of residence with people who are no longer students, we will have a serious lack of supply of accommodation in halls of residence. For that reason, we will support Margaret Burgess's amendments.

**Alex Johnstone:** I believe that privately built and funded student accommodation has created a revolution in the provision of high-quality accommodation for students. The business model on which much of that investment is based depends on the ability to house students and to use the properties effectively at other times of the year to generate a return.

As a result, students who wish to take up student accommodation should be in a position to allow that business model to be deployed, to minimise the cost of the accommodation and maximise standards. As my amendments provide a genuine opportunity in that respect, I intend to press amendment 95.

16:30

**The Deputy Presiding Officer:** The question is, that amendment 95 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 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)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brennan, Lesley (North East Scotland) (Lab)  
 Brodie, Chic (South Scotland) (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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 13, Against 82, Abstentions 0.

*Amendment 95 disagreed to.*

*Amendment 96 moved—[Alex Johnstone].*

**The Deputy Presiding Officer:** The question is, that amendment 96 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 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)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brennan, Lesley (North East Scotland) (Lab)  
 Brodie, Chic (South Scotland) (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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 13, Against 82, Abstentions 0.

*Amendment 96 disagreed to.*

*Amendment 97 not moved.*

*Amendment 47 moved—[Margaret Burgess].*

**The Deputy Presiding Officer:** The question is, that amendment 47 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)  
 Baxter, Jayne (Mid Scotland and Fife) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### Against

Beamish, Claudia (South Scotland) (Lab)  
 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)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 81, Against 15, Abstentions 0.

*Amendment 47 agreed to.*

*Amendment 48 moved—[Margaret Burgess].*

**The Deputy Presiding Officer:** The question is, that amendment 48 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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)



Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### 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)  
 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 83, Against 13, Abstentions 0.

*Amendment 48 agreed to.*

*Amendment 49 moved—[Margaret Burgess].*

**The Deputy Presiding Officer:** The question is, that amendment 49 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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

#### 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)  
 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 84, Against 13, Abstentions 0.

*Amendment 49 agreed to.*

*Amendments 50 to 52 moved—[Margaret Burgess]—and agreed to.*

#### Schedule 2—Statutory terms required by section 6

**The Deputy Presiding Officer:** We move to group 16. Amendment 1, in the name of Adam Ingram, is grouped with amendments 52, 2 to 4 and 54 to 57.

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** I will speak to amendments 1 to 4.

At the behest of Homeless Action Scotland, I sought to amend the bill at stage 2, so that a tenant need only tell the landlord about a person aged 16 or over residing in the property if that property was that person's only or principal home. Paragraph 3 of the schedule is welcome, as it gives landlords the power to prevent overcrowding and sub-letting, but my amendments seek to make the duty to inform a landlord about others staying in the property more proportionate.

As the bill is drafted, the tenant would be obliged to send their landlord details of every person who stayed in the property, even if it was a friend who stayed overnight. That would clearly represent an unreasonable intrusion into the lives of tenants. Indeed, the tenant might be in breach of the tenancy and liable to eviction for failing to

notify the landlord that someone had stayed for a day or two. The minister accepted the principle of my stage 2 amendment but asked for a more suitable amendment to be brought forward at stage 3, with the same intention.

I have worked with the Government to ensure that these amendments have the same purpose and effect as my stage 2 amendment, and that the bill makes it clear that tenants must notify their landlord only if someone occupies the let property as their only or principal home.

I move amendment 1.

**Margaret Burgess:** I am grateful to Adam Ingram for lodging the redrafted amendments, which I am happy to support.

I will speak first to amendment 53. The existing statutory term would have enabled landlords to manage their properties effectively, and amendment 53 amends the statutory term further to provide that the notification that is provided to the landlord must be in writing. Requiring the notice to be in writing should go some way towards mitigating any potential disagreement about whether and when a tenant has notified their landlord that somebody else is living with them in the property as their only or principal home. Notice under this term will also meet the requirement for written notice in the succession provisions.

Under the bill, it will be a statutory term of a tenancy that a tenant must allow access to the property for an authorised purpose. Authorised purposes include carrying out work on the property that the landlord is entitled or obliged to carry out, and inspecting the property in order to determine what, if any, work of that nature to carry out.

Amendments 54 to 57 extend the definition of authorised purpose to include valuing the let property. The amendments will enable a rent officer to inspect a property when determining the open-market rent in a rent adjudication case, or when determining the amount by which the rent of a property in a rent pressure zone can be increased as a result of an improvement made to the property by the landlord.

With regard to the landlord being entitled or obliged to carry out any work, reference has also been made to the possibility that the tenant may agree other inspection access rights with the landlord.

Currently, the bill requires access to be granted to the landlord or anyone authorised by the landlord. Those references will now be removed altogether in order to avoid disputes about what "authorised" means, but it continues to be the case that the term of the contract can be invoked only at the landlord's instance. By not limiting who access can be granted to under that term, it continues to

cover access by others, such as tradesmen or rent officers.

**Alex Johnstone:** I thank Adam Ingram for the explanation of his amendments, which are proportionate and appropriate. We will support them, along with the minister's amendments.

*Amendment 1 agreed to.*

*Amendment 53 moved—[Margaret Burgess]—and agreed to.*

*Amendments 2 to 4 moved—[Adam Ingram]—and agreed to.*

*Amendments 54 to 57 moved—[Margaret Burgess]—and agreed to.*

### **Schedule 3—Eviction grounds**

*Amendment 98 moved—[David Stewart].*

**The Deputy Presiding Officer:** The question is, that amendment 98 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### **For**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wilson, John (Central Scotland) (Ind)

#### **Against**

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

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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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)  
 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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 64, Abstentions 0.

*Amendment 98 disagreed to.*

*Amendment 58 moved—[Margaret Burgess].*

16:45

**The Deputy Presiding Officer:** The question is, that amendment 58 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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

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

**The Deputy Presiding Officer:** The result of the division is: For 83, Against 12, Abstentions 0.

*Amendment 58 agreed to.*

*Amendment 99 moved—[David Stewart].*

**The Deputy Presiding Officer:** The question is, that amendment 99 be agreed to. Are we agreed?

**Members: No.**

**The Deputy Presiding Officer:** There will be a division.

**For**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 64, Abstentions 0.

*Amendment 99 disagreed to.*

**The Deputy Presiding Officer:** We move to group 17. Amendment 100, in the name of David Stewart, is grouped with amendments 101, 105 and 106.

**David Stewart:** Similar to the other amendments that I have moved today, the four amendments in the group would enable the first-tier tribunal to consider whether an eviction order was reasonable, where a landlord had stated the intent to refurbish the property or to use it for a non-residential purpose. That would allow the tribunal to look at the broader issues involved in the landlord's case for an eviction action, as it would look at the purposes for refurbishment or change of use to examine whether it would be reasonable for the tenant to be evicted on those grounds.

Amending the bill in that way would add an extra safeguard for private tenants from arbitrary eviction, thus ensuring that the security of tenure that the bill will provide is cast iron.

I move amendment 100.

**Margaret Burgess:** At stage 2, I strengthened both of those eviction grounds by outlining the types of evidence that may be considered by the tribunal when assessing a landlord's intention.

The refurbishment ground applies only when a landlord intends to carry out significantly disruptive work, such that it would be impracticable for the tenant to continue to occupy the property. We would not want to prohibit a landlord from doing that, because we want to improve the quality of property condition in the sector.

Where a landlord wants to change the use of the property to a non-residential purpose, they would most likely require planning permission to do so. That would be a significant measure for a landlord, and I would not expect the ground to be used frequently.

Overall, I believe that the Government has got the balance in grounds right. The bill now has 18 grounds for eviction. Eight are mandatory, eight are discretionary and two have both a mandatory and a discretionary element.

I cannot support David Stewart's amendments, and I ask members not to support them either.

**The Deputy Presiding Officer:** I invite David Stewart to wind up and to press or withdraw his amendment.

**David Stewart:** I have nothing to add, Presiding Officer. I press my amendment.

**The Deputy Presiding Officer:** The question is, that amendment 100 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 64, Abstentions 0.

*Amendment 100 disagreed to.*

*Amendment 101 moved—[David Stewart].*

**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

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)  
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 64, Abstentions 0.

*Amendment 101 disagreed to.*

*Amendment 59 moved—[Margaret Burgess]—and agreed to.*

*Amendment 102 moved—[David Stewart].*

**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

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 65, Abstentions 0.

*Amendment 102 disagreed to.*

*Amendment 103 moved—[David Stewart].*

**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**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 65, Abstentions 0.

