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Scottish Parliament

Tuesday 7 February 2017

[The Presiding Officer opened the meeting at 14:00]

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business is time for reflection, and our leader today is the Rev Jack Graham, who is the minister of Parkhead Congregational church in Glasgow.

The Rev Jack Graham (Parkhead Congregational Church, Glasgow): Looking for a solution to his loneliness, a man decided to buy a talking budgie—as you do. He was persuaded to buy the best cage that he could from the shop and, cage in hand, he took the bird home. At the end of the week, he returned to the shop to complain that the bird had not spoken. The shopkeeper suggested that perhaps the bird needed some kind of stimulation, and that maybe running up and down a wee ladder would be the solution. The man returned home with a new ladder for the bird's cage.

At the end of another week, the man came back to the shop with the same complaint: no words from the budgie. This time, a mirror was suggested, purchased and taken home. The scenario happened again in the following two weeks, with a bell and a swing being purchased.

In the fifth week the man entered the shop and declared that the bird had died. The stunned shopkeeper asked if any words had been spoken before its demise, and the man replied that the bird had indeed spoken—“Did you ever think of buying seed?”

The bird had everything to make its cage the envy of other birds, but it did not have what it needed to keep it alive. St Paul gives the same message in his letter to the Corinthian church:

“If I speak in the tongues of men or of angels, but do not have love, I am only a resounding gong or a clanging cymbal. If I have the gift of prophecy and can fathom all mysteries and all knowledge, and if I have a faith that can move mountains, but do not have love, I am nothing.”

This building is an amazing structure, and this chamber is a place where, I am sure, eloquent and intelligent debate takes place, but none of those things counts for anything without love. The life of this Parliament, it seems to me, does not depend on the quality of the building or the clever use of facts and economics, although I am quite sure that they are tremendous assets. The life of this Parliament depends on you, its members, having a heart for people, a compassion for those in need

and a desire to serve and strive for a fairer and just society. Without that, even the most eloquent and knowledgeable words count for nothing.

May you be inspired in this coming week to serve as your heart guides you.

Point of Order

14:03

Bruce Crawford (Stirling) (SNP): On a point of order, Presiding Officer. Rule 7.3 of the standing orders says:

“Members shall at all times conduct themselves in a courteous and respectful manner”.

I seek your guidance on what in future will be considered to be acceptable parliamentary language and behaviour in the chamber. Are we on a slippery slope with regard to the respect that members show to other members when they address them in this chamber? Over the past couple of weeks, we have heard—I hesitate, out of respect to Patrick Harvie, to repeat it—the term “Patsy Harvie”, which Murdo Fraser used a couple of times when addressing a fellow member.

In future, will it be appropriate to address me, for instance, as “Crafty Crawford” or perhaps even—forgive me for using this language, which I do to make a point—“Crappy Crawford”? Are we on a slippery slope, whether positive or negative names are used? Should we not demonstrate appropriate parliamentary respect through the use of proper names, be they Murdo Fraser, Bruce Crawford or, indeed, Patrick Harvie? Presiding Officer, your guidance would be most appreciated, as we need to know what is deemed to be acceptable and unacceptable behaviour in this regard and where the line is to be drawn.

I think that you know my views in this regard.

The Presiding Officer (Ken Macintosh): Thank you, Mr Crawford, and thank you for alerting me to your concerns about this matter. First, I reiterate that it is up to all of us to treat all members with the respect that they are due, which includes addressing members by their proper names. I believe that, for the specific incident to which Mr Crawford refers, the Presiding Officer in the chair at the time intervened appropriately the second time the name that Mr Crawford described was used. I hope that Mr Crawford is assured by that that we take such matters very seriously indeed.

Topical Question Time

14:05

Schools (Teaching Staff Shortages)

1. **Tavish Scott (Shetland Islands) (LD):** I suspect that I should not try any jokes on names after that point of order.

To ask the Scottish Government what its response is to reports that almost half of headteachers consider that there is a lack of teaching staff in schools. (S5T-00381)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The Scottish Government is taking a number of actions to help recruit and retain teachers. We are spending £88 million this year to make sure that every school has access to the right number of teachers; we are opening up new and innovative routes into teaching; we have increased student teacher intake targets for the fifth year in a row; and we are setting targets to train teachers in the subjects where they are needed most. I will also be launching a new teacher recruitment campaign tomorrow that builds on the success of last year’s inspiring teachers campaign, which helped drive a 19 per cent increase in the number of professional graduate diploma in education applications to Scottish universities compared with the previous year.

We have also gone further than our manifesto commitment by providing £120 million of pupil equity funding for 2017-18. That funding will be available for headteachers to use for the additional resources that they consider will help raise attainment and reduce the poverty-related attainment gap. The funding is being allocated directly to headteachers, as they and other school leaders are best placed to know the needs of the children and young people in their schools.

Tavish Scott: In 2007, the Scottish Government said that it would

“reduce class sizes in Primary 1, 2 and 3 to 18 pupils or less”.

Four years later, the Scottish Government said:

“there will be a new legal limit of 25 on class sizes in Primary 1.”

Last year, the Scottish Government did not mention class sizes at all. Today, only one in 10 primary 1 to primary 3 classes has 18 pupils or fewer, and there are 2,000 fewer teachers but 20,000 more pupils. Does the cabinet secretary accept that headteachers are telling him that the number of children in a class matters? What is he going to do about it?

John Swinney: Of course I accept that point. What the Government is trying to do is to ensure that we have an adequate number of teachers in our schools. As Mr Scott will be aware, the number of teachers in our schools rose last year, which was a consequence of the decision that the Government had taken to apply resources and constraints to local authorities in relation to the number of teachers that were required in our schools. We believe that that is important because of our commitment—reinforced in the local government settlement this year—to protect the people teacher ratio, which is the direct relationship between the number of teachers and the number of pupils. Of course I acknowledge that that issue is important, and the Government is taking a series of actions to address it and to ensure that we have an adequate supply of teachers who are able to lead our education system in Scotland.

Tavish Scott: From August this year there will be more than 400,000 primary school pupils in Scotland, of whom nearly a quarter—86,000—will have additional support needs. However, across Scotland's 2,000 primary schools there are only 193 ASN teachers. Given that schools now face further budget cuts, how are class teachers meant to cope with that reality?

John Swinney: First, I am sure that Mr Scott is aware that the definition of young people with additional support needs was significantly broadened in 2010 to ensure that even the more limited additional needs that a young person might have, including those of a temporary nature, are adequately and fully taken into account by the teaching profession. That point puts the increase in the number of pupils with additional support needs into context.

The second point is that the number of professionals who are working with children with additional support needs rose last year, as did the amount of money that is spent by local authorities on that area of activity. The rise was of the order of £24 million, if my memory is correct.

Thirdly, as a consequence of the Government's budget that was approved by Parliament at stage 1 of the Budget (Scotland) Bill last Thursday, there is a significant increase in the resources that will be available to local authorities: £160 million of additional resource was put into the local authority block grant to add to the £240 million increase in the spending power on local authority services. I know that Mr Scott and his colleagues were unable to support the budget last week; that defies belief, because the budget represents significant investment in our local authority services.

It would be welcome if Mr Scott could provide some support to the effort to ensure that the schools of Scotland are given the resources that

they require, including the £120 million of pupil equity funding that will be influencing the performance of 95 per cent of schools across Scotland.

Liz Smith (Mid Scotland and Fife) (Con): The cabinet secretary knows that we on this side of the chamber believe that two things could ease teacher shortages: first, ensuring that there is a national register of supply teachers, which would allow councils to hire staff with much greater flexibility than is currently the case; and, secondly, relaxing the rules on pensions abatement, which would tempt more of those of retirement age to re-enter the profession. What progress has been made on those two practical steps?

John Swinney: I am sceptical about whether having a register of supply teachers would make much of a difference. The challenge is about having supply teachers available. We cannot register supply teachers who are not available. Schools are habitually looking for supply teachers to fill gaps that arise from vacancies and temporary absences. I do not doubt that a huge effort is put in by schools to ensure that supply needs are met.

I will look at the question of pensions abatement to determine whether there is something that can be done. I have to be mindful of the importance of assessing value for money in relation to all financial arrangements that are put in place for the teaching profession.

Daniel Johnson (Edinburgh Southern) (Lab): The same survey did not just highlight teachers; it also highlighted support staff and classroom materials. Does that not show the impact of the £1.4 billion decline in revenue funding to local government since 2010? Although the cabinet secretary mentions extra money, the reality is a £170 million net decline, even after the additional funding that he mentions. That is a cut, not an increase. Does that not reflect the reality of resourcing in education?

John Swinney: No, it does not. There was an increase in the spending power on local authority services of £240 million before stage 1 proceedings last Thursday, and we added another £160 million to that figure. Within that, we have targeted £120 million of pupil equity funding directly into the schools of Scotland. I do not recognise the funding picture that Mr Johnson talks about.

One of the things that would help to improve the recruitment of teachers would be if members of Parliament such as Mr Johnson were slightly more positive about Scottish education than he is in the dismal diatribes that we hear from him. Every single time he speaks in the chamber on education, he contributes to undermining the

quality and strength of Scottish education, and he should up his game.

Housing (Emergency Accommodation)

2. Pauline McNeill (Glasgow) (Lab): To ask the Scottish Government what it is doing to reduce the amount of time families are spending in emergency accommodation. (S5T-00376)

The Minister for Local Government and Housing (Kevin Stewart): People may be in emergency accommodation such as bed and breakfasts if they have to leave their home quickly, for example because of a fire or domestic abuse. Households with children and pregnant women are covered by the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, which ensures that it is only for a short period of time. We are committed to introducing a cap for families with children and pregnant women of one week living in B and B accommodation, unless there are exceptional circumstances.

Scotland's strong homelessness rights mean that families are placed in temporary accommodation while they wait for appropriate, sustainable permanent accommodation.

Pauline McNeill: I welcome the Government's statement on the one-week cap on B and B accommodation.

Is the minister aware that Shelter, in an article this week, has said that the time that families spend in temporary accommodation has risen by one-fifth in two years? The minister knows that children are adversely affected by living in temporary accommodation, yet there are 826 more children living in temporary accommodation than there were last year. Does the minister agree that those are the correct figures? If not, I hope that he will say what figures he accepts. What is the minister doing to establish the factors that are involved in, and the reasons for, any rise in the figures?

Kevin Stewart: As Shelter has pointed out, temporary accommodation is a necessary part of our strong homelessness legislation, and it ensures that families have a home when they are made homeless. To ensure a better outcome, the time that is spent in temporary accommodation is best used positively to identify the best possible housing option for a household. We want the time that is spent in temporary accommodation to be as short as possible, so we are increasing housing supply to help with that. Temporary accommodation in Scotland is generally good quality and is normally in the social rented sector.

We have strengthened the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, which regulates the quality of temporary accommodation for households that include

children and pregnant women, and we have plans to strengthen it further. The order also addresses the issue of proximity to health and education services.

We are working with local authorities and other partners to improve the use of temporary accommodation for homeless households. I wrote to Ms McNeill last month and offered to meet her to discuss homelessness issues: that offer stands.

Pauline McNeill: I thank the minister for his offer and will take him up on it. However, I must again ask whether he accepts that there has been a rise in the number of children living in temporary accommodation and in the length of time that families spend in temporary accommodation.

Further, does he agree that it would be helpful if the Scottish Government were to agree minimum standards for temporary and emergency accommodation in order to ensure that families have decent and affordable accommodation, especially since the welfare benefit cap could affect the quality of housing that they live in?

Kevin Stewart: We have done everything possible to ensure that temporary accommodation is the right accommodation, which is why 86 per cent of the temporary accommodation that is being used in Scotland at the moment is in the social housing sector. Increasing the amount of affordable housing in Scotland by 50,000 units is one of the key planks of Government policy, and 35,000 of those units will be for social rent. That, in itself, will help with those issues.

The number of households in temporary accommodation has decreased by 1 per cent from the number on the same date last year, but it is unfortunate that the number of children in such households has increased compared with one year ago. As I pointed out in my previous answer, we will do everything possible to ensure that their time in temporary accommodation is as short as possible. The period that is spent in temporary accommodation gives us the option to find the right housing for those folk and, as I said previously, we will introduce a cap of one week living in B and B accommodation for families with children and pregnant women. I am glad that Ms McNeill welcomes that measure.

Adam Tomkins (Glasgow) (Con): Shelter Scotland's report on homelessness that was published in September last year reported that, in England, the ministerial working group on preventing and tackling homelessness had brought together eight different Government departments to produce a series of what Shelter described as

"major strategic documents that have been significant in progressing the approach to preventing and tackling

homelessness in England and, importantly, led to innovations such as joint funding initiatives.”

Shelter gave some examples, then continued:

“Far more must be done to ensure that similar joined-up working with multiple strategic partners is achieved in Scotland.”

Does the minister agree?

Kevin Stewart: The homelessness prevention and strategy group of which Shelter is a member looks strategically at homelessness around Scotland. Any member of that group can raise any issue, and we can try to find solutions to issues that are raised.

On cross-Government working, I have met colleagues—the Minister for Social Security, the Minister for Mental Health and the Minister for Childcare and Early Years—over the past number of weeks to look at how we can better join up our approach to homelessness in Scotland. I intend to have bilateral meetings with other colleagues and to present findings to the strategy group that I mentioned. I hope that, by working in partnership with our stakeholders and ensuring that there is a cross-Government response, we can do even better for homeless people in Scotland.

Points of Order

14:20

Alex Rowley (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer.

There are reports today that the Government's independent poverty adviser removed criticism of Government cuts to councils from the final draft of her report on tackling poverty. It has been reported today that, in the earlier draft, before the Government's suggested change, Naomi Eisenstadt said that the cuts to council services would hit the poorest the hardest. Can you confirm, Presiding Officer, that the questions that have been raised today will be addressed in a ministerial statement before the end of the budget process?

The Presiding Officer (Ken Macintosh): I do not believe that that is a point of order, but Mr Rowley has raised an important point. I am sure that the Government will have heard that point and that it will consider it in due course.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer, I intend, under rule 8.1.2 of the standing orders, to move a motion without notice. Under rule 8.14, I want to move a motion without notice to extend the debate on article 50 by up to 30 minutes. That will allow additional debating time so that members who have indicated to you that they want to speak in the debate but have been denied a speaking slot by their party managers and whips can have the opportunity to do so—subject to being called by you, of course. Such motions are moved regularly in members' business debates. In the interests of democracy, I urge you to accept my request.

The Presiding Officer: That is a point of order—the member has raised a point for me to consider.

For information, I say that although business managers may recommend members, it is for the Presiding Officer to choose which members to select, and Presiding Officers choose speakers to reflect a range of views across the chamber.

In this instance, the Parliamentary Bureau made a recommendation to set aside the whole of this afternoon for today's business, and Parliament voted and agreed that that is sufficient time. We have not even started the debate yet, but if members think that it is overcrowded and there is not sufficient time later on, it is up to any member to move such a motion. However, I will not consider a motion for a vote at the moment.

Neil Findlay: On a further point of order, Presiding Officer.

I have stated my position and would like a motion to be put to a parliamentary vote.

The Presiding Officer: You have made a suggestion, but it is up to the Presiding Officer to decide whether to accept that suggestion. In this case, I am not going to, so we will not have a vote on it.

Neil Findlay: Democracy, eh?

Members: Oh!

Withdrawal from the European Union (Article 50)

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-03858, in the name of Michael Russell, on article 50.

14:23

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): As the First Minister has indicated, this debate on article 50 will culminate in

“one of the most significant votes in the history of the Scottish Parliament since devolution.”

If the debate were to require extra time, I am sure that we would all wish to give it that.

I am sure that I need not remind MSPs that, on 23 June last year, the people of Scotland voted clearly and decisively to remain in the European Union. That is also how Scottish MPs voted when the issue was debated in the House of Commons last week. Only one of the 59 Scottish MPs defied the wish of the majority in the country and in every local authority area, and chose to support taking Scotland out of the EU against its will.

This debate in Scotland's Parliament gives MSPs the opportunity to speak loudly and clearly to reaffirm the vote that was so conclusive last year and to say to the United Kingdom, Europe and the world that we oppose the catastrophic hard Brexit that the Tories at Westminster are now pursuing. It has never been the case that the Scottish Parliament or any of the devolved legislatures had a veto over Brexit, but this vote is more than symbolic: it is a key test of whether Scotland's voice is being listened to and whether our wishes can be accommodated in the UK process.

Before she became Prime Minister, Theresa May set out her view of the future of the United Kingdom:

“A future in which Scotland, Wales, Northern Ireland and England continue to flourish side-by-side as equal partners. Different and proud to be so. Outward not inward.”

Those were her words.

Once she was Prime Minister, Theresa May promised that Scotland, Wales and Northern Ireland would be “fully engaged” and “fully involved” in considering—and agreeing—a common UK approach to triggering article 50.

The Scottish Government took those promises at face value. We worked long and hard to deliver—and to table in the formal UK structures—compromise proposals, showing how we can keep

our place in the single market. We put those proposals before this chamber and received clear majority support for our approach. We have sought to initiate constructive consideration of those proposals, with the aim of securing a common UK approach.

We are still taking that approach. We have taken part in meeting after meeting at official, ministerial and head of Government level. So far, the UK Government has not offered a single compromise of its own. In fact, it has offered nothing—neither a formal reaction to our proposals, nor a formal rejection of them.

Accordingly, what underlies the formal substance of the motion today about a technical measure in a European treaty is a debate about democracy itself. It is a debate about how democracy should work in these islands; it is a debate about the country that the United Kingdom is becoming and the country that we in Scotland wish to be. The contrast between those countries is stark. Theresa May's hard Brexit will lead to a hard Britain—a Britain out of the single market—with cutting immigration and enforcing borders prioritised above all else. Living standards, the economy and how the UK is seen across the world will all play second fiddle to those obsessions.

If Theresa May fails to succeed in her negotiations with the other 27 nations, she will set her country—and our country—on a race to the bottom on tax, working conditions, regulation and wages. She has said as much, to enthusiastic applause by Nigel Farage. Everyone should let that sink in, especially those on the Tory benches, who are becoming apologists for a hard, isolated Brexit and a hard, isolated Britain—just what the United Kingdom Independence Party wanted.

Of course I accept that there is a majority for leave in England and Wales, but I do not accept that there is a majority anywhere in these islands for such a narrow and regressive vision. There is certainly no such majority in Scotland, where the people—by a margin of 24 percentage points—voted to remain in the EU.

Patrick Harvie (Glasgow) (Green): Only a narrow majority across the UK as a whole voted to leave. Is it not clear that, given that many leave campaigners were explicitly saying that the UK would not be taken out of the single market, there is no mandate at all for that destructive action that the UK Government is pursuing?

Michael Russell: The member is absolutely right. Indeed, the leave campaign was disingenuous on many points, including on the repatriation of powers. I will come to that.

On June 28, this Parliament voted by a margin of 92 to zero to welcome the overwhelming remain verdict in the referendum and mandated the

Scottish Government to explore options for protecting Scotland's relationship with the EU. Even the leader of the Tories waxed eloquent about the need to do so and how important the single market was to us. Therefore, ever since last June the Scottish Government has been clear that recognition of the democratic outcome in Scotland must be part of the process of the UK exiting the EU. That was not a surprise then; it should not be a surprise now. It has been obvious that the Scottish Government, with the explicit support of this Parliament, has been pursuing the objective of preserving Scotland's relationship with Europe by rational, constructive and reasonable means.

