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Scottish Parliament

Wednesday 25 October 2017

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

Urgent Question

Scottish Fire and Rescue Service

Claire Baker (Mid Scotland and Fife) (Lab):

To ask the Scottish Government what its response is to reports that the Scottish Fire and Rescue Service plans to close fire stations and reduce firefighter numbers.

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The firefighters play a vital role in protecting our communities, and the Scottish Fire and Rescue Service continues to deliver the high standard of service required to keep Scotland safe. Since the establishment of the Scottish Fire and Rescue Service in 2013, there have been no compulsory redundancies and front-line services have been protected, with no closure of any fire stations in Scotland.

The Scottish Fire and Rescue Service is currently exploring how it should develop to meet the new and emerging risks facing our communities, including how transformation of service delivery could see the Scottish Fire and Rescue Service do more for the people of Scotland. No decisions have been made on what that transformation would look like, and the transformation process will involve liaison and discussion with staff, partners and the public.

The Scottish Government has increased the overall operational budget for the Scottish Fire and Rescue Service this year by £21.7 million, to support investment in equipment and resources. I am in regular discussion with the chief fire officer and the Scottish Fire and Rescue Service chair about the Scottish Government's funding of the service next year and beyond.

Claire Baker: When the Scottish Fire and Rescue Service was created, we were promised that front-line services would be protected. The papers leaked today show that that is not the case. The minister may claim to have increased the budget, but she knows full well that, since 2013, £53 million has been cut in real terms, including a real-terms cut to the resource budget last year. There are 700 fewer firefighters than in 2013, 60 to 100 on-call pumps are unavailable each day and today we have learned that stations are to be closed and that front-line firefighter numbers are to be cut. Can the minister seriously

still claim that her Government is protecting front-line services?

Annabelle Ewing: I reiterate what I said in my first response; perhaps those points were not picked up. There have been no compulsory redundancies and there have been no station closures. Indeed, it may interest the member to note that some 100 new firefighters have been recruited in the past year. She referred to the single-service reforms and, of course, during those reforms it was anticipated that savings would be part of the package.

The member referred generically to budget resourcing issues. Discussions on this year's budget are on-going, as is the normal procedure and as would be expected to take place. It is not a help that Scotland's budget over the years 2010-11 to 2019-20 has faced cuts from the United Kingdom Government of some £2.9 billion. I hear the Tories groaning, but it is also not a help that we are seeing £10 million annually taken out of the budget for our Scottish Fire and Rescue Service by the UK Tory Government at Westminster.

I would have thought that the member would wish to get behind the growing calls to get the £10 million per annum—£50 million by the end of 2017-18—that has been taken out and the VAT back from the UK Government. In that regard, it is disappointing to note that only one Labour MSP has signed Ben Macpherson's parliamentary motion calling for that very thing to happen—only one Labour MSP has signed that motion, and that Labour MSP is not Claire Baker.

Claire Baker: That is a really disappointing response from the minister on a serious issue. I support the calls for the VAT exemption, but can the Scottish Government guarantee that if that resource was to come to Scotland, it would go to the fire service and would mean an uplift in the fire service budget? Does that excuse the decisions that have been made by the Scottish Government in recent years that have led to the significant cuts that we are seeing in the fire service? The minister should accept that there has been a reduction in the number of firefighters—it is an insult to firefighters to refuse to acknowledge that.

We have heard from the Government that operational decisions on the allocation of resources are a matter for the Scottish Fire and Rescue Service, but those operational decisions are made in light of the budget set by this Government. The transformation is being forced through by a squeeze on resources, rather than being a response to the evaluation of risks, and the buck stops with the justice team.

The document that was leaked today claims that the service is facing

“the greatest financial challenges seen in decades.”

The chief fire officer admits that the current model is unsustainable and cannot last beyond the end of this financial year. Furthermore, Audit Scotland has previously warned of a £33 million budget cut.

What discussions has the Cabinet Secretary for Justice, or the minister, had with the chief fire officer about the leaked document? Does the minister endorse its content?

Annabelle Ewing: If Ms Baker supports the calls that are growing across the piece, including from the Scottish Fire and Rescue Service, for the UK Government to allow the service to reclaim VAT, she may want to sign Ben Macpherson's motion, as at least one of her Labour colleagues has managed to do.

Claire Baker raises the issue of risk evaluation and responding to that. This morning, she may have heard the chief fire officer on "Good Morning Scotland", when he talked about the need to look at, for example how we tackle the problem of our retained duty system. We have seen that such on-call systems—in Scotland, in the UK as a whole and across the world—are under pressure because of our changing lifestyles. We cannot pretend that those issues do not exist; rather, we must look at them to see how we can find solutions to them, which is what the discussions on the transformation process are intended to do. Of course, as I have said, over the past year, we have increased the operational resource budget made available to the Scottish Fire and Rescue Service's by £21.7 million.

I conclude by quoting the chief fire officer on the GMS radio programme:

"We have had tremendous support from the Scottish Government as we have gone through the initial stages of our reform journey to create the single Fire and Rescue Service for Scotland. We understand that there are financial pressures out there and we are working very, very closely with the Scottish Government at this moment in time on the redesign of the fire and rescue service and also to ensure that it is properly and sufficiently funded."

That is what the chief fire officer said this morning. I have regular discussions with the chief officer and I will continue to do so.

Liam Kerr (North East Scotland) (Con): The latest SFRS performance review outlines missed targets to reduce special service casualties and dwelling fires, yet response times have been steadily growing across Scotland over the past five years. The minister may talk about transformation, but we know that that is code for cuts. How will the minister reassure the public that our fire service's performance will not suffer further as a result of cuts to firefighters and stations?

Annabelle Ewing: I really am quite taken aback by the brass neck—if I may use that word, Presiding Officer; I am not sure whether the

phrase is entirely parliamentary, but I think I am getting the nod—of those on the Tory front benches. We have just been talking about VAT. Across the United Kingdom, the only territorial fire service that is, uniquely, subject to VAT is the Scottish Fire and Rescue Service. I would have thought that the member might be more inclined to seek to ensure that our fire service is not deprived of the sum of £10 million a year, or £50 million by the end of 2017-18.

We have seen the VAT rules changed for academy schools, Highways England and various other bodies but, for some reason, not for the Scottish Fire and Rescue Service. I would have thought that the member would be best served by doing what his 13 Tory MP colleagues in the House of Commons have done and writing to the chancellor to seek an end to what is, in effect, discriminatory treatment of the Scottish Fire and Rescue Service as far as the VAT rules are concerned. Perhaps the member could start by signing Ben Macpherson's motion, which calls on the UK Government to do exactly that, because not one Scottish Tory MSP has signed the motion and sought to stand up for our Scottish Fire and Rescue Service. What a disgrace that is.

Liam McArthur (Orkney Islands) (LD): How does the minister square the loss of about 1,000 fire officers since 2010—as Claire Baker said, 700 have been lost since the centralisation of the fire and rescue services in 2012-13—and reports of what appears to be more than a £23 million shortfall in the Scottish Fire and Rescue Service's budget with the former justice secretary's view that people who work in our fire and rescue services

"are one of our most important assets and we need to protect them."—[*Official Report*, 8 September 2011; c 1559.]?

Annabelle Ewing: I reiterate that we have seen a successful recruitment drive over the past year, when we have recruited some 100 new firefighters. That is an excellent example of how determined the Scottish Fire and Rescue Service is to be the best that it can be and to deliver for the people of Scotland.

We have increased the budget over the past year, and the operational resource available to the Scottish Fire and Rescue Service has increased by £21.7 million. It does not help to operate within the general budgetary constraints that this Government is subject to as a result of Westminster cuts amounting to £2.9 billion over 10 years, which I have referred to, nor does it help that we have seen, uniquely, the taking away from the Scottish Fire and Rescue Service of VAT, which it cannot recover. Those are issues that we have to tackle and must resolve. In the meantime, as we continue to do that, we are in regular discussion with the chief fire officer and the chair

of the Scottish Fire and Rescue Service, and those discussions continue in advance of our draft budget.

John Finnie (Highlands and Islands) (Green): The minister alluded to the challenges that changing lifestyles and social patterns have caused for the recruitment of the retained fire service, not just in the Highlands and Islands but across Scotland. If there is to be a transition to a different model, will she give an assurance that the Government will adequately fund that transition to ensure that no part of Scotland does not have adequate fire cover?

Annabelle Ewing: In looking at the transformation that is required to meet the new risks emerging in communities the length and breadth of Scotland and the new realities of life—including the issues that John Finnie referred to—it is clear that the transformation can work only if the resources are available to the Scottish Fire and Rescue Service to ensure that it can deliver the service that we all expect from it.

The Presiding Officer (Ken Macintosh): I note that a number of members did not get a chance to ask a question, but I hope that there will be other opportunities later in the week.

Portfolio Question Time

Communities, Social Security and Equalities

14:11

Dumfries and Galloway Council (Meetings)

1. **Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government when it last met Dumfries and Galloway Council and what was discussed. (S5O-01345)

The Minister for Local Government and Housing (Kevin Stewart): Ministers and officials regularly meet representatives of all Scottish local authorities, including Dumfries and Galloway Council, to discuss a range of issues as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland. On 13 September, the Cabinet Secretary for the Economy, Jobs and Fair Work met the South of Scotland alliance, including the leader of Dumfries and Galloway Council, to discuss the establishment of the South of Scotland enterprise agency.

Finlay Carson: It was announced this month that a number of regeneration projects are looking to receive financial support from Dumfries and Galloway Council's town centre living fund. What support is the Government providing to encourage people to move back into town centres in Dumfries and Galloway in order to reverse decline and boost much-needed economic development?

Kevin Stewart: The Government is very supportive of the town centre first principle, which is a matter for local authorities to bring forward. I expect local authorities to look at their local planning to ensure that the town centre first principle applies.

Mr Carson is probably aware that I was recently in Dumfries to discuss the town centre with citizens and stakeholders. I was pleased to hear of that citizen-led approach, which has led Dumfries and Galloway Council to create that fund and invest in town centres. I encourage the council to continue to do so; the Government will continue to support it through the town centre first principle.

Joan McAlpine (South Scotland) (SNP): I commend the Dumfries town centre initiative—it is indeed citizen led, as the minister has said—and I thank the minister for the great interest that he has shown in it. Does he agree that a big barrier to developing town centres for housing and other purposes is the VAT that is levied on the restoration of buildings, compared with the zero-VAT status of new out-of-town developments?

Kevin Stewart: I am sure that Ms McAlpine and other members will have heard me in the chamber on a number of occasions calling on the United Kingdom Government to get rid of VAT on repairing houses. That would go a long way towards bringing lots of buildings back into use. It seems a bit of an anomaly that there is no VAT on new build but there is VAT on repairs to existing properties. I hope that at some point the UK Government will listen to what we have said and eradicate that VAT, so that we can bring more properties back into use in Dumfries and other parts of Scotland.

Housing Maintenance (Tenements)

2. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what consideration it is giving to how tenement housing can be better maintained. (S5O-01346)

The Minister for Local Government and Housing (Kevin Stewart): The maintenance of the common parts of tenements is principally the responsibility of the owners and is usually governed by rules and conditions that are set out in the title deeds for the flats within a block.

The Tenements (Scotland) Act 2004 provides a structure, known as the tenement management scheme, for the maintenance and management of tenements. The Housing (Scotland) Act 2006 gave local authorities discretionary powers to require owners to carry out work on substandard houses and to provide assistance with repairs and improvements to private property. The Housing (Scotland) Act 2014 amended those powers to make them more effective and introduced new provisions to allow local authorities to pay missing shares for work that is agreed by a majority of owners in a tenement.

In the private rented sector, the new private residential tenancy, which comes into effect in December this year, will significantly improve tenant security and better enable tenants to exercise their right to report a breach of the repairing standard to the housing and property chamber of the first-tier tribunal.

John Mason: I thank the minister for that very full answer. I take his point about title deeds, but does he agree that some title deeds do not have any provision for a factor, which makes it difficult for owner-occupiers or landlords of private tenants to get together to organise things and carry out repairs? Does he agree that there may be a need to ensure that a factor is in place for every single tenement?

Kevin Stewart: The Scottish Government agrees that owners of tenements should ideally plan ahead for future common repairs and maintenance and that property factors can play an

important role in ensuring that repairs are made and that properties are therefore maintained. However, the services of a factor come at a cost and some home owners would not welcome a requirement to hand over sums of money to a sinking fund for repairs that are not required at that point in time. I encourage home owners to work together to share the responsibility of looking after their properties. However, to legislate to require there to be a factor or sinking fund would place an additional financial burden on home owners who currently do not have those in place, and it might be difficult to enforce.

I suggest that all members look at the under one roof website, which can be immensely beneficial for property owners in dealing with some of the issues that Mr Mason has raised.

Graham Simpson (Central Scotland) (Con): Next week, I will sponsor an event on this issue. There is cross-party interest in the issue, and I know that Ben Macpherson has lodged a motion on it, which I have signed. Does the minister agree with the call from the Royal Institution of Chartered Surveyors that there should be tenement health checks? Does he think that there is a need for further legislation? I recently asked him a written question about whether the powers that he mentioned that councils have are being used. He referred me to councils, so I have made a freedom of information request and I will be revealing the figures at that event next week. The minister is welcome to come along and hear them, to find out just how effective or ineffective that legislation is.

Kevin Stewart: I thank Mr Simpson for his invitation. I cannot say now whether I will be able to attend, but I have taken note of his invitation. I am adamant about the need to ensure that local authorities use the legislation that is currently at their disposal. I do not see the point of coming up with a raft of new legislation when that might not be required and when current legislation is not used. I thank Graham Simpson for his support in trying to ensure that councils use the powers that are at their disposal.

Beyond that, the Government has looked at a number of things. In Glasgow, Perthshire, and Argyll and Bute, we are running a pilot of area loan schemes that assist owners to carry out essential repairs and energy efficiency improvements. I will look at that pilot's findings to see whether there is sufficient demand to establish support for procurement of a nationwide scheme, as part of Scotland's energy efficiency programme, to continue to upgrade Scotland's tenement properties.

Daniel Johnson (Edinburgh Southern) (Lab): I thank John Mason for asking a question about an important but often overlooked issue. I agree with the minister that not all solutions are necessarily

legislative, and I agree with him that we must help owners to come together. What activity has the Government undertaken to work with credit unions, which could help owners to come together on collective savings, collective loans and invoiced factoring, which could help with the financing of much-needed repairs to tenement buildings?

Kevin Stewart: Mr Johnson has come up with a particularly good idea. I am more than willing to talk to credit unions about their providing help, if that is at all possible. As I said earlier, beyond that we will look at all possible solutions. That is one of the reasons why we are running the pilot, which is helpful to those who maybe cannot afford repairs at a particular point in time. It allows us to take an equity stake in the property and get the money back in the future. I am more than willing to take on board Mr Johnson's suggestion about approaching credit unions and I will let him know how I get on in that regard.

Linda Fabiani (East Kilbride) (SNP): I ask the minister, when undertaking any review of tenement law, maintenance or guidance, to bear in mind that tenements are not always very old buildings, such as the red sandstone buildings that we often think about. In new towns such as East Kilbride and some of its peripheral housing estates, we have tenements that are made of a much more modern fabric. That brings its own questions and problems, in particular in the light of right to buy, because tenements can end up with mixed tenure involving local authority owners, private owners and, indeed, private landlords, some of whom are not always willing to play their part. It can lead to severe factoring problems and many owners feeling that they get neither good value for money nor good social value. Could that be looked at as well?

Kevin Stewart: In recent times Ms Fabiani has raised a number of points about property factors and new developments. In the Title Conditions (Scotland) Act 2003, there is provision on manager burdens and title deeds, which are typically used by a developer to appoint a factor in the initial years of a housing development.

I know that Ms Fabiani has an interest in the issue. I would also say to her that, once the manager burden has expired, the owners of flats in a tenement have rights to act together to dismiss a property factor and appoint a new one. I will continue to work with Linda Fabiani and other members to try to improve the situation. Once again, I ask all members to have a look at the under one roof website.

Benefit Cap

3. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government what assessment it has made of the impact on people in Scotland of the

United Kingdom Government's extended benefit cap. (S50-01347)

The Minister for Social Security (Jeane Freeman): The latest figures from the Department for Work and Pensions show that in May 2017, around 3,700 households in Scotland, containing more than 11,000 children, were subject to the benefit cap, losing on average £57 per week. Almost two thirds of those households are lone parents, with around three quarters having a child under 5 years old.

The Scottish Government continues to oppose the benefit cap. It is clearly impacting hardest on low-income families with children, which is why we have repeatedly called on the UK Government to reverse the policy.

Patrick Harvie: I certainly echo the call on the UK Government to reverse the benefit cap and a long list of its other vindictive and unnecessary welfare changes.

Although the Scottish Parliament and the Scottish Government should not be left in the position of merely mitigating the effects of the policies, the Scottish Government has a role in protecting people. It has currently allocated £8 million for mitigation of the lowering of the benefit cap, but we have shown that the resulting gap—the reduction in overall spend through the benefit system—is £11 million. Given that the cap's impact on households is even more severe than that of the bedroom tax, but the overall budgetary impact of fully mitigating it would be less, is not it clear that the Scottish Government should strain every sinew to fill the gap, which currently stands at just £3 million? Would not that make a massive difference to the people in Scotland who are affected by the policy?

Jeane Freeman: I am grateful to Mr Harvie for that supplementary question. I completely agree with him that it is not the role of the Scottish Government or, indeed, of the Scottish Parliament "merely" to mitigate the worst effects of what the United Kingdom Government's policies inflict on the people whom we represent, so I gently and respectfully say to him that it is a little ironic that he went on to suggest that we do precisely that.

Future spending is a matter for the budget. As Mr Harvie rightly said, we have allocated £8.1 million to local authorities for discretionary housing payments in order to mitigate, in part, the damaging impact of the lowering of the benefit cap. That is a £6 million increase on last year's Department for Work and Pensions allocation, and local authorities retain their discretion to top up the discretionary housing payment funds. As I said, future spending is a matter for the budget, so the allocation for DHPs will be discussed by the Scottish Government with the Convention of

Scottish Local Authorities. We are happy to hear suggestions on the DHP allocation and overall spending, but those suggestions should come with suggestions on how additional funding commitments can be met.

Adam Tomkins (Glasgow) (Con): If the Scottish Government is so concerned about the effects of the benefit cap, why is there no provision in the minister's Social Security (Scotland) Bill to deal with it? In particular, why is there no provision in the bill to provide for the creation of new benefits, which was a key part of the Smith commission package on welfare devolution?

Jeane Freeman: Members are certainly upping the irony stakes in today's portfolio question time. I am almost speechless—but not quite.

As Mr Tomkins well knows, ministers have the powers to create new benefits. That is precisely what we are doing in replacing the sure start grant with our best start grant, which will bring a considerable increase in financial support to mothers for not only their first child, but for all subsequent children. That is unlike the UK Government's grant, which stops at the first child.

Mr Tomkins is quite wrong to say that there is somehow a failing in our condemnation of what the UK Government is doing around the benefit cap. I concur completely with Mr Harvie that there are many other areas of the UK Government's welfare approach that require condemnation—if members of that Government would but listen to us. Mr Tomkins is quite wrong to suggest that we are deliberately and wilfully choosing not to act in this regard. We do not require the Social Security (Scotland) Bill to provide us with powers that we already have.

Community Services (Caithness)

4. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government what recent meetings the Cabinet Secretary for Communities, Social Security and Equalities has had with community representatives in Caithness regarding concerns about the removal of services. (S5O-01348)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Scottish Government ministers regularly meet community representatives around Scotland, including in the Highland Council area, to discuss a range of issues, as part of our commitment to working in partnership to improve outcomes for the people of Scotland.

Edward Mountain: I am not sure that that answered my question. The answer was just that there are regular meetings, but not with the people in Caithness and not necessarily including the cabinet secretary.

I am sure that the cabinet secretary will agree that we should all embrace the building of communities, because they add strength and cohesion to society. If she really wants to build and support communities, she needs to speak out against the possible closure of local hospitals, the possible downgrading of palliative care, the reduction in the number of residential care beds, the amalgamation of general practitioner services and the reduction in public services. Will she join me in speaking out against such things, which help only to fragment communities such as those in Caithness?

Angela Constance: I think that Mr Mountain would have done better to address that substantive question to the Cabinet Secretary for Health and Sport.

Nevertheless, from the point of view of my portfolio, the Community Empowerment (Scotland) Act 2015 gave community planning partnerships new statutory duties. We work closely with local government and our partners across the wider public sector to look at how we can improve decision-making arrangements, strengthen local democracy, protect and renew public services, and refresh the relationship between citizens, communities and councils.