*Amendment 103 disagreed to.*

*Amendments 60 and 61 moved—[Margaret Burgess]—and agreed to.*

*Amendment 104 moved—[David Stewart].*

**The Deputy Presiding Officer:** The question is, that amendment 104 be agreed to. Are we agreed?

**Members:** No.

#### For

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)

Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 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)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 64, Abstentions 0.

*Amendment 104 disagreed to.*

*Amendments 62 to 68 moved—[Margaret Burgess]—and agreed to.*

*Amendment 105 moved—[David Stewart].*

**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

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 65, Abstentions 0.

*Amendment 105 disagreed to.*

*Amendment 106 moved—[David Stewart].*

**The Deputy Presiding Officer:** The question is, that amendment 106 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 64, Abstentions 0.

*Amendment 106 disagreed to.*

**The Deputy Presiding Officer:** We move on to group 18. Amendment 107, in the name of Alex Johnstone, is the only amendment in the group.

**Alex Johnstone:** Amendment 107 is a duplicate of one of a small group of amendments that I lodged at stage 2. Those stage 2 amendments covered a range of matters that I believe should be grounds for eviction. However, I have brought back only one of those at stage 3, because I believe that it is the most important one and one that we need to better understand. That ground is that the property is required for an employee or retired employee.

I have worked most of my life in the rural environment and I have seen many businesses—farm related and others—that relied on having property that was made available to accommodate staff when required. Quite often, such properties are houses in far-flung rural areas where there is a housing shortage, and they are not necessarily always occupied. It is important for the owners of such properties and the businesses that rely on them to have confidence that when they are not in

use, they can be rented to members of the community or others who require accommodation, knowing that they can have them back if they require them to house an employee or retired employee at some point in the future.

I do not envisage people simply being thrown out of their houses. However, I do envisage businesses in areas of housing pressure in far-flung rural areas, instead of letting their properties, simply leaving them to lie empty rather than taking the risk of not being able to get them back. That would be a missed opportunity. We could make more housing available in areas of great need but, by failing to take this approach, good business decisions will be made to leave houses empty rather than use them to house people without homes.

I move amendment 107.

17:00

**Ken Macintosh:** As with several other amendments that Mr Johnstone has moved, Labour will not support amendment 107.

We recognise the concern that Mr Johnstone has highlighted. My colleagues and I have all been approached by people who run large farms or rural businesses that struggle to find accommodation for their employees, and nowhere in Scotland has the housing crisis that we are living through been felt more acutely than in rural communities. That said, the answer to the problem of housing supply surely cannot be to evict a sitting tenant in a rural area to house a new employee.

I urge Mr Johnstone to withdraw amendment 107, as Labour will not support it.

**Jim Hume:** I have some sympathy with Alex Johnstone's amendment 107. Ken Macintosh mentioned large farms, but tenanted farms with what are commonly known as tied cottages could also be affected. I and many others know that there is quite a severe shortage of houses in rural areas. There are very strict planning rules, and it is very difficult to build houses for employment in areas. I fear that farmers or land-using businesses would tend not to let their properties out in between taking on employees or not. Therefore, the Liberal Democrats are minded to support Alex Johnstone's amendment.

**Margaret Burgess:** Amendment 107 is similar to an amendment that Alex Johnstone lodged at stage 2. I continue to have concerns about what it is trying to achieve, as it could result in an individual or a family being evicted from their home so that an employee or a retired employee of the landlord could move in. It would be unfair to allow a person or a family to be moved out in those circumstances. Indeed, such a result would

be counter to the purpose of the bill, which is to give people security of tenure in their home in the private sector. I therefore cannot support the amendment.

I believe that we have got the balance of the grounds right and that we have now captured all the reasonable circumstances that a landlord would need to evidence in order to recover possession of their property. For example, the bill already provides a ground for repossession for tied housing where a tenancy was granted as a consequence or in the expectation of the tenant being an employee of the landlord and the tenant is no longer an employee.

We recognise the difficulties of rural communities, but we are supporting them. In addition to our overall aim of increasing housing supply across Scotland, we are working with rural communities to address specific rural housing problems. For example, in February this year, we launched the rural housing fund. We are also working with rural communities on self-build.

Therefore, I cannot support Alex Johnstone's amendment.

**Alex Johnstone:** I am afraid that this is a classic case of individual experience colouring attitudes. I simply repeat that I do not believe that the proposal would necessarily lead to people being unnecessarily evicted. I believe that the bill will lead to houses in areas where housing is much needed simply being left empty rather than being let by their owners, who will fear that they will not be able to have them back when they need them for an employee. It is a missed opportunity.

I press amendment 107.

**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.

**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)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 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)  
 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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (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)  
 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)  
 Griffin, Mark (Central Scotland) (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)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 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)  
 McMillan, Stuart (West Scotland) (SNP)  
 Murray, Elaine (Dumfriesshire) (Lab)

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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 80, Abstentions 0.

*Amendment 107 disagreed to.*

**The Deputy Presiding Officer:** We come to group 19. Amendment 108, in the name of David Stewart, is the only amendment in the group.

**David Stewart:** My amendment 108 seeks to amend the part of schedule 3 entitled “Not occupying let property” to clarify the process that must be followed before a landlord establishes whether a property has been abandoned. I still have some concerns that the process that a landlord must follow to prove that a tenant has left the property is too weak. That is not ideal, as it could lead to tenants who intend to remain in the property becoming homeless.

To ensure that tenants cannot be evicted unless it is clear that they no longer intend to occupy the property, amendment 108 seeks to require a landlord to serve on the tenant a notice that states that they have reason to believe that the property has been abandoned before they can serve a notice to leave. Tenants would have four weeks to indicate whether they were resident at the property. If the landlord received no response, they would be able to serve a notice to leave and to have the matter considered by the tribunal. That is to ensure that if a tenant should be away from their property for an extended period—for example, because of illness, work or holiday—the landlord would not be able to evict them. If the ground in question is not changed, I fear that a tenant could return from an extended absence to find that they have been evicted.

I move amendment 108.

**Margaret Burgess:** The bill currently provides that, for the abandonment eviction ground to be met, the tribunal must be satisfied that the tenant is not occupying a property as his or her only or principal home, and requires the landlord to provide evidence to that effect.

In practice, a landlord will need to provide the tenant with a notice to leave to indicate that they intend to seek an eviction on the ground of abandonment. From receiving the notice, a tenant will have 28 days to tell the landlord that he or she is or is not living in the let property. To pursue the

matter further, the landlord would have to apply to the tribunal to grant repossession on that ground. The tribunal must be satisfied that the ground has been met, and it can call the landlord and the tenant to provide evidence.

I know that, as Dave Stewart said, some stakeholders have raised concerns that a tenant could be evicted when they have gone away from their home only temporarily, but that should not happen. The existing provisions would enable a tenant to be temporarily absent from the property and the property still to be considered to be the tenant's only or principal home.

David Stewart's amendment 108 would require a landlord to issue two separate notices. Before a landlord could issue a notice to leave, he or she would be required to issue a different notice that stated that they had reason to believe that the tenant was no longer occupying the property as their only or principal home, and the tenant would have four weeks to indicate whether they were occupying the property. That is completely unnecessary and would only duplicate the contents of the notice to leave that would be issued subsequently. As well as adding an additional layer of bureaucracy, amendment 108 could delay the process.

I also consider amendment 108 to be deficient: there is a loophole in the drafting. As drafted, it would allow a landlord to provide a tenant with a notice that met Mr Stewart's requirements; and, immediately after doing so, they could serve the required notice to leave. In those circumstances, the landlord would have done all that Mr Stewart's amendment technically requires.

Therefore, I ask members not to support amendment 108.

**David Stewart:** Amendment 108 provides for an additional step on top of the steps that are laid out in the bill. Landlords would still have to satisfy the requirements of the abandonment ground as drawn up by the Government.

In addition, under the current provisions in the bill, tenants could be evicted even if they were paying rent, because they make reference only to the tenant "not occupying" the property. Amendment 108 would add an extra safeguard to the process. The legal advice that I have received from Shelter differs from that which the Government has received.

**The Deputy Presiding Officer:** So you are pressing amendment 108.

**David Stewart:** I am.

**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**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 66, Abstentions 0.

*Amendment 108 disagreed to.*

**The Deputy Presiding Officer:** That brings us to group 20. Amendment 109, in the name of David Stewart, is the only amendment in the group.

**David Stewart:** The Government's amendments at stage 2, which were agreed to, went some way towards allaying the concerns of organisations such as Shelter, but concern remains that a tenant can be evicted for as little as one month's rent arrears. I am still of the view that that is too low an amount for which to be evicted, especially if the tenant can negotiate at the first-tier tribunal to pay off the arrears in a reasonable timeframe.