In July, the First Minister identified our objectives in that work: the economy, solidarity, social protection, domestic interests and a wider ability to influence the laws and the politics that affect us. With those objectives in mind, she set up a standing council on Europe to give expert advice. We have engaged with a range of stakeholders and institutions in Scotland and the UK and across Europe. Ministers have engaged with representatives of every country of the EU. We have worked tirelessly to develop alternative approaches that would recognise the democratic outcomes in Scotland and across the UK and meet the objectives that the First Minister set out.

As a result, we published, in December, that rational, constructive and reasonable compromise plan. It is a plan to keep the UK as a whole in the single market and, if that is not possible, for Scotland to retain its place. The proposals envisage a major increase in devolved powers. The ideas were well received as important and serious. Our paper makes practical proposals—complex, yes, but what is not complex at the moment? The proposals accommodate the various objectives.

On 17 June, this Parliament, by a majority of 86 to 36, welcomed the options set out in the paper and agreed that we should seek to keep Scotland in the single market. What has been the UK Government's reaction? So far, we have had no sign of serious engagement with our proposals, no recognition of the referendum outcome in Scotland, and not even a recognition of the votes taken in this national Parliament.

On the same day as our debate took place, and just two days before we presented our proposals formally to the joint ministerial committee in London, the Prime Minister stood up at Lancaster House and, without any prior discussion or notification, set out the UK Government's objectives for negotiations with the European Union. On the central issue of membership of, not access to, the single market, she announced that she had unilaterally decided that the UK must leave the largest integrated market on the planet,

which has been carefully constructed over many years—apparently, not to do so would not constitute leaving the EU at all, which will have come as something of a surprise to a number of countries in the European Economic Area.

There was no acknowledgement from the Prime Minister of the possibility of a differentiated solution for Scotland. Instead, there was a threat, which was repeated in the UK Government's white paper last week, to walk away without any deal, dragging us on her coat tails, regardless of the disastrous consequences of such an approach for us and for the whole of the UK.

The attitude of the UK Government needs to change, and we have said so directly to the UK Government. Three days before the white paper was published, the Prime Minister agreed with the First Minister and the First Ministers of the other devolved Administrations that work to find a common UK position on triggering article 50 needed to be intensified.

That process is meant to commence tomorrow, at the JMC in London, although, as ever, we have had great difficulty in discovering what the UK Government wants to table and what the agenda will be. This morning, therefore, I wrote to David Davis, my opposite number, asking him to ensure that the agenda has, at its very top, consideration of the so-called article 50 letter—that is the formal document that will be sent to the EU to notify that the UK intends to leave and to commence negotiations. In particular, the agenda must address the way in which that letter will make mention of the devolved Administrations and their requirements, including differentiation. I also made clear that arrangements must be made to complete work on those issues before the article 50 letter is signed off by the Prime Minister.

The Prime Minister has indicated that she intends to send that letter before the end of March. Some people have speculated that it might be sent as early as the second week of March. Incredible as it must seem to most people in Scotland, the Scottish Government does not know the proposed date of submission, has never seen a paper about the letter's contents—let alone an early draft—and has not been given any information about how the UK Government intends to seek our involvement in its production and finalisation. The promise of a UK agreement on the letter's contents therefore looks as if it might have been an empty one. However, we will go on asking the UK Government to honour it, right up to the last moment.

The Scottish Government needs to see clear evidence from the UK Government that it is taking seriously the views of people in Scotland, Wales and Northern Ireland—and, of course, the diversity of opinion in England. Some things are vital if we

are to protect Scotland's position at this time. We must be able to find a way to preserve the free movement of people; we must have the powers to comply with European Free Trade Association-EEA rules, which means that we must increase devolved competences; and we must have guaranteed to us the further devolution of those matters that lie within devolved competence but which are presently decided on in Brussels.

Ruth Davidson might be preparing, as she indicated yesterday to the National Farmers Union Scotland, to sell the pass on Tory promises, including on automatic transfer of powers from Brussels to this Parliament. She might have swallowed the false rhetoric of some mythical UK single market that needs to be prepared, whereas what is being talked about is a rigid and rigged unitary market, controlled from London. That will not deflect us, no matter the noise that the Scottish Tories make as they defend the indefensible.

The Scottish Parliament—of whatever hue—has always been willing to share and to work with London, Cardiff and Belfast. [*Laughter.*] The only people who laugh are the Tories, who do not wish to share with anyone. However, we do so in devolved competencies on the basis of powers exercised close to the people and informed by them. The attitude of Theresa May is now one that reverses that basic tenet of devolution. It will therefore not be allowed to prevail.

Accordingly, as there is no evidence of progress on any of the compromises we have sought, and indeed as there is growing evidence of an actual attempt to reserve more and more powers to the UK Government while ignoring this Parliament, this Government and the votes of the people of Scotland, we can do no other than recommend that the Parliament does not give approval to the triggering of article 50. The Westminster bill in fact gives the Prime Minister unprecedented and untrammelled power in those matters. No Prime Minister should be given that.

The clock is ticking as the time to trigger article 50 approaches. There is still time for the UK Government to recognise democracy in these islands, the existence and importance of the devolved settlement, the actual votes of this Parliament and the clear voice of the people of this country, but that time is running out. Consequently, voting today to reject the triggering of article 50 is a good way—in fact, it is now the only way—to remind the Prime Minister of that fact, of her promises, and of the disastrous consequences of the path that she seems determined to tread. Therefore, I commend my motion to the chamber.

I move,

That the Parliament agrees with all but one of Scotland's MPs that the UK Government's European Union (Notification of Withdrawal) Bill should not proceed, as the UK Government has set out no provision for effective consultation with the devolved administrations on reaching an agreed UK approach to the negotiations on implementing Article 50, has refused to give a guarantee on the position of EU nationals in the UK, has left unanswered a range of detailed questions covering many policy areas regarding the full implications of withdrawal from the single market, and has provided no assurance that a future parliamentary vote on the outcome of the negotiations will be anything other than irrelevant, as withdrawal from the EU follows two years after the invoking of Article 50 if agreement is not reached in the forthcoming negotiations, unless they are prolonged by unanimity.

14:36

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I am happy to speak in today's debate on the triggering of article 50 and to move the amendment in my name. But, Presiding Officer, I am somewhat surprised that we do not have a legislative consent motion to vote on. It is a surprise, because, less than two weeks ago, the Brexit minister—Mr Russell—promised us all that he would publish one. In fact, he was so sure that he told this Parliament that there was no doubt that the legislation enabling the UK Government to trigger article 50 would require this Parliament's formal approval.

Could it be that the Brexit minister was wrong? Moreover, could it be that my colleague, Professor Adam Tomkins, was indeed correct in saying that the process for triggering article 50 is a reserved matter? Could it be that the Scottish Government has not submitted an LCM because it knows that it is outwith the competence of this Parliament, despite all its grandstanding in the past few weeks?

That is an important point, because it shows that the Scottish Government's default position is to try to manufacture a grievance out of nothing. The Scottish Government tried to portray the Supreme Court ruling and the UK Government's bill to trigger article 50 as an example of Scotland being ignored, when the truth is simpler: it is a matter for Scotland's other Parliament to deal with and it is—as a reserved matter—one for Scotland's Members of Parliament to scrutinise.

It is important to record that all that the European Union (Notification of Withdrawal) Bill does is allow the UK Government to start the process of our leaving the EU. As the Scottish Government's motion alludes to, elected representatives from Scotland are currently debating and voting on that bill at Westminster. They will debate and vote on the great repeal bill and other legislation to implement our exit from the EU. When legislation affects devolved powers, the Scottish Parliament will, of course, get to debate

and vote on those matters. That is how the devolution settlement works. It is time that the Scottish National Party accepted that principle and moved on from grievance politics.

Despite the Scottish Government's rhetoric, the reality is that it is being given plenty of opportunity to engage in the process of the UK leaving the EU. The Prime Minister has already chaired two meetings of the plenary joint ministerial committee and has established a separate joint ministerial committee on the European Union negotiations, which has met on a monthly basis since November. Theresa May's first visit as Prime Minister was to Scotland to meet the First Minister, so it is clear that the Prime Minister has tried to give the Scottish Government every opportunity to engage in the process.

In response, we have a First Minister and a Scottish Government that are always unhappy after every meeting and are refusing to engage constructively. The Scottish Government's motion is further evidence of its grievance politics. It completely ignores the creation of the JMC for EU negotiations and the detail that is contained in the UK Government's white paper. The motion also attempts to blame the UK Government for the deadline for negotiations after article 50 is triggered.

On the serious issue of the rights of EU nationals who are living in the UK, the UK Government has said that it wants to reach a mutual agreement with the EU at the earliest opportunity. Meanwhile, the SNP is trying to use the issue for its grievance agenda. In the run up to the independence referendum, the Scottish National Party Government was threatening EU nationals' right to remain in Scotland. The SNP back-bench members might not like it, but the First Minister's words are on the record. In 2014, the then Deputy First Minister said:

"We have set down a robust and common sense position. There are 160,000 EU nationals from other states living in Scotland, including some in the Commonwealth Games city of Glasgow. If Scotland was outside Europe they would lose the right to stay here."

Those are not my words but the words of Nicola Sturgeon.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Was the Scottish Government wrong to publish its compromise views? Can Mr Lamont, for all the meetings that there have been, tell us of a single, however trivial, change that is being made to anything whatsoever that the Prime Minister has proposed, discussed or stated?

John Lamont: I might have read a different document to that read by Mr Stevenson but I can see no compromise in the SNP's position. The SNP is obsessed with stoking up the politics of

grievance and its agenda for independence and nothing else. Instead of constantly trying to undermine the process, the Scottish Government should get on with the job of getting the best deal for Scotland. Its current grandstanding is putting that at risk.

We repeatedly hear from the SNP that Scotland voted differently to the rest of the United Kingdom in the EU referendum. That is certainly the case. Indeed, I was one of the Scots who voted for the United Kingdom to stay in, but the referendum was about the UK's membership of the EU. The question on the ballot paper was not about Scotland's membership of the EU, for the very simple reason that Scotland is not a member of the EU. This is an important point. If Scotland was a separate member, our membership would look very different to that of the UK and the issues that are stake would also be very different. The UK voted to leave the EU, including a not insubstantial 1 million Scots.

Democracy is easy to defend when we agree with the majority and we get our way. Our belief in democracy is tested when we disagree with the result. On balance, I believe that leaving the EU was not in the best interests of business, trade or our international standing in the world, but I lost the argument and I have accepted the result. I am now working to get the best deal for Scotland and the United Kingdom outside of the European Union.

The Brexit minister is keen on referring to me and my party colleagues as born-again Brexiteers. Is it not time for the SNP to accept the result of the EU referendum and, for that matter, the result of the 2014 independence referendum, both of which it was on the losing side of? Is it not time for Mr Russell and the SNP to become born-again democrats?

Let us look to the future. With the publication of the UK Government's white paper, we have further clarity about the UK Government's approach to the negotiations. The UK Government has guaranteed the current level of funding under common agricultural policy pillar 1 until 2020, as well as all European structural funds projects that have been signed off. The United Kingdom Government will seek to secure the status of EU citizens who are already living in the UK, and that of UK nationals in other member states as early as possible. The Prime Minister has also confirmed that she is prioritising controlling immigration at the same time as ensuring the greatest possible access to the European internal market.

It is, however, completely reasonable for the UK Government to refuse to provide a running commentary. As with any process of negotiation, revealing our red lines and potential trade-offs is

not in the interests of getting the best possible deal.

I suspect that the European officials tasked with managing the EU negotiating position will not be revealing their hand either, at this early stage. While we have some useful clarity on the UK government's strategy, what we will do with the extra powers and what type of systems we will design is still very much up for debate. The Scottish Government should be focusing on getting the best deal and the right solution for Scotland, and ensuring that Scotland's needs are considered as powers over farming, fisheries, trade and research support are returned from the EU.

Leaving the EU means having our own system of farming support that works for British farmers, not farmers across the other 27 member states, an immigration system that attracts the right workers for UK businesses, the ability to negotiate trade agreements with the rest of the world, and it will mean that this Parliament will emerge more powerful. That is what the SNP should be spending its time on.

The final point that I want to make is on the First Minister's weekly threats of a second independence referendum. I recently spoke alongside SNP MP Calum Kerr at a debate in Kelso with local farmers about the impact of Brexit on agriculture. Mr Kerr faced a number of questions from concerned farmers who were worried about the SNP's independence plans and whether they would undermine the UK's internal market—a market worth four times that of the EU. Mr Kerr's response was to refuse to answer their questions. I found that astonishing. Was he refusing to answer, or was he unable to answer those tough questions about how an independent Scotland would actually work?

All the options put forward by the First Minister, particularly independence for Scotland, would undermine Scottish trade with the rest of the UK and put up barriers between us and our largest trading partner—something that would make the challenges of Brexit look insignificant.

Michael Russell: It is very important to nail that misapprehension immediately. It is absolutely clear that the proposals in "Scotland's Place in Europe" do not require Scotland or the UK to make a choice of trading partners north and south of the border. That trade is actually to the UK's benefit by a significant sum. There is no requirement for a choice on either side, so Mr Lamont should be able to move on from that without any worry at all, and reassure his local farmers.

John Lamont: Mr Russell clearly does not understand how the internal market works,

because any member of the internal market has to accept the free movement of workers. How can Scotland accept the free movement of workers while the rest of the United Kingdom has a separate immigration policy, without putting up barriers between Scotland and the rest of the UK?

Michael Russell: Will the member give way?

John Lamont: No. I have heard enough from Mr Russell.

That is why I hope that all parties who believe in the UK will support the amendment in my name, which urges the Scottish Government to rule out a damaging second independence referendum. We are entering a challenging time—there is no doubt about that. There will be pitfalls to be avoided and opportunities to be seized, but the challenges of leaving the EU are certainly not solved by leaving a much larger, far more important and more closely integrated market—that of the UK.

The next two years must not be about playing games, grandstanding and political posturing. They must be about the hard graft of securing a deal that works for Scotland and the whole UK. Now is the time to work positively and constructively to get that deal, and for members on the SNP benches to break the habit of a lifetime and cut out the politics of grievance and further division.

I move amendment S5M-03858.3, to leave out from “agrees” to end and insert:

“believes that the Scottish Government should respect the result of the UK-wide EU Referendum; recognises the formation of the Joint Ministerial Committee (EU Negotiations) as an effective way of engaging with devolved administrations on implementing Article 50; urges EU countries to give mutual assurances on UK nationals’ right to remain, and calls on the Scottish Government to work with the UK Government to make the most of the opportunities that leaving the EU presents, to stop using the EU Referendum result as a means of creating division, and to rule out a second independence referendum.”

14:48

Lewis Macdonald (North East Scotland) (Lab): When Theresa May invokes article 50 and gives notice of the United Kingdom leaving the European Union, we will have reached a sombre moment in our shared history. Sixty years after Anthony Eden’s resignation marked the end of empire, and 60 years after the Treaty of Rome pointed towards an alternative future, it is almost as if Britain and Europe are back to where we began.

The question now is not whether Britain leaves the EU, or whether the Government invokes article 50—the referendum vote last June made the decision to leave, and not leaving is not an option. The question now is not whether, but when.

Is the UK Government in a position to begin such a critical negotiation on our behalf, and how will it be accountable in doing so? After months of denying that the act of leaving the EU was any of Parliament’s business, Mrs May finally agreed last week to publish her negotiating objectives in a white paper. That white paper confirmed that the Government’s approach to Brexit is based not on a rational analysis of costs and benefits but on ideological preferences alone.

UK ministers have declared that Britain should leave the world’s largest single market, with no clear strategy on how to obtain unfettered access to that market as an external trading partner. They also want to leave the European customs union and face the risk of tariffs and non-tariff barriers, with no idea of the terms of trade in any future agreement with the EU. They have laid out no plans in detail for future engagement with the many other European institutions and agreements to which membership of the EU currently gives us access.

Willie Rennie (North East Fife) (LD): I thank Lewis Macdonald for giving way. Can he tell us how his party at Westminster is getting on with challenging that?

Lewis Macdonald: I will certainly discuss Westminster in a moment. I am sure that Mr Rennie will want to reflect on how effective his colleagues there are being as well.

After 60 years of Britain growing closer to Europe, we now have a Government that is determined to go in the opposite direction. Theresa May would rather hold hands with Donald Trump than work hand in glove with Angela Merkel. That much is clear, but there remain too many unanswered questions—too many ways in which a reckless and irresponsible approach could yet turn a difficult business into a disaster. Our responsibility in the Scottish Parliament is to say whether we believe that UK ministers have done enough to go to Europe and negotiate on our behalf, and our answer must be that they have not.

This week, Labour is promoting a raft of amendments to the article 50 bill at Westminster; some have already been voted on and others are up for decision over the next couple of days. The amendments set out what Labour believes are the broad principles that UK ministers should follow in negotiations: maintaining a stable and sustainable economy; preserving peace in Northern Ireland; achieving trading arrangements with the EU that are free of tariffs and non-tariff barriers, with no further regulatory burdens; laying a basis for co-operation with Europe in education, science and research, environmental protection and the fight against serious and organised crime and

terrorism; and maintaining existing social, economic, consumer and workers' rights.

Also, as we highlight in our amendment, UK ministers should consult the Scottish Government and other devolved Administrations in a serious and meaningful way, and Scottish ministers should work with other Administrations to influence the process and the outcomes. The white paper offers no more than a wish list for achieving any of those wider objectives, and it shows little sign of taking on board the views of the other Administrations within the UK.

As the minister acknowledged, we in this place have no veto on article 50, but we do have a right and a duty to speak on behalf of those we seek to represent. We should therefore say that we do not endorse Mrs May's proposals and that she should not proceed until she has demonstrated that she has a clear strategy for achieving the right outcomes from the negotiations that will follow.

There are other things that Mrs May could do now, even before those negotiations begin. Yesterday, I met parent representatives at St Peter's school in Aberdeen, which has many pupils from countries both within and beyond the European Union. I heard directly about the insecurity that many of those families feel and their uncertainty about the choices that they have made to live in this country and about their children's future. Theresa May could help with that right now. She could follow the advice of the Culture, Tourism, Europe and External Relations Committee in its report this week and

"provide clarity on the position of EU and EEA EFTA citizens living in the UK without further delay."

That would make our constituents feel secure again. It would also let our European friends and neighbours know—in advance of the negotiations—that we will not make their citizens suffer because of a decision that our citizens have made.

Theresa May could also do what her party declined to do in the House of Commons last night and commit to seeking a consensus with the devolved Administrations on the terms of withdrawal and the framework for our future relationship with the European Union. That would not give anyone a veto—the constitutional position is clear—but committing to seek a consensus would show a degree of willingness to look beyond the inner circles of the Conservative Cabinet, which so far has been sadly lacking.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I want to follow up on the point that Mr Macdonald has just made. If he can see the advantages and benefits of the United Kingdom Government coming to some form of agreement

with the devolved Administrations, why, in his opinion, is it beyond the capacity of those on the Conservative benches in this Parliament to recognise the wisdom and value of such a step?

Lewis Macdonald: Those on the Conservative benches have to speak for themselves, and no doubt we will hear more from them shortly. Clearly, however, there is a need for people to recognise the choices that are in front of us. We will vote today that article 50 should not be triggered until the UK Government's strategy is clear, and we will do so in terms of our own amendment.

When we debated Brexit on 17 January, we agreed that the Scottish Government should continue to seek ways of mitigating the impact within the UK. That remains our position. However, I have to say that it is less clear how far that remains the SNP's position. On the same day as that debate, the First Minister once again declared that a second referendum on independence was "very likely". She was demanding a common United Kingdom position on the one hand and working against the United Kingdom on the other.