Support for Disabled People

5. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what action it is taking to support disabled people, in light of the paper published by the United Nations in October 2017 that set out its concluding observations on its initial report about United Kingdom reforms. (S5O-01349)

The Minister for Social Security (Jeane Freeman): The UN's concluding observations recognise the positive steps that the Scottish Government is taking, including publication of our disability action plan and involving disabled people in building a new social security system. Those observations are, of course, welcome.

The Scottish Government has begun to review our disability action plan against those concluding observations, and we will move on to discuss with disabled people and organisations that represent them what we need to do to align our work to areas that have been highlighted by the UN. In fact, I began that discussion this morning.

In addition, I have written to the UK Government to ask what it will do to address the concerns that have been highlighted by the UN—in particular, those about personal independence payment regulations and employment and support allowance sanctions—and to ask what the UK Government will do to involve disabled people in assessing its policies that will impact on their lives.

Graeme Dey: The minister will be aware that there is a recommendation to

“Ensure that legislation provides for the right to educated high-quality sign language interpretation and other forms of alternative communication in all spheres of life for deaf persons and hard of hearing persons in line with the Convention”.

How will the Scottish Government seek to ensure that it complies with that recommendation?

Jeane Freeman: As Graeme Dey will know, the British Sign Language (Scotland) Act was passed and received royal assent in 2015. I am sure that members know that, in following that up, we published yesterday our first BSL national plan—the first such plan in the United Kingdom.

We also recognise that delivery of many of the improvements that we want depends on the availability of qualified BSL/English interpreters who have the right skills and experience. The Scottish Further and Higher Education Funding Council is, therefore, already supporting an MA in BSL/English interpreting. Over the next two years, we will sponsor two new training programmes—one at Heriot-Watt University and one at Queen Margaret University—that are designed to support interpreters to work in the specialist fields of health, mental health and justice.

We have also introduced and funded the first nationally funded BSL online interpreting video-relay service. Finally, I say that we fund an inclusive communication website that provides tools and guidance on how to make information accessible.

Young People’s Social and Human Rights

6. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government what action it takes to monitor and protect the social and human rights of young people. (S5O-01350)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): We remain committed to enhancing children’s rights in all aspects of Scottish life. The Children and Young People (Scotland) Act 2014 places duties on the Scottish ministers to consider how to give better or further effect to the United Nations Convention on the Rights of the Child and report every three years on what steps they have taken and what they plan to do in the following years. The first report, which will include input from children and young people, is due in 2018.

The Scottish Government also reports progress through the UK state party report to the UN Committee on the Rights of the Child in line with committee cycles. Children’s rights and wellbeing impact assessments ensure that all portfolios consider the interests of children in developing new initiatives.

In addition, the programme for Government made clear our plans for a comprehensive audit of the most effective and practical ways to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law.

Monica Lennon: An anti-loitering device known as the mosquito, which emits a high-pitched sound that affects young people, has recently been installed at Hamilton central station in central Scotland region. It is not an isolated case.

The device affects all young people and its use has been roundly condemned, by the Scottish Youth Parliament and the Children and Young People’s Commissioner Scotland, as being in breach of their human rights. Does the cabinet secretary agree that such devices have no place in a civilised society and that a ban on the mosquito is the only way forward to protect the social and human rights of our youngest citizens.

Angela Constance: I agree with Ms Lennon that such devices have no place in Scotland. She might be aware that Annabelle Ewing, the Minister for Community Safety and Legal Affairs, wrote to all local authorities and to public bodies on the matter. Crucially—given the member’s constituency interest—she also wrote to ScotRail.

In short, the Scottish Government is opposed to the use of mosquito anti-loitering devices. We do not believe that there is a need for them or that they are effective, and they do not sit well with our approach to tackling antisocial behaviour. I note the concerns of the UN Committee on the Rights of the Child about whether measures such as the use of such devices breach the rights of children and young people.

We are looking at the evidence from a survey of young Scots that was carried out by Young Scot, which received nearly 800 replies. The response to Ms Ewing’s correspondence will be very important as we consider what further action we might wish to take.

Michelle Ballantyne (South Scotland) (Con): National care leavers week runs until 28 October. Leaving care is a life-altering and often very difficult time for a young person. What action is the Scottish Government taking to promote young people’s rights to continuing care and aftercare? How are those rights being effectively enforced to protect the welfare of young people who leave care, who are often highly vulnerable?

Angela Constance: I thank the member for her question. The Children and Young People (Scotland) Act 2014 was landmark legislation that introduced new responsibilities with regard to the throughcare and aftercare of looked-after children.

The essence of Michelle Ballantyne's point is that looked-after children are our children—they are Scotland's bairns. If people like me think that they have only one child, they need to think again, because we have a parental responsibility towards all our looked-after children, who are among some of the most disadvantaged young people in our society.

In addition to the wealth of work that is being done by the education ministers, particularly the Minister for Childcare and Early Years, work is being spearheaded by the First Minister that is about ensuring that we improve the life chances and life opportunities of our looked-after young people and that, like our own children, they feel loved and wanted. It is our responsibility to have the same hopes, dreams and ambitions for those children as we do for our own.

Rona Mackay (Strathkelvin and Bearsden) (SNP): What progress has the Government made towards undertaking a comprehensive audit on further embedding the principles of the UN Convention on the Rights of the Child in policy and legislation?

Angela Constance: Given that next year is the year of young people, it is important that we look again at and refresh how we listen to the voices of young people and embed them in all areas of political and civic rights.

As far as Ms Mackay's question is concerned, it is important that we adopt a fully participatory process in taking forward our commitment on the audit that she mentioned. She might be interested to know that initial scoping work is under way, which includes discussions with stakeholders on the best way to include children and young people in what is an extremely important process. As was outlined in last month's programme for government, the audit will start in 2018.

Encouraging Voluntary Work

7. Miles Briggs (Lothian) (Con): To ask the Scottish Government what action it is taking to encourage more people to carry out voluntary work in their communities. (S5O-01351)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): The programme for government recognises the vital role that volunteers play in shaping Scotland and the positive contribution that they make to our society. We have set out our commitment to reinvigorating volunteering in Scotland and to building on positive trends for youth engagement and continuing to support people in their volunteering.

In June, I announced that £3.8 million would be provided over the next four years for the volunteer support fund to promote community-led

volunteering, which will have a particular focus on engaging volunteers from disadvantaged groups. In addition, we continue to provide direct funding to Volunteer Scotland and to the 32 third sector interfaces to encourage, promote and support volunteers and volunteering to communities across Scotland.

Miles Briggs: Is the cabinet secretary aware of Volunteer Centre Edinburgh's recent research indicating that the number of adults volunteering in the capital is continuing to rise and that the figure is now, at 35 per cent, one of the highest in Scotland? What specific action can be taken to encourage those who are not volunteering to give their time to charities and other organisations? I am referring in particular to men in Scotland, given the clear lack of male volunteering that has been reported by some charities looking for male befrienders to work with service users.

Angela Constance: Mr Briggs has made an important point about male befrienders. However, it is encouraging to hear those statistics showing the higher rate of adult volunteers participating in the city of Edinburgh. Given that the average across Scotland is 27 per cent, he is right to applaud the city's civic efforts.

Undoubtedly, the biggest gift that we can give anyone is the gift of our time. People volunteer without fuss, fanfare or reward, and we need to be clear that volunteering is very much the golden thread that runs through the fabric of our society. With regard to the question of what more we can do, I think that MSPs of all shades have a responsibility to talk about the value of volunteering and its benefits—indeed, it provides £2 billion to our economy. It also enables the volunteers themselves to upskill, improve their wellbeing and increase their employability.

As for the work that the Government will be taking forward, we will be developing a framework that will very much seek to corral the evidence of the value of volunteering and provide a coherent and compelling narrative that identifies, with key data and evidence, the key outcomes that we all want to achieve and which allows us to have an informed debate about what interventions will be most appropriate and successful.

Homelessness and Rough Sleeping Action Group

8. Ben Macpherson (Edinburgh Northern and Leith) (SNP): To ask the Scottish Government whether it will provide an update on the work of the homelessness and rough sleeping action group. (S5O-01352)

The Minister for Local Government and Housing (Kevin Stewart): The short-life homelessness and rough sleeping action group

met for the first time on 5 October and immediately started work on its first objective of finding out what we can all do to minimise rough sleeping this winter. It will report back shortly on that issue, but its other objectives are to provide recommendations on ending rough sleeping in the longer term, transforming temporary accommodation and ending homelessness in Scotland. In November, it will meet as part of a much larger event involving other partners.

Ben Macpherson: I thank the minister for that update and welcome the group's progress. Can he set out how the Scottish Government is working with the City of Edinburgh Council, in particular, to address the standard of temporary accommodation in the city and the supply of affordable housing for those moving on from such accommodation?

Kevin Stewart: One of the action group's main objectives is to make recommendations on how to transform temporary accommodation in Scotland. Currently 82 per cent of folk in temporary accommodation are in mainstream social housing, and I would like to see that number rise. Of course, all of this comes against the background of United Kingdom Government welfare cuts, which mean that less funding is available for temporary accommodation. However, we are already committed to ensuring that all of that accommodation is of the same standard as permanent accommodation.

The action group will work with local authorities such as the City of Edinburgh Council to ensure that temporary accommodation plays a positive role in moving people on from homelessness, and we will also continue to work with local authorities on the issue in the longer term, through the group and beyond. We want time in temporary accommodation to be as short as possible, and we are increasing housing supply to help in that respect. Over this parliamentary session, the Scottish Government has allocated affordable housing supply programme funding of nearly £190 million to the city of Edinburgh. We expect that to deliver 4,000 houses with a focus, primarily, on the social rented sector.

Pauline McNeill (Glasgow) (Lab): Rough sleeping has risen over the past two winters, and I expect the situation this winter to be no different. I know that we are all concerned about that, but can the minister tell us today whether, given we know what we are going to face this winter, there is any immediate action that he can take? Significant resources are used by charities such as the Bethany Christian Trust and the city missions, but can the Scottish Government do anything about this coming winter, given that we know, sadly, that literally hundreds of people will be sleeping and freezing on the streets of Scotland?

Kevin Stewart: As I stated in my earlier answer, one of the action group's key objectives is to look at what we need to do this winter. We already have the winter shelter open in Edinburgh, and I understand that the winter shelter in Glasgow opened just the other week because of the weather conditions during storm Ophelia.

The action group is looking very carefully at exactly what we need to do over the winter and the Government will, of course, look very carefully at all the recommendations that the group puts forward and will take action accordingly.

I agree completely and utterly with Pauline McNeill that it is unacceptable for folk to have to sleep rough, and I wish that the UK Government would change its policies on social security cuts, which are putting more folk at risk of having to sleep on the streets.

Equality of Support for Rural and Urban Communities

9. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government how it ensures that rural and urban communities receive equal support. (S5O-01353)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): The Scottish Government seeks to support all of Scotland—rural and urban—to create inclusive economic growth and development. We fund local authorities based on an assessment of needs rather than geography, which ensures that they receive their fair share and that the specific needs of urban and rural areas are considered.

We recognise that rural communities have unique challenges that require specific support and interventions. That is why we have Highlands and Islands Enterprise and why we are creating a south of Scotland enterprise agency to respond to the challenges that are faced in those primarily rural areas.

Rachael Hamilton: The cabinet secretary mentioned rural and urban support specifically, but she will know that mobility is a lot harder in rural areas than it is in urban areas and that, with cuts to local council budgets, it is even harder for older people to get around rural constituencies such as those in the Scottish Borders. How will the Scottish Government work to ensure that older people can keep their independence without being cut off from society?

Angela Constance: Ms Hamilton's question touches on a good example of where there is cross-portfolio working. She may be aware that the Minister for Social Security, Ms Freeman, is currently working on a social isolation strategy. I should stress that social isolation is not an issue

just for older people; there are huge issues for some of our younger people and other groups as well. That strategy will look at how we can ensure that there is good cross-Government endeavour on the issues that Ms Hamilton has raised.

Mobility is an important issue. On transport in the Borders and the areas that Ms Hamilton represents, obviously I am aware that Transport Scotland is looking at a Borders transport corridor project, which is at a pre-application stage. Transport Scotland will have obligations to think about the needs of older people as well as those of people with disabilities. We will keep Ms Hamilton informed of our work on social isolation because it is relevant to her question, as is the work that the Minister for Transport and the Islands leads.

Personal Independent Payments (People with Epilepsy)

10. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government what its response is to reports that two thirds of people with epilepsy have had their PIP benefits downgraded or denied, with some consequently reporting suicidal feelings. (S5O-01354)

The Minister for Social Security (Jeane Freeman): The roll-out of personal independence payments has been beset by delays and has led to many people having to undergo stressful assessments, and the PIP claims of many people have been downgraded or denied, as has been outlined yet again by Epilepsy Action. Our response is to call repeatedly on the United Kingdom Government to halt the roll-out of PIP in Scotland. We are not the only ones who are doing that: many organisations have said that the roll-out should be halted. Most recently, the United Nations Committee on the Rights of Persons with Disabilities specifically called for a review of PIP regulations in the UK programme. However, the UK Government continues to roll out PIP.

The Scottish Government is committed to building a rights-based social security system, and that is precisely what we are currently undertaking.

Joan McAlpine: Does the minister agree that such statistics only highlight the abject failure of the UK Government's running of the social security system? Will she set out exactly how the Scottish Government plans to do things differently, particularly with regard to the assessment process, under the new Scottish social security system?

Jeane Freeman: I thank the member for that additional question. I agree with her point, which is why I have made a number of commitments with regard to assessments in particular, including a clear commitment that profit-making companies

will not be involved in delivering health assessments for disability benefits and that we will end the revolving door of repeat assessments. The expert group chaired by Dr Jim McCormick of the Joseph Rowntree Foundation has been specifically tasked by me to work out the detail of our assessment process, drawing on views from our experience panels, so that we gather the information required at the first decision-making point and consequently reduce the need for the number of one-to-one health assessments.

Common Agricultural Policy Convergence Moneys

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Fergus Ewing on common agricultural policy convergence moneys due for Scottish farming. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:51

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): Once again I find myself raising the matter of CAP convergence moneys with members in the chamber. That is because Scottish farmers are still owed around £160 million in CAP funding that the United Kingdom Government has thus far failed to release or even acknowledge. I will remind Parliament what this dispute with the UK Government is all about.

Under the current CAP, the UK will receive an extra £190 million of funding over six years for direct payments, due to a process known as external convergence. That process was put in place by the European Union to redistribute payments more fairly across the EU. Europe said that all countries receiving less than 90 per cent of the EU average payment rate per hectare would reduce the gap by a third by 2019. In addition, all member states are guaranteed to achieve at least €196 per hectare by 2019, which will benefit the Baltic states in particular.

The UK received extra money—convergence money—under this process only because of Scotland's very low payment rate per hectare. Indeed, the rate was one of the lowest in the EU at the time. Scotland's average per hectare rate, at €130 per hectare, was around only 45 per cent of the EU average, while every other country in the UK was above the EU's 90 per cent threshold for triggering a convergence uplift. That means that the UK would not have received a penny extra in CAP funding—zero extra funding—had it not been for Scotland, but the UK Government of the time decided not to pass all the convergence money to Scotland, where it was earned. In fact, we received only just over 16 per cent of that extra money—that is, around £30 million.

The UK Government decided to divvy up the convergence money along with the rest of the CAP budget, based on historic subsidy allocations. How can that be fair? It is not what the EU intended and it means that Scotland will have the lowest per hectare payment rate of any country in the EU by 2019, as we are overtaken by the Baltic member states. The EU clearly intended that extra

convergence money to go to those farmers who received the least, but that purpose was subverted by the UK Government, which held on to the money simply because it had the power to do so.

I do not need to tell you, Presiding Officer, that wrongly holding on to someone else's property is well recognised in criminal law. In this case, the withholding of funds could be done simply because the UK, as the member state, receives the money and has complete control of how it is allocated. We could say that this is the great rural robbery.

Let me be clear that I am not looking to Wales or Northern Ireland to stump up the cash. Our case is not—I repeat, not—against farmers in England, Wales or Northern Ireland. It is directed entirely at the UK Government. It and it alone used the money for purposes for which it was not intended.

Nor is our case anything to do with the impact of Brexit. It is entirely separate from Brexit. It relates to our claim against the UK Government—not against the EU, but against the UK Treasury. It is for the UK Treasury to repatriate the moneys that Scottish farmers are due. After all, if the Treasury in London can find £1,000 million to do a deal with the Democratic Unionist Party, £160 million should be a drop in the ocean for it. However, it is certainly not a drop in the ocean for our farmers.

In my view, it is essential to sort this out before any Brexit so that, if any decisions on post-Brexit funding are based on previous allocations, Scotland benefits from the correct figure including the entire convergence funding.

The fact that the UK Government has so far failed to come up with the extra £160 million is not due to a want of trying on our part. Both my predecessor and I have had numerous exchanges with UK ministers, both in writing and in person. Back in 2013, my predecessor, Richard Lochhead, garnered welcome cross-party support for the Scottish Government's calls for the full convergence uplift to come to Scotland. The issue was also raised with the Prime Minister at the time, David Cameron, by our very own Alex Salmond.

One concession that we were promised by the then secretary of state at the Department for Environment, Food and Rural Affairs, Owen Paterson, was a review of the UK allocation of CAP funds in 2016, but Brexit happened and that review never materialised.

Since I took office, I have called for the promised review and raised the convergence issue with David Mundell, George Eustice and Andrea Leadsom. I raised the issue again at my very first meeting with Michael Gove, at the Royal Highland Show earlier this year. In fact, there have

been so many exchanges with the UK Government over the past four years about the convergence moneys that, quite frankly, it is hard to keep count. However, despite past promises by George Eustice and Andrea Leadsom to review the UK allocation of CAP funding, nothing has happened.

As I have said before, the review is important because it will highlight the vast discrepancies in payment rates per hectare north and south of the border. The review would, for example, highlight that DEFRA can afford to pay hill farmers in England around €65 per hectare whereas we can pay ours only around €10 per hectare. Even taking into account the upland sheep scheme, which is a coupled support scheme that is not used elsewhere in the UK, that brings payments to our hill farmers only up to around €35 per hectare. Although the positions are not directly comparable because the CAP is implemented differently in Wales and Northern Ireland, farmers there fare even better than English farmers, on average.

I recently raised the issue again with Michael Gove at a multilateral meeting on 25 September, and I can tell members that he agreed to a meeting to discuss the convergence issue, which I welcome. That meeting has now been arranged for 6 November, and I am hopeful that we can find a satisfactory resolution.

Helpfully, our stakeholders have also been on the case. A joint letter signed by seven of our key stakeholders was sent to Michael Gove on 11 September, and it mirrors the Scottish Government's position on convergence. I understand that, although it was sent over a month ago, they have still not had a reply.

That is our case. I am determined to get a fairer deal for our farmers, especially those who are most disadvantaged. It is a clear matter of principle, and it is not just about repatriation of the convergence funds that the EU plainly intended for our farmers—farmers who receive the lowest payment rates per hectare in the EU—to receive. It is also about setting a baseline for future agriculture funding.

Unless the UK Government acknowledges that Scottish farmers were poorly treated in the last CAP round, how can we rely on it to treat our farmers fairly in the future? I am grateful for the strong support that members from across the chamber have given to date for the Government's position, and I trust that I can rely on all members' continuing support on the matter.

The Presiding Officer: Thank you, minister. We now move to questions.

Peter Chapman (North East Scotland) (Con): I refer members to my entry in the register of interests regarding my farming business, and I

thank the cabinet secretary for prior sight of his statement.

Let me be clear that we on the Conservative benches still support the idea that this money should have come to Scotland. I have personally raised the issue with David Mundell, Andrea Leadsom, George Eustice and Michael Gove over the past 18 months or so since I first came to the chamber.

The cabinet secretary will perhaps be aware of the letter from Alister Jack, MP for Dumfries and Galloway, dated two days ago, asking for a review of the convergence money issue, which was signed by all Scottish Conservative MPs. That was well received by Michael Gove, and I am now very hopeful of a successful outcome to the matter. I hope that the cabinet secretary welcomes that. That is a prime example of how having more Scottish Conservative MPs is making a difference. Those MPs are working hard and have real clout in Westminster.

A lot has happened in the three and a half years since the debate on convergence took place, including Brexit. It is now far more important to look forward, but we have a cabinet secretary who is obsessed with the past, rather than looking forward. He wants power over agriculture in Holyrood but not the responsibility to make policy. What is the cabinet secretary doing to chart a way forward and to design a system of support for Scottish agriculture post-Brexit? Brexit gives us a perfect opportunity to design a better system; when are we likely to see what that will look like?

Fergus Ewing: In order to be as generous as possible, it is important for me to say that I welcome the fact that the Conservatives plainly recognise that the £160 million is due to Scotland. People who are watching this statement and who are not involved in the cut and thrust of politics will want to see the Parliament continue to exert pressure on the matter, which has apparently yielded this incipient or expected commitment from Michael Gove. It is four years too late mind but, nonetheless, pressure from the Parliament has apparently delivered a change of heart by Michael Gove. If so, that is welcome.