Amendment 109 would increase the level of arrears that would be a ground for mandatory eviction from one month's rent arrears to two months' rent arrears. That would provide important protection from eviction for tenants who might be experiencing a sudden drop in income and a fall into rent arrears through no fault of their own. It is unfair that tenants in such circumstances should face mandatory eviction at the first-tier tribunal when they might be able to pay off the arrears and remain in their home.

It should be noted that the tribunal will continue to have discretion to evict a tenant who has arrears of less than two months' rent, should the circumstances justify such a decision.

I move amendment 109.

**Margaret Burgess:** Rent arrears are an important issue for landlords and tenants and can ultimately make a landlord's business unviable. Landlords need to be confident that in letting out their property they will receive the rent. Many landlords in the private rented sector are not large businesses who can weather cash-flow problems. If we make letting unviable, we will drive down supply and disadvantage all tenants in the longer term. Therefore, it is important to strike the right balance between meeting the needs of tenants who fall into arrears and need time to make them up, and those of landlords, who might have a mortgage to pay.

As David Stewart has said, I moved on the rent arrears ground at stage 2 when I lodged an amendment to allow a tenant to reduce their arrears until the day of the tribunal's consideration. Members should remember that we are talking about rent arrears over a period of three consecutive months and until the case reaches the tribunal, so the arrears could be considerable. If the arrears are below one month's rent when the case reaches the tribunal, the ground will be discretionary.

That approach is right for tenants and for landlords. We have made clear that when notices for rent arrears and eviction are issued, tenants must be advised of how to challenge the notice if they do not agree with it and of where to get help, with reducing their arrears for example. I worked in money advice for many years, and I think that the right approach is to prevent arrears from building up. In the private sector, two months' rent arrears will be a considerable amount of money. We must work with tenants to ensure that they can pay off their arrears in small amounts and reduce the debt below a month's rent, so that the tribunal can use its discretion.

That is right for tenants, and it is right for landlords, who need to get the rental income in. Therefore, I cannot support amendment 109. I genuinely believe that we have struck the right balance in the bill in relation to rent arrears and other grounds for repossession. I ask members not to support amendment 109.

**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**

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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 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)  
 Murray, Elaine (Dumfriesshire) (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)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (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, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 66, Abstentions 0.

*Amendment 109 disagreed to.*

*Amendment 69 moved—[Margaret Burgess]—and agreed to.*

**Schedule 4—Consequential modifications**

*Amendments 70 and 71 moved—[Margaret Burgess]—and agreed to.*

*Amendment 110 not moved.*

*Amendments 72 to 79 moved—[Margaret Burgess]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.



## Private Housing (Tenancies) (Scotland) Bill

**The Deputy Presiding Officer (John Scott):** Pressing swiftly on, the next item of business is a debate on motion S4M-15944, in the name of Margaret Burgess, on the Private Housing (Tenancies) (Scotland) Bill. Before I invite the Minister for Housing and Welfare to open the debate, I call the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil, to signify Crown consent to the bill.

**The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil):** For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Private Housing (Tenancies) (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** I call Margaret Burgess to speak to and move the motion.

17:19

**The Minister for Housing and Welfare (Margaret Burgess):** I thank everyone who contributed to the development of the Private Housing (Tenancies) (Scotland) Bill, including members of all parties and all stakeholders. I am grateful to those stakeholders for their considered thoughts on the bill, while the Government was shaping its policy and during the Parliament's consideration of the bill.

I also recognise the Infrastructure and Capital Investment Committee for its detailed scrutiny of the bill as well as the Finance Committee and the Delegated Powers and Law Reform Committee for their considerations.

This afternoon's debate on stage 3 amendments has highlighted where we have disagreed on some of the detail of the bill. However, I have been encouraged by the extent to which most Opposition members of the Infrastructure and Capital Investment Committee have been generally supportive of what the Government wants to achieve in the bill. I have been happy to work with members who have made constructive criticisms to improve the bill and I have been glad to support amendments from them and from other members who were not on the committee, such as Patrick Harvie, where that would strengthen the bill.

The position that we have reached on the grounds for repossession is a good example of the collaborative approach that we have taken. When

the bill was introduced, it contained 16 grounds, 12 of which were mandatory; the bill now has 18 grounds, of which eight are mandatory, eight are discretionary and two contain elements of both. I am pleased to be able to acknowledge the committee's contribution to the bill, which I hope will be passed at the end of this debate.

The Government published its first strategy for the private rented sector, "A Place to Stay, A Place to Call Home", in May 2013. The strategy aims to improve and grow the private rented sector by enabling a more effective regulatory system, targeting tougher enforcement action and attracting new investment.

As part of our work around the strategy, the Scottish Government has undertaken a range of actions to improve private renting. Those include: clarifying the existing law on the charging of premium fees, so that tenants cannot be charged for getting a tenancy; setting up the tenancy deposit schemes in Scotland, to protect tenants' deposits; legislating to create a new tribunal for private renting; legislating to regulate the letting agent industry; and providing local authorities with additional powers to tackle bad practice, where it occurs.

However, to deliver the better quality, more professional sector that we want to achieve, we recognised that we needed to legislate to rebalance the relationship between landlords and tenants, to one that is fairer and that works in today's private rented sector.

The bill introduces an open-ended private residential tenancy, which will improve security of tenure for tenants and provide appropriate safeguards for landlords, lenders and investors. It also makes rents more predictable for tenants, with adjudication provided where rent increases take rent beyond the market rate for comparable properties. It also enables local authorities to apply for rent pressure zone designation, where rent increases in a local area are having a detrimental impact on tenants and housing.

The bill will enable tenants to feel more secure and settled in their homes and communities. One benefit of greater security for tenants is that it will enable them to assert their rights, such as being able to ask their landlord to carry out necessary repairs, without fear of arbitrary eviction. That will provide a step-change in improving the quality of private renting.

As part of striking the right balance, the bill recognises that landlords must also have confidence in their ability to effectively manage and regain possession of their property. That is why we have devoted so much time to getting the repossession grounds right.

The first-tier tribunal will play a key role in dealing with disputes under the new tenancy, providing a more accessible, specialist form of redress. During the earlier stages of the bill, I was asked about our approach to tribunal fees. I want to reassure members that we are committed to making the Scottish tribunals as accessible as possible. I am therefore pleased to announce that if this Government forms the next Administration, fees will not be charged for tenants or landlords who take a case to the housing and property chamber of the first-tier tribunal. No fees will mean improved access to justice in the private rented sector. The provision will enable tenants in particular to fully exercise their rights.

When reflecting on the changes that we expect the bill to achieve, it is worth noting that under the current tenancy, in most cases it is tenants, not landlords who end the tenancy. I expect that to continue to be the case. However, where a landlord brings a tenancy to an end, and it is disputed, the landlord will need to make an application to the tribunal to establish that they are entitled to regain possession. Landlords will need to provide evidence in support of an application. Even where a ground is mandatory, the tribunal will still need to establish whether it has been met before it can grant an order for eviction.

During stage 1, much was said about the repossession grounds, in particular those grounds that include an intention by the landlord—for example, that the landlord intends to sell the property or to live in it. Some stakeholders were concerned that those grounds might be open to misuse.

As I said earlier, it is important that we get the repossession grounds right. To address the concerns that were raised, I introduced a number of amendments at stage 2 that outlined the types of evidence that could be used to demonstrate some of the eviction grounds.

Sanctions will apply should a landlord mislead a tenant into leaving their home or mislead the first-tier tribunal into issuing an eviction order. Some of those sanctions are set out in the bill as they are specific to the new tenancy, but criminal sanctions, such as for illegal eviction, will also continue to apply.

During stage 2, Clare Adamson introduced an amendment to increase the maximum amount payable to a tenant who has been wrongfully evicted from three months' rent to six months' rent. I was more than happy to support her on that.

I want to ensure that tenants are made fully aware of their rights. For instance, we will include information about tenants' rights—where to get advice, how to apply to the tribunal in disputes with the rent service and information about rent

adjudication, where to go and how to get assistance—in the notices that are prescribed under the new tenancy. That is important; this bill is also about informing tenants.

The student sector also featured heavily during stages 1 and 2 of the bill. I listened to all the concerns of the stakeholders and at stage 2 I introduced an amendment to exempt purpose-built student accommodation from the provisions of the bill. I recognise that the growth of purpose-built student accommodation provides much-needed new accommodation for students and has been developed for the specific purpose of providing that bespoke accommodation, which is similar in character to the accommodation that colleges and universities provide. However, I remain of the view that in the mainstream private rented sector, all tenants should be treated the same. That is why I have resisted calls to include a specific student tenancy or ground in the bill.