Michael Russell: For the avoidance of doubt, I will repeat what I said in my speech. We continue to negotiate constructively and positively—or to attempt to do so—on the basis of our paper, "Scotland's Place in Europe", the options in which Parliament has considered, and we will continue to do so up until the triggering of article 50, because we feel that we can still achieve a deal if there is the will from the UK Government.

Lewis Macdonald: I recognise what Mr Russell says, but the truth is that Nicola Sturgeon and the SNP Government are keeping the threat of an independence referendum on the table. They might argue that that gives leverage with Theresa May, but the truth is that it merely adds to the uncertainty that we face.

Whether the SNP really wants to ask people to vote for Scotland to leave the United Kingdom in order to remain in the European Union has to be a moot point. Some of the strongest votes for Brexit were recorded in places such as Banff and Buchan, which voted by 61 per cent to 39 per cent to leave—an "overwhelming" majority, as some on the SNP benches might say. Those who voted to leave are hardly going to turn out to vote for independence if that means that Scotland will stay in the European Union after all. I urge the SNP to recognise that a consensus cannot be built with the threat of a referendum on the table. If the SNP wants a positive response across the board, it should accept that.

We in the Labour Party reject an independence referendum and we will not support anything that

creates barriers to trade within the UK. However, Theresa May has so far failed to address the uncertainty that we face as a result of the Brexit process, and therefore article 50 should not be triggered at this time.

On that basis, I move amendment S5M-03858.1, to leave out from “agrees” to end and insert:

“recognises that a majority in Scotland voted for the UK to remain in the EU, and that a majority also voted for Scotland to remain in the UK; agrees that the UK single market is more important to the Scottish economy than the European single market and therefore that there should be no move to put in place any barriers that would damage Scottish trade with the rest of the UK; believes that many people voted against leaving the EU for the same reasons that they voted to remain in the UK, in order to secure jobs, opportunities and social and civil rights; believes that the majority of the people of Scotland want to remain inside the UK, with as close a relationship with Europe as possible; agrees there should not be a second Scottish independence referendum; respects the outcome of the EU referendum and accepts that, as a result, the UK will leave the EU; agrees that the UK Government’s European Union (Notification of Withdrawal) Bill should not proceed until it has set out detail on the full range of unanswered questions covering many policy areas where its proposals would have a detrimental effect on the jobs and opportunities of people across Scotland; further believes that the UK Government must consult the Scottish Government and other devolved administrations on the process of exiting the EU, and calls on the Scottish Government to work with other devolved administrations on the range of relevant issues, including to protect workers’ rights, to ensure that the UK does not become a bargain-basement tax haven, to guarantee legal rights for EU citizens living in the UK and to seek to retain all existing EU tax avoidance and evasion measures post-Brexit.”

14:58

Ross Greer (West Scotland) (Green): As our Conservative colleagues are always keen to remind us, we have debated a number of aspects of Brexit in the Parliament in recent months. Just a few weeks ago, members from across the chamber again urged the UK Government to end the uncertainty for citizens of the other 27 EU nations who live in the UK and not to use them as bargaining chips. It was therefore with some disappointment, but no surprise whatsoever, that I saw in today’s newspapers that the Prime Minister, while offering positive rhetoric about the contribution that our neighbours from elsewhere in Europe have made, has again refused to guarantee their future here.

I absolutely accept that the Governments of the other 27 countries should also be offering reassurance to UK citizens in their nations and taking them off the negotiating table. However, none of that should stop the UK Government taking EU citizens who are here off the negotiating table today—that is entirely the UK Government’s choice. Our Green colleagues across the continent

have been making the case that citizens should not be part of the negotiations, and we will continue to do so.

In our debates in recent months, we have urged the UK Government to keep Scotland in the European single market and we have highlighted the damage that leaving would inflict on our wages and jobs and on the wellbeing of the Scottish economy. We urged Theresa May to respect the democratic verdict of voters in Scotland, Northern Ireland and Gibraltar and agree to a compromise that recognises that we voted to stay.

It should not be forgotten that there has been significant compromise on our part. Scotland did not vote just to stay in the single market; we voted convincingly to stay in the European Union, as the Green amendment states. The proposals that the Scottish Government set out are an exercise in compromise and damage limitation. They are an attempt at good will towards and co-operation with colleagues at Westminster but, to be frank, there is little to show for them beyond empty rhetoric from the other side.

I have much sympathy for Mike Russell and the team who were behind the “Scotland’s Place in Europe” paper. However, despite the statements and despite a committee session with the minister last week, I have no idea what intensifying the joint work means in relation to the proposals, because I have seen nothing from the UK Government to explain that.

Given that the Prime Minister did not even wait for the proposals from the Welsh Government and Plaid Cymru before outlining her Brexit proposals, I do not have much faith that she is taking any of the compromise proposals seriously. That is reason alone for the Greens not to support the activation of article 50, but it is not the only reason.

In a number of debates, the Parliament has highlighted significant concerns, but we are no closer to a satisfactory answer on issues that have been raised repeatedly over recent months. The bill that has been introduced in the UK Parliament is wildly inadequate. It contains barely two provisions, one of which simply specifies the name of the bill. As has been mentioned, the rights of EU migrants are still not assured. Amendments in the Commons to that end are, shamefully, set to be voted down by the Government and its back benchers if they are selected, although there is still the chance for a change of heart by any Conservative MPs who are watching, because the vote has not come up yet. The course that is being set at Westminster could not be further from the collective—though not unanimous—position of this Parliament that Scotland should remain in the single market, either with the UK as a whole remaining or through a differentiated agreement.

It is evident that Theresa May's Government does not have a clear plan. What she has laid out so far is confused, contradictory and dangerous. The white paper would be laughable if it were not so serious. For all the criticism that the Greens laid out in 2014, "Scotland's Future: Your Guide to an Independent Scotland" was substantial enough for effective scrutiny and was scrutinised ahead of the vote. The UK Government's Brexit white paper was not even released until after the first reading of the European Union (Notification of Withdrawal) Bill in the House of Commons. Nothing approaching a coherent position was laid out ahead of the referendum.

Stewart Stevenson: The UK Parliament's definition of a white paper is that it is a policy document that is produced before legislation. Is the document a white paper at all?

Ross Greer: Mr Stevenson is right. What the UK Government has published is nothing approaching the definition of a white paper. It certainly has nothing approaching the definition of satisfactory answers to the huge numbers of questions that not only we but the other Parliaments and Assemblies of this country, as well as businesses and citizens throughout the UK, have.

We are told that the UK Government's Brexit plan will protect and strengthen workers' rights. The same Conservative Government has just passed the most restrictive trade union legislation in living memory, which the Brexit minister, David Davis, described as fascist in nature and comparable to the dictatorship of General Franco. If the Brexit minister does not have faith in his Government's ability to defend workers' rights, why should we?

We are told that Theresa May will take a whole-UK approach to Brexit, but she refuses to work with the Scottish Government on its compromise proposals. We are told that the Brexit negotiations will provide certainty, but we have heard from European leaders and experts a deep scepticism that a deal could be reached within two years—and certainly not a deal on our future relationship.

We have seen no plans from the Conservative Government to prepare transitional arrangements. Only last week, Professor Sir David Edward, a former judge of the European Court of Justice, said before the Culture, Tourism, Europe and External Relations Committee that anyone who believes that all that can be sorted within a few years is away with the fairies.

Day by day, it becomes clearer that the Brexit plan is being made up on the go by hard-right Tory ideologues.

Neil Findlay (Lothian) (Lab): Are people away with the fairies when they think that an

independent Scotland could be set up in a similar timescale?

Ross Greer: As I am sure Mr Findlay is aware, the Greens were openly sceptical about the timescale that the Scottish Government set out in 2014. We believe in independence and in putting Scotland's future in Scotland's hands, but we were clear that we disagreed with the Scottish Government on some details. If Mr Findlay wants to intervene again, he is free to do so.

Neil Findlay: If the inaccuracy was on the part of his friends in the SNP on the timescale that it would take to set up an independent Scotland, what do the magnificent Greens say would be the timescale?

Ross Greer: Unfortunately, we did not have the resources of a Government behind us, and we estimated that the time would be a couple of years. We did not put a hard timescale on that because, although we are keen to do work on the issue, with the two MSPs that we had and the six that we now have, it is no surprise that we are not coming up with a white paper of our own.

Britain is hurtling towards a hard Brexit, turning our back on Europe, cosying up to Donald Trump and looking weaker and weaker by the day. We really must ask ourselves what kind of country we want Scotland to be. This is not only about EU membership; it is about Scotland's place in the world. Do we want to stick with a country that is so isolated and in need of allies that holding hands with the bigot in the White House is our best chance of securing a trade deal? On that point, we must not forget that the bigot is also a protectionist whose trade negotiators were not famed for giving the other side a good deal before his Administration came in.

Brexit is a monumental change in itself, but it is happening as part of a wider sea change in global politics, in the wake of an economic crisis. To rush into it without anything approaching agreement across these islands, or even a plan from the central Government at Westminster, is simply reckless, and it is certainly not in keeping with the verdict that our constituents gave last June.

Conservative and Labour members have referred to the Greens' constitutional position, as did Mr Findlay in his intervention. The Greens have been quite clear in our position. Scotland's options are limited in the UK. During the independence referendum, we were told that Scotland is an equal partner in the union, but that is clearly not the case. It has been confirmed by the Supreme Court that the Sewel convention is merely a political convention that can be overridden at will, despite promises that were made in the run-up to the 2014 referendum.

I expect that the Parliament will today vote against article 50 being triggered. However, that vote, and the vote of the people of Scotland in the EU referendum, will be overridden by Westminster. All members must now ask themselves where they would rather see Scotland. The time for compromise has almost passed—

The Deputy Presiding Officer (Linda Fabiani): Come to a close, please.

Ross Greer: —and we will likely have to choose one future or another.

I move amendment S5M-03858.2, to insert at end:

“; notes the widespread scepticism that an agreement on the future relationship of the UK and EU can be reached within two years; is concerned by the lack of any proposed transitional arrangements until such an agreement is in place, and believes that the decision to proceed with the bill does not respect the majority vote to remain part of the EU that was returned in every council area in Scotland.”

The Deputy Presiding Officer: That ending was a happy coincidence, Mr Greer.

15:06

Willie Rennie (North East Fife) (LD): Today's debate is marked by omission, irony and confusion. [*Interruption.*] The SNP motion is significant in what it does not say. In fact, the minister was very disciplined today, and I do not think that the word “independence” passed his lips—certainly, the motion does not mention it. However, independence is all that the SNP really wants, and we know that to be true. The Conservative amendment is full of irony. It accuses the SNP of “division” when it is the Conservatives who have divided this country over Brexit, merely to heal the divisions in their own party. The Labour amendment is marked by its length, in an attempt to hide total and utter confusion over what the party's position actually is. The Labour Party has sought to bring clarity on Brexit by opposing the position of the Labour Party on Brexit. That brings great clarity today, so I commend Labour members for the tautology.

What is consistent among the three parties is that each is giving up on the European Union. The Conservative leadership, having argued to remain, now favours a hard Brexit, no matter the consequences for our economy, our security or our environment. The Labour Party is simply following the Conservatives. It is a compliant and ineffective Opposition at Westminster, which does not serve our country well.

Further, we now learn that the SNP is abandoning the European Union, too. Instead of pledging to take an independent Scotland back into full membership of the European Union, there are reports that it will only make the case to join

Lichtenstein in the EEA. Those pro-Europeans who thought that independence would be the answer to Brexit—that EU membership would follow independence as night follows day—need to think again. To get the independence-supporting Brexiteers back on board for independence, the SNP is preparing to sell pro-Europeans down the river. It will use the EU to get an independence referendum and ditch the EU to win independence.

Daniel Johnson (Edinburgh Southern) (Lab): I am sensing that Willie Rennie is about to explain how his party can provide us with clarity. Before he does that, can he tell us how many different ways his party voted in Westminster?

Willie Rennie: We all voted for membership of the European Union. We all voted for a Brexit-deal referendum before the triggering of article 50. Every single Liberal Democrat member of the UK Parliament who voted in that debate voted for a referendum on article 50 and the Brexit deal. That is the clarity that Daniel Johnson wanted, and it is the clarity that his party has failed to give in Westminster. The Labour Party has not served the debate well and Mr Corbyn has not been an effective Opposition leader.

In contrast, the Liberal Democrat position is crystal clear. We are in favour of Scotland in the United Kingdom and the United Kingdom in the European Union. That is no to independence, yes to the UK and yes to the European Union. It is a coherent and consistent approach, with internationalism and partnership at its heart. It would be wrong for the only people to have the final say on the Brexit deal to be a small number of people around the Conservative Cabinet table. Surely, for something so monumental—so life changing—we need the British people to have the final say in a referendum. The British people were denied a white paper or a manifesto. In fact, they were denied any real detail on what the Brexit deal would look like. We do not even know now.

To be fair to the SNP and Mr Russell, the SNP produced a several hundred pages long white paper. Although it was broadly repetitive, it was detailed. It was rejected by the Scottish people—the SNP needs to remember that. We did not have a Brexit white paper last June. The Conservative Government did not supply one, and Mr Farage did not supply one: nobody supplied one. If we do not have a Brexit deal referendum, we will be handing a blank cheque to Theresa May to agree whatever she wants, no matter the consequences to our economy, security and environment. Our new referendum would be a choice between accepting that deal or staying in the European Union. If the SNP is as pro-European as it claims, it would back our amendment. If the SNP is using the Brexit debate only to generate grievance for

another independence campaign, I suspect that it will oppose our amendment. This is the chance for the SNP to show that that is not the case. Will Mr Russell back our amendment?

Michael Russell: Will Mr Rennie give a commitment that if such a referendum, were it ever to be held, resulted in the people of Scotland voting against leaving and the people of England endorsing leaving, that would be binding for the people of Scotland? In other words, would he respect the Scottish democratic voice in his future referendum?

Willie Rennie: I do not know how many “ifs” were in that question, but it was not by any means clear. Our proposal does not have a chance of going any further if Mr Russell’s party does not back it here and at Westminster. That is the best way to get to the democratic will of the British people. If he is so pro-European, he will back our amendment. I notice that he did not answer my question, which I presume means that he is in favour of using the Brexit debate only to generate further grievance for another independence campaign. That is something that we will have nothing to do with.

The SNP and the Conservatives are both right about one thing, however—they are both right about each other. The SNP accused the Conservatives of risking our economy with a hard Brexit. The SNP is right about that. The Conservatives accuse the SNP of risking the economy with its plans for Scottish independence. The Conservatives are right about that. The Conservatives, with their hard Brexit, and the SNP, with independence, will cause real damage to our economy. They are determined to pursue their ideological goals, irrespective of the consequences. Both are determined to deliver independence or a hard Brexit, no matter how many jobs are lost, businesses are closed or taxes are lost. It is that ideological pursuit that will damage our fortunes and our future. It is partnership with our neighbours, both in the United Kingdom and in the European Union, that will deliver a safer country, protect our environment and build a stronger economy.

I move amendment S5M-03858.4, to insert at end:

“; believes that a democratic decision cannot end with a ‘blank cheque-Brexit’ and a deal that nobody voted for being imposed by the UK Conservative administration, and calls for the bill to be rejected unless the UK Government agrees to a referendum on the final terms of Brexit.”

The Deputy Presiding Officer: We now move to the open speeches. Speeches of up to five minutes please, including interventions. We are very tight for time.

15:14

Joan McAlpine (South Scotland) (SNP): The UK Government white paper on leaving the European Union has little of substance to say about Scotland—indeed, it has little of substance to say about leaving the European Union. I was struck by a line on page 18 that describes the UK as a “multi-nation state”. Being multinational is normally associated with positive values such as co-operation and tolerance, but there has been little evidence of co-operation and tolerance in this “multi-nation state”.

In fact, Scotland, which is the second-largest member of the state, has not been able to make its voice heard in any way. As the minister, Michael Russell, outlined, there has been no movement or compromise in the UK position. John Lamont could not answer Stewart Stevenson when, in his intervention, he asked him to name one change that the UK Government has made as a result of the meetings of the joint ministerial committee on exiting the EU. I am looking at Mr Lamont and giving him the opportunity now to tell us whether there is one change that the UK Government has made as a result of its talks with the devolved nations.

John Lamont: The Prime Minister has made it very clear that, for example, she wants EU nationals who are based in Scotland to be able to stay, which is the SNP Government’s policy. However, she will not concede that point until the EU concedes the same point for UK nationals who live in the EU. That is entirely reasonable and entirely fair, and it is something that the SNP seems unable to grasp.

Joan McAlpine: That is absolutely meaningless. The Prime Minister has not given any guarantee to EU nationals.

Last night, the SNP amendment to guarantee a UK approach to negotiations was voted down by MPs from outside Scotland, which exposed the meaninglessness of the UK Government’s promises to listen to Scotland. It makes a mockery of the JMC(EN)’s terms of reference, which were issued in a joint communiqué last year. The terms of reference said that the Governments would collaborate to

“discuss each government’s requirements of the future relationship with the EU”

and

“seek to agree a UK approach to, and objectives for, Article 50 negotiations”.

How hollow those promises appear this morning—almost as empty as the UK Government’s promise to give the Sewel convention legal status by embedding it in the Scotland Act 1998.

Last night, only four SNP MPs were called to speak during the part of the proceedings at Westminster when amendments of concern to the devolved nations were debated—just four members in eight hours. That is contemptuous, given the trust that the Scottish people have placed in this party to represent them at Westminster.

We can find examples of contempt much closer to home. After taking extensive evidence on the skills shortage and demographic time bomb that Scotland will face if EU migrants cease coming here, this week the Parliament's Culture, Tourism, Europe and External Relations Committee published a report that recommended, among other things, a bespoke immigration solution for Scotland. The demographic challenges that we face are acute—much more so than those faced by England and Wales. Without EU migrants, our working-age population will shrink substantially. The Scottish Affairs Committee at Westminster and the House of Commons all-party parliamentary group on social cohesion reached similar conclusions. Of course, in "Scotland's Place in Europe" the Scottish Government asks for devolution of powers over immigration, which sub-states and regions around the world, such as the Canadian provinces and the tiny Swiss Cantons, already have.

I was therefore very disappointed that Amber Rudd, the UK Home Secretary, dismissed that reasonable proposal out of hand when she responded to the select committee. I was even more disappointed when, having agreed to the report, the two Conservative members of our committee issued a party press release distancing themselves from its conclusions. They could have dissented in committee, but they chose not to. It was quite clear that they were clobbered by their bosses in London—[*Interruption.*] Well, since one of them was a front-bench spokesman, I am not quite sure what to make of it. The UK Government has already made up its mind not to devolve to Scotland a single extra power, including power over immigration. In fact, from what Ruth Davidson told farmers this week, it seems that a great power grab is already taking place.

The entire consultation mechanism is a farce.

The Deputy Presiding Officer: Come to a close, please.

Joan McAlpine: The UK Government does not listen to the other Governments through the JMC, it does not listen to Scottish MPs, it does not listen to committees of this Parliament and it does not even listen to its own Conservative members when they back the very sensible committee reports that are aimed at achieving the best possible outcome for Scotland through addressing our demographic challenges.

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

Joan McAlpine: That is not how a multinational state should work and it is not how a democracy should work.