However, if somebody takes somebody else's money, that is wrong, and that is what has happened. Scottish hill farmers have been short-changed to the tune of around £14,000 each. If you were a hill farmer, Presiding Officer, what would you have to say about that?

To answer Peter Chapman's questions—as I should, although they are not directly related to the topic—of course we have set out a vision for the future of Scotland's agriculture sector. It is for the sector to provide high-quality food and to continue to steward the landscape—and for it to be given

the credit for that that perhaps it does not often get.

However, how can we work out a plan until such time as we have clarity that the Brexiteers will implement the pre-EU referendum promise that, post-Brexit, the EU funding will at least be matched—that the around £500 million that Scotland has received yearly from the EU will be continued? How can we work out a plan without knowing what the budget is? Please join with us to get those assurances, which I have been seeking since the day the referendum vote took place.

Rhoda Grant (Highlands and Islands) (Lab): I thank the cabinet secretary for the prior sight of his statement and I reiterate Scottish Labour's backing for the cabinet secretary's bid to have the funds repatriated to Scotland.

The cabinet secretary was right to say that the money was received by the UK to deal with the low average payment rate that Scottish farmers received. In his statement, he said that the EU wants member states to guarantee an average payment of at least €196 per hectare by 2019. He is aware that many hill farmers and crofters receive only a fraction of that amount, despite farming in some of the most challenging areas of Scotland—indeed, many of those farmers and crofters face the additional costs of working on our islands.

Will the cabinet secretary guarantee that, if he is successful, as I sincerely hope he will be, the additional funding will go to those who need it most in order to deal with their relative disadvantage in Scotland?

Fergus Ewing: I thank Rhoda Grant and the Labour Party for their support, which is much appreciated. I genuinely think that the support that is exhibited in the Parliament today will help me to exert further pressure of the kind that seems to have brought about a change of approach by Mr Gove.

Incidentally, it is not enough just to have a review and a report. The report must be independent and there must be engagement between the two Governments about who does it and what the remit is and a quick timetable for resolving something that I think that all members would say has gone on for far too long. However, I genuinely welcome the support that there is today, and I pay tribute to all the stakeholders who signed the letter, which I think played a significant part in gaining the concession—albeit four years too late—that something must be done about the matter.

Let me answer Rhoda Grant's question head on. Of course the money is intended for those who need it most in Scotland's rural communities; therefore to those rural communities it surely must

go. The money should have been coming to Scotland for the past several years, since the beginning of the seven-year period. It should have been received in 2014, 2015, 2016, 2017 and on to 2018 and 2019. Therefore, it is not easy to reconstruct what should have happened had the money not been, as I see it, misappropriated by the UK Treasury. However, I give Rhoda Grant my commitment that I will do my utmost to ensure that all the money, or as much of it as possible, goes to our rural communities who need it most and for whom it was plainly intended by the EU.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Has the cabinet secretary seen the November edition of *Scottish Farming Leader*? It says, on page 9:

“NFU Scotland has always been clear that Scottish policy makers must be empowered to utilise the future agricultural budget to develop policies and tools that are fitted to Scotland's unique agricultural characteristics.”

Is the UK Government's long-running failure on convergence moneys the irrefutable evidence of its total inability to act promptly in Scottish farmers' interests? Does it illustrate perfectly why we must resist the Tories' attempted policy grab post-Brexit?

Fergus Ewing: There were several excellent rhetorical questions in there, and I agree with all of them. I saw the article to which the member referred.

Let me give a concrete example of why it is essential that power over agriculture is not grabbed from Scotland. If it were not for the Scottish Parliament and the Scottish Government—and I give credit to the previous Administration on this—I think that we could easily have lost the ability to have a less favoured area support scheme. I say that because my understanding is that other parts of the UK have dispensed with such a scheme; in England, they dispensed with it seven years ago. If England set Scottish hill farming payments, would there have been any over the past seven years? I think not. That is a concrete, practical illustration of the absolute need to avoid the power grab that we believe some people down in Westminster are intent on pursuing.

John Scott (Ayr) (Con): I declare an interest as a hill farmer.

I agree with the cabinet secretary that external convergence funding should have been given to Scotland in 2013. I therefore welcome the suggestion in today's *Daily Telegraph* that an inquiry into the matter might be undertaken by DEFRA.

In a spirit of reciprocity, will the cabinet secretary consider holding an inquiry into the cost and governance of the failed Scottish CAP

payments information technology system, given that the sums of £160 million to £180 million are similar in both cases but the cost to Scottish taxpayers of the IT and business change programme is greater than the loss to Scottish farmers?

The Presiding Officer: That is a political point but not a question that relates directly to this subject.

John Scott: It absolutely is.

The Presiding Officer: It is not related to the question itself.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): What does the cabinet secretary think of the Tories first breaking a promise to review the convergence uplift funding and suggesting to my colleague Ian Blackford that all the money had been spent and then starting to crunch the gears into a U-turn? In the midst of that noise and mess, when the cabinet secretary meets Michael Gove, will he ask him for an unequivocal guarantee that the review will happen?

Fergus Ewing: Yes, I will, for the third time, make my direct, simple and straightforward request to Mr Gove face to face: "Will you give back to Scotland the money that is due to it?"

Kate Forbes makes an excellent point. If I make a promise to you, Presiding Officer, fail to implement it year after year and then, four years later, make the same promise and expect you to fall down with gratitude, does that not display a certain misperception of reality? That is the case with the Government down in London.

I ask for Mr Gove's benefit whether it would not be better that he respond to the democratically elected Scottish Government on what he plans to do rather than making his decision known through *The Daily Telegraph*, no matter how esteemed that organ may be. It is surely a marker of a lack of respect that, having raised the point with Mr Gove again and again directly and courteously but firmly, the Parliament and I as cabinet secretary have not had the courtesy even of a phone call to indicate something that is, apparently, in the offing and is leaked by *The Daily Telegraph*.

David Stewart (Highlands and Islands) (Lab): Labour supports the cabinet secretary's attempts to repatriate the convergence funds from the Scrooge-like fingers of the UK Treasury.

We all want a fair deal for our hard-pressed farmers. Does the cabinet secretary share my view that we need to get the deal sorted out immediately because we will not otherwise have a fair basis for agricultural funding post-Brexit? Has the UK Government breached EU audit requirements because of its behaviour on the issue?

Fergus Ewing: I welcome the support of the Labour Party. I agree that successive UK Chancellors of the Exchequer—and not just the recent ones—have resembled Scrooge. I will move on swiftly from that.

The fact that the money has been withheld for so many years causes additional difficulties in terms of how we can safely disburse it under the exacting and demanding EU rules. In other words, not only is the delay wrong in principle, but it may well, in practice, cause significant difficulties in relation to our desire to ensure absolutely that the money goes to its intended recipients, albeit that it will do so several years late. David Stewart has raised a good point, which I am happy to look into further and revert to Parliament on in due course.

John Mason (Glasgow Shettleston) (SNP): Does the cabinet secretary agree that the UK Government clearly has sufficient money to pay the £160 million, because it managed to find £1 billion for Northern Ireland?

Fergus Ewing: That point is absolutely correct. As far as I am aware, the £1 billion that was paid to Northern Ireland was not paid because there was any legal or moral obligation so to do. My understanding is that it was paid in order to secure the political support of members of the DUP in the House of Commons. By contrast, that £160 million is money that the EU intended for Scotland, and for Scotland alone. The Westminster Government has chosen to do a grubby deal with £1 billion in respect of which it was under no legal obligation, and to ignore, tear up and breach an agreement and to misappropriate money that it was due to pay to part of the UK.

Mark Ruskell (Mid Scotland and Fife) (Green): I thank the cabinet secretary for the advance copy of his statement. However, I am at a loss to understand why, if his intention is to secure Parliament's support for the Government's position, a motion has not been lodged for debate and a vote.

Scotland's uplands may be economically marginal, but they have the potential to deliver repopulated communities and regenerated habitats and landscapes, and even to protect households from flooding. Those are public goods that even Michael Gove has championed, so if the cabinet secretary is successful in securing Scotland's fair share of the funding, will he commit to using it to deliver public goods, which are now slipping off the table because of Scottish Government cuts to the Scottish rural development programme budget?

Fergus Ewing: I do not accept that final point. Mr Ruskell knows, because we met to discuss the matter—I agreed to the meeting and met him in my office, where we went over this, as he has, I

understand, subsequently acknowledged—that the reductions to the SRDP have been made because our budget has been reduced by Westminster and we have had to make consequential cuts. Of course, we are, nonetheless, maintaining substantial payments to farmers, and payments in respect of environmental matters throughout the country.

As far as a motion for debate goes, let me make it quite clear that if we need to have debate after debate after debate to get that money back for Scotland, so be it. We will bring those debates to Parliament, and eventually we will succeed.

Mike Rumbles (North East Scotland) (LD): Does the cabinet secretary recognise that the real prize in this process is to ensure that Scotland receives 16 per cent of the UK's share of agricultural support in the future, rather than the 10 per cent that might come under the Barnett formula? Surely he recognises that with Brexit he needs to build bridges and not use such inflammatory language, which may be seen as undermining the 16 per cent level of funding for the future.

Fergus Ewing: After 18 years in Parliament, during most of which Mr Rumbles has also been present, I can say that he is not unfamiliar with inflammatory language. Nonetheless, he has made a serious point that I have been arguing every day since the referendum vote to leave the EU, in which Scotland, let us not forget, voted in entirely the opposite direction—to remain in the EU. The point is that the UK must confirm that the promises that were made during the EU referendum campaign by Brexiteers—including Andrea Leadsom, George Eustice and Michael Gove—that all the EU funding, amounting to £500 million a year, would at least be matched, will be kept. When I make a promise, I do my best to deliver it. I am calling on them to do the same thing. They have not done it yet, but perhaps today's exchange might focus their minds better—in particular, the mind of Mr Gove.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Does the cabinet secretary agree that the time for reviews has passed and that the UK Government needs, having promised two reviews on the issue in the past, to get on with delivering the £160 million that is owed to Scottish farmers and crofters?

Fergus Ewing: I will answer that question in two parts. Yes, the money is due to Scotland. In 18 years in Parliament, I have not come across a more clear-cut case than this one. That money is, quite simply, due to Scottish farmers: there is no doubt. Even the Conservatives have had the good grace today to say that they recognise that that is so. I welcome that. So, part 1 of my answer is that we do not need a review. The UK Government

should send the money to Mr Mackay. I want to say, “Mr Hammond, you've got the money, you paid far more to the Ulster Unionists, and we want our money back.”

However, part 2 of my answer—to be fair, I say that Rhoda Grant and Dave Stewart have recognised this—is that we must, for the future, recognise that the essential unfairness in the lowest rate per hectare being paid to Scottish farmers, which has been recognised by the EU, must be part of any post-Brexit negotiations. That is where the reports and review must come in, in order to seek a basis for a future deal that reflects the facts that caused the EU to give the £190 million that was intended for Scotland in the first place.

Edward Mountain (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests, that I am a partner in a farming business. Let me say at the outset that I, my party and my colleagues in Westminster agree that the convergence uplift should come to Scotland, and we are actively working on that, as the cabinet secretary has accepted and as has been confirmed in the press today.

I have personally met Andrea Leadsom and have had two meetings with George Euslice—sorry, George Eustice—to press Scotland's case in relation to the convergence uplift. [*Laughter.*]

To save raising his blood pressure, I will ask the cabinet secretary a simple question. The payment is due from 2014. Will the cabinet secretary confirm that the money should be paid direct to Scottish farmers without siphoning or modulation, that it should be paid under pillar 1 and not under pillar 2, and that it should not be delayed by an incompetent computer system?

Fergus Ewing: No matter how frustrated and irritated I may have felt privately when meeting Andrea Leadsom, Michael Gove or George Eustice, I think that I have always managed to get their names right.

To be serious, I put it to Mr Mountain very simply that Mr Hammond could get on the phone to Mr Mackay this afternoon, say that the money is due to Scotland and ask whether he can put the cheque in the post. Mr Mackay might then ask him to send it by Bacs. After that, if the money can go directly to farmers, of course it must go to the farmers to whom it is due. If that happens, that is exactly what we will do—provided, of course, that we are able to do that within the legal regime; I have already alluded to the matters that David Stewart has quite properly raised and which no Government can ignore.

Emma Harper (South Scotland) (SNP): I remind Parliament that I am the parliamentary liaison officer to the cabinet secretary.

The cabinet secretary has set out the sorry and tawdry history of betrayal in relation to the funding. Does he agree that it is interesting that Mr Jack managed to issue a press release ahead of the statement, even though I wrote to all 13 Conservative MPs almost six weeks ago about the matter? Does he agree that we should all now focus on the future?

Fergus Ewing: Yes—I agree with both those propositions. I will turn the screw a little bit by pointing out that the only precedent that I can think of that remotely approaches this convergence moneys issue—the £160 million that is due to Scottish farmers—is the Scottish Bus Group pensioners issue, on which a deal was reached between the UK and the Scottish Governments. It was not a good enough deal, but I must acknowledge that a deal was reached.

The money that is due to Scotland must be paid. If it is not paid, that will taint any further negotiations that take place, because there cannot be good faith in the negotiations unless the UK Government delivers to Scotland money that is plainly due to Scottish hill farmers.

John Scott (Ayr) (Con): On a point of order, Presiding Officer. I again declare my interest as a hill farmer.

Is it appropriate for a Scottish Government minister who is well acquainted with the use of legal terms to refer to the United Kingdom Government's action as "robbery", when it acted entirely within the relevant UK, European Union and Scots laws? Notwithstanding the fact that I agree with the cabinet secretary's sentiments, is that appropriate parliamentary language?

The Presiding Officer: Thank you, Mr Scott. In this case, the cabinet secretary clearly had a strongly worded statement, but it was deemed to be parliamentary.

Withdrawal from the European Union (Negotiations)

The Deputy Presiding Officer (Christine Grahame): Time is tight. The next item of business is a debate on motion S5M-08352, in the name of Michael Russell, on Scotland and the negotiations between the European Union and the United Kingdom on EU exit.

I remind members who want to speak in the debate to press their request-to-speak buttons and I repeat that time is tight. Minister, you have 12 minutes, please.

15:24

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): The fifth round of the phase 1 negotiations on EU exit concluded on 12 October. Today provides an opportunity to set out the Scottish Government's assessment of progress on the EU and UK negotiations that have taken place to date; it also allows the Parliament to consider the process of EU withdrawal and to express its concerns about recent developments.

The context for so doing remains clear and should be stated at the outset of every debate about Brexit in Scotland. Scotland did not vote for Brexit, and opinion polls indicate that Scotland would still not vote for Brexit—indeed, it is likely that it would be rejected by an even wider margin now.

Scotland's best interests, and the best interests of all who live and work here, would be served by remaining in the EU. That point was emphasised in the media yesterday following analysis by the London School of Economics of the economic consequences of Brexit, which presented stark figures for Scotland, even from a so-called soft Brexit. Its calculations showed that, over five years, Edinburgh would lose £3.2 billion from such a Brexit, Glasgow would lose £2.9 billion and Aberdeen would lose £2.4 billion. Even my constituency of Argyll and Bute would lose out, to the tune of £170 million—given the difficulties of the area, that would be a severe blow. If there was a no-deal Brexit, the figures would go from dreadful to catastrophic: Glasgow would be down by £5.4 billion, Edinburgh by £5.5 billion, Argyll and Bute by £350 million and Aberdeen by £3.8 billion—Aberdeen would be the worst hit by percentage in the country.

The economic, social and reputational damage that such an outcome would inflict would be excessive, unwarranted and unwanted. The first conclusion that the Parliament needs to draw is that no deal is a no deal; it cannot and must not

happen. It is foolish for the UK Government to use such a threat even as a negotiating tactic. Things are bad enough without that.

Let us look at the state of the negotiations. There has been small progress in the past few weeks, which appears to have depended on the Prime Minister—as she indicated in her Florence speech—at last being willing to show a modicum of flexibility. However, negotiations are about dialogue, not speeches. Considerable challenges remain for the UK, and the devolved Administrations face additional problems as a result of the UK Government's failure to abide by the agreed terms of reference of the joint ministerial committee on EU negotiations.

Nonetheless, I want to be as positive as I can be. I pay tribute to the attempts by the new First Secretary of State of the UK Government, Damian Green, to improve the situation, and I am grateful to John Swinney for his involvement. I am pleased to tell the chamber that all the parties in this Parliament have had constructive discussions about the European Union (Withdrawal) Bill. I hope that such dialogue on Brexit matters will continue. It is encouraging that most of us have been able to agree on the motion that is in front of us and, although the Conservatives have not agreed, it is useful that their amendment refers to the likelihood of amending the bill, as the Secretary of State for Scotland did yesterday in his evidence to the Westminster Scottish Affairs Select Committee.

On the withdrawal bill, I can report that some progress was made at last week's reconvened JMC(EN) meeting in agreeing general principles that should ensure the role of the Scottish, Welsh and Northern Ireland Parliaments and Governments in any potential UK-wide frameworks. However, I am clear that the Scottish Government remains unable to recommend that the Scottish Parliament should consent to the bill as currently drafted, and the same is true of the Welsh Government. Neither Government will be in a position to recommend consent until the bill is amended in keeping with the proposals that have been tabled at Westminster by Labour, Liberal, Scottish National Party, Plaid Cymru and Green MPs. Those amendments will ensure that the devolved settlement is respected, not undermined.

I turn to the wider question of the negotiations between the UK and the EU. The first round began on 19 June, and the fifth round concluded on 12 October. Despite all the talking, last week the European Council did not agree that there had been "sufficient progress" to allow a move from exit discussions to consideration of the transition and the future relationship. Instead, the council called on the negotiators to make more progress on outstanding issues, including those in relation

to citizens' rights and the financial settlement. However, in a positive gesture, the EU27 have empowered Michel Barnier to make internal preparations for the second phase.

The Secretary of State for Exiting the EU, David Davis—always an optimist—asserted at the conclusion of the fifth round talks that

"we have come a long way",

but even he could not avoid the fact that

"there is still work to be done".

It is the work that is still to be done that remains my concern. The clock is ticking and it is vital that there is certainty now for individuals and businesses. Businesses are making planning decisions now for 2020 and beyond and citizens of other EU member states need to plan their futures. They will either leave the UK or choose not to locate here, based on the rights that they will have and the welcome that they will receive.

Adam Tomkins (Glasgow) (Con): Given his point about business confidence and certainty, will the minister welcome the announcement that the Prime Minister made in her Florence speech that the UK Government intends to have a two-year transition or implementation period?

Michael Russell: I will come to the transition issue and I will welcome that, in a way.

It is simply unacceptable that there is so much uncertainty surrounding the rights of EU citizens in the UK and of UK citizens in other EU countries after Brexit. It is disappointing that, in the Prime Minister's open letter to EU citizens, she was still not able to give more clarity. The Scottish Government has repeatedly called for assurances that EU citizens will have their rights protected in the place that they choose to call their home. We have continually stressed that EU citizens and their families, who make a vital contribution to Scotland's economy and demography and to our culture and society, must be able to feel that they are at home here.

We of course welcome the Prime Minister's commitment to ensure that the system of applying for settled status will be streamlined and straightforward. We believe that settled status should be granted free of charge. The First Minister has made it clear that, if a fee is imposed, the Scottish Government will, as a minimum, meet the cost for EU nationals who work in our public services. However, a number of key outstanding issues remain, and we therefore urge the UK Government to reach agreement immediately with the EU27.

I am pleased that the Prime Minister recognised in her Florence speech the need for a transition period, although she and her ministers had ruled it

out on every possible occasion until then. It is good that they recognise that that was the wrong approach. At the minimum, a substantial transition period is essential to give people and businesses the certainty that they require to get on with their lives and work. However, we still need clarity from the UK Government on how that will work in practice. Mixed messages on issues such as membership of the common agricultural policy and the common fisheries policy and coded remarks about some parts taking less time are not helping anyone, except perhaps the extreme Brexiteers.

The substance of the transition must be clear, as must the long-term destination. Confusion about those and other issues simply adds to the overall atmosphere of chaos. The UK is due to leave the EU on 29 March 2019, yet not only is the UK Government still mired in phase 1 negotiations but it cannot seem to decide what route it is asking to take after that in order to avoid the cliff edge. As a result, confusion reigns among businesses, investors and the public, and it is exacerbated by the stream of contradictions and mixed messages that flow from the internal divisions of the UK Government.

Considering all that, and after reading the UK Government's negotiating and position papers, I think that it is little wonder that so many—certainly the Scottish Government, but also a growing number in the country and outwith it—firmly believe that full EU membership remains the best possible option for this country and for our economy. That is what we want.

Willie Rennie (North East Fife) (LD): On that point, does the minister welcome this week's comments from the President of the European Council? He told members of the European Parliament:

"It is ... up to London how this will end: with a good deal, no deal or no Brexit".