The basic principle of the new tenancy is that if a person rents property to someone in the private rented sector, they need to recognise that that property is someone's home.

Overall, we have sought to strike a fair balance in what is being proposed in the bill to ensure that the new tenancy will support a well-functioning, modern sector that works for both tenants and landlords. The Government has undertaken extensive consultation and worked constructively with members in developing the policy that underpins the bill to make sure that we have got the balance right.

We want to create a better, more professional private rented sector. The new private residential tenancy that is the centrepiece of the bill is absolutely key to achieving that.

I move,

That the Parliament agrees that the Private Housing (Tenancies) (Scotland) Bill be passed.

17:28

**Ken Macintosh (Eastwood) (Lab):** It is good to reach the stage in a bill where the arguments have all been made and the amendments have been won or lost. Whether or not the bill will do everything that we would wish it to do, we agree that it will improve the lot of private tenants in Scotland. I am pleased that most of us in the Parliament—with, unfortunately, the exception of the Conservatives yet again—will vote in favour of the bill at decision time.

Although I support the bill as it stands, I hope that the minister will not mind if I point out that we could have done more and we could have done it sooner. My on-going worry is that the bill does not go far enough in addressing affordability, quality

and standards in the way that we would have wished.

That said, my Labour colleagues and I want everyone who chooses to live in the private rented sector to have the opportunity to make their property their home—not just a transition, not an expensive limbo in which they feel trapped and not a poor second or third choice to council or housing association accommodation, but a safe, secure, warm and affordable home.

It may take a long time to change attitudes and behaviour in this country. We may never get to the stage where private renting is regarded in the way that it is in Germany and continental Europe. However, we have today offered additional protection to private tenants and begun to address the changes that have taken place in housing tenure in Scotland over the past 10 years or so.

Before I go any further, I offer my thanks to the bill team and the committee clerks, and most of all to the two campaigns whose efforts have done most to get private renting to the top of the parliamentary and political agenda. First, I thank Shelter Scotland—that tireless campaigner for the homeless and for decent housing, which managed to sign most of us up to the make renting right campaign. Shelter is our trusted and reliable source of information, and its input to the bill has been invaluable.

**Jim Eadie (Edinburgh Southern) (SNP):** Hear, hear.

**Ken Macintosh:** Thank you, Mr Eadie.

Secondly, I thank the alliance that is the living rent campaign, which is led by the National Union of Students Scotland and includes many of the big trade unions, alongside many other housing and tenant representative organisations.

It is always a little unfair to single out any one individual but, in speaking of effective and tireless campaigners, I will mention Mike Dailly and his colleagues at Govan Law Centre. The law centre's report entitled "Powerless: no expectations, choice or security" illuminates what can and does happen to vulnerable people in an unfair and imbalanced system when they have insufficient rights or little recourse to legal protection.

Those campaigners and many more combined to put the evidence in front of Parliament that highlighted exactly how much housing tenure in Scotland has changed over recent years and how we have ended up, after a decade of difficulty, with not simply a housing shortage but—in the First Minister's words—a housing crisis. Only 28 per cent of young people in Scotland now own their own homes, which is down from 48 per cent in 1999. They cannot afford a deposit and, with 150,000 of them on local authority waiting lists,

there is little chance of them getting a socially rented property.

The result has been a doubling of the numbers who are renting privately; the figure is now up to approximately 330,000 households. Before we all get the wrong impression of the sector, I stress that those who are renting are not always young single people. One in four of those private rented households have children, and those households are often in expensive tenancies that offer little security. The result of that combination is very troubling.

One fifth of all homelessness applications now come via the private rented sector, which represents a rise of 38 per cent in the past five years. As is too often the case, it is those on lower incomes who have been hit hardest. The Joseph Rowntree Foundation has found that a quarter of households experiencing poverty now live in the private rented sector, which is up from one in 10 a decade earlier.

I apologise to members for the barrage of statistics, but I am trying to illustrate that there has been a radical change by any analysis. For some, it means real hardship. For others, it means a depressing lowering of expectations. Today, we are beginning the process of offering greater security to those who live in the private rented sector, but the bigger housing crisis requires a range of answers, of which the most important concerns the need to address housing supply. We need to build tens of thousands more homes across all tenures.

I mentioned earlier that the minister might have done well to have listened and to have been more willing to work with Labour on the issue. I suggest that it is not too late to do so. As an aside, I understand after five years that the Government believes that consensus is a one-way system and applies only when Labour supports the SNP, but it could work the other way round, too.

Labour lodged a series of amendments to regulate the private rented sector two years ago. At that stage, the SNP voted with the Conservatives to stop those amendments. I ask members to think about how much money we would have saved private tenants if the Government had adopted our proposals then instead of waiting until now.

However, I repeat that it is not too late. Many young people in Scotland today simply do not believe that they will be able to secure or afford a home of their own. Three quarters of Scots who do not own their own home think that they never will. The expense of renting privately means that they feel trapped, and they identify saving for a deposit as the biggest hurdle. As the minister will know,

Labour has outlined a plan to help people to save for a deposit with a £3,000 boost for savers.

The minister talks proudly of her record on housing, despite the fact that her Government has clearly not got anywhere near meeting the identified need. The new target that she has announced also falls short. Although 50,000 affordable homes over the next five years is an increase, Shelter, the Chartered Institute of Housing and the Scottish Federation of Housing Associations have all estimated the need at 60,000, which is Labour's target.

Even within the Government target, we know that the figure on housing for social rent rather than simply affordable housing is the more important figure, and I urge the minister to replace her goal of 35,000 with Labour's more ambitious, achievable and needs-based goal of at least 45,000 homes for social rent.

In all the years that I have represented Eastwood, housing has consistently been the biggest issue that constituents have raised. East Renfrewshire is a great place in which to live, go to school and bring up a family, but when a person's family are grown, where do they live? There are very few council or housing association properties and house prices are so high that it is difficult for any young person to get their foot on the property ladder.

Just as I believe that the next Scottish Government needs to do more about the living wage, so I believe that we will have to return to the living rent. However, the bill will at least begin to address the problem of security of tenure.

We want to drive up standards in the private rented sector and we want it to expand. We want the PRS to help meet the demand—the pressing need—for housing and we want private renting to be an attractive option for investors. However, the law needs to be framed to reflect the fact that properties are people's homes, not just a business. Today is a good step forward on that journey and Labour is happy to support the bill.

17:35

**Alex Johnstone (North East Scotland) (Con):**

I have reached an interesting point in the passage of the bill. I said at stage 1 that it was not possible for me to support the bill then but that I could envisage supporting it later. Sadly, it seems that the bill as introduced was as good as it got.

On day 1 of the period for lodging amendments for stage 2, 150 Government amendments landed on the doorstep. The effect was that stakeholders were trying to get me to lodge amendments to parts of the bill that the Government had already lodged amendments to remove completely. There

was a process of radical change, which was ironic, given that at the start of the process the Government was determined to consult as widely as possible. I was disappointed because, when I spoke to stakeholders during the consultation stage, I told them to engage vigorously and actively with the Government to ensure that the bill reflected their needs.

As we have gone through the process, disappointment has built among a number of stakeholders. They have been disappointed by simple things such as a misunderstanding about what the private rented sector is. Certain quarters assume that it is all big business and big money—people with money to spend. However, many of Scotland's private landlords rent out only one property or a handful of properties. Many of them are reluctant landlords who find themselves with little alternative than to permanently or temporarily rent out a property.

The bill could have done much to ensure a fair balance between landlords and tenants but, eventually, the Parliament did what it always does: it took the side of tenants. That was not necessary. We could have done everything that we have done for tenants with the bill and done something for landlords as well. Perhaps we would have done that if we had better understood what the private rented sector is.

The threats to the sector from the bill include things such as rent control. We discussed rent pressure zones during the amendment stage. I believe that, once a rent pressure zone is declared, it will create a vacuum for investment, because nobody will invest if they cannot get the return that they expect to get. The notion of rent control is potentially counterproductive, because the way that the bill sets out for increasing rents may ultimately become an agenda for rent increases, rather than a way to control them.

I have a concern, which I expressed earlier, about the loss of the initial period. The initial period had the potential to benefit both landlord and tenant if properly implemented. Its disappearance at stage 2 was one more confusing element for the stakeholders who tried to engage in the process.