15:19

Adam Tomkins (Glasgow) (Con): This Parliament spends an awful lot of time, particularly Government time, just going through the motions: motion after motion after motion. We have extensive law-making powers, but we do not use them to consider legislation. We have significant and growing problems in our public services, but we do not address them here. We have in today's newspapers reports of the supposedly independent poverty adviser having her report doctored and diluted by the First Minister, and of the Scottish Government's naivety in its dealings with China, but we do not debate those matters.

Instead, we spend our time talking about something that a unanimous judgment of the UK Supreme Court has ruled to be a matter for the United Kingdom Parliament, not for devolved Parliaments such as this one. In doing so, we are merely reconfirming the Scottish Government's dismal view of what this Parliament is for. In its view, it is not for governing; it is for grandstanding. It is not for making better laws for the people of Scotland; it is to give voice to grievance—contrived grievance, nationalist grievance—the Supreme Court itself ruled has no basis in our constitutional law.

Here is what the Supreme Court said:

"The devolved legislatures do not have ... legislative competence in relation to withdrawal from the European Union."

It could not be clearer, could it? However, the SNP still puts its fingers in its ears and carries on regardless of the rule of law and the unanimous judgment of the country's highest lawyers; perhaps it is furious that its control freakery, although it can apparently reach Naomi Eisenstadt's door, is mere impotent fury in the face of our independent judiciary—and there was me thinking that the SNP liked independence.

There should have been nothing surprising about the Supreme Court's judgment. It is the United Kingdom, not Scotland, that is the member state of the European Union. It was the United Kingdom as a whole that decided by a lawful referendum in June last year to terminate its membership of the European Union. In addition, paragraph 7 of schedule 5 to the Scotland Act 1998 unambiguously reserves to the United Kingdom Parliament

"International relations, including relations with ... the European Union ... (and their institutions)".

Richard Lochhead (Moray) (SNP): Will the member give way?

Adam Tomkins: I do not have time, as I have only five minutes.

That provision has caused no problems in the past, and it should cause no problems now. The terms of the UK's membership of the EU have been changed many times since the dawn of devolution. The Lisbon treaty was given legal effect in the UK by the European Union (Amendment) Act 2008 of the UK Parliament. When that legislation was going through Westminster, did it trigger a legislative consent motion here, in Wales or in Northern Ireland? No, it did not. Neither, a few years later, did the European Union Act 2011 trigger a legislative consent motion. Again, none of that is surprising. Westminster will seek our consent before it enacts law on devolved matters.

Stewart Stevenson: No, it will not.

Adam Tomkins: Yes, it will. It always has done, whether Mr Stevenson, from a sedentary position, likes that or not. It happens to be true and it also happens to be our constitution.

Stewart Stevenson: No.

The Deputy Presiding Officer: That is enough, Mr Stevenson.

Adam Tomkins: The UK's membership of the EU is not and never has been a devolved matter, whether Mr Stevenson likes that or not.

However, it is not as if the UK Government is marching on without seeking to bring the Scottish Government into the process. The JMC machinery has been reformed and extended to take account of Brexit. The Scottish Government's policy paper "Scotland's Place in Europe" has been considered by the JMC and the Prime Minister has indicated how close her position is to that preferred by Scottish ministers—if only those ministers would listen. The Prime Minister wants the freest possible trade with the EU. She wants the fullest possible access to, and participation in, the EU's single market. She wants to be able to guarantee the right of residence of EU nationals living here, just as soon as the EU makes the same guarantee for British citizens living in the rest of the EU. She also wants to continue the UK's co-operation with our European partners in the fight against crime and freedom fighters—sorry, in the fight against crime and terrorism.

Members: Oh!

Adam Tomkins: Well, some of us know the difference between terrorism and freedom fighters, and some of us do not.

Where there is a difference between the Prime Minister and the Scottish Government, of course,

is that Theresa May wants to respect and deliver on the result of the EU referendum, whereas the SNP wants to hijack that result to launch a fresh drive for independence. Here, I grant you, there is no meeting of minds between the Conservatives and the nationalists, nor will there ever be.

I support the amendment in John Lamont's name.

15:24

Ivan McKee (Glasgow Provan) (SNP): The situation that we find ourselves in is not of our making. The age-old internal squabble at the heart of the Tory party between those who value economic prosperity flowing from free trade and those who see their historic mission as making Britain great again came to a head last June. As a consequence, Scotland finds itself at risk of losing the substantial benefits of the European internal market. Brexit was not the preferred option of the great majority of Scots or members of this Parliament, including the majority of Tory members. However, it falls to us to sort out the mess.

This week, we have seen a debate on the triggering of article 50 in another Parliament—a debate that was not supposed to happen because, in the topsy-turvy world of Brexit logic, returning control to the UK Parliament was redefined to mean not giving that Parliament a voice or a vote. That upside-down logic abounds in Brexit land. Brexit is supposed to be about taking back control of immigration, but most UK immigration is from non-EU countries, which the Prime Minister was unable to control when she was Home Secretary. Does anyone really believe that the Tories will achieve their goal of immigration in the low tens of thousands post-Brexit, and, if not, what is the point of all the pain?

Brexit has been redefined as an opportunity to create a global Britain, trading with the rest of the world. Yet the first step is pulling up the drawbridge on the UK's largest trading partner, the EU, and then hoping that we can do deals, at any price, with the most protectionist and inward-looking US Administration for 100 years.

The internal inconsistencies at the heart of the Brexit means Brexit mantra will cause it to unravel under the pressures of reality. Unfortunately, Scotland will suffer as a consequence. Our economy will suffer. Article 50 has not been triggered, yet already 58 per cent of FTSE 500 businesses are reporting a negative impact from Brexit. A tenth are already moving business abroad. Brexit will cost Scotland 80,000 jobs.

Our society will suffer. My constituency of Glasgow Provan, like most, is home to many EU nationals. They are concerned about what Brexit

might mean, worried about the implications for them, their families and their businesses and confused as to why the UK Government has still not, almost eight months after the vote, made it clear that they are welcome to stay. They are frustrated that they are reduced to the status of bargaining chips, as the UK Government stumbles towards what passes for a negotiating strategy.

Our status within the UK is already suffering. In July last year, Theresa May stated that she would not trigger article 50 until the UK's approach to negotiation had been agreed with the devolved Administrations, yet we are no closer to that agreement.

Elaine Smith (Central Scotland) (Lab): Will Mr McKee clarify whether the SNP agrees with triggering article 50 at all?

Ivan McKee: We agree with doing what is in the interests of the people of Scotland. The people of Scotland made it clear that they want to stay in the EU.

The Secretary of State for Scotland failed to say much in his interview with Gordon Brewer at the weekend. The one thing that he did say was that the Scottish Government's "Scotland's Place in Europe" proposal is under consideration. I hope that Theresa May heard him. We do not, however, hold our breath. Yesterday's display of contempt towards amendments in the Commons makes it crystal clear that the specifics of Scotland's circumstances are being ignored.

The lightweight white paper, which had to be dragged from the UK Government, leaves many questions unanswered, not least how Scotland's needs will be included in the negotiations, and what post-Brexit devolution might look like.

The most important lesson in all this sorry tale is not just the flip-floppery of those on the Tory benches. Ruth Davidson has come a long way from:

"Retaining our place in the single market should be the overriding priority."—[*Official Report*, 30 June 2016; c 24]

Nor is it just the glee and abandon with which economic vandalism is being enacted. Adam Tomkins has come a long way from saying that economic prosperity lies at the heart of the case for a remain vote.

The most important lesson, and consequence, of this sorry tale is the way in which this United Kingdom—this "partnership of equals"—is shown to be not worth the unwritten constitution it is supposed to be written on. Article 50, and the way in which it has been implemented, will be remembered for what it did to the coherence of this "family of nations". When the Prime Minister fails even to mention Scotland in discussions with EU leaders, and when the Tories refuse even to

consider amendments on article 50 in the Commons in relation to the devolved Administrations, the UK Government, in its arrogance, is sending a clear message that the wishes of Scotland are not to be taken seriously.

The people of Scotland are saying to themselves, "If we cannot trust Westminster to listen to us on this, what can we trust it on?"

15:29

Daniel Johnson (Edinburgh Southern) (Lab): Referendums always deliver a result, but they often do not result in clarity or in a concrete course of action. That is why we are having such a heated debate, and that is what we are wrestling with today.

As MSPs and as representatives, we always have to balance a number of different considerations, but perhaps with the vote and the motion today there are more considerations than usual. We have to balance our personal values with those of our constituents, and we have to look at the wider public interest, but also be mindful of our political party values and of the policies on which we were voted into Parliament. Many members will be conflicted. Those who voted to leave might find their party pursuing a more European stance than they are comfortable with, and those who voted to remain might find themselves bound by the constitutional conveyor belt. We do not have to accept blindly the version of Brexit that has been put before us by the UK Government. It is incumbent on us to interpret the interests of our constituents and the wider interests of this country, and to make our case as the UK Government considers Brexit.

For me, those considerations are easy, as I have always believed in politics that reach beyond our borders—not those that are defined by our borders. I have a clear mandate from my constituents, who voted overwhelmingly for remain, and although I accept the vote, I cannot accept the UK Government's course of action and I do not believe that it is justified by the result.

Let me tell members about my constituency. In my first speech in Parliament, I said that my constituents had an overwhelming reason to vote remain. That is what 86 per cent or so of them did, because the benefits of being in Europe are clear and apparent to them. In my constituency, there are two major campuses of two major universities: the people who work in higher education, the students and the academics from all over Europe see the benefits of European research money. Thousands—if not tens of thousands—of people in my constituency work in financial and professional services. The benefits of Europe are not hypothetical or theoretical to them. They see those

benefits daily and, for them, the imperative to maintain our bonds with Europe, regardless of whether we come out of the EU, are all too important. Their livelihoods depend on it.

For me, as a Labour MSP and as someone who was elected because I believe in work, having access to work and having opportunities through work, it is clear: I will not vote for something that will destroy or undermine work and opportunity. In this globalised world, it is Europe collectively that guarantees our ability to benefit from globalisation and not to suffer from it. I have that mandate from my constituents and it is certainly what my personal values dictate.

The UK Government has distorted the result. Time and again through the referendum campaign, we heard leave campaigners say various things. The Conservative MEP Daniel Hannan said that the single market was not under threat. We heard from Nigel Farage that Norway and Switzerland were examples that we could follow, and we even heard that EFTA was an opportunity. I am afraid that it was Jim Sillars who said that. The reality is that there was no clarity from the vote about exiting the single market, or about leaving the customs union and resorting to World Trade Organization rules, and I am absolutely certain that no one voted to impoverish themselves. It was a narrow vote and it was evenly split. Only 600,000 people made the difference between the result that we had and a different one.

The reality is that the result revealed division, so it was incumbent on the UK Government to reach out and to rebuild. Instead, there has been distortion of the vote and the UK Government has pushed for a hard Brexit, citing a Singapore model with a low tax economy. The UK Government needed to provide insight, transparency and a democratic process so that we could all have confidence that we would have a say in how matters would proceed and in the final result. Above all, the UK Government needed to build consensus, because that is what the divided result required it to do.

I say gently to my colleagues in the SNP and the Green Party that consensus is not the preserve of the UK Government; the imperative for consensus lies with us all. I understand that for those who have long pursued independence the situation might feel like another reason to pursue it again, but it cannot be. Brexit issues and the risks that we face are there because of uncertainty; independence would not mitigate those risks or decrease the uncertainties—it would increase them. For those reasons, we must reject the idea that independence would mitigate the issues, so I urge members to support our amendment.

Elaine Smith: On a point of order, Presiding Officer.

Earlier on, my colleague Neil Findlay raised the issue of extending the debate for the usual period of up to 30 minutes under rule 8.14.3 of the standing orders. We frequently do that during members' business debates. There will be votes in Parliament after this debate.

A bit further into the debate, we now find that members are being constrained. Some members, because of the time factor, will not take interventions where they might want to. Can the business managers now be consulted to see whether it would be possible to extend the debate? It might not be for the full 30 minutes; it could just be for "up to 30 minutes".

The Deputy Presiding Officer: The business managers put to Parliament less than a week ago the timetable for the debate. Therefore, along the same lines as the Presiding Officer earlier, I am not minded to consider that request.

15:35

Stuart McMillan (Greenock and Inverclyde) (SNP): The people of Scotland did not vote for Brexit, and last week only one of the nation's 59 MPs backed the UK Government by voting to trigger article 50. The people of this country did not vote to put jobs at risk by making it harder for Scottish companies to buy and sell goods and services in the world's largest trading bloc. The people did not vote to allow the UK Government to use Brexit as a means of rolling back devolution.

The UK Government is responsible for negotiating the UK's exit with the EU, and the Scottish Government's role in that process is to ensure that Scottish interests are fully taken into account as we seek to agree a common UK negotiating position. It could be argued—I argue this—that the Scottish Parliament's role is also to ensure that the voices of our constituents are loudly heard.

The Prime Minister must live up to her earlier commitment about Scotland being an equal partner in the United Kingdom. Many members uttered that prior to the 2014 referendum. The Prime Minister has said that Scotland would be fully engaged in the Brexit process, that options for Scotland would be listened to, and that article 50 would not be triggered until there were UK objectives for negotiations. The Scottish Government's proposals must be part of the article 50 process. Last week, the UK Government published a white paper that claims that

"The UK Government acts in the interests of the whole UK".

Those claims will be meaningful only if the voice of Scotland's Parliament is respected and Scotland's interests are fully considered.

Last week, MPs—sadly—rolled over and handed to Theresa May the authority to do whatever she wants. They did that even before the white paper had been published. That was an act of parliamentary submission. Some would say that that was submission to narrow economic nationalism; others would suggest that it was parliamentary idiocy.

The “calamitous ... self-harm” that the Prime Minister has spoken of started when former Prime Minister David Cameron succumbed to the UK Independence Party wing of the Tory party to hold a referendum on EU membership. Ever since then, there has been a political conveyor belt of “calamitous ... self-harm”. The Prime Minister has insisted that access to the single market will continue, but on Britain's terms. [*Interruption.*] I say to Mr Tomkins that those comments were by the Prime Minister. Who is the Prime Minister kidding? Does she believe that anybody will roll over and agree to the UK's terms, whatever they might be? There will be tough bargaining. The EU has all the cards. There are 65 million people in the UK and 440 million people in the other 27 EU member states, so the EU has strength in numbers.

We have seen the UK Government out hawking itself across the world seeking trade deals. This week, Jeremy Hunt, the English Secretary of State for Health, was out in America. The USA has 318 million people and the UK has 65 million people. The USA will be in a strong bargaining position against isolationist Britain. Parliament needs to remember that the comprehensive economic and trade agreement, which was under way for seven years, became of great economic interest only when provincial procurement was added to the list of considerations. Therefore, the national health service should look out if we sign up to a deal with the USA. What type of half-baked, half-cooked, “calamitous ... self-harm” deal will we then be signed up to at the expense of Scottish and UK jobs, and of the economy as a whole?

The “calamitous ... self-harm” that the Prime Minister spoke of will not continue just for the article 50 process; it will continue for generations to come. The harm will be to Britain, not to the EU. It will not be from “punishment beatings”, which Boris Johnson colourfully referred to, but from losing the privileges of single market membership.

On 15 July last year, the Prime Minister said:

“I'm willing to listen to options and I've been very clear with the first minister today that I want the Scottish government to be fully engaged in our discussions.”

There is also the much-vaunted respect agenda towards Scotland from the UK Government. I wonder whether either Jackson Carlaw or Rachael Hamilton will tell Parliament how the respect agenda works in relation to Parliament and its Culture, Tourism, Europe and External Relations Committee? Will they tell members about the phone call—or phone calls—from London to tell them to start criticising the committee report that we unanimously signed off last week with no division? In the committee's report “EU Migration and EU Citizens' Rights” we call for a bespoke immigration system. That call is based on extensive expert evidence that was heard by the committee, which detailed the demographic crisis that Scotland would face without EU citizens. For the Tories to roll back on that days after signing off the recommendation shows a complete lack of respect for Parliament, for fellow committee members and for Scotland.

15:40

Douglas Ross (Highlands and Islands) (Con):

There have been three referenda in my lifetime. The first was in 1997—I was too young to vote—and it established the Scottish Parliament. In 2014, the Scottish people rejected nationalism and said that they did not want Scotland to separate from the rest of the United Kingdom. Last year, the people of the United Kingdom said that they wanted to leave the EU. Everyone going into their polling station knew that they were taking a decision as part of the United Kingdom.

Although I voted to remain—

Gillian Martin (Aberdeenshire East) (SNP):

Will the member take an intervention?

Douglas Ross: I am interested to hear what the intervention will be, given that I am only a few paragraphs into my speech.

Gillian Martin: Did the people of Scotland vote in 2014 to stay in or out of the EU? [*Interruption.*] One of the arguments that was deployed to make people vote no was the threat of their being taken out of the European Union.

Douglas Ross: Scottish people voted yes or no to the question

“Should Scotland be an independent country?”

in the 2014 independence referendum. They rejected the arguments for independence in 2014; they are still rejecting them now.

As I was saying before Gillian Martin intervened, although I voted to remain, if people listen to the SNP in this building, they would be forgiven for thinking that no one in Scotland voted to leave the EU. However, we know that members on the Government seats here in Holyrood voted to

leave. We know that tens of thousands of SNP members voted to leave and—

Gil Paterson (Clydebank and Milngavie) (SNP): Any proof?

Douglas Ross: Any proof? Alex Neil said so himself. [*Interruption.*] That is your proof.

We know that my home area of Moray was the constituency that came closer than any other in Scotland to voting to exit the EU—the difference between leave and remain was a mere 122 votes. In Moray, 23,992 people voted to leave the EU. Everyone who voted in Moray, in Scotland and in the UK expected a binding vote. They expected politicians to respect the will of the people who had been presented with the arguments and who ultimately chose to vote either to remain or to leave. Therefore, it fills me with fear that politicians in any Parliament would try to overrule the people's will.

Many people who voted to remain, although they are disappointed with the result, are more annoyed at politicians who want to circumvent the democratic decision that was taken. To add insult to injury, we are voting tonight not on a legislative consent memorandum, but on a purely symbolic motion. A non-binding decision will be the result of today's debate.

The SNP has tried every trick in the book since the EU referendum result to stir up more noise for its separatist agenda, and today's debate is just another element of that. The public is not buying the SNP rhetoric. People want a Scottish Government to get on with the day job, to concentrate on our economy, NHS and education and, with Brexit, to concentrate on getting the best deal for Scotland and the United Kingdom.

I get annoyed at many things that the First Minister and the nationalists say, but today Nicola Sturgeon took it to another level. To say that this non-binding vote on article 50 would be one of the most significant that we have ever taken in the Scottish Parliament is complete rubbish. Given that the First Minister walked out of the chamber after the first speech, I hate to think what her commitment would be if the issue were less significant. For the hard-working individuals and families who face paying higher tax in Scotland than people do in the rest of the UK, last week's budget debate would have been more significant for them. For businesses in Moray and around the north-east, the debates that we have on business rates are more significant. I believe that people will look back on MSPs' votes to ban smoking in public places and to introduce free personal care for the elderly and think that those decisions were more significant than a non-binding vote on a motion that has been manufactured by the Scottish nationalists.

Whichever way members voted in the referendum, the people of the United Kingdom have spoken: they have made their choice. I have faith in the people of the UK to make the best of Brexit. Scotland can and must play an important role in seizing the opportunities in that regard, so let us work together for the best for Scotland and for the United Kingdom. That is what our constituents who send us here expect us to do. They expect their politicians to get on with the work. We should all do that.