Michael Russell: I welcome those remarks, which are to be supported, because they happen to be true.

We want full membership—now if possible, but later if necessary. In the interim, if we find ourselves having to be dragged out, we wish for and will continue to argue for continued membership of the European single market and the EU customs union, not as a transition but as a destination.

Many others have moved or are moving to that position, too, and we urge all parties that are not there yet—particularly the UK Government—to recognise that that is the only way of avoiding severe damage. There would still be damage, as we see from the LSE analysis, but it would be less under that scenario than under any other.

This month, the Scottish Government published "Brexit: what's at stake for businesses", which is a collection of commentaries from companies that have deep concerns about the consequences of Brexit. The document highlights the importance of the outcomes that are reached in the negotiations and the real issues that are at stake. Later, we will publish a parallel document about individual citizens' concerns.

Daniel Johnson (Edinburgh Southern) (Lab): Will the minister give way?

Michael Russell: Allow me to make some progress.

The Scottish Government and Parliament have a legitimate interest in the terms of withdrawal, including the transition, and in the overall shape of the future relationship. Many of the things that we do and the responsibilities that we have will be profoundly affected by withdrawal, transition and a negotiated future relationship. It is therefore highly regrettable that the UK Government has acted in direct contradiction of the terms of reference of the joint ministerial committee by publishing a series of papers that purport to set out a UK position without prior engagement with the devolved Administrations.

Some of those papers largely ignore the Scottish dimension; some mention it in passing without any detail. At least one seems to have been drafted in complete ignorance of the existence of a separate Scottish legal system and Scottish responsibility for, among other things, a separate prosecution and police system, an independent Lord Advocate and involvement in extradition and international justice co-operation, which are issues that long predate the UK's membership of the EU.

I made it clear to David Davis and Damian Green that I remain deeply concerned that the Scottish Government's views were not taken into consideration in the development of those papers. The EU can place no reliance on commitments that are entered into as a result of the UK's presentation of partial or simply wrong information—that should not be happening. There is no reason why the Scottish Government's position should not be fully reflected in any and all negotiating or position papers and in the UK Government's current and future positions. It is therefore essential that the UK Government involves in a new and fundamental way the Scottish Government in any further developments on EU exit and in the next phase of negotiations. We indicated that at the JMC meeting that was held in London last Monday.

I welcome the fact that the JMC has been reconvened. I indicated that last Monday's meeting set a positive tone for further

engagement, but tone must translate into substance. I took the opportunity at that meeting to press the UK Government on the issues that I have touched on today. It is vital to utilise the JMC in the spirit for which it was created: for regular engagement between the UK Government and the devolved Administrations. It is the space in which we can all be heard and in which we can reach a true UK-wide position. We must make sure that such meetings are at the heart of what we do.

Over the past 14 months—it is 14 months to the day that I have been in position as the Minister for UK Negotiations on Scotland's Place in Europe—I have welcomed the support and challenge from this Parliament and its committees. It is now more crucial than ever that our collective and unified voice is heard, that the threat to devolution is faced with solidarity and that we are clear together that Scotland's interests in our future relationship with Europe cannot be ignored. I move the motion in my name in the hope that it will attract the support of the whole Parliament.

I move,

That the Parliament agrees that a “no deal” outcome from the negotiations with the EU must be ruled out by the UK Government; further agrees that such an outcome would be an economic and social disaster for Scotland; recognises the worry that the lack of clarity over citizens' rights is causing to many people living, working and studying in Scotland; urges the UK Government to immediately guarantee the rights of fellow EU citizens in the UK without imposing charges on them; welcomes the reconvening of the Joint Ministerial Committee (EU Negotiations) on 16 October 2017 following an eight-month hiatus, and agrees that the EU Withdrawal Bill must be amended to respect the devolution settlement before it can proceed any further.

15:36

Adam Tomkins (Glasgow) (Con): I want to say a few things about the idea of no deal. It is absolutely not the UK Government's preferred outcome to leave the European Union with no deal. What we want—when I say “we”, I mean both the UK Government and the Scottish Conservatives—is a bold, ambitious and comprehensive free-trade agreement with the EU27.

Willie Rennie: Will the member give way?

Adam Tomkins: I am in my first sentence.

That is in the UK's national interest and, likewise, it is in the European Union's interest. Given that the UK starts from a position that is wholly compliant with EU law, such an outcome should not be difficult to achieve, if the political will is there on both sides. As the Prime Minister said in her Florence speech, to which the minister referred a few moments ago, we—the United Kingdom on the one hand and the European

Union on the other—share the same fundamental beliefs: a fundamental belief in frictionless, free and fair trade; a fundamental belief in fair competition; and a fundamental belief in strong consumer rights. Given that starting point, it should not be difficult to arrive at the destination that has been outlined.

Daniel Johnson: Will the member take an intervention?

Adam Tomkins: I will in a second.

The United Kingdom Government has taken the view that the United Kingdom cannot remain in the European single market because the European Union insists that the four fundamental freedoms that form the core of internal market law are indivisible, and we cannot take back control of our national borders inside the single market. That is not the British Government's conclusion; that is the European Union's conclusion, and we must recognise and respect the European Union's negotiating position as well. The European Union's negotiating position is that the four fundamental freedoms are indivisible. That means that if one wants to be in the single market, one must accept all four of them.

It is worth noting—the minister spoke about this in his remarks—that the Scottish Government's motion does not call for the United Kingdom to remain in the single market or the customs union.

Anas Sarwar (Glasgow) (Lab): Will Mr Tomkins give way?

Michael Russell: Will the member take an intervention?

Adam Tomkins: I now have four members who want to intervene on me and I have eight minutes. I give way to the minister.

The Deputy Presiding Officer: You are just popular, Mr Tomkins.

Michael Russell: I want to make it absolutely clear that, as I argued in my speech, have argued before and will argue again, the Scottish Government's position is to remain in the single market if we cannot remain in the EU, but that to remain in the EU is our preference.

Adam Tomkins: I thank the minister for the clarification. That is well understood, but it is not in his motion today, which I thought was worth noting.

Our amendment says that progress towards the end of a free-trade agreement, which I have just sketched, is being made but should be accelerated. It was the European Union and not the UK that insisted that progress should be made on three preliminary points before we can even start talking about a new free-trade partnership with the EU27.

The first preliminary point is the divorce bill, which, again, is something on which the Scottish National Party front bench has been entirely silent. There is nothing on that in the motion and there were no remarks on it in the minister's speech. In closing, the minister might reflect on what the Scottish Government's position is on the size and means of payment of the divorce bill that the European Union is demanding. Is the Scottish Government seeking to support the UK Government or the EU27 in that area?

The second preliminary point is Northern Ireland. The United Kingdom has given a clear and unambiguous commitment to protecting the Belfast agreement and the common travel area, which is a commitment that is—happily—shared by the EU27, including Ireland. Likewise, both sides have explicitly stated that they will not accept any physical infrastructure on the border, which is to be welcomed.

The third preliminary point is that there must be a safeguarding of the position of EU nationals, and the Prime Minister has been crystal clear about that, over and again. First, in her Florence speech last month, she said:

"I want ... all EU citizens who have made their lives in our country ... to stay; we value you; and we thank you for your contribution to our national life ... it has been, and remains, one of my first goals in this negotiation to ensure that you can carry on living your lives as before."

Just two days ago, in the House of Commons, the Prime Minister added:

"we are in touching distance of a deal"—[*Official Report, House of Commons, 23 October 2017; Vol 630, c 24.*]

on EU citizens.

Daniel Johnson: Will the member give way?

Adam Tomkins: I will finish the point and let Mr Johnson in if I have time.

The Prime Minister continued:

"This agreement will provide certainty about residence, healthcare, pensions and other benefits. It will mean that EU citizens who have paid into the UK system, and UK nationals who have paid into the system of an EU27 country, can benefit from what they have put in. It will enable families who have built their lives together to stay together, and it will provide guarantees that the rights of those UK nationals currently living in the EU, and EU citizens currently living in the UK, will not diverge over time."

Daniel Johnson: The problem with that position is that it still treats EU citizens as a bargaining chip. That is not an unequivocal offer; it is contingent on acceptance and it is reliant on other people doing something. It is not the unequivocal guarantee that the UK Government could give now.

Adam Tomkins: We are in touching distance of a deal on EU citizens and citizenship, which is

exactly as it should be. The member would be better advised to welcome the progress that the United Kingdom and the EU have made on that, rather than to carp from the sidelines.

One part of the Scottish Government's motion with which Conservative members agree is the welcoming of the reconvening of the JMC(EN). We like intergovernmental co-operation and we want more of it, as it is good for Scotland and for the union. We want it to be effective and we know that it will have to be effective if Brexit is to be delivered as it can be and must be, and in a manner that is compatible with our devolution settlements. That is why I welcome the communiqué, which was published after the JMC(EN) on Monday last week, with its focus on common frameworks, as that is one of the aspects of Brexit that we will have to spend quite a lot of time focusing on.

On the subject of common frameworks, I note and welcome the statement that was made by the Secretary of State for Scotland, David Mundell, in the House of Commons this afternoon in which he said that a UK framework means not the imposition of a framework by the UK but that agreement is reached. The minister has shared that position with me in evidence to the Finance and Constitution Committee and the secretary of state has endorsed it today, which we can all welcome.

The European Union (Withdrawal) Bill is designed to deliver a smooth and successful Brexit. It was formerly—and rather oddly—known as the great repeal bill but, in reality, it is a continuity bill. It maintains the authority of retained EU law in the UK's legal systems and it avoids precisely the legal and constitutional cliff edges that Scottish Government ministers and the Scottish Conservatives have been warning about.

The passing of the legislation through the Westminster Parliament requires our consent and that of the Welsh Assembly. The UK Government has made it crystal clear that it wants to obtain that consent. So do I, and so, I believe, does the minister and the Scottish National Party front bench. To that end, a series of meetings has been taking place to seek to understand different parties' concerns and to relay those concerns to ministers and others at Westminster.

I will close on this point. Much of the focus on the withdrawal bill has been on clause 11. It is worth recording what the Secretary of State for Scotland, David Mundell, said in his evidence to the Scottish Affairs Committee in the House of Commons yesterday. He said that powers will either be with the Scottish Parliament—here—or they will be subject to a UK-wide framework to which the Scottish Government is a party. That is what will happen.

If we can all agree around such a position, we can obtain the consent that both Governments want. For all those reasons, I will move the amendment in my name.

I move amendment S5M-08352.1, to leave out from “that a ‘no deal’ outcome” to end and insert:

“with the UK Government that it is in everyone’s interest for the Brexit negotiations to succeed; welcomes the fact that progress is being made in the negotiations but considers that progress needs to be accelerated; calls on the EU to allow the negotiations to move on to the next phase; welcomes the unambiguous commitment on the part of the UK Government to safeguard the rights of EU nationals living in the UK and calls on the EU to make the same commitment for UK nationals living in other member states; welcomes the reconvening of the Joint Ministerial Committee (EU Negotiations) on 16 October 2017, and understands that the European Union (Withdrawal) Bill is likely to be amended to ensure that both devolution and the UK’s internal market are strengthened and safeguarded”.

15:46

Lewis Macdonald (North East Scotland) (Lab): Members of the Culture, Tourism, Europe and External Relations Committee went to Brussels last month and met Michel Barnier. The European Union’s chief negotiator made many important points and addressed some complex issues. However, one of his simplest points was also one of the most telling. When negotiations fail, that usually means going back to the status quo, but in the case of Brexit, no deal would mean something quite different. It would mean Britain becoming a third country, with no agreed trading relationship with our main trading partner. It is a simple point, but it is hugely important. No deal would not mean standing still; it would mean going backwards by 40 years.

Despite the opening comments from the Conservatives, it is clear that some ministers in the UK Government believe that the threat of walking away without a deal will concentrate minds and persuade EU leaders to make fewer demands and more concessions. There is no evidence of that, just as there is no evidence that there is a whole world out there of friendly countries just waiting to reach trade deals with the UK that are more generous than their trade deals with the EU.

Boris Johnson, for example, recently suggested that Commonwealth countries might provide an alternative field for British economic activity. Clearly, he did not know that New Zealand and Canada are already lining up with the United States, Brazil and Argentina to demand increased access to our markets for their produce once the UK is no longer covered by EU quotas for farm produce, under World Trade Organization rules. It is a pity that the Secretary of State for Foreign and Commonwealth Affairs was not a little bit better

informed before he laid out such wonderful visions—or at least a bit more honest about just what trading under WTO rules will be like if there is no new deal with Europe.

Even more remarkable was the sight of the Chancellor of the Exchequer apparently being put in his place by the Prime Minister on preparing for an outcome with no deal. Philip Hammond told MPs that spending now on preparing for failure in the negotiations was likely to be “nugatory expenditure”—more commonly known as a waste of money. The very next day, Theresa May was keen to say that that money was already in place, and that her Government would be ready in the event that no deal could be agreed.

It is easy to see why the chancellor did not want to admit to planning expenditure to build giant lorry parks at Britain’s ports to allow our exports to get off the road while they wait to join the queue to go through customs before crossing the Channel or the North Sea. Hundreds of millions of pounds will be spent on trade policy—not on speeding it up or increasing it, but on slowing it down.

It is also easy to see why David Davis is so reluctant to publish the UK Government’s assessment of the impacts of a no-deal Brexit—or indeed any Brexit—on the nations and regions of the United Kingdom. This week’s LSE report on national and regional impact shows that economic output in Scotland could fall by almost £30 billion over five years in the absence of a positive agreement. As the Minister for UK Negotiations on Scotland’s Place in Europe said, Aberdeen is predicted to take the biggest hit in Britain after the City of London, with Edinburgh and Glasgow not far behind.

Mention has already been made of this week’s comments by David Mundell. So far, he has declined to tell us what the Government’s findings with regard to regional and sectoral impact are, but he concedes that “a degree of analysis” has been done in relation to Brexit, and yesterday he told the Scottish Affairs Committee that that analysis would be shared with the Scottish Government.

Michael Russell: I understand that the same assurance was given by David Davis to my colleague Joanna Cherry at this morning’s meeting of the Westminster Committee on Exiting the European Union, but it is very difficult to get clarification of those commitments. I hope that, by working on a cross-party basis, we can persuade the Conservatives to make sure that that documentation comes to Scotland and is published.

Lewis Macdonald: I hope for the same. I also hope that Mr Russell will agree that, if that documentation comes to the Scottish Government,

it will be of legitimate interest to the Scottish Parliament and, indeed, to the citizens whom we are here to represent.

Of course, the implications of no deal do not stop at trade. A failure to agree would also be devastating for the rights of citizens of other EU countries to stay here and of UK citizens to stay in other EU countries post-Brexit. That is the area in which Mrs May and Adam Tomkins want to tell us that we are closest to agreement. When Mr Tomkins talked about us being within “touching distance” of a deal, he might have been right, but as Daniel Johnson said, it is an area that should not have been subject to a bargaining process in the first place, and it is an area that is at as much risk as any other if the bargaining process is unsuccessful. Whatever progress might be achieved as part of a negotiated settlement will be abandoned if there is no deal, and that will be hugely damaging for our economy and our society, as well as deeply distressing for the individuals and families concerned.

Just as the UK Government is failing to make real progress in Brussels, there seems to be an equal lack of progress at Westminster. Today's Conservative amendment states that the withdrawal bill is “likely to be amended” to address the devolution issues. It certainly should be, given the force of the many amendments to the withdrawal bill that have been tabled with cross-party support to ensure that powers over devolved areas are repatriated to the devolved Administrations and not the UK Government.

The failures and shortfalls of the withdrawal bill do not stop there. Last weekend, Keir Starmer called for action to improve the bill in six areas. He said that ministers need to act to remove obstacles to transitional arrangements—an issue that the Conservatives have raised this afternoon—based on the terms of membership of the single market and customs union beyond March 2019; to safeguard against law making by decree by reducing the sweeping powers that ministers want to have to amend retained laws without full parliamentary process; to guarantee continuation of workers' rights, consumer rights and environmental standards; to protect the devolution settlement; to entrench fundamental rights; and to ensure that Parliament rather than Government has the final say on whether to approve the withdrawal agreement and on how to implement it.

In all those areas, we need a change of attitude and a change of approach from UK ministers before the withdrawal bill will be fit for purpose. We need a Government that wants a deal with Europe and that is willing to listen to others in the UK Parliament and in this and other Parliaments in order to safeguard democracy. Frankly, if Mrs

May's ministers are not up to that challenge, we also need a change of UK Government.

The Deputy Presiding Officer: Before we move to the open debate, I point out that time is very tight. I ask for speeches of six minutes. However, I want to allow time for interventions—please make those brief. If managing the time becomes difficult, closing speakers might be asked to take a minute off their speeches. I think that that is fair to back benchers.

15:53

Mairi Gougeon (Angus North and Mearns) (SNP): We are 16 months down the line from the Brexit vote and seven months down the line from the triggering of article 50, so we must ask, what is new? I do not think that many of us are much the wiser now on what Brexit will actually look like than we were last year.

I sit on the Culture, Tourism, Europe and External Relations Committee, which has been undertaking an inquiry into the article 50 negotiations, and I want to focus on some of the key elements that we have heard evidence on. In particular, I want to focus on the rights of EU citizens.

Although we keep hearing from the UK Government that much progress has been made, there remain serious hurdles that have to be overcome. David Davis confirmed that this morning in his evidence to the Committee on Exiting the European Union, and he gave no explanation of how those hurdles will be overcome. The issues involved include the rights of future family members; the recognition of professional qualifications; UK citizens' rights to move within the rest of Europe; and the role of the European Court of Justice in dispute resolution. The one thread running through all of that and all of the evidence that my committee has heard is the remaining uncertainty and lack of clarity for all involved. We heard from panels of legal experts, from academics and from Lord Kerr, who played a role in drafting article 50 itself.

Dr Tobias Lock from the University of Edinburgh highlighted the situation of EU citizens who are now

“finding it difficult to find jobs, because employers do not know what their situation is going to be in 18 months' time, and to find housing, because landlords are reluctant to take them on as tenants.”—[*Official Report, Culture, Tourism, Europe and External Relations Committee*, 21 September 2017; c 22.]

That was not just speculation; we had confirmation of it from EU citizens themselves who are living that experience every single day.

Ewa Smierzynska of the Fife Migrants Forum said that she had been told directly that she had

been turned down for a job because her prospective employer would have had to spend time training her only to be told, perhaps, that they were no longer allowed to employ anyone from the EU and to let her go. That is simply blatant discrimination, and it is based on an incredibly worrying lack of knowledge and certainty not only on the side of those working here about their rights but on the side of employers, who are very badly informed.

However, even more worrying trends are developing. Yesterday, The Guardian published an article highlighting how uncertainty over Brexit is leading to downright exploitation by unscrupulous employers across the country. It cited case after case of workers, particularly those in low-paid jobs, being mistreated and having their rights abused. Barbara Drozdowicz, chief executive officer of the East European Resource Centre, echoed what we heard in committee. She commented:

“People are worried that they will hire someone and they will have to leave, which isn’t true, but shows employers are badly informed.

The other side is that there are employers who I believe now want only eastern European workers because they can treat them badly and threaten them with false information”.

Margaret Beels, who chairs the Gangmasters and Labour Abuse Authority, highlighted an even more sinister side. She stated:

“People have gone from being unsure about their rights to being tricked into thinking that they have no rights at all. By adding yet another layer of uncertainty, Brexit has made it even easier for people-trafficking and slavery to take place”.

It is not hard to understand the lack of knowledge on rights, given the continued uncertainties around the negotiations. Are EU citizens living here directly given the most up-to-date information to help ease that situation? When the committee posed that question to the Fife Migrants Forum, the answer was that they pretty much had to source that information themselves.

On the Government website, we are told that Theresa May

“wrote directly to EU citizens in the UK”

prior to her recent visit to Brussels. Well, no—she did not; she published a letter online, offering “reassurances” that she hoped would provide “further helpful certainty”. However, such reassurances are meaningless, because there is no certainty, and people are losing out on homes and jobs as a result.

This issue is particularly personal to me and my family, because I am married to an EU citizen. We have gone from looking at him applying for permanent residency here to being told that doing

so was pointless, because everyone would have to apply for settled status, to being told by David Davis two weeks ago that permanent residents would not have to make a full application for settled status. We then considered making the application again, only to be told online that it would not be valid after Brexit; we then heard from Amber Rudd that there was no point, as everyone will have to apply for settled-status biometric residence permits. There is something about the use of the term “biometric” that makes me think that the process will be anything but simple. Even then, what will “settled status” mean? What will the process involve? Who knows? As Dr Rebecca Zahn from the University of Strathclyde stated, the new status is “particularly problematic” because it

“creates legal uncertainty for landlords, employers and even the national health service with regard to knowing whether an EU national can be treated and on what grounds they can be treated post-Brexit, depending on what status they fall into.”—[*Official Report, Culture, Tourism, Europe and External Relations Committee*, 21 September 2017; c 23.]