I have already praised the Government, but I do so again, for its decision to act on purpose-built student accommodation. However, it turned out at stage 3 that that was a reluctant action, and the Government has perhaps stepped back from the opportunity to encourage such development.

We should have done more to create a proper balance between landlord and tenant. We could have done more to understand the differing circumstances that exist in different parts of the country and in city and rural environments. We

could have done more to ensure that those who wish to invest in private tenancies can do so with confidence that they can have a tenant who will deliver for them. We could have done more to build the understanding—which some people who spoke in the debate clearly have—that a rented property with a quality tenant is a package that is more valuable than the sum of its parts.

We could also have done more to encourage new types of investment. In recent years, many of us have speculated that there are investors who are willing to become involved in building property, perhaps even on a large scale, to rent privately in the Scottish marketplace. However, having spoken to stakeholders who have watched the progress of the bill, I know that opinions have changed and opinions have been formed. I heard a simple opinion from someone who expressed his views to me on one occasion. He said that, having looked at the changed environment north of the border, he would make the simple decision to carry out his investment south of the border.

That is about confidence, about difficulty with understanding circumstances and about time. If there is a lack of confidence in the legislation among landlords, confidence can be recovered only over a period of time. I worry that investment will be lost and that we have missed a chance to bring more investment in.

**The Deputy Presiding Officer (Elaine Smith):**

We move to the open debate. I can give members up to five minutes at this stage.

17:42

**Clare Adamson (Central Scotland) (SNP):** I associate myself with the comments that have been made about the bill team and the clerks to the Infrastructure and Capital Investment Committee, who have stewarded us through the process. I also commend Jim Eadie for his convenership of the committee throughout the proceedings. The Private Housing (Tenancies) (Scotland) Bill has been an interesting one to be involved in, and it is probably one of the most significant bills that we have considered, as it will impact on the lives of so many people in Scotland.

I will not have time to speak on all the areas of the bill, but some things that have come up this afternoon are worth highlighting. The review period, which we had a division on, will be significant. However, as the minister said, even though the bill will be passed today, the act will not be implemented until the tribunal is in place. That is likely to be perhaps a year to a year and a half down the line. To have limited ourselves to a three-year review period would have hardly given the act a chance to get started.

It is important that we have the review and that it is based on a comprehensive understanding of how well the bill has worked to rebalance the relationship between the tenant and the landlord. If the concerns that the Conservatives have rightly raised throughout the progress of the bill about how it might impact on investment in the private tenancy sector are realised, that will be taken into consideration in five years' time. I suspect that some of the concerns will not come to fruition, but this is about reviewing and building the private rented sector, because we know that it has become very important in Scotland.

As Patrick Harvie rightly said, we also have to understand people's right to a home and to feeling that the place where they live is a home and a place where they have security of tenure. That is why I was so happy that amendments on the succession of the family home were lodged and discussed at stage 2, and that the minister's amendments at stage 3 met my concerns in that area.

Unlike Mr Johnstone, I do not think that the measure is overly complicated. It relates to family homes; if the person who is named in the tenancy dies, the other people whose home it is—say, a sibling, a child of adult age or a carer who has lived in the dwelling full time as their home—will have an opportunity, if they so wish, to stay in that family home. That is very important and will go some way towards giving tenants in the private sector more—

**Alex Johnstone:** I remind the member that I took a very careful position on the matter and, despite expressing concern, did not vote against it.

**Clare Adamson:** I thank Mr Johnstone for that clarification, because this is a very important issue. After all, the family home is at the heart of what we are doing today.

Another area of concern that has caused division is the initial tenancy period, and I think that most of us are happy that that has gone. I come back to the very strong evidence that Councillor Harry McGuigan gave the committee on behalf of the Convention of Scottish Local Authorities on the plight of women who might find themselves having to flee domestic violence. Life is complicated; life happens to us all. Indeed, as the minister has pointed out, good and bad things can happen to people at any time. By tying people in difficult family circumstances—for example, having to move for a job or caring for someone in their family who has become ill—into that six-month period, the initial tenancy period could have been to the tenant's detriment and caused them financial and emotional harm. I do not think that its removal will have too much of an impact, given that what we all want when a tenant agrees to a tenancy is for the landlord and the tenant to be

happy and able to proceed with the tenancy in a reasonable way.

Finally, I am delighted with the minister's announcement that there will be no fees for tenants or landlords who take cases to the housing tribunal. The measure sits very well with the commitment that the SNP Government has already given to look at having no fees for employment tribunals when we get those powers, and it shows where we sit with regard to fairness, the availability of redress to justice and ensuring that there are no barriers to the Scottish people getting justice when they require it.

17:47

**Lesley Brennan (North East Scotland) (Lab):**

In 1999, only 5 per cent of households in Scotland lived in the private rented sector but, by 2014, that figure had increased to 14 per cent. Clare Adamson is right to talk about the sector's growing importance, given that the Government has encouraged local authorities to meet housing need through the sector. If the aim is for more people's needs to be met through the private rented sector, it is only right that the tenancy is strengthened and that tenants have more security of tenure.

There are a number of reasons why the needs of more people are being met in the private rented sector, including the lack of affordable housing to buy, the lack of affordable finance and worsening wages and employment. However, the key reason is the residualisation of public sector housing. We have seen that with the national housing trust houses that have been built in Dundee, where the tenancies are short assured tenancies, not Scottish secure tenancies.

**Jim Eadie:** Does the member recognise that the greatest contribution to what she rightly calls the residualisation of public sector housing was the right to buy, a practice that was ended by this Government?

**Lesley Brennan:** The right to buy stripped away properties, but the fact is that not enough houses were built in addition. The two things are not incompatible; people were very supportive of the right to buy, which leads to secure and stable communities. Anyway, I will not go into that.

Now that people are renting in the private rented sector for longer, I welcome the improvement in private tenants' rights, particularly the introduction of the new, modern and simpler tenancy. Given that the vast majority of tenancies are short assured tenancies, I hope that the Government's aim is to transfer current PRS tenants to the new tenancies in the same way that housing associations and councils transferred tenants from the previous form of tenancy to Scottish secure tenancies in the early 2000s.

The overarching aim of the bill is to improve security of tenure. It was disappointing that amendment 83, in the name of Patrick Harvie, which would have created a duty to review the operationalisation of the new tenancy and, specifically, to analyse in detail how changes to security of tenure work in practice, was not agreed to. I heard what has been said about the time period but, as Shelter Scotland states,

"to ensure that this security of tenure is genuine and effective for private tenants across Scotland",

it needs to be reviewed.

I also note my disappointment that amendment 89, in the name of Ken Macintosh, was not agreed to. If it had been supported, it would have led to the introduction of a private residential tenancy charter.

It is quite right that houses in multiple occupation in the private rented sector have to meet a lot of regulations, because those regulations ensure that there is good-quality housing. I recognise that HMOs account for only about 5 per cent of the sector, but they are examples of good practice—well, I can only say that they are in Dundee.

**Clare Adamson:** There is certainly no member in my group who does not see merit in what Mr Macintosh brought forward, and who does not think that a charter would be possible. However, it would not be without cost and it did not appear in the financial memorandum to the bill. As his amendment came at such a late stage, it would have been difficult for us to take it forward at this stage without delaying the bill, and we all want to see the bill go through as quickly as possible so that the protections are in place.

**Lesley Brennan:** There may have been challenges, but the hurdles were not insurmountable. We need to improve the standard across the sector. Many non-HMO rented properties need to be upgraded, especially former right-to-buy properties. Many of those properties enter the private rented sector accidentally when somebody dies and somebody inherits their property and rents it, and those properties need a lot of upgrading. We must remember that landlords have little motivation to upgrade, especially if it affects their bottom line.

**The Deputy Presiding Officer:** Can you begin to close, please?

**Lesley Brennan:** Tenants have to chase landlords for repairs and annual gas safety checks, so we need to make sure that we put a charter in place. If more people are living in the private rented sector, they deserve better.

17:52

**Jim Hume (South Scotland) (LD):** I remind members of my registered interests in this debate.

My colleagues and I are supportive of the bill. We want to see the more than 330,000 households who rent privately in Scotland having greater security over their tenancy—their home. We are also happy to see security provisions put in place for those families who choose to rent, and those who cannot afford to buy a property—which is a growing problem.

We also want to make sure that market flexibility is maintained so that landlords, investors and others who want to rent out a property do not enter a rental sector that is rigid and unfairly regulated. To that end, I thank Margaret Burgess for lodging amendments to streamline and simplify the bill. I am particularly pleased to see that a number of grounds have shifted from being mandatory to being discretionary, thus giving the tribunal more discretion and power to make a more balanced decision. We supported those amendments today.