15:45

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): It is a bit rich of the likes of John Lamont and Adam Tomkins to accuse SNP members of grievance when it was an internal, ultra-right-wing grievance in their party that brought us to this isolationist place, in which all our rights are put in jeopardy.

Tory members celebrate and shout, "Scotland, know your place! You have no rights!" Every Tory member who has spoken in the debate has talked about the insignificance of the Scottish Parliament, but this place is significant. This Parliament has an opinion and its opinion will be expressed. If the Tories do not like that, they should not be sitting on those benches.

We have had the Universal Declaration of Human Rights for 69 years—well beyond the lifetime of most members. Throughout those years, we have recognised the right not to be tortured—although listening to the Tories stretches that a bit. We have recognised the right to freedom of speech, a safe place to live and equality for all, regardless of religion, sexuality, race or gender.

There are less obvious rights, such as the rights to a reasonable work-life balance, proper employment practices that do not exploit workers, trade union membership and maternity leave and pay. Members do not need to look too far back in our history to find a society that treated people who had disabilities or who had hit unfortunate times as the undeserving poor. When generous Dickensian philanthropists gave their vast wealth to help to run workhouses and maternity homes for unmarried women, there was no sense of community responsibility.

I hope that we have changed and moved forward since then. People with disabilities share the same universal human rights as people without disabilities have. If some folk need help and support so that they can work, care for themselves or live independently, Governments have an obligation to meet those needs. I hope that Scotland is doing some of that, although it is not without its faults. However, at Westminster there seems to be a drive to return to the good old

British values of talking people down and discarding them like refuse in the street.

Unlike the Tories, we do not congratulate the money makers, despise the needy and refuse to participate in any kind of sharing. We do not call immigrants “scroungers”. We do not say that non-natives are not welcome. If English is not someone’s first language, we do not talk them down—or abuse them when they are on a train to Scotland.

Such has been the emphasis on the six-line bill to push article 50 through that we have heard little about what leaving the EU will mean for our daily lives, which will be as true for ordinary employees as it will be for those with any kind of disability. Liam Fox said last week:

“To restore Britain’s competitiveness we must begin by deregulating the labour market.”

That is about not recognising the employment rights that I talked about. Westminster will no longer need to recognise the working time directive, which gives us the right to at least 28 days of paid holiday a year, rest breaks and rests of at least 11 hours in a 24-hour period. The directive restricts excessive night work, requires a day off after a week’s work and provides the right to work no more than 48 hours a week.

That is the red tape that Liam Fox is talking about taking away through deregulation. Are members happy for such rights to be abandoned? I am not, and I am not going to allow it. Let us not pretend that such things are not fundamentally at risk from the Tories. Liam Fox’s words confirm it and the Tories’ actions confirm it.

There is a risk, as was evident from last night’s Brexishambles in the UK Parliament, when Westminster barely recognised my parliamentary colleagues. Only four MPs who represent Scottish constituencies were allowed to speak, and one of them was able to speak for only 30 seconds.

There is an ever-growing impression that Scotland’s voice is absolutely secondary and second class in the debate. We can see that here as well, in some of the people talking down this place. Do we trust Westminster to stand up for Scotland? I do not. Most of the people I know do not, and they do not trust that lot over there on the Tory benches, who sit there laughing while their rights are being undermined.

We await further information from the UK Government. We have seen none of it. The Minister for UK Negotiations on Scotland’s Place in Europe has told us that the JMC has not produced anything of note. When will the UK Government start to listen? When is this a disaster—when things have fallen apart or when people are on the streets? They are already there.

It is time to act now—today. I am very supportive of SNP members and other members across the chamber who will vote against the Tory diktat today. When it comes to Scotland’s place in Europe and in the world, we deserve better.

15:50

Elaine Smith (Central Scotland) (Lab): I will not be voting for the SNP motion. I am listening to the debate for the amendments.

Presiding Officer, as you and colleagues will be aware, I put a socialist case for leave in the chamber last year. I was one of only a few members who indicated that they would vote leave.

When the result of the referendum was broken down to Scotland, it showed that nearly 40 per cent of those who used their vote voted leave, and they were spread across the political parties. Such a vote by the public should be reflected more in the chamber—particularly as we now know that there are SNP MSPs who privately voted leave. The same logic applies to our Scottish MPs who voted last week to try to stop the invoking of article 50. Who is speaking for the 40 per cent of Scots who voted leave and who undoubtedly expect the result eight months ago to be proceeded with?

That brings me to a close examination of the rhetoric that says that the people of Scotland voted remain. No—they did not. The population of Scotland is 5.5 million. The number of registered voters was 4 million; the remain vote was 1.6 million; and the leave vote was just over 1 million. To be frank, I am astonished that 1 million people in Scotland voted leave, given that all the major political parties were campaigning hard for remain.

The breakdown of the vote to the Scottish level is based on a false premise. Anyway, the vote was not ring fenced to Scotland—unlike the 2014 independence referendum vote. The EU vote was UK wide and everyone was well aware of that when they participated in it. There was no veto for Scotland, London or Gibraltar. However, the SNP is not good at respecting the outcome of referendums, as is evidenced by its refusal to respect the 2014 result.

Gillian Martin: Will the member take an intervention?

Elaine Smith: I will not take the member’s intervention. I am rather hoping that my colleague Neil Findlay will get to speak, as he requested.

I certainly agree with the Labour amendment that there should not be another independence referendum. We have had our say, we voted and we got a clear result. The whole EU debate is moving on; ignoring the result and trying to stop the process will not help to achieve the best

outcomes for Scotland and the UK. Meanwhile, Labour at Westminster, while respecting the democratic result, is pressing the Government on the detail. We would not have had a white paper at all if it had not been for Labour pressing for it.

At Westminster, the SNP should focus on supporting the amendments that Labour has tabled. That would significantly improve the process and ensure accountability throughout the Brexit negotiations that follow. There are vital issues that our Scottish Government should be concentrating on and which it can influence, such as fisheries, guarantees for EU nationals who live and work here, protecting existing workers' rights and retaining all measures to address tax avoidance and evasion. In terms of economic democracy, I am concerned about the lack of discussion of potential freedoms from EU regulation, such as on the powers of Parliament to provide state aid, to take public ownership of rail and ferries and so on, to end compulsory competitive tendering and to set procurement conditions for contractors.

The SNP is holding the debate in an attempt to stop article 50 when we do not even know the results of all the amendments yet. It would have been legitimate to debate what this Parliament wants to see going forward. If there truly had been a desire for cross-party co-operation, perhaps we could have had a debate without a vote, which would have proven that desire.

Triggering article 50 is just the start of the Brexit process; it is not the end. Undoubtedly, there will be a long battle throughout the negotiations to shape the final deal. I am confident that my UK Labour colleagues are holding the Tory Government to account and putting a strong case against a damaging right-wing Brexit. Labour MPs will vigorously oppose any threat to rip up existing economic and social protections and introduce policies such as slashing corporation taxes and making even more cuts to public spending. Labour is clear that living standards and public services must not be used as a bargaining chip in Brexit negotiations, but there is no doubt that the result of the legitimate and democratic UK vote must be respected.

The First Minister said today that this is the most significant vote since devolution, even though it is on a reserved matter. Maybe for her and her nationalist agenda it is, but she chooses to ignore majority votes in this Parliament where we have powers—such as votes on calling in bad health board decisions, stopping fracking and retaining Highlands and Islands Enterprise. It is past time that the SNP Government sorted out the problems in health, education and public services, on which it has powers, and that it respected the result of the UK referendum.

15:55

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): It is always interesting to listen to what Opposition parties have to say, and many ironies emerge. One of the ironies is that by far the strongest supporters of the United Kingdom, as shown in the EU referendum, are the people of Gibraltar, 95.9 per cent of whom voted to remain in the EU. It is not simply a matter of the United Kingdom discriminating against Scotland and refusing to engage and listen. The UK Government is being absolutely fair—it is against everything that anybody says that is different from its own settled ideas. The Gibraltarians, who are the most loyal of UK citizens and the most committed to remaining in the EU, are being ignored. I hold no brief for the Gibraltarians. I have met ministers from there and it is always interesting to do so.

Adam Tomkins said that we want the fullest possible participation in European markets; indeed, that is what the UK Government white paper says. It uses the phrase “mutually beneficial” with reference to the customs union on a dozen occasions, so we know that the UK Government is committed to achieving that. How can we achieve that? The strongest and most certain way of achieving a mutually beneficial European market is by being in the single market.

Douglas Ross took us back to the referendum of 2014 and told us that it was on a simple question: should Scotland be an independent country—yes or no? In other words, it told us nothing whatever about Scotland's attitude to the EU in 2014. That is the assertion that I have heard from him.

What, in turn, was the question that was asked in 2016? It was: should the UK be in the European Union—yes or no? It told us nothing whatever about our attitude to the single market. It told us nothing whatever about our attitude to the free movement of peoples. It answered one simple question, and we have that confirmed by Douglas Ross. It is perfectly permissible to stay in the single market, the EEA and EFTA and still be consistent with the result that was delivered on 23 June 2016. That is the argument that is being put by SNP members today.

Douglas Ross: Will the member give way?

Stewart Stevenson: I am afraid that it is not possible to do so in a five-minute speech.

Adam Tomkins is, of course, a young and inexperienced politician, certainly in comparison with me, on both counts. He has either forgotten or never been aware of the considerable number of occasions on which the UK Parliament, and particularly the House of Lords, has amended legislation to affect Scottish competences in legislative and administrative matters without our

having had the opportunity to bring forward a legislative consent motion. I think that he suggested that that is unconstitutional, but maybe not. It is certainly not a position that I can support.

I intervened on Ross Greer to ask whether what the UK Government has published is a white paper. There are only four lines in the UK Parliament's description of white papers and it is clear that white papers come before bills. What do we have? We have a white paper that purports to have 77 pages, but six of them are blank and four are just the introduction, so the white paper is actually just 67 pages.

The Scottish Government published 650 pages when going into the 2014 referendum. What other things have we got? The "Travel Choices for Scotland" white paper from the UK Government had 114 pages. A paper on prosperous communities through local government had 247 pages, and there were 128 pages on educational excellence. We can see that the UK Government's Brexit white paper is a shoddy and inadequate piece of work. In fact, it is no white paper whatever—it is a white flag that is giving in to people elsewhere. It will give us nothing for Scotland and it will sell out our fishing communities again. That is the Tory plan—that is what the Tories are going to do.

John Lamont: On a point of order, Presiding Officer. As the business manager for the Scottish Conservative and Unionist Party, I ask for a motion without notice under rule 8.14 of standing orders to extend the debate by up to 30 minutes, to allow time for members to speak who wish to take part. I am conscious that a number of contributions have been restricted because of the limited time that is available and that some SNP back benchers have said that the Westminster debate was curtailed. I would like to move that the debate be extended by 30 minutes.

The Deputy Presiding Officer (Christine Grahame): I heard the previous two Presiding Officers in the debate speaking on the matter. The business time was organised by the Parliamentary Bureau and voted on by the Parliament just last week. In line with the view of the other two Presiding Officers who have sat through the debate, I am not minded to accept a motion. Thank you.

16:01

Ross Thomson (North East Scotland) (Con): Since the historic referendum result on 23 June last year, the immediate go-to argument from the Scottish Government has been that Scotland voted to remain, conveniently side-stepping the fact that the EU referendum was a UK-wide vote. The Scottish Government acknowledged in its own

white paper for independence "Scotland's Future", on page 210, that,

"if we remain part of the UK, a referendum on future British membership of the EU could see Scotland taken out of the EU against the wishes of the people of Scotland".

Despite that, Scots still voted overwhelmingly to remain in the UK.

Subsequently the United Kingdom voted by 52 per cent to 48 per cent to leave the EU. True to her nationalist politics, the First Minister hailed the votes of the 1.6 million Scots who voted to remain as representing Scotland's voice. Meanwhile, the votes of the 1 million Scots who voted to leave were airbrushed out of the picture altogether. The First Minister did not even stop to consider that among the leave voters who were now being deleted from Scotland's national story were thousands of her own supporters.

Joan McAlpine: Will the member take an intervention?

Ross Thomson: Will the bashful nationalist Brexiteer MSPs, along with Labour colleagues, finally use this moment to vote with their heart and their conscience in support of triggering article 50, or will they remain cowards in hiding? Mr Russell says that this debate is about democracy, but imagine this for just a second: over 1 million Scottish voices silenced. In both this Parliament and at Westminster, Scottish leave voters have been left totally unrepresented. Did members know that in the north-east of Scotland, more people voted leave than voted for the SNP in all 10 constituencies?

Members on the Government benches try in vain to convince us that their proposals are a compromise.

Joan McAlpine: Will the member take an intervention?

The Deputy Presiding Officer: Please sit down. The member is not taking an intervention.

Ross Thomson: In reality, they are an unworkable fudge in which Scotland retains free movement and single market membership while the rest of the UK leaves. The SNP's so-called compromise would slam down a hard economic wall between Scotland and the rest of the UK—a market worth 4 times more to Scotland than the EU.

The Minister for International Development and Europe (Dr Alasdair Allan): Will the member give way?

Ross Thomson: No, I will not. We have 5 minutes to speak, but it is not long enough, as we know.

In fact, all the SNP can really muster to say in the 50 plus pages of its document is, “Give us everything we want and we will take the threat of independence off the table—mebbes—for a while.” The SNP can dress that up as a compromise, but I call it constitutional blackmail.

Brexit presents a world of opportunity for Scotland. We can negotiate free trade deals with developed and emerging economies; we can control immigration, ensuring that skills and innovation are welcomed with open arms; we can regain control of 200 miles of territorial waters, reinvigorating our fishing industry and coastal communities; and we can finally liberate ourselves from the overreaching and inconsistent jurisdiction of the European Court of Justice.

Stewart Stevenson: Will the member take an intervention?

Ross Thomson: You did not take any—I will not take any from you.

The Deputy Presiding Officer: Mr Stevenson, please sit down.

Ross Thomson: We have heard the First Minister warn against the rise of populism across the world. However, the Government itself is repeating those very mistakes. In continuing to dilute the referendum results of 2014 and 2016—in dismissing the voices of no voters and leave voters—the SNP only feeds voters’ disaffection with the democratic process and their distrust in politicians. There is palpable frustration among nationalist leave supporters for this SNP Government’s disregard of—even contempt for—the benefits of Brexit. In their actions, the nationalists stoke divisions rather than seek to heal them.

Daniel Johnson: Will the member give way?

The Deputy Presiding Officer: The member is in his last minute.

Ross Thomson: This Government is fundamentally incapable of uniting behind anything—it cannot even decide whether it supports the EU, EFTA, the EEA, or some other Norway-style arrangement. We have a “computer says no” Scottish Government, which is in total disarray: it is void of substance, void of direction, and void of leadership. In fact, the First Minister is not even in the chamber for what is supposed to be the most historic of all votes.

Members: Where’s Ruth?

Ross Thomson: I believe in the talents and the ability of the people of Scotland. I am confident that we can make Brexit a success—[*Interruption.*]

The Deputy Presiding Officer: Quieten down, children.

Ross Thomson: I am confident that we can make Brexit a success and that Scotland will thrive and flourish outwith the EU as we enter a new chapter in our politics. That is why I will proudly vote for the Scottish Conservative and Unionist amendment this afternoon.

16:06

Richard Lochhead (Moray) (SNP): This is an extremely important debate and I am repeatedly astonished by the Conservative Party decrying the fact that it is taking place today when it is one of the biggest issues facing the people of Scotland—some people think that it is the biggest issue since the second world war. In fact, the debate is the lead story on the BBC website right now—the BBC is covering it live. It is a major, major issue of importance for the whole of Scotland and our future.

Neil Findlay: As the member is saying that it is such an important day, could we please send out a sheepdog to find the First Minister and all the member’s colleagues, so that they can listen to this important debate? [*Interruption.*]

Richard Lochhead: Looking at the Labour Party’s empty benches, I am not sure that the member is in a position to lecture us on the turnout of our MSPs at this particular point in the debate.

Before I move on to the main thrust of my speech, I want to take issue with the Conservatives’ constant reference to the word “nationalists”. In Scotland, as in many countries in the world that take great pride in themselves, we have civic nationalism. What we should be ashamed of—the Conservatives in particular—is the British nationalism that led to a grievance against Europe that meant that we had to have this debate in the first place. That is the kind of nationalism that members on the Conservative benches should be decrying, not the civic nationalism—the peaceful nationalism—that we are lucky enough to have in this country.

There are few issues of greater significance than Brexit and our future relationship with Europe. There are so many implications—for the kind of country that we want to live in; for our living standards; for the opportunities that will be available to future generations; for peace and security, not just in Scotland and the UK but in Europe and perhaps the rest of the world; for democracy; for Scotland’s devolution settlement; and, indeed, for Scotland’s constitutional future.

I want to touch on a couple of the key reasons why it is important that we vote against triggering article 50. The first argument, of course, is the democratic argument: that this is Scotland’s Parliament; we have Scottish political parties; we have a Scottish Government; and 62 per cent of

the people we represent voted to remain within the EU. That is the first and foremost reason why we should be arguing against triggering article 50—because the people of Scotland did not vote for it.

Elaine Smith: I thank the member for taking an intervention. Will he confirm that that is what the motion is about—it is about not triggering article 50 ever?

Richard Lochhead: I will come on to why we should support not triggering article 50.

I should say first that I was willing to give way to Labour Party members because I have a lot of sympathy for their argument that we should be extending the time for this debate on such an important issue. Parliament should be able to respond—

The Deputy Presiding Officer: Will you sit down for a minute, please, Mr Lochhead? I am sorry to take up your time, but I want to make it clear once again that the Parliamentary Bureau, which has equal membership from all the parties, decided the timetable and the Parliament agreed on that. This is the fault of the Parliamentary Bureau. If it had wanted a longer period, it could have changed it. I do not want the issue to be mentioned again, because it has been ruled on.

Richard Lochhead: Another democratic reason why we should vote for the Government motion tonight is that 58 of Scotland's 59 members of the UK Parliament also voted not to trigger article 50—that was another democratic expression of Scotland's wishes. We have a situation in which 62 per cent of Scots and 58 of Scotland's 59 MPs voted one way. The Scottish Parliament should reflect the democratic expression of the people of Scotland.

Another reason why we should support the Government's motion is that the UK Government simply has not responded to the Scottish Government's paper on the options for reaching a compromise for Scotland that takes account of the wishes that Scotland has expressed. It was outrageous for Theresa May to make her speech ruling out membership of the single market without responding to the Scottish Government's paper beforehand.

Scottish Government ministers are being treated with utter contempt—they are being strung along. Our ministers travel to London to meet UK ministers, who go through the motions of having the meetings—they pretend to listen, feign concern and undertake insincere and fake consultation—but Scotland is simply not being treated as an equal partner in the UK; we are being treated like distant cousins who go to visit and are not welcome. UK ministers cannot wait for us to leave. It is not good enough that they see us as annoying distant cousins when we are

supposed to be equal partners in this family of nations.

Parliament has been treated with contempt, too. I am a member of the Culture, Tourism, Europe and External Relations Committee, as is Joan McAlpine, who spoke earlier, as have other members of the committee. We have twice invited David Davis, the UK Secretary of State for Exiting the European Union, to give evidence to the committee. We are weeks away from triggering article 50, but we cannot get the secretary of state with responsibility for that to give evidence to a Scottish Parliament committee on what some people say—I reiterate that people are saying this—is one of the biggest challenges to face this country since the second world war.