My husband is just one of the thousands of EU citizens who have built their life in this country and who have absolutely no say and no control over the negotiations that will determine not only their future but the future of their families—my family—here. There was no clear defined plan going into the negotiations; there has been backtracking during them; and there is still no clear idea of what our relationship with the EU will be post the negotiations. All of that means a lack of clarity for EU citizens here and UK citizens abroad.

That is why that we in this Parliament have to work together to press the UK Government to immediately guarantee the rights of EU citizens in this country and provide some certainty for their future. Right now, the only certainty in all of this is that no matter the outcome of the Brexit negotiations—be it a soft exit, a hard exit or a no-deal scenario—Scotland will lose out.

15:59

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The UK Government recognises that British nationals who live in the EU27 countries and EU nationals who live in the UK have been concerned about potential changes to processes after the UK leaves the European Union. However, as we know, last week the Prime Minister addressed EU citizens who live in the UK and reassured those 3 million citizens that the Government is in touching distance of an agreement. The UK Government wants people to stay and wants families to stay together. It hugely values the contributions that EU nationals make to the economic, social and cultural fabric of the UK, and it knows that member states equally value UK nationals who live in their communities.

The Prime Minister's recent address is good news. It is positive, progressive steps have been made, and Brexit will be better because of that. It is in everyone's best interests to have pragmatic and progressive talks to get the best for the UK and Scotland and to seek progress.

If the SNP had had its way, Scotland would have left the EU and UK markets. The UK single market exists, and it should not be ignored. As we know, it is worth four times as much as the EU single market to the Scottish economy.

The SNP finds it hard to acknowledge that the Prime Minister has given reassurances to the 3 million EU citizens who live in the UK that they are welcome, their contributions are valued, and they are needed. Those who are granted settled status will be able to live, work, study and claim benefits, as they can now.

Mairi Gougeon: Perhaps Rachael Hamilton has more inside information than we have about what settled status will mean, what the process involves and what people have to do to get settled status. If people have been reassured, why are people losing out on jobs and homes?

Rachael Hamilton: The Prime Minister made quite clear what settled status means in her recent address and in her Florence speech.

However, the guarantee to EU citizens will not solve our skills shortage. The Scottish Government has failed to recognise and address that. We must give businesses certainty. The Scottish Government fails to admit that the skills shortage in Scottish sectors existed before Brexit, and it is time for it to admit that Brexit cannot be used to brush over that problem.

"Brexit: What's at stake for businesses" highlights recruitment issues. Many businesses fed into that document and highlighted skills shortages.

Ross Greer (West Scotland) (Green): Many of the skills shortages are in areas in which incomes are not particularly high, so why does the Conservative Government propose setting a minimum income threshold, which would deny many people the right to come and live here and unite with their family?

Rachael Hamilton: What I am trying to highlight is that those recruitment issues were there before Brexit.

The Scottish tourism sector has reported that many college and university graduates have left the sector within the first two years after qualifying, and it has drawn attention to the fact that modern apprenticeship programmes encourage the delivery of level 2 qualifications over level 3 and level 4 qualifications, which limits the ability to develop higher-level skills within key roles.

Apprenticeships are also targeted at 16 to 19-year-olds, and that does not address business needs. Those issues, which were recorded in 2015 and were present before Brexit, still persist today. We need to work to resolve that.

Michael Russell: Will the member give way?

Rachael Hamilton: No, I will not, if Michael Russell does not mind.

The lack of skills is hindering one of Scotland's biggest economically advantageous sectors at a time when that sector is seeing increased visitors and trade. That is because of Brexit. Office for National Statistics data show that the number of overseas visitors to the UK in July topped 4 million for the first time, and VisitBritain has said that, over the first seven months of the year, the number of overseas visits to the UK rose by 8 per cent to 23.1 million, compared with the same period last year.

The SNP has failed to recognise that sectors such as the service industry have experienced recruitment issues for years—Brexit or no Brexit.

Moving forward, we need to look at how we can develop our future relationship with the EU. As well as kick-starting regular joint ministerial committee meetings, the Scottish and UK Governments should be working hard to secure opportunities for our biggest markets and businesses. I believe that the Scottish Government should invest time and energy in exploring more opportunities, not try to disrupt and hinder Brexit negotiations. Indeed, that goes for all parties that have taken umbrage with the democratic decision to leave the European Union.

It is time for the SNP to change the narrative and work pragmatically with the UK Government to get the best deal and focus on the opportunities. The UK Government is listening; it has guaranteed EU citizens' rights and we expect amendments to ensure that devolution and the UK's internal market are strengthened and safeguarded. The Scottish Government should now listen, too.

16:05

Pauline McNeill (Glasgow) (Lab): There is no issue more important than the Brexit negotiations and their outcome. The quality of people's lives and the stability of commerce and business across the UK depend on the negotiations delivering the best arrangements for the UK when it is outwith the European Union, as required by the referendum outcome. Leavers promised better trade deals and alternative trade deals when we were out of Europe and a better world outwith the EU—we have yet to see it—and all that we had to do was vote for it. The way I see it now is that Brexiteers wanted to leave at all costs. There is no

detailed plan and no thought was given to where Britain would then be.

In my opinion, the single most destabilising event following the referendum has been the disgraceful behaviour of the British Cabinet, whose members undermine each other at every turn while trying to negotiate a deal for the citizens of the UK. They have been embarrassing on the world stage and have refused to recognise and understand the basics of a negotiation strategy. If we choose to leave the EU, we have to pay our debts. A measure of good faith should have been courted in the EU, and a good start would have been recognising the rights and needs of EU citizens in the UK, who should not have to live with uncertainty.

The UK Government has ridden roughshod over the Scotland Act 1998, which most of us fought for, by seeking to grab all current EU powers. No wonder the devolved nations are up in arms about the sidelining of their interests. There is also deep concern among our Irish friends across the water. Incidentally, I am opposed to charging EU citizens a fee to remain in the UK.

The process of disentangling citizens' rights and financial obligations and disengaging from 40 years of standard setting and regulatory convergence under the single market is no simple task. It is obvious to me that it necessitates a transition period, which is a recognition of the practicalities involved. We should have argued for a transition period much sooner, even if it perpetuates uncertainty over the final destination.

I am sure that all in the chamber hope for the best deal that can be achieved. We rightly demand clarity on the shape of Britain out of Europe. There even seems to be some cross-party consensus on that, because some sensible Tories are fighting for a sensible approach to Brexit. However, as someone who voted to remain but argued for respecting the outcome of the leave decision, I am beginning to lose my patience somewhat. Frankly, I am not prepared to say that it is all up to the leavers to decide the new relationship with Europe. There must be an acceptance that all of us, whether we voted leave or remain, must be involved in a democratic process to decide what is best for Britain—and I do not believe that that is what is happening.

Vince Cable put the matter quite succinctly this week when he said that Britain's negotiating stance is a disaster and that the Brexiteers in the Conservative Party have horribly miscalculated Britain's bargaining power or have not stopped to consider the reality of our bargaining power against the EU27. The tone set by Theresa May and David Davis is flawed and does not seem intended to gain the respect of the EU27, which the chancellor helpfully believes are "the enemy".

Yesterday, we heard that Tory whip Chris Heaton-Harris had written to all universities asking what their respected academics in European affairs are teaching on Brexit. I know that number 10 has disassociated itself from that, and rightly so, but given that behaviour from someone who should know better, no wonder the respected journalist John Simpson tweeted yesterday:

"Daily hate in press. Doesn't feel like my country now".

That shows the stakes of the Brexit scenario that we are in.

I note that the Tory amendment does not rule out a no-deal exit from the EU, which is unfortunate. As far as I and other members on the Labour benches are concerned, that would mean a return to a hard border with the republic of Ireland and create barriers to imports. Lewis Macdonald and others have talked at length about the LSE's economic predictions. No one should be under any illusions about what a no-deal exit would mean.

I, for one, will be watching the negotiations carefully. We were told that no deal is better than a bad deal, but those who say that do not speak for me or for millions of others who stand to lose substantially in the quality of our lives if we do not get the best deal for Britain. If we are to honour the vote in June last year to leave the European Union, we had better start recognising the serious dangers that lie ahead for all of us, and the biggest one is a no-deal exit.

16:11

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I want to pick up on Mairi Gougeon's speech and look at the issues from the perspective of UK citizens who are living in the EU. They are not relying on specious promises coming from the Prime Minister or other members of the Westminster Administration. They are applying in considerable numbers for passports from other countries in the EU where they are available. Indeed, we have seen the rather unexpected sight of Ian Paisley Jr of the Democratic Unionist Party in Northern Ireland handing out Irish passport application forms to his constituents and others. That tells us precisely how difficult the situation is perceived to be for many.

Members of my family and close friends fall into this category. I have a niece in Sweden. She is now a Swedish citizen and the holder of a Swedish passport because she cannot plan her life on vague promises that cannot be banked. She has to assure her future. Incidentally, it is interesting to compare and contrast her experience of becoming a Swedish citizen with the boorach that we heard Mairi Gougeon describe. It

took my niece five days to get her Swedish citizenship. I accept that she has been resident there for more than a decade, but I thought that five days was a pretty impressive administrative deal.

My nephew, who lives in Denmark, has yet to submit his Danish passport application but is actively contemplating doing so, and four close friends who have the necessary Irish grandparents are looking to apply for Irish passports.

All across Europe, we have uncertainty for UK citizens, who are not reassured in any way, shape or form by what is coming from Westminster. It is an important matter for EU citizens who live here, but it is equally a significant problem for UK citizens who live elsewhere.

I came to this Parliament and was sworn in on 13 June 2001, and the following day I spoke in my first debate, which was on the European Committee's report on the common fisheries policy. I was pitched right into debating on behalf of my constituents some of the substantial shortcomings of many of the things that come from Europe. Indeed, the European Committee, as its first headline conclusion from its deliberations, said:

"We believe that the current situation is untenable."

It was talking about the common fisheries policy.

Given that it comes from an environment in which the EU was funding the building of new Spanish boats while simultaneously ensuring that the Scottish fleet was substantially reduced, the bitterness that people in the north-east of Scotland and other fishing communities have towards the EU is perfectly understandable. However, even there things are changing, because the expectations of fishing communities look increasingly less likely to be delivered.

Yesterday, the Scottish Fishermen's Federation was advocating in the strongest possible terms that decision making on fishing policy and practice must remain in Scotland. That takes us directly to clause 11(1) of what might be termed the great repeal bill, although Mr Tomkins has given us another title for it that we might adopt if we wish.

The bottom line is that even the most Eurosceptic people are realising the limitations in what is happening. Michael Gove appears to have promised continuing "relative stability" to the Danes and the Dutch, which is absolutely at odds with what fishing communities expected. The negotiations, thus far, are nothing short of a muddle. The EU, with 27 countries that had to agree a common line, was able to do that pretty rapidly. After a substantially longer period, the UK cabinet, with 23 members, has not been able to

come to any meaningful agreement as to where we are going.

Let me give a few hints as to how negotiation might be done. One of the leading training companies in negotiation is based in Glasgow and its services are used all over the place. It is a company called Scotwork UK and it has a simple system called LIM-IT. It involves making three lists: things that we would like to get, things that we intend to get and things that we must get. The way you use it is to sit down and work out what is on your lists. You do not disclose your lists publicly, but bit by bit through the negotiation process. There is not the slightest sign that anything professional is happening in the negotiating of withdrawal.

I will end by welcoming the fact that, of the seven clauses of their amendment, the Tories have included four that I can agree with. That is a welcome move forward. It is in everybody's interest that the negotiations succeed; we all want "progress ... to be accelerated"; we all welcome

"the reconvening of the Joint Ministerial Committee";

and, fundamentally, we are all looking to see the great repeal bill amended, because until it is, no meaningful progress will be possible.

16:17

Ross Greer (West Scotland) (Green): The UK is now six months into its Brexit negotiations and progress has been slow. The prospect of a no-deal Brexit has increased in likelihood and profile throughout that period, particularly in the past few weeks, and we should be clear on what that means.

No deal would mean leaving the largest free trade area in the world—one that has more than 50 operational trade deals—and reverting to World Trade Organization default rules. It is the worst possible outcome and, despite the bluster of the Brexiteers, it would be far worse for the UK than for the EU. Tariffs would be imposed on goods, and licensing restrictions on services, causing economic havoc almost immediately. Customs checks would return, leading to chaos at our ports and borders. That is the territory of overnight crisis.

The Fraser of Allander institute estimated last year that a no-deal scenario would lead to a long-term drop of £2,000 in average wages and a loss of 80,000 jobs in Scotland, as well as wiping £8 billion off the economy, and the minister mentioned the numbers in this week's LSE report. We have already suffered a decade of wage erosion as inflation has undermined the value of pay packets across the UK. Now inflation is almost 3 per cent; it is at a five-year high and is expected

to rise further as the impact of Brexit takes hold. How much more can workers take?

Of course, the situation is far worse for residents here who are citizens of other European nations. In addition to the broader economic threats, they are being used as bargaining chips and can see their rights under threat. It is disgraceful that the UK Government has continued to refuse to genuinely guarantee the rights of European citizens.

Theresa May claims that that is necessary to protect UK nationals living in the EU, but that is just nonsense. UK nationals living in the EU have written directly to the Prime Minister, begging her to stop treating citizens' rights as an immigration issue and to guarantee the rights of EU citizens in the UK. Spain, the EU state with the largest number of UK nationals, has already taken steps unilaterally to guarantee the rights of UK nationals.

The Conservative Government has created fear and anxiety, which it continues to stoke. The offer that it has put forward on EU citizens' rights falls far short of acceptable. It tears up current laws on family rights and instead imposes a minimum income threshold for family unification, basing the right to a family life on a person's ability to secure a high income. Do people with the least wealth not deserve the right to a family life? The offer also restricts leave to remain for people who leave the UK for more than two years. Such rules saw a woman from Singapore, who had been married to a British man for 27 years and was the mother of two British sons, deported because she had been in Singapore, caring for her elderly mother, for too long.

Why does the offer to EU citizens have to be so bad? It is a product of Theresa May's deliberate efforts, as Home Secretary, to create a "hostile environment" in an attempt to restrict immigration. Her cack-handed policies, which have targeted everyone, ranged from turning doctors and nurses into immigration enforcers to sending racist "Go home" vans to areas with high ethnic minority populations.

Theresa May's former colleague, George Osborne, revealed that she single-handedly blocked a guarantee for EU citizens in the immediate aftermath of the Brexit vote. I have seen at first hand the impact that that has had on real people. Last month, at the Language Hub in Glasgow, I met EU citizens who live in Scotland. They told me of the new discrimination that they are encountering. They have been singled out and asked to prove that they are entitled to NHS healthcare when attending maternity appointments, because their names sound a bit foreign. They have seen flats advertised for rent to UK nationals only. They have struggled to find

jobs, because employers have become reluctant to interview or even consider EU citizens.

That is the hostile environment that Theresa May has created. It is an environment that many non-European nationals have suffered for years.

All that, of course, is made even worse by the European Union (Withdrawal) Bill. The bill gives ministers far-reaching powers to change the law, including acts of Parliament that cover basic rights, through secondary legislation. That means changes to the law at ministerial discretion, without there even being a vote in Parliament, as the explanatory notes that accompany the bill say.

Healthy democracies do not permit a Government that kind of power, especially if it can be exercised without appropriate parliamentary scrutiny. However, such an approach is par for the course for a Government that only this morning took the position, through David Davis, the Brexit secretary, in committee, that the UK Parliament might not even get a vote on the final Brexit deal until after we leave. That is not a position that a healthy democracy should be in, particularly in a country that has a constitutional tradition of parliamentary sovereignty.

It is paramount that the UK Government rules out a no-deal scenario and immediately provides assurances to EU citizens in the UK. There are 180,000 people living in Scotland and 3 million across the UK who need and deserve those assurances.

In the not much longer term, we need to move towards the full devolution of migration and asylum policy, to ensure that, at least in Scotland, basic rights can be respected and, as the welcoming country that we want to be, we can build a system of which we are proud and which supports our economic needs. Scotland has suffered decades of depopulation, and we know that immigration has been a fantastic way to reverse that trend and revive communities.

We still aspire to be a welcoming, outward-looking nation. While the Brexiteers tell us to look inward, throw accusations at people whom they perceive as lacking patriotism and try to keep the public and sometimes Parliament in the dark, this Parliament, at least, can send a message that we still live in the real world and will stand up for the interests of all those whom we represent, and that we will not consent to the process going further until the UK Government does the same.

16:23

Willie Rennie (North East Fife) (LD): Presiding Officer,

"From day one this was bad news also because most of my funding has come from EU. When the government

announced that the status of EU citizens would be part of the negotiations my decision to leave became final: if I would talk about our dogs that way my spouse would kick me out of the house.”

Those are the words of a professor—an EU national who lived in Scotland for more than 10 years but who has already moved elsewhere in the EU because of Brexit. I am ashamed that someone of such standing and education believes that he has been treated like a dog by our Government. We should treat people as we ourselves would like to be treated.

The professor’s words are in a report from the Royal Society of Edinburgh young academy of Scotland. He is one of many people who have spoken about the personal and professional impact of Brexit. The report is a heartbreaking read. The report shows that much damage has already been done. Many people are leaving or want to leave. For months, we have had assurances from the Conservatives that we are on the verge of an agreement, so members will not be surprised to hear that people are sceptical about the Conservatives’ words on such matters when nothing turns up that gives them any kind of reassurance. There is no practical agreement.

I also fear the damage that could yet be inflicted. The negotiations have been a car crash in slow motion. Members will remember that Liam Fox told us that the EU negotiations would be some of the easiest in human history. Now we know why he has been given a department with no responsibility. Given the way we have treated people from other European countries, it is little wonder that Brexit discussions with those same countries have not gone well.

What do the Conservatives have to show for 15 months of negotiations? The EU has shredded our £350 million a week invoice for the national health service and sent one back to the tune of billions. The Conservatives once claimed that the EU would be desperate to trade with us; now they openly praise a no-deal option. Adam Tomkins complains that other people are raising that option. It was not us who raised it but members of his party, including ministers. If the option is not on the table, why on earth did they raise it in the first place?

To claim that a no-deal option would be a good idea is to abandon the European health insurance card, the Erasmus scheme, the European research area, the European Atomic Energy Community—Euratom—the European arrest warrant and many other benefits. No deal would mean that Canada would have a better trading relationship with the EU than the UK would. In fact, 44 different countries have some form of agreement with the EU, including South Korea, South Africa, Mexico, Azerbaijan and Kazakhstan.

If there is no deal, all those countries thousands of miles away will have better relations with the EU than the UK, a former member that is only 20 miles away from the EU, will have. [*Interruption.*]

Adam Tomkins mumbles from a sedentary position that it should be no problem to reach an agreement. If so, why on earth are his ministers raising the possibility of a no-deal Brexit? It is because they are trying to use it as a threat. However, we should never use a threat that has no credibility. A threat must have credibility before we use it, or that lack of credibility reflects on the negotiator. That is exactly what has happened with the UK Government.

The impact of a no-deal Brexit would be significant. Barnsmuir farm is near Crail. At peak, it needs 270 workers to harvest the fruit and vegetables that it grows, but it is already struggling to get the workforce that it needs. Its workers have faced a pay cut because of the fall in the value of the pound. The distance from home and the Scottish weather become more important to people when they do not get paid as much. Workers also wonder whether Britain really wants them when they hear that immigrants are a problem.

The growth at Barnsmuir has come with the advance of technology and the availability of good workers. Longer picking seasons mean a greater demand for pickers. Even if every available east Fife worker were to step forward, there would still not be enough of them to meet the demands of the seasonal work. In 10 years, the food and drink sector has grown 44 per cent to £14 billion. That will rise to £30 billion by 2030 but, if we do not have the workforce to feed the industry, that simply will not happen.

We have heard about the LSE report and the dramatic £30 billion impact of no deal. We know that universities such as the University of St Andrews rely greatly on staff from EU countries. One fifth of the research grants come from the EU.

If we have no agreement on all those areas, there will be a devastating impact. That is why it is irresponsible to raise the prospect of no deal. If the Conservatives want an alternative option to a bad deal, they should let the British people decide whether the deal is good enough. For such a monumental decision, it should not be left to the shambolic Conservative Cabinet to determine whether the deal is acceptable. Once the detail is known, there should be a referendum to endorse or otherwise. The option of remaining in the EU should be on the ballot paper. Donald Tusk, the president of the European Council, has said this week that that is possible. He made that clear to members of the European Parliament. I urge the Government to give the British people the right to

turn back if they choose to. Let us start treating people with respect and give them the final say.