I also note that we supported the amendments that Ken Macintosh lodged on a private residential tenancy charter, as it is only right to have transparency and clarity about the rights and responsibilities of all sides. It would have been a big step forward for putting an end to exploitative renting practices. Such practices represent only a small number among the thousands of honest private landlords, but the issue must nevertheless be addressed.

I noted amendment 107. Unfortunately, Alex Johnstone is not here at the moment, but I think that his amendment would have protected tenant farmers, helping them to maintain a sufficient quality workforce on their land. I saw merits in that amendment. I am concerned that there may be unintended consequences from that amendment not being supported.

Another group that will be protected is students in the private rented sector. We do not consider that students should receive any less security from private rented sector landlords than any other tenants simply because of their status as students. As I said earlier, we listened to the concerns of the National Union of Students, the universities and private landlords, and I think that we have come to a fair position. I believe that it is fair to ensure that there is a stable market of supply and demand, and that it is promoted further. I hope that that will lead to more trust between landlords and tenants in the instances where tenants are students.

I want to strongly stress the importance of the duty that the Scottish Government has, in removing the enablers of rent prices going up at significant rates, to satisfy the demand. There is currently a highly insufficient supply of housing,

which means that we cannot give any guarantee that rent pressure zone measures will provide any benefit to high-pressure areas. I am concerned that imposing rent control zones would have the opposite effect. As Crisis notes,

“there is a risk that at the end of the period of the Rent Pressure Zone rents for existing tenancies will increase to match the open market rents for new tenancies (which will not be regulated during the operation of the Zone).”

Standing by the position that I stated earlier in the progress of the bill, my colleagues and I find regulating from the top down an unattractive and potentially harmful solution with regard to housing investments. We are where we are, but what we should be doing is providing long-term, sustainable and desirable solutions through the supply of more housing. Scotland currently suffers from a housing crisis, and I will continue to hold the Scottish Government—whoever is in government—to account for the provision of enough homes for social rent, homes that are affordable and, above all, homes that meet the needs of our people.

I am supportive of this bill and the positive changes that I hope it will bring in overhauling the security of tenancy for hundreds of thousands of people. My colleagues and I will support it at decision time today.

**The Deputy Presiding Officer:** Given the way that you started your speech earlier, Mr Hume, I am delighted that you did not start that one with a high five.

17:57

**Patrick Harvie (Glasgow) (Green):** The pressure is on me, then.

I am grateful for the opportunity to speak in the closing stages of the debate on an important bill. I am particularly pleased by Alex Neil's announcement that the Queen is happy with the bill and the way in which it will impact on her interests. I know that the Scottish ministers own the Palace of Holyroodhouse, across the road, but I do not know whether the Queen pays rent. If she does, I hope that we are not gouging her—I know how difficult things can be for big families in these difficult times.

When I was elected in 2003, I found myself, somewhat unexpectedly, a member of the Communities Committee, which dealt with housing, among a number of other responsibilities. One of the first pieces of legislation that we had to deal with was subject to an amendment—lodged by Cathie Craigie, I think—that introduced the landlord registration scheme. It was clear that we were in a process of incremental change in how we deal with housing—in particular, private rented housing. Under two sessions of Labour-Liberal

Democrat Administrations and two sessions of SNP Administrations we have seen continuation of that incremental approach.

There has never been one big bang to transform everything, but we have seen the system of landlord registration established, although it has perhaps been underresourced at local level and has perhaps not delivered everything that we hoped it would deliver. There have been improvements in physical standards and the service that we expect private rented sector landlords to provide. There has, more recently, been the abolition of the right to buy, which often led to housing shifting generationally from being social rented housing to being privately rented properties—gradual creeping privatisation of that housing. There has been the establishment of a regulation system for letting agents, which we look forward to having some effect—although, like landlord registration, it might do much but perhaps not everything that we hope that it will, and we might need to continue to revise and strengthen it. Now, we have the Private Housing (Tenancies) (Scotland) Bill, with a reformed private tenancy and the beginnings of a system of rent control.

Despite that incremental change, and despite the general policy intent of the Labour-Liberal Dem and SNP Administrations, we have seen another change that I do not think was the policy intention of either: the private rented sector has not just grown, but has replaced a great deal of other previously more-available forms of housing tenure. It is legitimate to regard housing simply as a financial transaction and something to be privatised, just like so much else that we have privatised in our economy. I do not support that point of view and I think that most members would not support that ideological point of view, either, but that is what has happened. We have allowed it to happen on our watch, collectively.

There are countries in Europe that take a very different approach—that say that the distinction between social rented housing and private rented housing should not be as sharp as it is in this country. There are countries in Europe that require equal standards of regulation and affordability and physical standards of quality in housing, regardless of the provider. Whether the provider is private, third sector or municipal, the level of housing subsidy may be the same, and that subsidy benefits the tenant, rather than the private provider, in the case of the PRS.

If we are to get to that point, it will require full-scale reform and a conscious decision to say that the private rented sector exists and the social rented sector exists, but we will not have that hard and fast division between the two because, fundamentally, all housing is social. I repeat—all housing is social. It is intimately bound up with our

quality of life, with whether our community is coherent and cohesive—or fails to be—and with the health of our society.

**The Deputy Presiding Officer:** Draw to a close, please.

**Patrick Harvie:** Either way, there will be continuation of that gradual incremental change and of constantly fighting to catch up with wider changes in the economy that we are not in control of, or there will come a point at which we will have to be more radical and bold. I hope that the next session of Parliament takes the latter course.

**The Deputy Presiding Officer:** Many thanks. I ask the next two members to stick to a maximum of five minutes. Jim Eadie will be followed by Siobhan McMahon.

18:02

**Jim Eadie (Edinburgh Southern) (SNP):** Thank you. I welcome the opportunity to speak at stage 3 in support of the Private Housing (Tenancies) (Scotland) Bill. The Infrastructure and Capital Investment Committee, which it is my privilege to convene, consulted widely on the provisions of the bill and made a series of recommendations in its stage 1 report. That has allowed for proper scrutiny of, and further amendment to, the bill's provisions as it has progressed through its legislative stages.

The bill, which we will pass at decision time this evening, will, I believe, meet the requirements of a modern private rented sector. It balances—or, rather, rebalances—the right of the tenant to feel secure in their own home with the right of the landlord to regain possession of their property. It balances the right of a tenant to take their case to an independent tribunal with the right of a landlord to recover rent arrears. It also balances the need to ensure continued investment in the private rented sector with the right of a tenant to challenge an unreasonable rent increase. All those rights are important, but striking the right balance between them is absolutely critical. I believe that the bill that the Government has brought forward, as amended, is both fair and proportionate.

The committee made it clear in its stage 1 report that it supported the Scottish Government's intention to create for the modern private rented sector a clearer and simpler tenancy regime that is fit for purpose. The majority of the committee also agreed that the no-fault ground should be removed, and we called on the Scottish Government to continue to work with landlords and letting agents during the bill's passage to help to ensure that the 16 new grounds strike an appropriate and proportionate balance between tenants and landlords.



A key change that was made at stage 2 is that purpose-built student accommodation that is built by private providers will be exempted from the bill's provisions, as student accommodation that is provided by further and higher education institutions already is. That change was a direct consequence of the committee's recommendation.

I would like to associate my remarks with those of previous speakers, including the minister, who have said that in the mainstream private rented sector all tenants should be treated equally.

Another key change is that the balance between mandatory and discretionary eviction grounds has shifted towards there being more discretionary grounds—again, that is in response to the committee's recommendations. The majority of the committee called on the Government to give further thought to which of the grounds for repossession should be mandatory and which should be discretionary. After stage 2, eight grounds are entirely discretionary, two grounds have mandatory and discretionary elements and the remaining eight grounds are mandatory.

On rent arrears, the committee recommended that the Scottish Government give further consideration to lengthening the three-month period that was allowed in the bill to pay off one month's rent arrears. The Scottish Government responded by saying that

"more time should be provided for tenants to pay off their rent arrears"

and indicated that it would lodge an amendment. The outcome is that ground 11 relating to rent arrears is now mandatory in more limited circumstances than was previously the case. Specifically, it is mandatory only if the tenant is in arrears by rent of one or more months on the day when the tribunal considers the case.

Another issue was removal of the initial period in cases of domestic abuse. That topic was raised in the committee, which can be pleased that we brought about further amendment to the bill, such that people who are in abusive relationships can leave a tenancy without facing financial difficulties as a consequence.

The bill has also been strengthened at stage 3 in respect of the measures on the death of a tenant and succession to tenancy, which Clare Adamson raised at stage 2. Again, we can be proud of how the bill has been strengthened in that area.