David Davis and other UK ministers clearly think that they have better uses of their time, but they are treating the Parliament and the people of Scotland with contempt and they should not be allowed to get away with that. Conservative members in Scotland should stand up to their colleagues in London and get behind the democratic wishes of the people of Scotland.

Douglas Ross: On a point of order, Presiding Officer. I ask for your ruling on the fact that the current member for Moray chose not to mention his constituency once in the debate, despite the fact that that constituency came closer than any other in Scotland to voting to leave the EU. Do you not think that his constituents have been ignored today?

The Deputy Presiding Officer: That is not a point of order, Mr Ross. Sit down, please.

16:12

Jackie Baillie (Dumbarton) (Lab): Like the majority of people who voted in Scotland last June, I voted to remain in the European Union, and I was joined in doing so by the majority of people in London, Manchester and Northern Ireland. The BBC's analysis of the result shows interesting differences in how communities across Scotland and the United Kingdom voted. Although the result was not one that I wanted, as a democrat I accept it. People across the UK voted to leave, and I respect that.

Whatever we might debate today, the UK will be leaving the European Union. The question is when and on what terms. We know that once we trigger article 50, there is a two-year timescale for negotiations. Whatever deal is arrived at—or even if there is no deal—two years is the limit and, frankly, for such a complex negotiation, that is no time at all.

Stuart McMillan: Will the member give way?

Jackie Baillie: I really do not have time—I apologise.

With uncertainty in Europe, elections coming up shortly in France and Germany and little clarity on a range of issues, it would be reckless to start the negotiations now. I believe that we have a responsibility to secure the best deal possible for Scotland and for the whole of the UK. Just some of the big-ticket issues that should cause us concern are access to the single market, securing jobs, protection of employment rights and the status of EU nationals resident in the UK and of UK citizens who are resident abroad.

There is a responsibility on us all to secure the best possible transition for our economy and for jobs. That is why I want to pause—not to frustrate the process but to make sure that we are properly prepared for the negotiation to come.

I also respect the decision that the Supreme Court made: the matter is one for the UK Parliament to determine. Our vote, therefore, is advisory. The SNP does not have a veto and neither does this Parliament. It would be entirely unfortunate if the SNP were to spin today's vote as anything else.

Therefore, the rhetoric from the First Minister this morning, saying that it is the most important vote in the Parliament since devolution, is just a tad overblown and does not help her cause. It has been said that the only issue that the First Minister and the SNP care about is independence—everything else is secondary and viewed through the prism of whether it is good or bad for the argument about separation. People have a right to expect much more than that from this Parliament and from colleagues in the UK Parliament.

Few, if any, economists consider Brexit to be good for jobs and the economy, and there is a growing view that, instead of engineering grievances with the UK Government, the SNP would be better to focus on supporting businesses to grow and engage with other export markets; to increase funding to new export markets throughout the world; and to recognise that our biggest market is the rest of the UK. That might be uncomfortable for some members of the SNP, but it is the everyday reality for many of our businesses, which trade with the rest of the UK. Let us redouble our efforts with our closest partners, in England, Wales and Northern Ireland, as well as seeking new markets in China, India, Brazil and beyond.

Instead, however, the SNP Government, which proclaims that growing the economy is its top priority, has cut the budget of our enterprise agencies by 48 per cent since 2009—the bodies that are charged with economic development in Scotland in the face of Brexit. But wait! How could

I possibly forget the largess of the Cabinet Secretary for Finance and Constitution last week, when he gave them an extra £35 million? In case members missed it, that is underspend—financial transaction money, for one year only, that can be used only for lending. The cabinet secretary forgot to mention that at the end of it all, the enterprise agencies are still suffering a budget cut of £50 million, which is on top of the £170 million of budget cuts to local services.

I cannot help but reflect on how we got here. It is because a Tory Prime Minister gambled with the UK's future prosperity by having a referendum because of internal divisions; his successor is determined to commit economic vandalism by pursuing a hard Brexit; and the SNP appears more interested in pursuing grievance with the UK and in using Brexit as a battering ram for independence. To be frank, I say, "A plague on both their houses." This country needs practical action that protects our economy and jobs. Let us pause to ensure that we get the best deal for the UK and get the exit right.

16:17

Neil Findlay (Lothian) (Lab): The First Minister and her party appear to like democracy only when it goes their way. In two referendums, they have been on the losing side, but they accept the result of neither.

The debate has become part of a game. It is part of the Scottish Government's diversionary tactics to take the focus away from failings in the national health service, our falling status in world education, the crisis in social care, the butchering of local government and the failings in our transport system. Week after week, we have had a debate speculating about the EU, the single market and how Brexit might impact on everything from holidays in Magaluf to the price of an iceberg lettuce. However, the SNP scrupulously avoids debating its record on health, education, transport and other essential services.

It is also a tactic in a game of constitutional bluff and counter-bluff. I do not think for one second that the First Minister and her party consider EU membership to be a die-in-a-ditch issue of high principle. If she did, she would be sitting at the front throughout the debate.

Where is the logic to back up demanding independence from the UK because it is seen as distant, centralising and antidemocratic only to demand that we remain part of a European Union that is more distant, centralising and bureaucratic? Where is the logic of saying that we want to leave one single market to which we sell our goods only to demand that we remain in another to which we sell four times fewer goods? In whose world does

that make sense? I genuinely believe that if the First Minister thought that she could gain advantage for her cause by adopting an anti-European position tomorrow, she would do it in a heartbeat and her back benchers would fall into line behind her.

The reality is that, out there in our country, people are divided on our future relationship with the EU. Scotland did not speak with one voice in the referendum. The SNP does not speak for all of Scotland, just as that shower over there do not speak for the UK on Brexit.

The Deputy Presiding Officer: Mr Findlay, I do not like the use of the word “shower”.

Neil Findlay: Okay, I withdraw it.

This Parliament is not representative of Scotland in relation to Brexit—and I say that as someone who voted to remain. I say to all members of this Parliament and the UK Parliament that we all knew the rules of the referendum before a single vote was cast: there was no Scottish, Welsh or Northern Irish veto; and there was no separate Scottish vote. There was one vote—just one—and one result. Whether we like that result or not, we must respect the will of the people.

In this Parliament, we have seen the Government defeated on fracking, NHS service changes, Highlands and Islands Enterprise, local government finance and other issues, but the will of Parliament has been ignored.

Ross Greer: Will the member give way?

Neil Findlay: Yes.

The Deputy Presiding Officer: It will come out of your time, Mr Findlay.

Neil Findlay: Hurry up, Mr Greer.

Ross Greer: Mr Findlay started his speech by saying how we do not debate all of those issues, and now he is talking about how we have defeated the Government on those issues when the Opposition has joined together. The Parliament does debate those issues. Brexit is important and we debate that as well.

Neil Findlay: The member has made his point.

Now, we see moves to ignore the result of this referendum, too. What does that say to voters? It says, “You’re not important. Your vote does not count. You didn’t vote no in 2014—you didn’t vote to stay within the UK.”

Politics and democracy around the world are in a fragile state and we enter into treacherous waters if we say to the people that we are going to change the rules after the match has finished.

That is to say that people’s votes do not matter and that we are going to ignore them.

Maree Todd (Highlands and Islands) (SNP): Will the member give way?

Neil Findlay: I have no time.

Of course we must hold the UK Government to account and press for the best possible outcome. As a minimum, we must retain the social protection that we have been afforded and we must not dilute workers’ rights and environmental or consumer standards—of course we must not. Further, we must argue for access to a reformed single market that is no longer driven by an obsession for competition at the expense of jobs, sustainability and public services.

The Deputy Presiding Officer: Thank you Mr Findlay, you must conclude. I just managed to squeeze you in.

We now move to winding-up speeches.

16:22

Willie Rennie: This has been an interesting debate. This Parliament is not really and truly reflective of Scottish public opinion on Brexit—I think that that is pretty clear. The overwhelming majority of members in this place voted to remain in the European Union, so we do not truly reflect the views of the 1 million Scottish leave voters. Therefore, it is good to hear from Ross Thomson and Elaine Smith, who—before the vote—were genuinely in favour of leaving the European Union.

We have also heard some surreal contributions. It was interesting to hear Christina McKelvie say that, if we did not agree with the SNP Government, we should automatically resign from this Parliament. We also heard Richard Lochhead arguing the difference between bad British nationalism and good Scottish nationalism, which is, apparently, civic nationalism. I think that nationalism is nationalism, and that we should reject it.

There has been a shift in the nature of the debate. Back in June, it started off with the SNP focusing on the EU and what would be lost as a result of leaving the EU. I commend it for taking that approach. Over the summer, the SNP made the debate more and more about independence. It is interesting, however, that in the past few weeks the SNP has turned the debate from one about the EU into one about grievance and how Westminster has done this place down by constantly ignoring the will of the Scottish people. The debate is no longer about what I believe it should be about, which is the economic, environmental and security benefits of the European Union and how we are going to continue them. I believe that I have a separate solution for

how to achieve that. Instead, for the SNP, the debate is about generating more and more grievance. Joan McAlpine, Christina McKelvie, Stuart McMillan and others made those exact points this afternoon. They very rarely talked about Europe. Instead, they talked about individual grievances and grudges, including some theatre that apparently took place in the House of Commons last night.

That is not what the debate should be about. The debate should be about the benefits of our continued partnership with the European Union and how on earth we are going to get ourselves out of this predicament. I deeply regret that the SNP—as usual and true to type; it is what it does—turns every imaginable issue on the planet into an issue about independence. Nothing else matters. Whether it is tax or the welfare system, it is all about grievance in order to advance the cause of independence. I know that the SNP will say that it has always made it clear that that is what it stands for, but what it said last June—

Joan McAlpine: Will the member give way?

Willie Rennie: Not just now. The SNP said clearly to us all, over the summer, that its measures would categorically not be about independence. However, it has since talked about little else.

Daniel Johnson made a good, clear speech and I commend him for setting out the difficulties that he and his party colleagues face. Many of them are very pro-European but they are being dragged away by Mr Corbyn down a path that no one really understands. Mr Johnson talked about not being in favour of voting for something that would damage his constituency, yet he remains part of a party that, by unquestioningly supporting the Conservative Government in its pursuit of a hard Brexit, is doing exactly that. Labour will say that it has lodged various amendments, but the dedication and commitment to the European Union is simply not there. If nothing else, we can tell that from Mr Corbyn's body language and approach.

I am very much pro-European. I believe in international partnership and working with our neighbours, whether that is the United Kingdom or the European Union, the United Nations or our partnerships with various countries throughout the world. I do not believe in turning in on ourselves; I believe in looking out. The direction of travel of the Conservatives and the SNP is to turn in, blame others and seek to divide, not unite. I deeply regret that. We should unite to ensure that we get the best possible deal for Britain. There can be no better deal than the current arrangements that we have with the European Union. What is deeply regrettable is the ideological drive on the part of the Conservatives and the SNP, no matter what

the consequences or the damage to our economy, our security or our environment. Instead of looking to that ideology, they should be looking to try to work together in partnership across the European Union and across the United Kingdom.

The Deputy Presiding Officer: Thank you, Mr Rennie. We have made up some time.

16:27

Patrick Harvie (Glasgow) (Green): At some levels, this has been a fairly simple debate, with some fairly simple questions. Should article 50 be invoked? Last week, we had the sight of MPs openly admitting that they were voting against the interests of their constituents. I can understand why those who represent areas that voted leave might have felt conflicted, but this Parliament is not in that position and we can, in good conscience, vote in favour of both the wishes and the interests of our constituents.

Should article 50 be invoked now, with no clarity about transitional arrangements from the UK Government, no conditions attached—essentially a blank cheque—and no consensus on Scotland's future? Should this Parliament's view be given respect and a formal role? Leaving the EU clearly involves a change in the powers of this Parliament. I find it hard to understand the view that formal legislative consent should not be a requirement, at least in terms of the convention, even if the statutory footing promised in late 2014 has been shown up as the sham that we always thought that it was.

However, there are deeper aspects to this debate and the context in which we have it. We see the rise of deeply troubling far right politics on both sides of the Atlantic. From Trump in the United States to Le Pen in France, dangerous forces are gathering—forces against which Europeans and Americans stood together in the middle of the last century and forces that we must oppose again in this century. Those forces make it abundantly clear that they have gained momentum and inspiration from the narrow, short-sighted, xenophobic and anti-intellectual nature of the Brexit campaign. They are forces that are increasingly explicit about seeking the destruction of the European Union itself. We must stand in opposition to those forces.

The Greens will support the Government motion. The UK Government is clearly taking a narrow referendum majority as a mandate for the most extreme action possible, despite prominent leave campaigners explicitly promising that there was no threat to our place in the single market.

When he moved the Conservative amendment, John Lamont, who at times achieved a fair approximation of actual anger, told us that we

should reject the politics of grievance and division. I thought that the politics of grievance and division was the whole point of the Brexit campaign. Clearly, the Greens must oppose the Conservative amendment. Even aside from the principle of article 50, John Lamont is asking us to agree that the JMC is an effective way for Scotland to be heard. If the effect that the Conservatives seek is to neutralise Scotland's view, ignore our interests and override our votes, then yes, it seems pretty effective so far. If he thinks that that is unfair, perhaps he will join the rest of us in condemning the snub from UK ministers David Davis and Liam Fox, who refuse to engage properly with this Parliament's Culture, Tourism, Europe and External Relations Committee.

Mr Lamont tells us that the test of a democrat is to accept a result that we do not like. In reality, he is demanding so much more than that: to leave the single market without a shred of a mandate, to use EU citizens as bargaining chips and to leave the future of devolution to this Parliament at the whim of Tory ministers who this country never voted for.

The Labour amendment reminds us that Scotland voted to remain part of the EU and part of the UK. Indeed, in 2014 there was a 55 per cent majority to stay in the UK, after we heard explicitly that independence was the threat to our place in Europe. We then voted by a majority of 62 per cent to stay in the EU, after hearing promises that even if we lost, we would stay in the single market. I have yet to hear a clear proposition from Labour about how that circle can be squared.

The Scottish Government has gone to some lengths to explore the options for specific arrangements for Scotland—probably greater lengths than I would have gone to myself. The UK Government seems utterly disinterested in those options, and I detect very little support from UK Labour for such distinctive arrangements.

On the Liberal Democrat amendment, I can understand the argument for a second referendum, and I am pleased that the Liberal Democrats are not opposed to second referendums in principle. However, the case seems stronger if seen from the perspective of those who represent leave-voting areas. The Liberal Democrats appear to have no answer to the very simple and obvious question of what is to prevent exactly the same outcome, with the votes of people living in Scotland ignored and overridden once again. We could find ourselves once more with no voice and with a UK Government acting against our interests, without a mandate and without a shred of respect.

We have heard the voices of several leave voters, and of course I am always happy to hear minority views expressed in this Parliament. However, I must say that after the events of the

past eight months, nobody can claim that things are working out too well for the left's case for leave, such as it was.

The Green amendment is grounded in respect for the mandate: Scotland voted to stay. I know and respect the fact that not every remain voter can be assumed to be more open now to independence, but, on the same basis, not every no voter can be assumed to be willing to see Scotland ripped from the EU against our will. Even aside from the Brexit result itself, we cannot endorse the UK Government plan to invoke article 50. The UK Government has no plan, no transitional arrangements, no respect for Scotland's position in the debate and no prospect of giving clarity in the next two years, and we have no confidence in its management of the situation.

I commend the amendment in the name of Ross Greer.

16:35

Kezia Dugdale (Lothian) (Lab): I welcome the chance to speak in this debate. It is important that this chamber makes its voice heard on article 50, although we must accept, as Jackie Baillie has said already, that it is ultimately for the UK Parliament to have the final say on it. Those on the SNP benches might not like that, but people in Scotland voted to remain part of the United Kingdom, and that should be respected.

Labour's amendment accepts that the UK is leaving the European Union. There was a UK-wide vote, and those of us who backed remain lost. The strength of our democracy rests on our respect for the will of the people. I say to Willie Rennie that in his quest for simplicity and clarity, he somehow seems far too willing to dismiss and disregard completely the result of a UK-wide referendum. Whatever happened to the democrat in the Liberal Democrats?

Willie Rennie: Will the member give way?

Kezia Dugdale: If Mr Rennie does not mind, I want to make a bit more progress.

I am not happy about the result of the referendum. I fear for what will happen to our nation. I fear what will happen to EU nationals who have made Britain their home but have yet to receive any reassurances about their future. To the 181,000 such people in Scotland and the 39,000 of them who live here in Edinburgh, we cannot say often enough as a Parliament: this is your home and you are welcome here.

I also fear the impact that Brexit will have on our economy, on jobs and on our public finances. So, although I accept that the UK is leaving the European Union, I do not accept the terms that Theresa May has set out. That is why I do not

believe that article 50 should be triggered right now; not when the Tories seem determined to deliver a settlement that will do incalculable damage to the country. I cannot and will not sign up to Theresa May's version of Brexit. As Daniel Johnson said earlier in the debate, leave voters did not back Brexit to make themselves poorer, but that is exactly what will happen under the current plans.

I want to address that part of our amendment on the SNP's plans for another independence referendum. The only thing worse than Brexit for Scottish jobs and the economy would be independence. The SNP Government's own figures show that being part of the UK is even more important to Scotland than remaining in the EU. The economic links built up during our 300-year union are deep and of great benefit to Scotland. On trade, currency, jobs and so much more, together we are stronger. As our amendment makes clear, Labour will not support any SNP plan to impose another independence referendum on the people of Scotland. Our nation is divided enough and another referendum would do irreparable damage to the very fabric of communities across Scotland.

The message from a clear majority in September 2014 was that we should remain in the UK, and the SNP should respect that. However, the reality is that the SNP has been given the excuse to seek another referendum only because of the mess that the Conservatives have made of the whole process. Ruth Davidson never fails to try and tell us that the union is safe in Conservative hands. She spends her days straddling tanks and waving a union flag just to emphasise the security of the realm. Meanwhile, the actions of her own Government have exploited the insecurities that people feel in their lives and have reopened the divides of the referendum, despite the Tories' apparent willingness to move on from it.

Let us look at how the Conservatives have behaved since the independence referendum in 2014. We had David Cameron's half-baked plans for English votes for English laws, which played straight into the hands of the nationalists. Then there was the 2015 general election campaign, fully signed up to by Ruth Davidson, which sought to divide our country further by setting Scotland against England—a gift to the SNP. Now we have Brexit. The EU referendum was a device designed entirely to appease the right wing and the very worst of the Conservative Party. Instead of standing his ground, David Cameron capitulated in the hope of buying off a few UKIP votes and appeasing people like David Davis and Liam Fox. I have not got time to go into the detail of the Tories' attacks on social security and their multiple attempts to undermine workers' rights, which also

undermine the union and pour petrol on the fire for independence. Time and again, it has been the Conservative and Unionist Party that has put Scotland's place in the UK at risk.

Yet the Tories have the brass neck to come to this place and claim to be the party of the union. Ruth Davidson is sitting there smirking but she now finds herself voting for something that she knows will damage the UK economy and the prospects for Scottish jobs. She told us in TV debates shown across the nation—and sought plaudits for telling us—that leaving the European Union would be bad for our country. Now she sits there—

The Deputy Presiding Officer: Miss Dugdale, I ask you to use the member's name for the *Official Report*.

Kezia Dugdale: Ruth Davidson now sits there without a word of regret or an explanation of the underlying principles of the position that she now finds herself in. No wonder that people have so little faith in politics and in politicians.

John Lamont told us to respect democracy and to look to the future. Bluntly, people are looking for that £350 million that your party promised that we would get for the NHS in the event of leaving the European Union.