16:30

Richard Lochhead (Moray) (SNP): It is quite remarkable that, as we debate this issue in late 2017, we remain as much in the dark today about what a Brexit deal will look like as we did the day after the EU referendum back in June 2016. Theresa May's set-piece speeches come and go, but we do not seem to move much forward. Despite some comforting words that we have heard from UK ministers, EU nationals in this country do not feel any more secure or that they have any more clarity or certainty since last year, as eloquently highlighted by Mairi Gougeon and other speakers, and there is no certainty for companies that want to decide their investment plans or contingency plans for 2018 and beyond, as highlighted by Michael Russell.

I commend Douglas Fraser's article on the BBC website, which just appeared in the past hour or two, giving an insight into the debates that are taking place in the business community at the moment. He quotes Karen Briggs, head of Brexit at KPMG, who says:

"we're seeing businesses quietly stockpiling inventory and exploring alternative sources of talent, whilst nervously pushing bigger financial decisions into the new year."

She goes on to say that things are probably a lot worse in the financial sector, and is quoted as saying:

"Here the conversation has moved on from high level analysis and impact plans, to much more detailed work on setting up an EU presence and the very human issues associated with moving people overseas."

The theme of the article is about concerns in the business community over the lack of progress, and it refers to three Ts—transition, trade and talent.

As we approach the end of 2018, and as the exit date of March 2019 gets closer, there is as much confusion today as ever about the UK Government's strategy. Last week, we heard David Davis say that no deal must be an option, while Amber Rudd says that no deal is unthinkable but Liam Fox says that we have no need to fear a no-deal scenario. Chaos and confusion reign in the UK Cabinet. I honestly think that we have the worst political leadership in the House of Commons in history, since the House of Commons was built in 1341 by King Edward III of England.

The worrying thing is that the prospect of no deal is now being talked up by UK ministers. May famously said that

"no deal ... is better than a bad deal",

but for Scotland no deal is the worst deal. Leaving the single market and the customs union, leaving our EU nationals in limbo, and reverting to World Trade Organization rules with tariffs crippling some of our key sectors in Scotland, particularly the food and drink sector, as highlighted by Willie Rennie, will damage our economy.

If barriers to trade are erected in March 2019 and the free movement of labour is stopped, that will be a hammer blow to firms across Scotland, particularly in my constituency and in the food processing sector. Jim Walker of Walker's Shortbread in Aberlour said just a few weeks ago:

"The impact of the UK's decision to leave the European Union in 2019, with all that means for our ability to trade freely with Europe and to draw on a wider pool of labour is a source of considerable uncertainty."

We have seen the price of imports in the food and drink sector rocket because of the plunge in the pound that has taken place since the EU vote.

We also need to know the scale of the damage. Does the UK Government have those impact assessments? It is not disclosing them or putting them in the public domain. Perhaps David Mundell, the Secretary of State for Scotland, could help Scotland in this regard by using his 70-strong propaganda unit, the Scotland Office, to stand up for Scotland and argue for those assessments to be put in the public domain.

We know that a hard Brexit, or no deal, will cost Scotland very, very dear. In fact, billions of pounds of Scottish taxpayers' cash could be used to buy our way out of the EU, when 62 per cent of the people of Scotland voted to remain in the EU. We are also set to pay that for the privilege of then losing hundreds of millions of pounds of EU funds. Then there is the economic damage that will arise from leaving the single market. It is a triple financial whammy that will hit Scotland, because we will be taken out of the EU against our will, and Scotland did not vote for that.

This Parliament's energies should be spent on rebuilding our economy after the 2007 economic crash—as we have all been doing over the past few years—but we face years of dealing with the fallout of a hard Brexit or no deal and all the damage that either of those outcomes would leave in its wake. We should be spending our time addressing the challenges of the 21st century that our society and our country face. The lack of progress between the UK and the EU will make that a lot more difficult, as will the lack of progress between the Scottish and UK Governments.

Scottish ministers are—quite rightly—seeking amendments to the withdrawal bill to protect devolution and our powers. As Stewart Stevenson said, even the Scottish Fishermen's Federation is expressing concern about a UK Government

power grab—and no wonder, because we know that the UK Government will dress up international fisheries negotiations as foreign affairs and grab that power and keep it reserved. Likewise, our farmers are being told that there should be a UK agriculture framework because, as was confirmed by Damian Green, the UK Government does not want Scottish farmers to have an advantage over English farmers. That will be its motivation in fisheries, too.

To address the challenges, we must make more progress in gaining new powers for the Scottish Parliament, particularly over immigration, as Ross Greer said. Over the next 25 years, the number of people of pensionable age in my constituency, Moray, is projected to increase by 33 per cent. At the same time, the working age of the population is expected to decrease by 3 per cent and the number of children to decrease by 8 per cent. Although those figures are worse than those for Scotland as a whole, we still face a huge challenge in Scotland as a whole. We need to have powers over immigration. Immigration is a much bigger feature of the Brexit debate in Scotland than it is in the rest of the UK, where the demographic trends are not nearly as challenging as those that face Scotland.

I wish the minister the best of luck. I hope that Parliament will rally around the motion today. I hope that we show more unity in addressing the threat to Scotland from Brexit than is currently being shown by the UK Cabinet.

16:36

Peter Chapman (North East Scotland) (Con): Once again, I refer members to my entry in the register of members' interests as far as farming is concerned.

I will bring a bit of positive thinking into today's debate, which seems to have been brought to the Parliament by the SNP as another opportunity to continue criticism of the UK Government. I acknowledge that the Brexit vote brings uncertainty, but I also welcome the opportunities that it has to bring. I wish that the Scottish Government could do the same and, for once, focus positively on the future of Scotland and the UK post-Brexit.

What a boost it would be if Mike Russell, Willie Rennie and Richard Lochhead could cheer up a bit about Brexit. The three of them remind me of Ricky Fulton's character the Rev I M Jolly—all doom, gloom and despondency.

Pauline McNeill: What are the good points about Brexit?

Peter Chapman: I will move on. Our fishing sector is one of the most important sectors of

Scotland's food industry. The industry has the potential to flourish post-Brexit and the Scottish Government should be grasping that opportunity with both hands. The Scottish Fishermen's Federation has been extremely vocal about the sea of opportunity that exists post-Brexit. The SFF has stated:

"The catching sector of the Scottish fishing industry is united in its conviction that exit from the EU presents a unique set of opportunities for Scotland to reinvigorate its coastal and island communities".

This Government needs to listen to the fishermen of Scotland.

Scotland's seas are some of the most productive, valuable and diverse fisheries anywhere in the world. Our ability to claim our 200 nautical miles of exclusive economic zone will allow Scotland to monitor and control our fisheries, free from the dead hand of Brussels, ensuring that our own fishermen can increase their catch. Surely not even the SNP considers it fair that 60 per cent of the fish in our waters are caught by foreign boats.

The increased fish landings that we can expect to see also mean the growth of our fish-processing sector, reversing the current decline and creating more jobs around the country. The sea of opportunity is real and it is time that the Scottish Government showed its support.

Gillian Martin (Aberdeenshire East) (SNP): Will the member take an intervention?

Peter Chapman: Absolutely.

Gillian Martin: Peter—I am sorry, Presiding Officer. Mr Chapman, you come from an area where there are a lot of fish-processing plants. Have you visited them and found out what percentage of employees come from other EU countries?

The Deputy Presiding Officer (Linda Fabiani): I remind members that they should always speak through the chair.

Peter Chapman: I absolutely have. I recognise that many of the employees come from the EU, which is why we are working hard to allow them to continue to come in.

As far as farming is concerned, I understand the uncertainty that the industry faced upon the news that we would be leaving the EU, especially here in Scotland. With less favoured area land making up 85 per cent of our farmland, maybe we have more to worry about. However, Michael Gove has been clear that funding for our farmers will remain at current levels until at least 2022. That is fine, but the big prize is that, with a blank sheet of paper, we can design a system of support that is far better targeted to our farmers' needs. It must be easier to apply for and administer and it must

deliver support to those who supply and grow our fine food. At the same time, it needs to protect our environment. Fergus Ewing has a duty to bring forward plans as to what the new mechanism will look like. To date, there has been nothing but a deafening silence. Clearly, he must do better. It seems that he wants the powers but not the responsibility.

We need an overarching UK structure within which Scotland's farmers can continue to do their own thing. We want to get the best possible deal for our farmers, to retain the same powers over agriculture here in Holyrood and to protect our single UK market, which—despite Joan McAlpine's recent daft assertions—is worth four times more than our trade with the EU.

Scotland has many fine farmers who are hard working, technically efficient, with high standards and open to change. Change is imperative as the farming industry moves beyond Brexit and into the future. We have the opportunity to help this key industry to evolve, investing in new ways to help to improve productivity, efficiency and resilience. A continuing focus on good environmental practice in the move away from the CAP system is important—every farmer I have ever spoken to wants to retain high environmental standards. First and foremost, though, his aim in life is to produce high-quality food and to be paid fairly for it. He needs to be profitable to be environmentally aware. He cannot be green if he is in the red.

The Conservative Government is striving hard for a good deal with our EU neighbours that delivers the best-possible access to our markets and tariff-free trading—that is exactly what we want to achieve. However, the option of no deal must remain a possibility. *[Interruption.]* Members should listen to somebody who knows about doing deals. Running my own business for the last 40 years means that I have done lots of deals and I know that a person can get the best deal only if the other side thinks that they might walk away. It is only since we have talked up that possibility that we have seen real movement from the EU.

I am glad that I have had the opportunity to speak positively in the debate, highlighting the opportunities—

The Deputy Presiding Officer: There is no time.

Peter Chapman: —that Brexit can bring to those key industries in Scotland, but I make it clear that I strongly disagree with the Scottish Government's current position.

The Deputy Presiding Officer: You must close, Mr Chapman.

Adam Tomkins: Keep talking. You have half a minute.

Peter Chapman: At a time when the UK should be united and strong in our desire for the best possible deal for everyone, the SNP is continuing to berate and undermine the UK negotiations at every opportunity.

The Deputy Presiding Officer: You must close, Mr Chapman.

Peter Chapman: I would just like to say—

The Deputy Presiding Officer: No, Mr Chapman; you must close, please. *[Interruption.]*

Peter Chapman: I will close.

The Deputy Presiding Officer: I say to your colleagues that it is up to the Presiding Officer to decide on the length of speeches—thank you very much, Mr Tomkins.

We move to the last contribution in the open debate, from Clare Haughey.

16:43

Clare Haughey (Rutherglen) (SNP): I hope that the chamber will forgive me for approaching the debate from a health perspective. I refer members to my entry in the register of members' interests as a registered mental health nurse and to my honorary contract with Greater Glasgow and Clyde NHS.

Apart from the most hardened of Brexiteers, surely no one can doubt or deny the potential for Brexit to have anything but a profoundly adverse effect on our health sector. Indeed, in an article published in *The Lancet* last month, the authors concluded that, no matter whether Brexit is soft, hard or failed, it will still pose a substantial threat to our NHS. Our health sector and, of course, all other sectors must be protected during the Brexit process, and that is why it is vital that the Scottish Government's voice is heard and has meaningful influence alongside the voices of the other devolved nations in the negotiations.

Although matters pertaining to health are largely devolved to the Scottish Parliament, there are still many important areas that are reserved to Westminster. Be it in embryology, surrogacy and genetics, xenotransplantation or the working hours of healthcare staff through the provisions of the working time directive, there is no escaping the fact that our health service can be directly affected by any of the negotiations.

It is incredibly worrying that the Government that is leading the process appears utterly clueless, is rife with infighting and is in complete denial about the possible effects of Brexit, particularly on our NHS. In answer to a written question from Justin Madders MP, the Tory UK Government said that it was not able to disclose the number of officials in the Department for Exiting the European Union

who are health experts. If the Government does not know basic information such as who in its workforce are experts in health, how can we trust it to prioritise the sector during the negotiations?

The Tory Government's biggest mistake during the process so far is clearly not to have guaranteed the rights of EU citizens living in the UK and vice versa. It is not only the Scottish Government that is demanding that the Tories safeguard the rights of EU nationals, their partners and dependants living in the UK; leading charities such as Cancer Research UK are also demanding it. It is absolutely appalling that, rather than doing so, the Westminster Government is pushing ahead with plans to force EU nationals to apply and to pay for settled status.

Up to 20,000 EU nationals work in Scotland's hospitals, social care sector, schools and other public agencies, and the contribution that they make to Scotland is overwhelmingly positive. Those EU nationals have made Scotland and the UK their home, so the Prime Minister should do the honourable thing and abandon what is proposed. On Monday, in her statement on the European Council, the Prime Minister said that the fee will be no more than that for a UK passport. Currently, an adult passport costs £72.50 and a child's passport costs £46. Therefore, a family of four on the UK Government's living wage would need to work 32 hours to pay to apply for settled status—it will be a full week's wages. In stark contrast, the Scottish Government will ensure that EU citizens who work in the Scottish public sector have their fees paid for them. The SNP Scottish Government treats EU nationals with compassion and care; the Westminster Tories treat them as bargaining chips.

As widely reported this week, research by the London School of Economics has shown that almost £30 billion will be wiped off the Scottish economy in five years if the UK Government fails to reach a deal with the European Union. The figures show that my Rutherglen constituency's local authority area, South Lanarkshire, will be worse off by a staggering £1.3 billion. As such, no deal is not an option.

Further research carried out by the Brexit health alliance, an organisation comprising patient groups, charities, NHS bodies and medical research and industry groups, found that a no-deal Brexit that ends healthcare arrangements between the UK and the EU could end up costing national health services across the UK £500 million a year. It also found that travel insurance for trips to Europe might become unaffordable for people with existing health problems and that the NHS could face additional pressure if British citizens living abroad are no longer able to access reciprocal healthcare. The Nuffield Trust estimates that an

extra 190,000 people could require hospital beds in the UK if such healthcare arrangements are scrapped, creating incredible demand for doctors, nurses, other healthcare professionals and support staff.

Another major issue that requires attention is our future relationship with the European Medicines Agency post-Brexit. As well as the fact that it is the largest EU organisation based in the UK, employing 900 staff, thanks to its existence UK residents have access to new treatments and drugs up to six months earlier than residents in countries such as Canada and Australia. Through the EMA, pharmaceutical companies need to submit only a single application, which, if granted, allows a treatment to be licensed throughout the EU and European Economic Area. Having no deal and ending our relationship with institutions such as the EMA is not an option that we can consider if our population is to have timely and safe access to new drugs and treatments.

We need a deal to ensure that EU nationals can continue to live in Scotland and to work in our NHS, that reciprocal healthcare arrangements are in place and that our economy is not irreparably damaged.

The Deputy Presiding Officer: We move to closing speeches. I call—[Interruption.] No, that is not acceptable. There will be no interventions from the gallery, thank you very much.

I call Daniel Johnson.

16:49

Daniel Johnson (Edinburgh Southern) (Lab): The fact that there is a need for this debate is telling, in itself. The fact that we need a motion setting out that we cannot contemplate a no-deal scenario, with its economic and human consequences, is quite unbelievable. The fact that we have to say that we do not want to trade on citizens' rights is—I would have said before now—impossible to contemplate. The fact that we have a bill that tramples on the devolution settlement and creates hitherto unseen powers for UK ministers to amend legislation as they see fit is quite unbelievable. Above all else, the fact that we need to assert that there must be democratic accountability with regard to the final deal is something that I did not think we would have to do.

I campaigned for a remain vote. Although I could contemplate then that the outcome might be otherwise, what I have found much more difficult to deal with is the path that the Conservative Government has taken since the vote, 18 months ago.

Some of the new words and terminology that we have had to get to grips with are telling. My

favourite term in recent days has been “wing sprouters”, which summarises the position of the people who believe in a hard Brexit: they believe that we should launch ourselves off the cliff, expecting wings to sprout that will save us from the rocks below. That reveals a telling truth: those people believe in faith over fact. Indeed, the whole Conservative Government has adopted that position. There is a split between true believers and the doomsayers who are resigned to an inevitably poor outcome.

I acknowledge the conciliatory words that have been coming from the Conservatives here today, but the reality is that their colleagues form a discredited Government that is devoid of leadership and is without a plan for Brexit. It has been 18 months since the vote: there is a year and a half left, so we have a moment in which there is time to change, take a different course of action and pursue a different plan.

We can talk about the reality of Brexit in terms of numbers and economics, but it is the human cost and impact that are most telling. I could not have put it better than Mairi Gougeon. Her story about the challenges that she is facing in her new married life was telling. That anyone who is coming to grips with new married life, with all its excitements and new things, must deal with uncertainty about citizenship, is quite unbelievable.

However, that is something that I have seen in my constituency. I recently held a meeting on Brexit, at which a lady from Spain who has lived in Scotland for the past 20 years put the situation very well indeed, when she said that citizenship rights are not the Government's rights to be trading. She said that they are our rights and the Government cannot take them away. I am sorry if Adam Tomkins thinks that that is carping from the sidelines. I call it standing up for a principle. It is something that his Government should listen to.

Willie Rennie put it very well. Pursuing such an approach to citizenship is not just wrong; it also undermines the Brexit negotiations that the Government seeks to pursue. It shows a lack of faith and trust, and that lack erodes the negotiations.

We should not be surprised because we are a quarter of the way through the process. Where are we? We have begging phone calls from the Prime Minister. We have a Government that flies the Cabinet out to Florence to listen to speeches. We see the pound being devalued by a quarter, making us all poorer, and we see businesses writing to the Prime Minister urgently seeking clarification by Christmas on transition deals, otherwise they will have to put in place their contingency plans. It is a shambolic approach.

Negotiation needs three elements. It needs trust, a clear and realistic plan, and a coherent team—but the Government has none of those things. It has lost trust through its approach to citizens' rights, and it has no clear and realistic plan because it is playing a game of chicken based on a no-deal Brexit that has no credibility. The Government is playing a game of chicken, but the reality is that we are on a pushbike and the EU is on a heavy goods vehicle. The consequences of a no-deal Brexit for the UK are simply not commensurate with the consequences for the EU. The fact that the impact on our economy would be so much greater and do so much more harm means that that is simply not a credible position to adopt.

Most important is that the trust that is needed is not just with the EU countries, but with our family of nations in the United Kingdom. The fact that the UK Government is contemplating a deal that undermines the devolution settlement is the most worrying thing of all. The structure of reserved and devolved powers was carefully and cleverly put together in the Scotland Act 1998. We in Scotland should be very proud of our devolution settlement; the fact that the Brexit bill contemplates undermining it is deeply worrying.

Many members have described at length the cost of a no-Brexit deal. The £30 billion that was set out by the LSE is one cost, but another is the time that it will take to set up new trade deals. The fact that half our trade is in services will mean that setting up those trade deals will take not just a year, two years or even three years. It will take five years or more to set them up, which is well beyond the trajectory of any proposed transition deals.

Despite the conciliatory tone of the Tories in the debate and in their amendment, Peter Chapman let the cat out of the bag, somewhat: no deal is an option that the Tories are contemplating. They are looking at coming out of this with no deal whatsoever, despite its cost to our economy and our people. We must reject a no-deal Brexit, protect our current trade arrangements and the devolution settlement and—as an absolute red-line issue—have the democratic accountability of bringing the final deal before the UK Parliament for it to be voted on.

16:56

Jackson Carlaw (Eastwood) (Con): I will begin on the contribution from the minister, Mike Russell, which was where the debate started. I thank him for his speech, which was—after a few belligerent exchanges between us over time—measured and constructive. I believe that that is largely because both he and the Scottish Conservatives either represent or work with Governments that are charged with achieving an outcome in the process.

No matter how we voted in the referendum last year, we have to achieve a deal that is in the best interests of Scotland and the United Kingdom.

Mr Russell said that Scotland did not vote for Brexit and that it would probably not vote for it in another referendum. I did not vote for us to leave the European Union and—let me be quite clear, because I hear this question being put to people from time to time—I would not vote to leave the European Union if the referendum that lies behind us still lay ahead.

I have listened with interest to the speeches of many members, because I cannot think of any treaty negotiation in my lifetime in which, one quarter of the way into the negotiating period, all parties have said that it is going absolutely splendidly, that they are convinced that they are all in agreement, that they can predict at this stage that the outcome will be a fabulous success, and that everybody will be satisfied. I cannot remember a negotiation of such character taking place—and I am old enough to remember the discussions that we had in what were probably the largest negotiations that we were involved in before this one, which were the negotiations before entry into the European Union in the 1970s.

Willie Rennie: Will the member give way?

Jackson Carlaw: I will give way in due course.

I can remember the language that was used. People said, “there was a considerable challenge”, that “small progress has been made”, and that “there is a shocking lack of clarity”. “How can Mr Heath possibly think that he’s ever going to negotiate an entry agreement to the European Union?” asked Mr Wilson. “I’ll achieve a far better outcome if I”—[*Interruption.*]

Stewart Stevenson: Will the member give way?

Jackson Carlaw: No. I have gone down memory lane too many times with Mr Stevenson to go there just now.