Another key committee recommendation was that operation of the tenancies provisions should be reviewed post implementation. The Government accepted that in its response to our stage 1 report. A number of stakeholders have called for the review to consider in detail how the

tenancies provisions on security of tenure are working in practice in order to ensure that that security of tenure is effective for private tenants across Scotland.

I very much welcome that the bill will rebalance the relationship between the landlord and the tenant in favour of the tenant. It will not only safeguard the rights of tenants, but will strengthen those rights while ensuring that we continue to see investment in the private rented sector. I am delighted, for all those reasons, to support the bill at stage 3.

18:07

**Siobhan McMahon (Central Scotland) (Lab):**

As I said at stage 1 of the Private Housing (Tenancies) (Scotland) Bill, I welcome a lot of what the Scottish Government and, in particular, the minister, Margaret Burgess, have proposed. However, I remain frustrated that we have not done more with the opportunity that has been put in front of us. In particular, I am frustrated that my colleague Ken Macintosh's amendment to establish a private residential tenancy charter, which would have driven up standards in the private rented sector, was defeated this afternoon. That would have seen those tenants who rent in the private sector being given the same rights as those who rent in council or housing association homes.

As the minister knows, I raised at stage 1 the issue of the delay in establishing the new tribunal system. I said that I was surprised that, despite the legislation having been agreed in 2016, we will not have the tribunal system up and running until December 2017. The first-tier tribunal system is essential in making the legislation work. In her opening remarks, the minister called it the key component.

In its briefing for today's debate, Shelter Scotland said:

"importantly, the new private residential tenancy alongside the transfer of private rented sector cases from the sheriff court to the First-tier tribunal will provide greater certainty and clarity for private landlords".

Therefore, it is essential that we get this part of the system right, and I support the minister in doing that. However, she has yet to explain why the introduction of the tribunal system has been delayed and how that will affect the implementation of the bill. I would welcome clarity on the matter when the minister is summing up.

I have also asked the minister previously to work with organisations to make sure that the changes to the private rented sector are more widely known. I know that she is open to the suggestion, and I hope that a public awareness

campaign on the changes will be actioned by her in the near future.

An issue that was spoken about throughout consideration of the bill was greater flexibility for those who wish to leave their tenancy as a result of domestic abuse before the initial six-month period has come to an end. The minister took those concerns seriously, and I am pleased that she has acted to make changes. I am sure that the bill will make a difference to many people's lives. However, I would welcome more information on that during the minister's closing remarks.

As I said, I welcome the bill and the changes that have been made at stages 2 and 3, although I would have liked further progress to be made in some areas. It is vital that the Parliament, whether that is all members or a committee of members, scrutinises the implementation of the bill in the next few years, because we need to know that it has worked for those we are trying to protect and that the sector is truly fit for purpose. I am therefore disappointed that Patrick Harvie's amendment 83 was defeated this afternoon.

Some members may know that this speech will be my last in the chamber. I have had the unexpected but immense privilege of representing the people of Central Scotland in Parliament for the past five years. I am extremely proud of my record, as the youngest female and the Scottish Labour Party's only disabled member in Parliament. However, I am most proud of being able to serve my area and my party with my dad by my side. I am delighted that I get to end my contribution to the Parliament with my former boss Ken Macintosh and my dad this afternoon, especially on St Patrick's day.

I am looking forward to the arrival of my first child in July, spending time with my nine-month-old niece, Sophia, and spending some quality time with my husband, John. I am not sure that he is equally looking forward to that quality time, but we are about to find out.

When I made my maiden speech on 2 June 2011, I quoted from my dad's maiden speech, as I felt that his words would give me the encouragement that I needed. I have decided to conclude my speech with those same words, as I feel that they are relevant to the debate and to the future of our country. He said:

"It is only right that the first aim of this Parliament is the creation of prosperity for this country. However, if we do not work to ensure that nobody is in any way excluded from access to that prosperity, we will undoubtedly fail the people."—[*Official Report*, 16 June 1999; c 438.]

Thank you. [*Applause.*]

**The Deputy Presiding Officer:** On behalf of the Parliament, I thank you for your service and

wish you all the best, particularly with the imminent arrival.

We move to the closing speeches.

18:11

**Alex Johnstone:** I will keep this short and simple. I explained in my opening remarks that I feel that we could have done better and that the bill at stage 1 was better than the bill that we have at stage 3. When decisions are taken tonight, the Conservative Party will stand with the private rented sector and will vote against the bill. That does not mean that we do not wish the circumstances of those who rent in the private rented sector to be improved, but we feel that an opportunity has been missed to encourage investment in the sector simply because the Government is pursuing the requirements of tenants and ignoring the requirements of landlords.

Landlords in the private rented sector are quite often reluctant landlords and small investors. Often, they are individuals with a single property. If they are encouraged to do the right thing, they will do it, but they do not necessarily have the money to do it right now or when we wish them to. We need to encourage confidence among landlords, large and small, and encourage people to invest in the sector. We need to encourage people to take the industry forward as an industry—I use that word advisedly. It is an opportunity for many to invest in serving the needs and requirements of others. We should encourage and support people to do so.

If the effect of the bill is to take confidence away from those who currently invest in the sector, as I worry will be the case, a sector that we have relied on at a time when Government has not been investing in housing as it perhaps should have been will lack the confidence to expand further. The reason why we have high rents in some areas is not that there are too many private rented homes; it is that there are too few. If we can encourage growth in the sector, that can be a significant part of dealing with Scotland's many housing problems.

The Conservatives will continue to participate in the process of legislating in the area. Maybe some day, there will be enough of us to actually influence things for the positive—who knows? With an election on the horizon, we can be optimists. You never know.

**Patrick Harvie:** Will the member give way?

**Alex Johnstone:** I hear from behind me the sound of my Green colleague Patrick Harvie, with whom I have had many an argument over the past

few years. I would be delighted to accept his intervention.

**Patrick Harvie:** I do not intend my intervention to be hostile; my question is genuinely out of interest.

**The Deputy Presiding Officer:** It must be a quick intervention.

**Patrick Harvie:** Alex Johnstone seeks the further growth of the private rented sector. How much should we be comfortable with the idea that the private rented sector should grow? Should it come to dominate all our housing economy, or will we reach a limit at some point?

**Alex Johnstone:** I believe that home ownership is the ideal that we should encourage wherever possible. However, I also believe that the private rented sector can not only succeed; in his contributions today, Patrick Harvie has demonstrated that it is very successful in other parts of Europe. I simply disagree on how we might achieve that in Scotland.

Patrick Harvie and I will always disagree courteously; I think that we have always done that.

**The Deputy Presiding Officer:** You should draw to a close, please.

**Alex Johnstone:** We will always disagree because, unlike Patrick Harvie, I believe in the market and will never deviate from that position.

18:15

**Michael McMahon (Uddingston and Bellshill) (Lab):** I have no hesitation in welcoming the passage of the bill, which will go a long way towards securing many of the rights for private sector renters and their landlords that Labour members have longed for. However, it could have done much more. That is why we supported in particular Patrick Harvie's amendment 83, which called for a review after three years. That raises an overall concern about post-legislative scrutiny in the Parliament. An opportunity has been missed by failing to support that amendment.

The bill certainly introduces powers that are long overdue. Shelter in particular has campaigned for such legislation for the past 10 years. I congratulate it and all the other housing groups that have fought hard to get us to this point. However, I agree with Ken Macintosh that it is regrettable that some of what we are doing could have been done when we previously looked at housing legislation.

Renters in the private sector have had too few housing securities for far too long. They could face no-fault eviction, and they have faced unexpected rent increases, possibly multiple times in one year. Renters do not even know whether their landlord

has a criminal history, and they still have little power to hold their landlord accountable for maintaining homes to a habitable standard. Indeed, complaining about the condition of an accommodation's amenities could still lead to the tenant being met with eviction.

That is not to say that the bill does not make valuable progress in increasing renters' security in their tenancies and potentially improving the overall quality of life of many private sector renters. It does that, which we welcome.

The bill requires landlords who want to evict their tenants because they intend to repurpose the property or house their family to show evidence of that intent. It is well past time that we arrived at that outcome.

As the minister and others have said, the bill is not only about tenants; landlords will also receive desirable securities. For many, the payments that they receive from their property form their livelihood. The bill gives them greater security by ensuring that they will have at least one month's notice before renters leave, which could adversely affect a landlord's income. It gives landlords an avenue for raising rents if they have made improvements to their let property, which is only fair.