I want to conclude by saying this. In last year's EU referendum I voted to remain for many of the same reasons why, in 2014, I voted to stay in the UK. I reject a narrow nationalist view of the world, the view that blames something else for our country's problems—whether that is England or Westminster, immigrants or the EU.

Nationalism—civic, Mr Lochhead, or otherwise—is an ideology on the rise the world over, and is about breaking apart and creating division. Brexit and independence are two sides of the same coin.

I believe in working together. I believe in solidarity with our friends and our neighbours. I believe that we can achieve more together than we ever could apart. I believe in pooling and sharing resources, whether that is with the EU to tackle climate change, the refugee crisis or international terrorism, or with the rest of the UK to fund our public services, pay pensions or grow our economy.

That is what Labour's amendment calls for, and I urge members to back it at 5 pm.

16:42

Jackson Carlaw (Eastwood) (Con): We were told that this afternoon was going to be an historic debate. Yet, interestingly, between the opening and the closing speeches, the party that has had

the most representatives in the chamber throughout has been the Conservative Party and not the Scottish National Party, which had told us how historic the debate was to be.

Instead, from the SNP this afternoon, we have had an extended tantrum and chasing a grievance to justify—all over again—another independence referendum. All that is because it disguises the abject failure of the Scottish Government on the responsibilities for which it has control: the ruins of Scottish education, a health service that is now falling into ruin, and a ruinous economic policy that has made Scotland now the highest-taxed part of the UK and very unlikely to attract into it the very people whom the SNP says we need in order to maintain our public services. They are being driven away by SNP policy.

If it was a historic debate, Mr Russell no doubt felt the hand of history on his shoulder this afternoon. I thought that Fiona Hyslop might be responding to the debate, but no—both hands of history are on Mr Russell's two shoulders this afternoon.

I want to start off where Michael Russell began, because it was really quite revealing. He said that only one Scottish MP voted for article 50 in the House of Commons this week. That goes back to a point that this Parliament has not faced up to in the light of the referendum, which is that 38 per cent of people in Scotland voted to leave. This Parliament, which is supposedly a proportionally elected Parliament, did not represent 38 per cent of the people of Scotland.

Michael Russell: Will the member give way?

Jackson Carlaw: I will in a moment.

Thirty-eight per cent of people who voted to leave were not represented in any way in the House of Commons by the Scottish Members of Parliament who represent them. While Nicola Sturgeon repeatedly goes on about how the voice of Scotland is being ignored, and how she intends to take into account and respect the voice of those who wanted to leave, it is impossible to detect, in anything that the SNP Government has advocated or said, any way at all in which it has reflected or respected anybody who voted to leave in Scotland—including its own members.

Michael Russell: Bearing that in mind, how does Jackson Carlaw explain that only one Tory MP—Ken Clarke—voted against article 50? Does that show a proportionate view in the Tory party? No. What it shows is that MPs were bludgeoned into the lobbies to support something that many of them do not believe in.

Jackson Carlaw: Week after week and month after month, Nicola Sturgeon and SNP ministers have said that the Prime Minister cannot even give

clarification on whether she believes that we should be in the single market. Since last June, almost monthly basis, we have heard, "The Prime Minister cannot give clarification." When the Prime Minister gives clarification, the SNP says, "It's an absolute disgrace. How dare she give clarification before every last part of the United Kingdom has responded?" That is the definition of grievance. It does not matter what anybody says, the SNP is unhappy.

Lewis Macdonald gave the game away, but I understand and respect his point of view, because he would prefer that Labour was in charge of the process. However, I remind Kezia Dugdale that—nearly to a man—Labour MPs in the House of Commons at the time voted for the referendum.

Daniel Johnson made a fair point: people do not have to accept the UK Government's version of Brexit. There is a United Kingdom Parliament in which amendments to the Brexit process can be tabled. It is all about triggering article 50, so if SNP MPs can persuade others of their arguments, the amendments will be carried. The point is that the SNP was unable to persuade anybody of its arguments this week in the House of Commons and that 2 million Scots voted in 2014 for this country to remain part of the United Kingdom. What sticks in the SNP's throat more than anything else is that democratic decision of the Scottish people.

Daniel Johnson: Jackson Carlaw's remonstrations would have a little bit more credibility if the UK Government had not had to be dragged to the House of Commons by the UK Supreme Court to get that democratic consent in the first place. The reality is that the UK Government's policy has been to avoid the House of Commons at every possible step.

Jackson Carlaw: Stuart McMillan also referred to the need for the voices of our constituents to be heard. [*Interruption.*]

The Deputy Presiding Officer: Excuse me, Mr Carlaw. I would like to hear Mr Carlaw, not just Stuart McMillan.

Jackson Carlaw: Our constituents are being represented by SNP MPs in the House of Commons and it is most unfortunate if their arguments are unpersuasive. We all get to see them—Tasmina Ahmed-Sheikh ensures that every speech that she makes is widely promoted on social media, so there is an opportunity for everybody to see them. However, the arguments have failed to convince.

Only seven of the nine Liberal Democrat Westminster MPs bothered to vote in the final division, but Willie Rennie said that he is pro-European. I presume that he was against Ming Campbell and Nick Clegg when they circulated

election literature that said that they were in favour of a decisive yes or no referendum, because he now realises that there was a concern about the result. Willie Rennie referred back to the 2014 white paper and said that the SNP had given us a convincing and comprehensive plan for independence. I remember that plan: there was one page on the economy, two pages on regulation of outer space and a page on the Eurovision song contest. That white paper did not give a convincing and demonstrable plan for Scotland; it was an ideological paper that was designed to promote, yet again, the SNP's policy on independence.

At one point, in response to Neil Findlay, I think that Ross Greer said, "With only six MSPs, it is no surprise that we are not coming up with any accepting or sensible arguments of our own", but I am not sure; I might have misheard him. Ross Greer also dwelt on Joan McAlpine's point about whether there was any evidence that the Scottish Government paper had been accepted. The Scottish Government paper asked for the protection of workers' rights and, in her speech, the Prime Minister agreed. It asked for co-operation on tackling international crime and terrorism, and on foreign affairs, and the Prime Minister agreed. It asked for collaboration with our European partners on major science research and technology initiatives, and the Prime Minister agreed. It is simply not true to say that nothing in the Scottish Government's paper has been accepted by the UK Government, because it was included in the statement that the Prime Minister made. It is true that the Prime Minister does not agree with the Scottish Government on the issue of the single market, but that is a different thing from saying that the UK Government has not accepted, taken heed of or listened to any argument that the SNP has made.

It is also true that there is much that we agree with in the paper on immigration that the Culture, Tourism, Europe and External Relations Committee published this week. Scotland's demographics over the next 30 years demand that we increase Scotland's working population, not just with people from the EU but with people from the rest of the UK and the rest of the world. We need to ask why only 4 per cent of those who settle in the United Kingdom from the European Union wish or choose to settle in Scotland. Could that be because the environment in Scotland that the SNP has created is deeply unattractive to the people who choose to settle in the United Kingdom?

Lewis Macdonald: Will the member take an intervention?

The Deputy Presiding Officer: The member is in his final minute.

Jackson Carlaw: We are at a critical point. Article 50 is going to be triggered. I think that Pauline McNeill said in an earlier debate that she might not agree with anything that the Conservative Party is going to do, but it is now important to influence the debate. That has to be the challenge for the Scottish Government—not stand and shout, full of grievance, pain and false arguments in favour of independence. It is time for the Scottish Government to stand up and influence the outcome for Scotland. If it will not do that, it is up to others to do so for it.

16:51

Michael Russell: I have had many occasions during this debate to reflect on what a strange collection of people the Scottish Tories are. Their party was entirely saved by the process of establishing the Scottish Parliament; it had been virtually extinct in Scotland. The Scottish Tories' current vote is actually not as high as the vote that they got in the 1980s. They have no ambition for the Scottish Parliament or Scotland; indeed, they spend most of their time talking down Scotland. The previous speech proved that: apparently, people do not want to come here. That is the message that Jackson Carlaw has just told people on television. He said that they should not come here and that they do not want to come here.

Brian Whittle (South Scotland) (Con): Will the minister give way?

Michael Russell: No, thank you.

I know why the Scottish Tories are miserable and conflicted: they do not want to be here. They are the prime exponents of Dr Johnson's view that "the noblest prospect which a Scotchman ever sees, is the high road that leads him to England!"

The Scottish Tories are frustrated because there are no opportunities for them to go to the Westminster Parliament. David Mundell escaped; the rest of them are condemned to suffer here because they cannot get—[*Interruption.*]

The Deputy Presiding Officer: Members should settle down, please.

Michael Russell: There we see the anguish of the damned. The Scottish Tories cannot go anywhere else, because nobody will elect them to the Westminster Parliament—so we have to put up with them. As John Lamont did, they try, but they fail.

The arguments in the debate are quite interesting when we consider them in that context. There are basically four arguments. There is alienation from the Scottish Parliament and Scottish politics from the so-called Scottish Tories, and there are the why, the how and the what of Brexit. The why of Brexit relates to the way in

which the Tories—with some Labour members, of course—approached the business of the vote. It was a UK vote, apparently; Scotland's results are not relevant, despite the profound change that will be caused in Scotland by what is taking place. It will be the most important and devastating change in several generations. Even if a person does not accept the Scottish democratic choice, surely there is, at the very least, a need to reconcile that choice with a UK choice, but the Tories say, "No. We will not do that."

I will tell members why I recognise Scottish democracy—this might be a hint to the Scottish Tories as to why they do so badly. This is the Scottish Parliament. The people who vote for us are Scottish voters, and they expect us to stand up for Scotland.

I turn to the how of the process of leaving.

Brian Whittle: Will the minister take an intervention?

The Deputy Presiding Officer: Sit down, Mr Whittle, please.

Michael Russell: Apparently, we should just join in, no matter what happens in the JMC. I go to the JMC—I will be there tomorrow—and I see what is happening. Members do not have to take my word for it. If they want to get the Welsh Brexit minister to come and give evidence to this Parliament, I am sure that he would be pleased to do so. I think that he would tell you what I have told you—that the process is profoundly dispiriting. The Government in Wales also has a Liberal Democrat member. I think that she, too, would tell them the same. The reality is that the JMC process does not work and has never worked: every analysis of it has shown that it does not work. However, we are trying to make it work. If only the UK Government would do the same.

Then there is the what of the debate. The belief that is certainly held by the Tories, Labour and others is that, in some sense, the arguments that the SNP is putting forward are a stalking horse for independence. In reality, the Scottish Government has put on the table a compromise position. [*Interruption.*] That was accepted by the Secretary of State for Scotland, so the Scottish Tories appear to be out of tune with their own man—who made it to Westminster, unlike the rest of them.

We are willing and keen to negotiate; we still wish to do so. Moreover, if Tory members had read it, they would discover that our paper "Scotland's Place in Europe" answers the key questions that have been asked by them in the debate, including the question of trade, on paragraph 159.

A range of issues are raised in the paper that deserve attention. The paper is on the table. There

are options in it that can be achieved. Whatever happens now is because the UK Tories have taken it off the table; it is they who are refusing to compromise. Those three points were all heard in members' speeches.

Douglas Ross and Adam Tomkins really do not want to be here. They do not like the fact that they have not made it elsewhere, but that is life—people just will not vote for them. John Lamont is the same.

There were positive points in the debate, too. I was impressed by points that were made by members of some parties—not from parties across the chamber, because I heard nothing of them from the Tories—about the depth of the analysis that the Scottish Government is trying to undertake, as opposed to the lack of analysis by the UK Government; about the openness to negotiation coming from all the devolved Administrations, as opposed to the closed Tory view of the process; and about the desire to be part of the world, to engage and to have an open view. I have always agreed with that latter point, which defines why I came into politics, so I am glad to hear it from other parties.

I was also impressed to hear about the richness of migration and the contribution that is made by EU citizens. Last week, Shona Robison and I met a group of health service workers. A contribution stuck in my mind from a doctor from Germany who had worked in the health service for 28 years. He said that it is up to the UK if it wants to make decisions on migration, but what had really offended him—beyond anything else—was how he was being used by the UK Tories as a bargaining counter. That man has made a profound contribution to this country. It is shameful that he is being treated in that way—and the Tories should say that it is shameful.

There were, of course, extremist subsets in the debate, but I will ignore them. However, Neil Findlay and Elaine Smith's belief that we can get rid of the bosses in Europe by allowing the Tories to take us out of Europe is bizarre.

Jackson Carlaw attempted a definition of the word "grievance". I will give him the actual definition:

"A wrong or hardship suffered, which is the grounds of a complaint."

The false grievance was the Tory grievance against Europe. The real grievance, which we have to resolve, is about our being forced out of Europe against the democratic will of the people of Scotland. It is about making proposals in good faith but them being ignored and the negotiating process derailed by a UK Government that is not listening, and it is about bringing a compromise to

the table and having it rejected by people who never wanted it and had not read it.

Elaine Smith: Will the member take an intervention?

Michael Russell: No—I am sorry. I am in my last minute.

What are we going to do about those real issues? We are going to tomorrow's JMC with a positive view and a willingness to talk; we are going to make sure that we go on talking so that the article 50 letter can still be influenced by the reasonable demands of Scotland. However, we are never going to allow Scotland to be humiliated or for its democratic choice to be rejected; and we will never, ever turn our back on Europe and the world.

Scottish Public Services Ombudsman

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Scottish Parliamentary Corporate Body motion S5M-03830, in the name of Bob Doris, on the appointment of the Scottish Public Services Ombudsman.

17:00

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I speak as a member of the cross-party selection panel that was established under our standing orders, to invite members to nominate Rosemary Agnew to Her Majesty the Queen for appointment as Scottish Public Services Ombudsman. The cross-party selection panel was chaired by the Presiding Officer, and the other members were Clare Haughey, Richard Leonard and Margaret Mitchell.

Although the Parliament is not subject to the code of practice for ministerial appointments to public bodies, we followed those guidelines to ensure that best practice was observed and the process was open and fair. On behalf of the panel, I thank James Walker, the independent assessor who oversaw the process, who has provided the Parliament with a validation certificate that confirms that the process complied with good practice and that the nomination is made on merit after a fair, open and transparent process.

As many members know, the Scottish Public Services Ombudsman's role is to investigate complaints about most organisations that provide public services in Scotland when a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. The organisations that provide public services in Scotland include councils, the national health service, universities and colleges, most water and sewerage providers, prisons, the Scottish Government itself and most Scottish authorities.

The ombudsman also has a statutory duty to publish standardised complaints-handling procedures for the public sector and to monitor and promote best practice in complaints handling. In addition, the ombudsman is the independent reviewer of the Scottish welfare fund, and from 1 April 2017, as part of health and social care integration, the ombudsman will be able to consider professional judgment in relation to social work complaints.

The ombudsman's role is important, not only because it provides an independent, impartial and free complaints service to the people of Scotland but because it lets us know how well or otherwise our public services are working.

Our nominee is in the chamber this afternoon. Rosemary Agnew was the unanimous choice of the panel, from a strong field of candidates. She is currently the Scottish Information Commissioner—a post that she has held since 1 May 2012. Prior to that, she was chief executive of the Scottish Legal Complaints Commission; immediately before that she worked as an assistant ombudsman for the United Kingdom Local Government Ombudsman.

The panel thinks that Rosemary will bring to the post considerable knowledge and experience of complaints handling, a commitment to providing first-class customer care, and the enthusiasm and drive to deliver an independent and effective complaints system for Scotland. I am sure that the Parliament will want to wish her every success in her new role.

I am sure that the Parliament will also want to put on record its thanks to Jim Martin, who, during his term in office as the Scottish Public Services Ombudsman, significantly improved the efficiency and effectiveness of the office and set up an internationally recognised complaints-handling authority, to support and improve complaints handling in public bodies in Scotland. I am sure that all members wish him well for the future.

I move,

That the Parliament nominates Rosemary Agnew to Her Majesty The Queen for appointment as the Scottish Public Services Ombudsman under section 1 of the Scottish Public Services Ombudsman Act 2002.

The Presiding Officer: I, too, thank Jim Martin for his work as ombudsman. I thank Rosemary Agnew for her work as Scottish Information Commissioner and congratulate her on her nomination.

Health Service Medical Supplies (Costs) Bill

17:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of a legislative consent motion.

Motion moved,

That the Parliament agrees that the relevant provisions of the Health Service Medical Supplies (Costs) Bill, introduced in the House of Commons on 15 September 2016, relating to the costs of health service medicines, medical supplies and other related products, and specifically those relating to information powers, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Shona Robison*]

Decision Time

17:03

The Presiding Officer (Ken Macintosh): There are seven questions to be put as a result of today's business. I remind members that if the amendment in the name of John Lamont is agreed to, the amendment in the name of Lewis Macdonald falls.

The first question is, that amendment S5M-03858.3, in the name of John Lamont, which seeks to amend motion S5M-03858, in the name of Michael Russell, on article 50, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (South Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Thomson, Ross (North East Scotland) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (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) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)

Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Smith, Elaine (Central Scotland) (Lab)

The Presiding Officer: The result of the division is: For 31, Against 92, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-03858.1, in the name of Lewis Macdonald, which seeks to amend motion S5M-03858, in the name of Michael Russell, on article 50, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (South Scotland) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Ross (North East Scotland) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Dornan, James (Glasgow Cathcart) (SNP)
 Smith, Elaine (Central Scotland) (Lab)

The Presiding Officer: The result of the division is: For 20, Against 102, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-03858.2, in the name of Ross Greer, which seeks to amend motion S5M-03858, in the name of Michael Russell, on article 50, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (South Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Thomson, Ross (North East Scotland) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 72, Against 33, Abstentions 18.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-03858.4, in the name of Willie Rennie, which seeks to amend motion S5M-03858, in the name of Michael Russell, on article 50, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, Tavish (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-

shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (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) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (South Scotland) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Ross (North East Scotland) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 5, Against 119, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S5M-03858, in the name of Michael Russell, on article 50, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)

Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (South Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Thomson, Ross (North East Scotland) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 90, Against 34, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament agrees with all but one of Scotland's MPs that the UK Government's European Union (Notification of Withdrawal) Bill should not proceed, as the UK Government has set out no provision for effective consultation with the devolved administrations on reaching an agreed UK approach to the negotiations on implementing Article 50, has refused to give a guarantee on the position of EU nationals in the UK, has left unanswered a range of detailed questions covering many policy areas regarding the full implications of withdrawal from the single market, and has provided no assurance that a future parliamentary vote on the outcome of the negotiations will be anything other than irrelevant, as withdrawal from the EU follows two years after the invoking of Article 50 if agreement is not reached in the forthcoming negotiations, unless they are prolonged by unanimity; notes the widespread scepticism that an agreement on the future relationship of the UK and EU can be reached within two years; is concerned by the lack of any proposed transitional arrangements until such an agreement is in place, and believes that the decision to proceed with the bill does not respect the majority vote to remain part of the EU that was returned in every council area in Scotland.

The Presiding Officer: The next question is, that motion S5M-03830, in the name of Bob Doris, on the appointment of the Scottish Public Services Ombudsman, be agreed to.

Motion agreed to,

That the Parliament nominates Rosemary Agnew to Her Majesty The Queen for appointment as the Scottish Public Services Ombudsman under section 1 of the Scottish Public Services Ombudsman Act 2002.