That was the language that was employed then, but an agreement was reached. I accept that it is an extremely fraught and difficult negotiation. Furthermore, I do not believe that the deal that will finally be negotiated can possibly enjoy the support of everybody, because there are many people who do not want to leave the European Union. There are the Liberals who voted for the referendum to take place and who, as part of a smug political elite, did not believe that people would ever reject the advice that the Liberals gave them. They have subsequently sought to walk away from the fact that Liberal MPs at Westminster voted for that referendum to take place, which has put us in the position that we are in today.

Willie Rennie: As part of the “smug political elite”, can I ask whether Jackson Carlaw believes that the negotiations are going well?

Jackson Carlaw: It matters little what I believe, but the Culture, Tourism, Europe and External Relations Committee was in Brussels. There is an interesting difference between political theatre and reality. I understand that the Labour Party wants to pretend that the negotiations would be conducted much better if Jeremy Corbyn were in charge, which is not a proposition that many people can readily support, and I understand that the SNP has a different position. In fairness, I say that the SNP voted against the referendum because it never wanted us to be in this position. It stood against that referendum of the people—which is curious, because it wants a referendum to be put to the people on many other matters.

We were in Brussels, where we had the opportunity to meet diplomats who are actually involved in the negotiations. Mr Barnier believes that we will reach a deal, however difficult the process will be. We also met privately with other people who are intimately involved in the negotiations: it is impressive to see the actual progress that is being made. I understand the political theatre, but I also believe that there is an underlying drive to reach an agreement, which will in the end—as I have said—not please everybody, unfortunately.

I want to come back to two or three points. On European citizens, many members have said repeatedly that there should be a unilateral declaration. That is not going to happen: we are now at an advanced stage. The Prime Minister said that that would be our first priority, and it was the first issue that we raised. Both sides agree that we are close to agreement. A unilateral declaration would not secure the future of British and Scottish nationals who live elsewhere in the European Union. It is important that we secure the security of all people, whether they are here or in the European Union.

Mr Tomkins made two important points to which it is worth returning. The first is that, during this afternoon’s debate and while I or anyone else has been in Europe, there has been talk of progress on EU citizens’ rights and there has been talk of progress on Northern Ireland. The stumbling block is money. No SNP member, no Labour member, no Green member and no Liberal member had anything to say about the divorce bill, or about their opinion on what would be an acceptable sum for the negotiations to arrive at. It is telling that the Scottish Government has been silent on that. We have been advised by informed sources in the European Union that Nicola Sturgeon has been supportive of the view that there is not a great difference of opinion between the Scottish

Government and the UK Government about the money. If that is true, it would be helpful if that silent support was made more public.

I will refer, too, to Mr Tomkins's point about the discussion about clause 11 of the withdrawal bill. It is a couple of months since Mr Russell made an appeal to all parties in Parliament—to which, I believe, the Scottish Conservatives responded—to work to understand the Scottish Government's concerns about the bill, and to seek to arrive at a point at which all parties feel that they could lend it their support. We accept that, at the heart of all that, the Scottish Government's principle concern is about clause 11. It is important to draw attention to the remarks that Mr Tomkins made in respect of the comments of the Secretary of State for Scotland, to the effect that the 111 powers that the Scottish Government has identified will end up either with the Scottish Parliament or will be subject to a UK framework to which the Scottish Government will be a party. There is acceptance of the key point that Scottish Government ministers have made to us and to others, which is that the new frameworks must be agreed and not imposed.

Progress has been made between those who are trying to arrive at an agreement, even though there is a lot of work still to be done here, as there is within the European Union. Merely indulging in political theatre highlights the irrelevance of the people who chose to make their contribution in that way this afternoon. It is important that we understand better the actual position of many people in the Scottish Parliament on the key budgetary negotiations about which so little was said, as we reach the agreement that none of us sought but which we all need to ensure we can achieve.

17:03

Michael Russell: With two exceptions, which I shall come to later, there has been an interesting solidarity in the debate, even among some elements of the Tory party. Members realise how damaging no deal would be. I cannot honestly believe that even those Tories who tried to justify no deal can expect anything other than severe damage, as the figures show.

Members also recognise how destructive the European Union (Withdrawal) Bill would be if it is not changed, and I welcome the different tone of two of the three members who are sitting on the Tory front bench. That approach reflects a seriousness of purpose, as Jackson Carlaw indicated, and a focus on the outcomes on which we must focus if we are to take the issue forward.

Everybody in the chamber realises how inhuman the current approach to EU citizens is.

The fact is that that could be rectified with the stroke of a pen. It is a pity that Jackson Carlaw says that that will not be done, but it could be done.

It is interesting that we all realise how wasteful and purposeless this activity is. Brexit is taking a huge amount of time and effort that could be well applied to other subjects.

Jackson Carlaw and Adam Tomkins raised the issue of money—they said that it was the key issue at this stage. I think that we all realise that. The Scottish Government has taken a useful stance in saying that we do not think that interfering in that matter would be helpful to anyone. We have said that there is a legal and a moral obligation that the UK Government must meet; the UK Government did not say that there was a legal obligation until recently. We have been trying to be useful and helpful by not intervening in areas in which doing so would be a purposeless activity that would make things more difficult. That has also been our position on the Northern Irish settlement. We have said clearly that we agree with the intention to resolve the Northern Irish situation by having no border, especially not a hard border, but it would not be helpful for us to get involved in that in a detailed way and we will not do so at this stage. Therefore, I think that we have shown responsibility on such matters, and I hope that that will be welcomed by the Conservatives.

Regrettably, we cannot support the Tory amendment. As Stewart Stevenson said, there are things in it that are very welcome and with which one can agree, but we cannot agree on the no-deal element. We want concrete progress to be made on amendments to the withdrawal bill, and I am glad that the other parties can agree on that resolution. I think that that takes us a big step along a difficult road.

Some tremendous speeches have been made in the debate. Mairi Gougeon gave us the human face of the situation that EU nationals face. It is an extremely difficult situation, as the quote that Willie Rennie read out from a professor in Scotland illustrated. People find themselves in very difficult personal situations and it has been difficult to find a way in which we can support such people in Scotland. The Scottish Government continues to develop its support mechanisms. People usually go to UK websites to get support; we want to make sure that they get more support in Scotland.

We also want to talk positively about the nature of migration, and that is what we will do. We have been trying to do it across the country, and we will do more of that in the next few months, to show how important migration is to Scotland. As Ross Greer correctly pointed out, migration builds communities in Scotland, particularly in places

where the population is falling. Migration is an unalloyed good thing for Scotland, and we will say that regularly and often.

I was also struck by the point that Mairi Gougeon made about the exploitation of EU citizens, which is a shocking development. The UK Government could deal with that issue with the stroke of a pen. Even now, I urge it to use that pen.

A range of other useful and important points have been made. Lewis Macdonald mentioned Michel Barnier's important point that there is no status quo. Not reaching a deal would plunge the UK into a completely unknown set of circumstances. Pauline McNeill made that point with particular reference to Ireland, where failure to reach a deal would create the hardest of borders.

Richard Lochhead made some extremely important points about the financial sector. I have met people in the financial sector who are preparing to leave—they have already decided to leave—and that is exceptionally worrying.

Good speeches have been made that I disagree with. Adam Tomkins made a number of important points; I simply do not find myself in agreement with them. However, the point that he made about the sequencing of the talks is inaccurate—it was agreed by the UK and the EU that the talks would follow the sequence that has been laid out. Of course, the EU believed that it was laid out in article 50. That is the process that has been taking place. The sequence is: the divorce bill; the legal and moral obligations; the issue of Northern Ireland; the situation of EU citizens; and issues to do with the European Court of Justice and some other issues, such as the current base in Cyprus. That is the sequence that was agreed. Nobody imposed that on the UK Government, and the UK Government said that it would work through it.

There were two outliers in the debate—two Tory MSPs who clearly did not get the front-bench memo, even though one of them is sitting on the front bench, which is a bit surprising. Their speeches were depressing. Rachael Hamilton does not understand the difference between a unified market and a uniform market. More important for someone with a business background, she does not understand the extraordinary difficulty that Brexit is already causing people in her area of expertise. I have had many representations from the hospitality sector. Yesterday, I met the soft fruit sector, in which there is a developing crisis in the labour force. To say that that existed before Brexit and was somehow of no consequence at all is an absolute misrepresentation of the facts that are being given by businesses themselves.

Then we had the contribution from Mr Chapman, who is becoming the Doric Donald Trump. "I know", he says, "how to do deals." I have to say that it was an arrogant and unpleasant speech on behalf—[*Interruption.*] Well, I heard it; some members did not, and I would advise them to look at it again. I would be surprised if they came to any other conclusion. It was a speech on behalf of the haves, and it showed contempt for the people whom we have talked about often this afternoon and who have been suffering the effects of Brexit.

We are told by Mr Chapman that we simply have to "cheer up". That is the deal that we are to have. Well, on this occasion, there will be no deal. We cannot cheer people up if, in fact, they are suffering the labour shortages that the hospitality and other sectors—

Oliver Mundell (Dumfriesshire) (Con): Will the minister give way?

Michael Russell: No, thank you.

People cannot cheer up in such circumstances. They cannot cheer up if they are EU nationals who, like Marie Gougeon's husband, are being told that they do not have the right to stay here, and they cannot cheer up if they are losing their job as a result of Brexit. Those are not reasons to be cheerful.

If Mr Chapman wants to come to the chamber and tell us to cheer up, he should also tell us the truth about what will happen, even in the sector that he purports to represent. There are fishing communities in my constituency that are looking at having lorries full of fish and shellfish that will rot on the docks, and they are looking at the decline in the market and recognising that they have been sold a dogfish, one might say, because they have not been told the truth about Brexit—and certainly not by politicians such as Michael Gove, who was mentioned warmly by Mr Chapman. I have to say that if Mr Gove were to tell me that the sky was blue, I would go outside to check.

Fortunately, not all of the debate was like that. It was constructive, and we have a great deal of work to do together to take the issue forward. I am glad that we have agreement on the key issues of no deal and the inadequacies of the withdrawal bill, and I am grateful for the sensible voices on the Tory front bench that have brought that forward this afternoon. I think that we have the potential to make progress here—I just hope that people such as Mr Chapman will listen to the wiser voices on their benches and that he will not get carried away again as the Doric Donald Trump.

The Presiding Officer (Ken Macintosh): That concludes our debate on Scotland and the EU-UK negotiations on EU exit.

Business Motions

17:12

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motions S5M-08399, setting out a business programme, and S5M-08400, on a stage 1 timetable.

Motions moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 31 October 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Scottish Greenhouse Gas Emissions Annual Target Report for 2015

followed by Scottish Government Debate: The Promotion of Walking and Cycling as Active Travel in Scotland

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 1 November 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Economy, Jobs and Fair Work;
Finance and Constitution

followed by Scottish Labour Party Business

followed by Standards, Procedures and Public Appointments Committee: Lobbying (Scotland) Act 2016 (Reporting Procedures) Resolution 2017

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 2 November 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate:
Presumption of Mainstreaming

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 7 November 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 8 November 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Rural Economy and Connectivity;

Environment, Climate Change and Land Reform

followed by Stage 3 Proceedings: Child Poverty (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 9 November 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body Questions

followed by Preliminary Stage Debate: Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill

followed by Final Stage Proceedings: Edinburgh Bakers' Widows' Fund Bill

followed by Stage 3 Proceedings: Seatbelts on School Transport (Scotland) Bill

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 2 November, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders to question the First Minister".

That the Parliament agrees that consideration of the Housing (Amendment) (Scotland) Bill at Stage 1 be considered by 30 March 2018.—[Joe FitzPatrick]

Motions agreed to.

Parliamentary Bureau Motion

The Presiding Officer (Ken Macintosh): The next item of business is consideration of a parliamentary bureau motion. I ask Joe FitzPatrick, on behalf of the Parliamentary Bureau, to move motion S5M-08097, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2017 [draft] be approved.—[*Joe FitzPatrick*]

17:13

John Finnie (Highlands and Islands) (Green): With regard to this issue, we have been here before with an organisation called the Asian Infrastructure Investment Bank and most recently with an organisation called the European Organisation for Astronomical Research in the Southern Hemisphere. This instrument relates to a body called the unified patent court.

The minister will tell us that this is about the Vienna convention, but I am more interested in the parliamentary convention of Government ministers not requesting that any body, anyone or any premises not be subject to Scots law. We know from the information provided to the Justice Committee that the people in question

“shall also be exempt from devolved and local taxes in respect of salaries, wages and emoluments”—[*Official Report, Justice Committee, 26 September 2017; c 3.*]

The minister said that we do not know the number of officials in Scotland to whom this exemption could apply, but we have subsequently learned—and I am grateful to the minister for this—that, according to the current forecast, it will apply to six part-time judges who might, on occasion, operate in Scotland.

However, I am interested in the cumulative effect of these various statutory instruments. We have been told, for example, that there will be no financial effect on the Scottish Government or local government. Clearly that is incorrect, and perhaps at some point we will learn the cumulative effect as well as the number of people involved.

What we did learn, which may be a pointer to the future, is that temporary premises of the organisation would not be inviolate. Police officers could enter those premises without a warrant. That is a welcome reduction of one privilege for the organisation. I hope that that is a model for the orders that will inevitably be brought to the Parliament in future.

Finally, on a lighter note, I thank the minister for clarification of another point, which is that the

European Patent Office will not accept a patent that is filed in Gaelic. I sense another campaign coming on there.

I ask members to reflect on the message that supporting the proposal would send to our constituents and to vote against it at decision time.

17:15

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The draft International Organisations (Immunities and Privileges) (Scotland) Amendment (No 2) Order 2017 confers various legal immunities and privileges on the unified patent court, or UPC. The UPC is an international judicial body that is supported by 25 EU member states, including the United Kingdom.

On 19 February 2013, the UK Government signed the intergovernmental agreement to provide for a unified patent court within participating European Union countries. The “Protocol on Privileges and Immunities of the Unified Patent Court” was done in Brussels on 29 June 2016.

The order that is before the Parliament fulfils Scotland’s part of the obligations that entail from those international agreements. Equivalent provision in respect of reserved matters and in respect of devolved matters in the rest of the UK is being conferred by legislation at Westminster. When their respective parliamentary passages are complete, both orders will go before the Privy Council.

Although the order is limited to the issue of privileges and immunities, I would like to say a little about the background to the UPC. The unified patent court will be common to the contracting member states and thus part of their judicial system. It will have exclusive competence in respect of European patents and European patents with unitary effect. Unitary effect means that a patent does not need to be validated in each country where the holder wants patent protection; instead, the patent will provide uniform protection in up to 25 EU countries.

The preparatory committee of the UPC has stated its aim of bringing the agreement into force in the spring of 2018. To meet that deadline, the UK and Germany must deposit their instruments of ratification in late 2017. The decision to sign up to the international obligations that provide for the UPC falls within the reserved responsibilities of the UK Government and the Parliament at Westminster.

The specific purpose of the order is to provide immunities and privileges on the UPC and its officials in the course of official activities in

Scotland in order to reflect the equivalent Westminster order and the terms of the “Protocol on Privileges and Immunities of the Unified Patent Court”. The order provides that judges, the registrar and the deputy registrar shall have immunity from suit and legal process in the course of performance of official duties. That immunity can be waived by the presidium of the court. Immunities and privileges are therefore limited in that they apply only to official actions, and they can be waived. They do not give an individual carte blanche to commit criminal activity. An assault, for example, could still be prosecuted in the normal way.

The immunity is, therefore, analogous to but more limited than that which has been for generations conferred upon diplomats working in foreign jurisdictions. As with diplomatic immunity, all individuals benefiting from privileges and immunities in Scotland are expected to respect Scots law.

The order will help the UK to fulfil its international obligations in respect of Scotland, and it is the duty of the Scottish Government to bring it forward to the Parliament.

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:18

The Presiding Officer (Ken Macintosh): There are three questions to be put as a result of today’s business. The first question is, that amendment S5M-08352.1, in the name of Adam Tomkins, which seeks to amend motion S5M-08352, in the name of Michael Russell, on Scotland and the European Union-United Kingdom negotiations on EU exit, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (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 (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (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, 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 Kinrossshire) (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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (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)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 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)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 30, Against 86, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S5M-08352, in the name of Michael Russell, on Scotland and the EU-UK negotiations on EU exit, 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (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)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 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)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (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 (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 86, Against 30, Abstentions 0.

Motion agreed to,

That the Parliament agrees that a “no deal” outcome from the negotiations with the EU must be ruled out by the UK Government; further agrees that such an outcome would be an economic and social disaster for Scotland; recognises the worry that the lack of clarity over citizens’ rights is causing to many people living, working and studying in Scotland; urges the UK Government to immediately guarantee the rights of fellow EU citizens in the UK without imposing charges on them; welcomes the reconvening of the Joint Ministerial Committee (EU Negotiations) on 16 October 2017 following an eight-month hiatus, and agrees that the EU Withdrawal Bill must be amended to respect the devolution settlement before it can proceed any further.

The Presiding Officer: The final question is, that motion S5M-08097, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, 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)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (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)
 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)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (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)
 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)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 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)
 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)
 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)
 Whittle, Brian (South Scotland) (Con)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)

Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 107, Against 6, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the International Organisations (Immunities and Privileges) (Scotland) Amendment (No. 2) Order 2017 [draft] be approved.

Withdrawal from the European Union (Impact on Musicians and the Music Industries)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-07994, in the name of Tom Arthur, on Brexit's impact on working musicians and Scotland's music industries. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern what it sees as the detrimental impact that the UK's withdrawal from the EU could have on working musicians in Scotland, including in Renfrewshire South, and the wider Scottish music sector; recognises the economic and cultural contribution made by EU citizens to the Scottish music industries; welcomes the Musicians' Union campaign to protect working musicians, which identifies five key issues as free movement, copyright protection, workers' rights, the rights of EU citizens in the UK and arts funding, and believes that it is in the interests of working musicians in Scotland, the UK and other EU nations for the UK to retain freedom of movement through continued membership of the single market.

17:23

Tom Arthur (Renfrewshire South) (SNP): I remind members of my professional background in music and my membership of the Musicians Union.

This debate provides an opportunity to highlight the growing concerns about Brexit of the Scottish and wider UK music communities. Those shared concerns are at the heart of the Musicians Union campaign to protect musicians' rights after the United Kingdom leaves the European Union. I place on record my thanks to the Musicians Union for launching that campaign. I also thank members of Labour, the Greens and the Liberal Democrats who joined my Scottish National Party colleagues in supporting the motion.

Before turning to the specific implications of Brexit for working musicians and the wider music sector, I will provide some context. It is now 16 months since the UK voted to leave the European Union. I, along with the majority of my constituents in Renfrewshire South and the overwhelming majority of people in Scotland, voted to remain. However, as I have stated previously in the chamber, I accept the result of that referendum. What I do not accept, though, is that the vote to leave gave the UK Government a mandate to take Scotland and the UK out of the single market and consequently end freedom of movement.

That view is not unique to me. I believe it to be held by a majority in this Parliament. I have no doubt that even many Conservative members, while publicly demurring, agree that, to quote Ruth

Davidson's words to the Parliament exactly a week after the Brexit vote,

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

I highlight that not to make an easy political point but rather to remind members of a common ground in this Parliament that has been obscured by the fog of the battle over Brexit's definition at Westminster. I hope that this debate's concern with the makers of music—that most universal of languages—will serve to remind us all of the shared commitment to the European project that this Parliament expressed with near unanimity in the month preceding the referendum.

The Musicians Union campaign to protect musicians' rights after Brexit has been gathering pace over the past few months. To date, nearly 20,000 people have signed the online petition backing the campaign. That is not surprising given that a survey that was carried out by UK Music found that nearly 70 per cent of those working in the sector who expressed an opinion believed that Brexit would have a negative impact on the UK music sector. It is therefore vital that politicians back our musicians and back the Musicians Union campaign. So far, over 100 members of Parliament and peers have indicated their support, and today I hosted the Musicians Union here in our Scottish Parliament, where many MSPs from many parties pledged their support for musicians' rights post Brexit. I encourage all members who have not yet signed the online petition to do so. A link can be found on the Musicians Union website.

The MU campaign centres on five key areas: free movement, copyright protection, workers' rights, rights of EU citizens in the UK and arts funding. In my remarks, I will focus particularly on the importance of freedom of movement and securing the rights of EU citizens.

All of us in the chamber will likely have enjoyed the benefits that freedom of movement brings in allowing us to easily visit and holiday in EU countries. However, free movement is not just for the convenience of holidaymakers. Crucially, it also permits the freedom to work in any part of the European Union. Although there has rightly been much public discussion regarding the single market freedoms to trade, to sell services and to move capital, the only assets that most people can monetise are their skills and labour. That is particularly true of performing musicians.