Although the bill offers timely protections to landlords and private tenants, it should be appreciated that they will remain insufficient for many tenants. The protections that they will have are good, but they might not be good enough. I remain disappointed that we could not reach an amicable outcome on many of the amendments that Labour lodged.

I acknowledge that, after hearing debates at stages 1 and 2, the minister moved in a number of areas, but today the Government rejected amendments from us that had the full and widespread support of organisations such as Shelter Scotland and the National Union of Students. Those amendments would have provided even greater protection for the renter than the bill offers.

That it remains the case that a renter can be evicted for one month's rent arrears is a huge failing in Labour's view. I understand that there is a need to strike a balance between the competing interests of renters who do not make timely payments and landlords who deserve their income, but I find it hard to believe that the SNP thinks that failing to make one month's payment on time qualifies as that balance.

I have heard strong arguments for three months' arrears being necessary before a renter can be evicted, with a tribunal hearing being required for earlier eviction in the event that the renter is unlikely to make their payments, but we put

forward a compromise of two months' arrears in an effort to improve the bill. That was rejected—even that compromise was deemed too much for the Government.

As Siobhan McMahon said, our amendment to establish a private residential tenancy charter that would drive up standards in the private rented sector was also rejected. I would like to clarify our position. That proposal did not drop out of thin air. The consultation on the bill and the accompanying debate were about driving up standards, habitability and quality. It was because the Government failed to put into practice in the bill what the consultation identified that we lodged an amendment at stage 3 to achieve that. What we are talking about is not an add-on from nowhere; it came out of the consultation. Our proposal should have been supported.

Everyone in Scotland deserves a safe, warm and secure home. We recognise that too many young people in Scotland are stuck in a cycle from which they cannot escape. They end up renting to save for a deposit, but the rent is so high that they cannot put enough money away. Because we understand that problem, we pressed for better standards in the private rented sector and tried to offer more protection for private renters from bad landlords than the Government proposed.

I know that the Presiding Officer was concerned about Jim Hume's overly informal introductory comments at the start of this afternoon's proceedings, but I hope that she will indulge me by allowing me to make a personal comment about my daughter's contribution. Siobhan indicated that she saw me and Ken Macintosh as bookends: Ken was her boss and I am her dad. I have to reject that, as that would suggest that what she has done in the Parliament has been a book, for which we are the bookends. I do not see it that way. She has written only a chapter of her life in here; she has much more to do. *[Applause.]*

18:22

**Margaret Burgess:** I am grateful for the general support for the bill that we have had from members across the chamber. There has been absolute recognition of the fact that the bill is about rebalancing the relationship between landlords and tenants so that it works for the modern private rented sector. I believe that the amendments that were agreed to at stage 2 and those that were agreed to today have helped us to get the balance right.

By that, I mean that we have recognised that those who rent in the sector need and deserve greater security than is available at present. That is true generally, but it is especially the case for the increasing number of families who rent

privately. I believe that the result is a fairer balance in the relationship between tenants and landlords. That includes balancing improved security and stability for tenants with proper safeguards for landlords, lenders and investors. That is very much part of our broader approach to reforming the private rented sector to make it a more professionally managed and better-functioning sector that provides good-quality homes.

A number of members asked why the Government did not support the amendment on a private residential tenancy charter. We have a strategic approach to improving the sector that is set out in our private rented sector strategy. Michael McMahon said that the charter proposal had been talked about previously.

**Michael McMahon:** I would like to correct that—I did not say that; I said that the proposal had not appeared from nowhere. It was a result of the discussions that took place during the bill process.

**Margaret Burgess:** As Clare Adamson and Jim Eadie both said, the issue did not come up once at the Infrastructure and Capital Investment Committee. No stakeholders made such a proposal to me. Although the charter that Ken Macintosh proposed might seem like an attractive idea, it would mark a huge policy shift. Such a provision was not included in the bill and was not costed, so we have no way of knowing the scale of the financial burden that it would impose. That in itself is enough reason not to include it in the bill. To have included it would have been a total shift in policy. It was a new policy proposal that we had not considered, nor had we consulted on it at any stage during the passage of the bill. That is why we did not accept Ken Macintosh's amendment.

**Ken Macintosh:** There is no point in renewing the arguments; we lodged amendment 89 and it was defeated. However, on cost, does the minister recognise that our proposal would not have created a new body or set up a new tribunal but would have simply granted a set of rights, which tenants would have been able to enforce through the existing body, which would have involved no costs whatsoever? *[Interruption.]*

**The Deputy Presiding Officer:** Will members please be quiet as they enter the chamber?

**Margaret Burgess:** Ken Macintosh and all the members who spoke in favour of the proposed charter compared it to the Scottish social housing charter, which applies in the social rented sector. There are considerable costs involved in relation to that charter, because the sector is regulated and the charter is regulated and scrutinised. We needed all the information in that regard. We could not add something to the bill without having that

kind of detail, which was lacking in the proposal that was put forward this afternoon.

I think that all members recognised that increasing housing supply will impact on rents across the housing sector—[*Interruption.*]

**The Deputy Presiding Officer:** Order. If members could wait another four minutes before having their conversations, I would be most grateful.

**Margaret Burgess:** Ken Macintosh said that the target that we have set, which we will work towards if we are re-elected in the next parliamentary session, is not ambitious enough. The target is for a 67 per cent increase in affordable housing supply and it is higher than the proposed target in the Commission on Housing and Wellbeing's report. We have backed that up with more than £3 million of investment, and we are saying that we will deliver on the target. We delivered on a target of 30,000 affordable homes, and we will deliver on the target of 50,000—at least 50,000—homes.

Alex Johnstone said that we are discouraging investment in the sector. I do not think that that is the case. I think that people are still interested in investing in the sector. The cabinet secretary is working hard on that. Alex Johnstone suggested that investors will go south. He might want to have another look at what George Osborne did yesterday; he might not remain of that view. I do not think that investors will go south.

Siobhan McMahon made a very reasoned and considered speech in the debate, as she always does. She said that it was her final speech in the chamber; this is my final speech in the chamber, too. She talked about the issues in a measured and thoughtful way. She asked about the tribunal system, which is an issue that she has raised with me before. I can tell her that the introduction of the new private residential tenancy and the tribunal will be aligned. It is important that she knows that.

I wish Siobhan well, and I wish her well for the birth of her baby. [*Applause.*] I am also quite sure that her father is not just a bookend. [*Laughter.*]

As I said, this is my final speech in the chamber, because, like many members, I am standing down. I agree with Siobhan McMahon and every other member who has made their final speech in the chamber that it is a privilege to be here. We all recognise that, every day. It has been a privilege to represent the people in the area where I live, and it has been an honour to be part of the Government of my country, which is something that I would never have envisaged when I joined my political party almost 50 years ago—[*Interruption.*] That is me giving away my age, and why I am retiring.

I thank the Presiding Officers. I also thank all the staff in the Parliament—the security staff, catering staff, maintenance staff, staff in all the committees and allowances staff—for their help. It is a great honour to have this job, but it is also a great place to work because their can-do, can-help approach makes it so. All of Scotland should be proud of this Parliament. [*Applause.*]

All of us, no matter what party we are in, involve ourselves in politics to make a difference to the lives of people in communities. If we pass the bill, it will make a positive difference to people who rent in the private sector in Scotland. To put it in the terms that Shelter used, I believe that we are getting renting better. The Parliament should be proud of that, too.

**The Deputy Presiding Officer:** Thank you, minister. We thank you for your service and wish you well for the future.

That concludes the debate on the Private Housing (Tenancies) (Scotland) Bill.

## Business Motion

18:30

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is consideration of business motion S4M-15980, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for Tuesday 22 March 2016.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 22 March 2016—

delete

9.00 am Time for Reflection

*followed by* Parliamentary Bureau Motions

and insert

10.00 am Time for Reflection

*followed by* Parliamentary Bureau Motions—[Joe FitzPatrick.]

*Motion agreed to.*

## Decision Time

18:31

**The Deputy Presiding Officer (Elaine Smith):** There is one question to be put as a result of today's business. The question is, that motion S4M-15944, in the name of Margaret Burgess, on the Private Housing (Tenancies) (Scotland) Bill, 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)  
 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)  
 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)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 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)  
 Griffin, Mark (Central Scotland) (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)  
 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)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

### 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)  
 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 84, Against 14, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that the Private Housing (Tenancies) (Scotland) Bill be passed.

**The Deputy Presiding Officer:** The Private Housing (Tenancies) (Scotland) Bill is passed. [Applause.]

That concludes decision time.

*Meeting closed at 18:32.*





This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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