The Presiding Officer: I congratulate Rosemary Agnew on her appointment. [*Applause.*]

The next question is, that motion S5M-03631, in the name of Shona Robison, on the Health Service Medical Supplies (Costs) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Health Service Medical Supplies (Costs) Bill, introduced in the House of Commons on 15 September 2016, relating to the costs of health service medicines, medical supplies and other related products, and specifically those relating to information powers, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

Blackhillock to Kintore Transmission Line

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-03637, in the name of Mike Rumbles, on the Blackhillock to Kintore transmission line. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the concern that has been expressed by communities in proximity to Scottish and Southern Electricity Network's proposed Blackhillock to Kintore transmission reinforcement regarding the development's potential visual impact; understands that the National Assembly for Wales unanimously passed a motion on 18 January 2017 endorsing the use of underground cables and alternatives to pylons where feasible, with a view to minimising the visual impact of such infrastructure; reiterates what it sees as the need for effective community consultation and the importance of incorporating feedback as a means for addressing such concerns; believes that the outstanding natural beauty of this countryside, for example the area around Bennachie, must be protected, and notes what it considers are the communities' urgent calls for the existing plans to be the subject of substantial change and mitigation action in order for this to be achieved.

17:11

Mike Rumbles (North East Scotland) (LD): Following this afternoon's contentious debate, we now have what I hope will be a consensual one. That is maybe why it is not so popular with members.

I thank my Liberal Democrat colleagues for allowing me to take only the second members' debate this year that the Parliamentary Bureau has allocated to the Liberal Democrats. We only get three debates a year and I appreciate the fact that colleagues have recognised the importance of this debate to the people of the north east of the country. I also thank parliamentary colleagues from across the chamber who have indicated their support for the motion that we are debating.

I particularly wanted to raise SSE plc's proposed Blackhillock to Kintore transmission line, which, if implemented in the way that the company was planning, would have caused so much environmental damage to Aberdeenshire's beautiful and unique landscape, especially around Bennachie. Several Aberdeenshire residents who are in the public gallery tonight would have been badly affected by the proposal had it gone ahead in its proposed form. That is true not least of enterprises such as Insch airfield, which lies directly in the path of the proposed huge 165 feet pylons.

I am using the past tense to describe the problem because, as soon as the bureau had programmed the debate, I received an email from

SSE informing me that National Grid had told SSE "not to proceed" with the proposal. That was very welcome news, to say the least. However, there was a word of warning as it also said that such decisions by National Grid are reviewed annually and there is a possibility that the plans could come back at a future date. That is why we are proceeding with the debate tonight.

Although the proposed grid connection, with its threat of huge pylons surrounding Bennachie, is not now proceeding, National Grid could change its mind in future years. That is why I am focusing on the suggestion of a simple one-word alteration in Scottish planning policy, which would, if implemented, undoubtedly improve the environment around our wonderful landscapes. The current Scottish planning policy states that "consideration" should be given to underground grid connections where possible. It would be immensely helpful if the word "consideration" could be replaced by the word "preference". The word "consideration" gives companies an awful lot of wriggle room. If it was replaced by "preference", companies would have some clarity about what was expected of them.

The minister is aware of the unanimous vote in the Welsh Assembly, which decided that

"there should be a presumption in favour of underground cables or alternatives rather than electricity pylons in any new or current developments in Wales by the National Grid"—[*Record of Proceedings, National Assembly for Wales*, 18 January 2017.]

I think and I hope that the minister will agree that that is a very reasonable position to take, especially as technology has moved on tremendously in recent years.

New technology that is already used elsewhere in Europe, based on high voltage DC transmission, now makes the act of burying cables a feasible option—it was not so feasible before. It is a more efficient way of carrying the variable power from our renewable energy sources.

It is important to stress that I am not asking for the undergrounding of all electricity cables on the national grid. That would be unreasonable and unrealistic. I am asking for the Minister for Business, Innovation and Energy to respond at the end of this debate to say that he will indeed examine the possibility of that one-word change to Scottish planning policy. I am not asking for a decision today—I just hope that the minister will be responsive enough to say that he will look at that. I am sure that the minister will agree that there are not many debates in which he is asked to examine just a one-word change in Scottish planning policy.

I believe that this is not a party-political issue. It is an issue on which we can all rally round for the sake of the communities that we represent and for

the protection of our wonderful Scottish landscape. If the policy can be agreed on an all-party basis in Wales, I am sure that we should be able to agree it on an all-party basis here in Scotland, too.

The Deputy Presiding Officer: That was very succinct, Mr Rumbles. You got everything said—well done. You caught me unawares. We move to the open debate.

17:16

Richard Lochhead (Moray) (SNP): I begin, as is customary, by congratulating Mike Rumbles on securing the debate. It is not often that lodging a motion has such an immediate impact, with the cancellation of a major infrastructure project. I congratulate Mr Rumbles on his influence, whether the decision was due to the power of his pen or coincidence, but here we are in changed circumstances having this debate. Nevertheless, some of the key points that Mike Rumbles made deserve the attention of the Parliament and of ministers.

I speak primarily as the MSP for Moray, because Blackhillock, which is mentioned in the motion, is next to Keith in my constituency. Had the development gone ahead it would, of course, have led to the marching of rather large pylons through the Moray countryside and, no doubt, to a lot of concern locally. In fact, I visited the Blackhillock sub-station just three or four weeks ago and I had a briefing from SSE on the huge investment that is taking place there to rebuild and expand it. The existing sub-station is being dwarfed by the complex that is being completed there to cope with massive renewable energy potential from the north of Scotland, which has to be moved down to the main centres of population.

When I was taken outside the building, I asked what size the pylons would be in the new corridor that was being proposed, if it went ahead. I was shown the biggest pylon in the area and told that the new pylons would be as big as that. At that point, of course, I thought to myself that that would be a big issue in Moray if the corridor went ahead.

I want to raise a couple of quick points. First, the presence of the Blackhillock sub-station—I am told that it is one of the biggest, if not the second-biggest, sub-station in the whole of Europe—at Keith in Moray means that it will be a magnet for many more developments to come into the area in the future. Now that we have the Blackhillock sub-station, any infrastructure that is built in the future will no doubt head towards the sub-station as it makes its way further south to Kintore or elsewhere.

Already significant developments are taking place that are leading to infrastructure being put in place from the Caithness route coming down to

Moray, and also from the Beatrice offshore wind project, which is substantial. It comes undersea, landing at Portgordon and coming to Blackhillock before the electricity is then taken south. Also, the Dorenell wind farm is potentially to be extended, and that will lead to even more electricity coming to the sub-station from that new wind development near Dufftown.

Moray will potentially host a lot more developments in the future, and in light of the concerns that have been raised by Mike Rumbles, which are pertinent to all the areas that are affected by those developments, I ask the minister how we can ensure that the role of underground cabling and other factors are properly taken into account and addressed. With the existing developments, such as the Dorenell wind farm, constituents who live in the Dufftown and Drummuir areas, who are among those directly affected by the new overground infrastructure, are very concerned about the impact on the scenery, their properties and the visual impact on their areas. We have to look at that.

Community benefit has traditionally been seen as something that should be delivered by the generators in the area where the actual energy developments are happening rather than the infrastructure. However, we now have a particular area of Scotland that could be subjected to a lot more infrastructure as opposed to just energy developments. How can community benefit be taken into account for the communities affected, not just for those who live near wind development or other renewable energy developments?

All the issues have to be looked at in more detail for the future. I thank Mike Rumbles for raising them and I hope that the minister will be able to reflect on some of the issues that have been raised in this important debate.

17:20

Alexander Burnett (Aberdeenshire West) (Con): I refer to my entry in the register of members' interests—in particular, to my involvement in renewable energy.

I am particularly pleased to have co-sponsored the motion and I thank Mike Rumbles for the opportunity to speak in support of protecting one of our most valued natural assets in Aberdeenshire—namely, Bennachie. As my wife was born in the foothills, at Inch war memorial hospital, and brought up at Pittodrie house, I have to declare a further personal interest in seeing its protection. Little did I know, as we ascended the snowy summit the other weekend—in what was probably inappropriate footwear, given the icy conditions and with a seven-year-old in tow—that the threat of the pylons was about to subside.

Some may think that has rendered the debate redundant. I stress that that is far from being the case; the issues that have arisen in relation to the matter are still very much alive and need to be addressed. There are obvious issues that are clear for all to see, including landscape impact and the impact on businesses—for example, Inch airfield, which has already been mentioned and is represented by my constituents Ken Wood and David Sadler. The airfield's operation would have been in serious doubt if the pylons had gone up, given the need for a 3km exclusion zone. I am afraid that it was only one case out of many, from people who got in touch.

Although the publication of the new National Grid networks option assessment is good news, we could have a different answer in a new NOA report next year. That is simply not good enough. Surely with investment, jobs and the concerns of constituents all on the line, there should be more certainty and transparency in the process or—even better—the process should allow better alternative solutions to be considered. The alternative is not new; it comes in the form of transmission by direct current, which allows cable to be buried. It is a technique that is already working well for high-voltage direct current—HVDC—cables in the rest of the UK and wider Europe. It enables fewer network losses and offers resilience against weather. It also has less impact on the natural environment and is considered to be better for renewable energy production.

In the late 1970s, we used to bury large pipes with short lifespans for gas transmission. Why is it unacceptable to ask that smaller cables that have unlimited lifespans get the same treatment?

To speak more broadly about transmission, it is also clear that we are falling behind in our ability to keep pace with the rest of the world. In 2010, China introduced ultra-high voltage direct current—a step up from HVDC—and recent examples carry 20 times the capacity of the Beaulieu to Denny power line. Recent contracts would see the equivalent of three Blackhillock projects transmitting from Edinburgh to Istanbul. We are literally miles behind international transmission companies.

Although the threat to Bennachie may have gone for now, the wider questions remain and require further investigation—not just to protect our landscapes, but to deliver our energy needs as efficiently as possible.

17:23

Rhoda Grant (Highlands and Islands) (Lab): I also congratulate Mike Rumbles on securing the debate and I commend the success of the campaign that the motion relates to.

That said, it is good to have a wider debate on the issue, although it appears to have been solved for now. There is agreement to underground the line around Bennachie but other bits of power line may require similar consideration, including power lines that are yet to be planned.

However, let us be clear that each site needs to be considered on its own merit, because undergrounding is not a panacea and has its own risks. Although it might be aesthetically pleasing, it might not be environmentally sound; it may disturb natural heritage because we cannot underground a cable without serious disruption to the land. It is not just the cable: there is also the insulation, which requires a reasonably wide trench, so sensitive habitats in the area could be damaged or destroyed. Some soil types should not be disturbed because of carbon release, so they might not be suitable for undergrounding. Similarly, archaeological remains could easily be damaged. Where those situations arise, it might be much better to put the cable above ground, from where it can be removed if different technologies provide a better solution.

Cost must also be considered. We all pay for distribution networks in our electricity bills. Those of us who are here tonight might be able to afford that, but a lot of our constituents live in fuel poverty and cannot afford the additional cost.

We must therefore consider each case on its merits and ensure that the solutions that are found are sustainable financially, aesthetically and environmentally. Therefore, the word “preference” might not achieve a better balance than the word “consideration”, which is currently in the planning guidelines. However, it is clear that undergrounding is not even being considered unless there is a public outcry, so the balance in the guidance is not right and it needs to be reviewed to ensure that the right vehicle for transmission is used in each situation.

If I may, Presiding Officer, I will push the boundaries of the debate a little and discuss the costs of transmission cabling. With others, I have for some time been pushing for interconnectors from the northern isles and the Western Isles to the mainland. Delays have led to increasing prices and I understand that underwater cables might also now need to be buried. That might not just be a preference for underwater cable—it might become a requirement. Burying cable is sensible in areas where trawling and dredging could disturb it, but where there is no risk of disturbance, surely it is less damaging to anchor the cable to the sea bed. Burying it will displace large areas of the sea bed and the natural habitat that it provides. We know very little about the conditions at depth, so we should take a precautionary approach to what we do there.

Therefore, I ask the Government to examine the proposals to see whether they are fit for purpose. Burying the cable would, of course, increase the cost of interconnectors, which is already prohibitively high. Ministers were working with UK colleagues to look for a solution to that, but I have heard little about the outcome of any meetings or whether any progress has been made. I hope that the minister can update Parliament on that some time in the near future.

I again congratulate Mike Rumbles on securing the debate and thank him for allowing us to debate the issue and its wider implications.

17:28

Liam Kerr (North East Scotland) (Con): I am pleased to be permitted to speak in the debate and I am grateful to Mike Rumbles for securing it.

The opening line of the motion is instructive, as it mentions

“the concern that has been expressed by communities in proximity to”

the

“proposed Blackhillock to Kintore transmission reinforcement regarding the ... visual impact”.

That concern is easily recognised. The construction of a 40-mile long, 165-foot high corridor of electricity pylons through some of the most iconic and beautiful landscapes in north-east Scotland must always be treated with caution and the most intense scrutiny.

It might be hard for people from outwith the region to understand what an iconic sight the Bennachie ridge is. It towers over a predominantly flat and rolling agricultural landscape and is visible from miles around. The view from Mither Tap draws thousands of visitors every year—it is Scotland at its finest. I am therefore delighted that National Grid’s recently published network option assessment has recommended that the development should not go ahead, at least in the near future.

What is most encouraging to me, as one who values community and local action, is that, when the community was called on to act, it stepped up. This is clearly a victory for people power. I, too, welcome members of the community to the public gallery. They are just a few of the hundreds who have campaigned hard for many months to ensure that the proposal did not get through. I say that they have campaigned hard, but that is not the half of it. As I am sure is the case for all members present, my email inbox left me in no doubt of the strength of feeling.

Those people deserve the credit for the decision. It is they who kept up the pressure on

National Grid and SSE and who flooded the mailbags and inboxes of us, their elected representatives. The American anthropologist Margaret Mead famously said:

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

It is important to acknowledge that SSE seems to have accommodated the call, which is reiterated in Mr Rumbles’s motion, for

“effective community consultation and the importance of incorporating feedback as a means for addressing such concerns.”

As Mr Rumbles made clear, that is not necessarily the end of it. The network options assessment merely makes a recommendation and can be reviewed. The NOA is an annual process, so a recommendation can change year on year as generation and demand scenarios change and as transmission development plans evolve. As such, a signal to stop or delay a project in one year might become a recommendation to proceed with it in later years. The question is far from over and the Kintore route remains SSE’s preferred corridor.

The motion is therefore right to highlight possibilities for substantial change and mitigation. Underground and undersea cabling, which is in use across Britain and Europe, is more reliable, as Alexander Burnett detailed, and has less impact on the natural environment. That has recently been recognised by the National Assembly for Wales, which, only three weeks ago on 18 January, unanimously passed a motion that called on National Grid to favour undergrounding when developing new transmission programmes in Wales. Rhoda Grant made important points on that and I hope that the minister will consider them.

No one doubts that there is an increasing demand on the electricity delivery network in north-east Scotland. Mr Lochhead made the important point that, by 2024, a huge amount of additional power will be channelled to Blackhillock for distribution throughout the network. It will come from Shetland, Orkney, the north of Scotland and the Moray Firth. It is likely to overwhelm the existing 275kV lines south. A new solution is required but, by supporting the motion, we are providing a voice to the local communities that ask simply for a more imaginative solution—one that complements and maintains the landscape and does not threaten the tourism industry or the quality of life for people in the region.

17:32

The Minister for Business, Innovation and Energy (Paul Wheelhouse): I thank the member

for North East Scotland, Mike Rumbles, for raising the matter. I hope that my cold does not affect members' ability to understand me.

The motion follows on from the parliamentary question on the same subject that the Minister for Local Government and Housing and I answered last week. It would be inappropriate for me, as the Minister for Business, Innovation and Energy and someone who is involved in the consenting process, to express a view on the proposals for an overhead line, which might come before the Scottish ministers for determination in the future. However, as Mike Rumbles outlined, it is now in the public domain that the proposals that the motion refers to were recently reviewed by National Grid under its annual network options assessment and that it has been recommended that the transmission company should not proceed further with developing its proposals at this time.

Mike Rumbles has asked Parliament to note the motion that the National Assembly for Wales passed on 18 January, which Liam Kerr and other members picked up. I confirm that, as Mr Rumbles indicated, the Scottish planning policy that was published in 2014 already states that consideration should be given to underground grid connections where possible. However, I have noted the point that he and other members, such as Mr Lochhead and Mr Kerr, made and I undertake to reflect on it. I can make no promises at this point, but I will listen to the views that have been expressed.

The Scottish planning policy is clear that international, national and locally designated areas and sites for landscape and nature conservation should be identified and afforded the appropriate level of protection in development plans. Rhoda Grant made fair points on the impact of undergrounding on archaeology and natural heritage, and that has to be taken into account in the process.

For national designations, the policy states:

"Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

I appreciate that a lot comes down to semantics and interpretation of language, but I reassure members that there is at least protection to prevent unacceptable damage.

Our national planning framework, NPF3, identifies a high-voltage electricity transmission network as a national development. That is vital to

meeting our ambitious targets for renewable electricity generation, tackling climate change and achieving energy security—basically, keeping the lights on. However, the design and construction of network infrastructure are the responsibility of the network owners—Scottish and Southern Electricity Networks and SP Energy Networks—in conjunction with the system operator, which is National Grid. As electricity network costs are recovered from existing and future electricity bill payers, it is the role of the regulator—the Office of Gas and Electricity Markets—to scrutinise and approve network investment plans in order to protect consumers' interests.

Having said that, I note the concerns that Mike Rumbles, Richard Lochhead, Alexander Burnett and others have expressed about the degree of community consultation. I reassure members that we greatly value community consultation and expect full commitment to it.

The Scottish ministers require any application for electricity infrastructure from transmission companies to provide detailed evidence of community consultation, and I expect that consultation to be meaningful. The application must also demonstrate how consultation has informed the applicant's preferred options and clearly explain what mitigation measures it has identified to address local community concerns. I will pay heed to such matters in my deliberations.

I note the fair points that Mr Lochhead made about taking into account the wider impact of other connecting infrastructure at Blackhillock, and other sites across Scotland, from substations of the proposed scale. I will ask officials to brief me on sites of that nature so that I can consider the points of detail for policy on them.

I thank Mr Rumbles for providing me with an opportunity to outline how Scottish Government policy already supports and protects areas with national designations; to provide an overview of the planning and regulation of electricity networks; and to highlight the importance of the Scottish Government's commitment to involving local communities in decision making.

We understand that—whether in response to Mr Rumbles or because of other drivers—the transmission company had envisaged submitting an application in relation to the proposals that the motion refers to no earlier than 2019. As National Grid has now indicated, the development of the proposals is not optimal at this point. My officials will continue to engage with the network companies to discuss all engineering options, including overhead lines, undergrounding, subsea cables—a number of members referred to them and they are of particular interest—and ancillary technologies.

I take on board the points that Rhoda Grant made about subsea cables and reassure her about our intentions around island communities. I expect that to be on the agenda at the convention of the Highlands and Islands this coming week. Energy strategy and issues to do with interconnection for the islands have been hot topics in our engagement with the island authorities and the United Kingdom Government.

I take Rhoda Grant's point about environmental impacts. The process is not always straightforward, and we look carefully at the environmental impact of subsea cables that are laid, but they generally provide what is deemed to be a pretty good solution to problems of connecting such infrastructure.

Members might wish to arrange meetings with National Grid, and I can ask my officials to provide relevant contact details if they are needed. I appreciate that some colleagues have access to National Grid already.

I thank Mike Rumbles for bringing this important issue to the chamber. I reassure members that we will always take into account communities' views on such matters, and I will look to work with members across the chamber to ensure that our policy is always as supportive as it can be of communities' concerns.

Meeting closed at 17:39.

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