For musicians in Scotland and across the UK, the single market has afforded the opportunity to work in 27 other countries and access a combined market of 500 million people with relative ease. As members of the single market, UK musicians who work in EU countries do not require a visa or work permit. Membership of the customs union means

that they do not need a carnet, which is required for transporting equipment across borders, and merchandise that is sold at concerts is not subject to the duties that UK acts face while touring in, for example, the United States. Each of those particular benefits has a significant impact on the profitability of tours, and that is equally so for musicians from other EU countries who seek to perform in the UK.

Leaving the single market and customs union, as planned by the UK Government, risks the imposition of a costly, bureaucratic regime that could make touring unviable for all but the most established acts. Consequently, it would hinder fledgling talent in Scotland in building a European audience and make it more difficult to attract acts from Europe to perform in Scotland. With the weakened pound caused by the Brexit vote already impacting on the UK's ability to attract international acts, an end to freedom of movement would do further significant damage to the prospects of working musicians and Scotland and the UK's wider music sector.

The second area that I wish to highlight concerns the rights of those EU citizens who are currently living and working in Scotland and the wider UK. The 2016 UK Music diversity survey found that EU nationals make up 10 per cent of the UK music industry workforce, compared with an estimated 7 per cent of the UK workforce as a whole. EU nationals can be found performing in our major orchestras and in the teams that support them; teaching music in schools and universities; studying, such as at the Royal Conservatoire of Scotland where they make up 17 per cent of the total school of music population; and working as directors and chief executives of ensembles and festivals. They are our friends, our neighbours and our colleagues and they have each made an immeasurable contribution to our country, enriching and enhancing our culture and way of life.

The UK Government's failure to guarantee their status is utterly shameful. In this Parliament and beyond we must continue to make it clear to EU nationals who have made Scotland their home that this is their country too, and we must be relentless in pushing the UK Government to do the right thing and guarantee the rights of EU nationals in the UK.

I first spoke in this chamber on a day when Parliament voted overwhelmingly in favour of Scotland and the UK remaining members of the European Union. The events since 23 June last year have only served to strengthen my conviction that Scotland's future is best served in partnership with our European friends and neighbours. Music as a discipline demands a capacity for empathy, understanding and co-operation. As an art, it

allows individuality to flourish within a group, leadership to be shared, spontaneity within structure, and the possibility of re-imagining the familiar. For musicians, there is no more fitting a campaign than one that seeks to preserve our European community of musicians.

The Deputy Presiding Officer: Thank you very much. We move to the open debate, with speeches of four minutes, please.

17:30

Ivan McKee (Glasgow Provan) (SNP): I thank Tom Arthur for bringing this important debate to the chamber. It is fitting that we hold it today, following on from the debate on the Brexit negotiations. I also thank the Musicians Union for coming to the Parliament today and for its briefings on the topic.

The disaster that is Brexit continues to unfold. The impact of the ill-advised decision to leave the single market becomes more apparent, along with the true scale of the chaos of the Brexit negotiations as they continue to unravel, with uncertainty heaped upon uncertainty.

The downsides are well documented and often discussed with regard to key sectors of our economy—agriculture, hospitality, manufacturing and financial services, to name but a few—but the impact of Brexit reaches far beyond those key sectors, important as they are. It reaches to all aspects of our economy and society—to every career choice, hobby and leisure pastime in which we engage. It touches the lives and choices of everyone, every day, because Brexit is not just a debating point for politicians. As the disaster unfolds, the impact on the day-to-day lives of everyone in our society becomes more apparent.

I am glad that Tom Arthur has raised this specific issue, because the impact of Brexit on musicians and the music industry clearly demonstrates the scope of the decision to leave the single market and its reach into all aspects of our lives, including something that we all understand as consumers of music, if not as its creators.

In the limited time available I intend to focus on the impact that the decision to leave the single market will have on touring. While I never reached the heady heights of Mr Arthur's career as a professional musician, I have some limited experience of gigging internationally in a past life. Here, I must declare a current interest; my brother, a resident of Prague for more than a decade, regularly tours across Europe and the UK with his band. The band is available for bookings at www.chancers.cz—at least until Brexit.

Touring is the bread and butter of musicians and bands, both large and small. Making money on the road is hard enough, and it is about to get a whole lot worse for UK musicians. The short-term nature of touring means that normal permits, rules and bureaucracy, which are bad enough for regular work, are completely unsuitable for the road. The end of freedom of movement—the ability to travel and work without visas or permission—will cause untold problems for the industry, and we can see the future already.

France, for example, already requires work permits for performances by artists from outside the EU. Those permits can only be acquired through a lengthy and complex process administered by French promoters. For UK artists, used to short-term visits, that would be a major and costly change. The UK already imposes restrictions on non-EU touring musicians that are stricter than those of most other EU states. If those were to be replicated for UK musicians travelling to the EU post-Brexit, the impact and disruption would be significant.

It is not only the restrictions on the ability of musicians and crews to move freely between gigs that will be disruptive. There will also be problems with the transport of equipment. Is it to be classed as an import? What documentation is required to prove re-export? Does it comply with non-tariff barriers and product conformance regulations? What kind of delays and costs will all that build into the process? And what about merchandise that is transported from gig to gig—a key income generator for bands and musicians? How will the import and export of such goods be facilitated in a world where truck queues at Dover will be the norm? Nothing is clear as the Brexit negotiations lurch in every direction except forwards.

Finally, I want to touch on the fundamental issue of the exchange of artistic ideas and expression, because Brexit presents a challenge not only to the day-to-day lives of musicians but to more fundamental concepts. I am thinking about the benefits that an open Europe has brought over past decades and the ability for the young and not-so-young to freely mix and mingle, exchanging ideas and experiences and gaining an understanding of each other's cultures and music. Brexit is a challenge to those very ideals.

Leaving the single market is a bad idea, and the impact on working musicians is but one example of the problems that it will create across all aspects of our society.

17:35

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank Tom Arthur for bringing this debate to the Parliament. I stand

before you, Presiding Officer, as a former and very average piano and trumpet player.

The Scottish music industry makes a fantastic contribution to Scottish life. It plays a key role in the creative sector and is rightly celebrated and acknowledged as world class.

Of course we should listen to the concerns of all industries and sectors and work to resolve them. The UK Government has noted the contribution that the music industry and all the creative industries make to the economy. It recognises the £87 billion and more that the industries provide to the UK economy and the more than £19 billion in exports. The UK Government has therefore committed to giving all the support that is necessary for the creative industries to continue to thrive after we have left the EU.

I believe that UK ministers have been working closely with the Creative Industries Council, which represents all the creative industries, to understand the potential opportunities and impacts in relation to the UK's decision to leave the European Union. There have also been round-table meetings with businesses and representatives from across the creative industries to discuss those matters.

That is the action of a Government that seeks to help the music industry and other creative industries with life outside the European Union. It is evidence of a proactive Government that sees the value in the music industry and understands its economic and, of course, cultural importance in the UK.

Ministers will continue to work closely with the music sector to ensure that its needs and views are understood. The door is very much open for proactive discussion about life after Brexit.

It is important that we do not jump to conclusions. As members are well aware, the Brexit negotiations are under way. Members should be in no doubt that the Government will fight tooth and nail for the best deal.

The Government will not sacrifice sectors or industries; it will work with their interests in mind. The issues that the Musicians Union highlighted are not dissimilar from those that other sectors have raised. The concerns of sectors and industries, including the music industry, will rightly be at the forefront of discussions and negotiations.

Leaving the EU could open the door to new opportunities such as the renegotiation of existing terms of trade, which will enable the industry to grow and develop international markets. Brexit does not mean that the world will end—far from it.

Mr Ashcroft, of PRS for Music, said, in relation to royalties:

"We have already been licensing our rights on a pan-European basis. Brexit won't stop that ... We are so international that we think our business transcends that."

Edinburgh, Glasgow and the Scottish Borders are cultural hubs that lead from the front. European Cities have taken note of what we offer and have sought to replicate it. Why do we assume that that will change because we have chosen to leave the European Union? Will our cities cease to be cultural hubs? Will this be the end of the Edinburgh festivals, the Borders Book Festival and music concerts? Certainly not. There is no reason to think so.

We should stop conflating Brexit with backwardness. The UK Government is working for a progressive Brexit and members of my party in this Parliament are working towards the same thing.

There is much progress to be made on Brexit, but it is time to shift the narrative from the pessimistic and start talking passionately and positively about the opportunities that Brexit can bring, for example through the renegotiation of existing terms of trade, to help the music industry to grow.

Instead of thinking about what we might lose, let us think about what we might gain. The UK Government is supportive of the music and creative industries and getting the best deal for them. Let us work together to get that outcome.

17:39

Lewis Macdonald (North East Scotland) (Lab): I, too, thank Tom Arthur for bringing forward this debate and for highlighting the key challenges identified by the Musicians Union as threats to its members that arise from Brexit.

Mr Arthur mentioned a number of issues, some of which ought to be easier to address than others. Copyright, for example, could be assured by replicating existing protections under EU law through the European Union (Withdrawal) Bill, which is currently being considered by MPs at Westminster. Rachael Hamilton suggested that that should be straightforward. However, as we have heard already today, the problem is that Tory ministers at Westminster want to take executive powers to amend such laws, even if they are retained, without further consulting Parliament, which undermines any assurances given and therefore defeats the apparent purposes of the bill. It ought to be easy to do, but it is not automatic and it certainly will not follow without some significant changes to the bill that is being considered at Westminster.

Future funding is another area where government, including the Scottish Government, can act. Automatic access to Creative Europe's

€1.5 billion budget will be lost after Brexit, as well as access to programmes that are currently supported by the European regional development fund. Replacement of Creative Europe's funding in Scotland will be up to Scottish ministers, and I hope that the minister can tell us something about the Government's estimates of what that funding is currently worth to Scottish performers and how ministers plan to replace it after 2020.

Replacement of EU structural funding, which is also important to the industry, will also require agreement on a new framework between the UK Government and the Scottish Government, and we need to see a very different approach to UK-wide frameworks from the one that is currently in the European Union (Withdrawal) Bill.

Those matters can be sorted out on this side of the North Sea by the Scottish Government or the British Government, or by both, but the threats posed by Brexit to freedom of movement and to the rights of workers and citizens can be addressed only through the negotiations between the UK and the EU.

A survey by UK Music last year found that 10 per cent of the music industry workforce in the UK held a passport from another European country, in comparison with an estimated 7 per cent of the British workforce as a whole. That means that a relatively high proportion of musicians—having heard Ivan McKee's speech, this will be no surprise to members—will be able to travel freely within the European Economic Area after Brexit, but it also reflects just how important Europe is to the sector.

For the 90 per cent of British musicians who depend on freedom of movement for their opportunity to work in other European countries, an agreement on citizens' rights after Brexit is essential. It is not an optional extra or something that should be part of a negotiation process. That agreement will need to be comprehensive, because of the way that the industry works. Musicians are often hired to work on an individual project rather than on a long-term contract. The insecurity that that brings will become even more of an issue if EU citizens have to meet new employment criteria in order to remain post-Brexit, and of course the same will apply to UK citizens in Europe. If there is no comprehensive agreement, according to Michael Dugher, the chief executive of UK Music, subjecting European performers to the rules that currently apply to those from outside the EU would be hugely damaging both to European musicians working here and to musicians from here working in Europe. Culture counts, the umbrella organisation for Scotland's cultural sector, has called for the permit-free procedures that are used for the Edinburgh

festivals and the tattoo to be deployed more widely in future.

We heard earlier that there are those in this Parliament who believe that threatening a no-deal Brexit would be a clever thing to do to get more concessions during the on-going negotiations, but in truth the impact of a no-deal outcome on the cultural life of Scotland would diminish us, just as it would diminish many other sectors in society and the economy. It is time for no-dealers to wake up to that reality and start trying to reach agreement with Europe in order to protect our music and cultural life as well as our economy instead of planning to fail.

17:43

Maree Todd (Highlands and Islands) (SNP): I thank my colleague Tom Arthur for the debate, and I also thank the folks from the Musicians Union for their campaign.

As many members know, I am lucky enough to represent the Highlands and Islands, which is home to a vibrant traditional music scene. Because of our history of migration we have managed to export our musical culture all over the world. We may not have welcomed all of that migration, but the beauty of gospel music from the southern states of America, which may well have its roots in Gaelic psalm singing, cannot be denied.

I spoke to a lot of folk when I was preparing for the debate, and I have to say that it is very unusual for folk from the arts scene to speak with one voice, but on the subject of Brexit the feelings and concerns that have been expressed to me are pretty much unanimous. When asked if Brexit will impact on them, people answer with one voice: “Yes—badly.”

People’s concerns are pretty clear. For many musicians, it is essential that they are able to travel easily to make a living, and any extra bureaucracy or cost will have a detrimental impact. If migration from Europe is reduced, what will that do to our talent pool? Will we be able to access European funding in future? If Brexit causes any further squeeze on public finances, which is almost certain to happen, will arts funding be a casualty?

Just yesterday, *The Scotsman* reported that the Celtic Connections festival has been forced to dramatically scale back the number of overseas acts in its line-up because the slump in sterling has reduced its buying power so significantly.

Rachael Hamilton: I looked at the programme of the fantastic Celtic Connections festival in Glasgow, and I noticed that it features artists from around the globe, including Brazil, the States and

India. They do not seem to have been put off by what the member describes.

Maree Todd: Keen followers of Celtic Connections will have noticed that this year’s programme is exactly one fifth smaller than usual. That is because of the effect of the sterling slump on its buying power.

Frankly, we will all be worse off, financially and culturally, as a result of Brexit—and let us remember that that is something that we did not vote for in Scotland.

In the Highlands, kids are engaged and immersed in music from primary school until school-leaving age and beyond in the hugely popular Fèis Rois music programme, which extends way beyond Ross-shire. It is common for young musicians from home to travel all around Europe for festivals. Will that continue?

One of those young musicians, Joseph Peach from Achiltibuie, is in his final year at the Royal Conservatoire of Scotland. He articulated very clearly and passionately his many concerns. I will quote what he has to say about one aspect:

“It’s heartbreaking to look around, to see world renowned institutions like the European Baroque Orchestra and the European Youth Orchestra leaving the UK, to look around to fellow students, lecturers even, from other parts of the EU who with the inevitable introduction of income thresholds (that at current levels are far unrealistic for those working in the arts to meet), will unlikely be able to remain here long term.”

We have a plethora of musical talent in the Highlands, so I will finish with some words from post-punk legend Edwyn Collins, who lives in Helmsdale where he has a recording studio. He sang “A girl like you” at my post-election celebration, which was obviously a high point of my life. He was accompanied by a ceilidh band, which is a fine example of fusion if ever there was one. He says:

“The UK music business is serious money, a big contributor to GDP. But us musicians are in the industry of human happiness and personal freedoms. I remember travelling the corridors of East Germany and four full border checks to get in to West Berlin and four more to get out again. I remember massive carnet paperwork to get from Belgium to Germany, or Italy to France. Musicians will always be on the side of free movement and increased co-operation between countries. Our collection agencies across Europe and the rest of the world, and therefore our incomes, rely on reciprocity. We will always be about cross-pollination of ideas, and against anything that seeks to divide us.”

On Brexit, I think that we really should

“Rip it up and start again”.

17:48

Brian Whittle (South Scotland) (Con): I thank Tom Arthur for bringing the debate to the

chamber, and I am pleased to speak in it. I recognise Mr Arthur's particular interest in and knowledge of the music industry. He is also aware of my interest in music, although perhaps our musical tastes differ somewhat. Many years ago, when I was asked about my ambitions by a sports magazine, I answered that I wanted to play guitar in a rock band. Indeed, many, many years ago, I played guitar in a rock band. It went by the name of Oasis, although it was not the Oasis that everybody recognises now. If I were to be asked again about my ambitions, that one remains, although I must say that my musical career was cut tragically short due to a severe lack of talent.

I state for the record that I was in the remain camp during the Brexit referendum. The business in which I was a director had its main technology office in Prague and it employed talent from all over Europe and beyond. I was disappointed to be on the losing side of that vote—but apparently we do live in a democracy.

Mr Arthur and I agree on the importance of the economic and cultural contribution made to the Scottish music industry by EU citizens—and by people from the rest of the world, for that matter—and I definitely want that to continue. However, his motion fails to address the economic and cultural contribution made by Scottish citizens to the global music industry, including that in the EU.

As with much of the SNP's rhetoric around Brexit, the motion also fails to recognise two key points.

Tom Arthur: The motion is not SNP rhetoric. The rhetoric is from the Musicians Union and from 30,000 musicians across the UK. Will Brian Whittle correct that point?

Brian Whittle: I will not, because it is Mr Arthur's motion. The rhetoric in the chamber continues to miss two points.

First, there are two sides to the negotiations, with citizens on both sides who have similar needs. Why do we only discuss EU nationals working and living in Scotland? Why do Mr Arthur and his party consistently fail to mention the reciprocal arrangements that are required by our musicians plying their trade overseas?

My second point is that the world extends beyond the EU, and it somehow manages to work with the UK quite well, thank you very much. A far greater proportion of the foreign workers who migrate to the UK and to Scotland have traditionally come from outside the EU. How have they managed? What did we do before the European Union? We had to struggle along with the Beatles, the Rolling Stones and Led Zeppelin. We imported Elvis, Bob Dylan and Jimmy Hendrix, who spent much of his time living in London. How on earth did we manage?

I agree that we should strive to maintain the diversity of cultures in the development of the arts and in many other areas. With that in mind, I am happy to continue to encourage any musician from anywhere in the world to come to ply their trade in Scotland. When Brexit is finally agreed, musicians from around the world, including the EU, will continue to be welcomed to Scotland, and Scotland's musicians will have an opportunity to travel and work around the world.

As we have heard, the Prime Minister has unequivocally stated that she wants all EU nationals legitimately living and working here to remain. That is the nub of the issue for the SNP. A successful Brexit kills its constitutional ambitions stone dead, so it is doing everything to throw as many spanners in the works as it can. Far from trying to aid a positive outcome for the UK and Scotland, the SNP is hiding behind Brexit in the hope that that will deflect attention away from its failings in other Government departments.

Music is an international—a global—industry. I hope to continue to enjoy many music events throughout Scotland, as is my wont, and I am confident that Brexit will not affect those events, no matter where the artists come from. I go to many concerts; I recently enjoyed Alter Bridge in Edinburgh, and I have just purchased tickets to see Bryan Adams. Brexit will not affect those events one bit, and I will continue to welcome acts from around the world to Scotland.

17:53

Pauline McNeill (Glasgow) (Lab): I offer my sincere thanks to Tom Arthur for lodging the motion for debate. As fellow musicians have, I declare my interest as a practising musician—in fact, I am currently touring Glasgow, and that is challenging enough.

Musicians do not have their full entourage paid for; they do it themselves. It is not a glamorous profession; when they pack their gear, they do it themselves. Tom Arthur knows that it takes hours to set up and de-rig, just to have the chance to play for an hour or two. Musicians have to love it.

Music is a passion for me, as it is for many Scots. Scotland sells more live tickets than any other part of the United Kingdom, which is why the debate is important. Music deserves our attention, particularly in relation to Brexit.

Scotland has always punched above its weight when it comes to music. I was pleased to hear mention of the wonderful Edwyn Collins, but I would like to mention a few others—Franz Ferdinand, Biffy Clyro, Travis, K T Tunstall—one of my favourites—and the fantastic Paolo Nutini. Scotland has a lot to offer when it comes to music.

It is a mistake to conclude that Brexit will be easy for musicians touring abroad and for those who come to Britain. The impact will be felt, and there is potential for a great deal of harm if we do not get the Brexit arrangements correct. I add my voice to that of the Musicians Union, and I support its petition on the potentially serious consequences of leaving the European Union. The music sector has always needed a bit of support. Brian Whittle said that the Beatles managed in 1967, but nowadays many of the top acts tour with a lot more equipment and some acts are much bigger. It is not just about freedom of movement of people; it is about negotiating and dealing with equipment, as bands move around.

Maree Todd: Does Pauline McNeill agree that something that did not happen back in the 1960s that certainly has been happening in the past few years is that young people from Scotland take the opportunity to travel all over Europe to participate in festivals that celebrate our shared Celtic musical heritage?

Pauline McNeill: That seems to be true. I was staggered to hear that Celtic Connections has reduced in size because of problems with freedom of movement. I had not previously been aware of that.

There are serious concerns to overcome. The motion is based on the simple notion that being part of the European Union has meant that musicians can travel without barriers and take all their instruments and equipment with them.

Scotland has a reputation for excellence in music, which is worth defending. As Maree Todd said, these days it is through live music that we have had the biggest interaction with Europe. It would be a serious loss to Scotland if touring and performing acts had to scale back, which has been suggested by serious people in advance of the debate. As others have said, our country would be far less vibrant if we did not have the full presence of music and the performing arts. All our lives would be less fun without the current diverse choice of music. I therefore fully support the motion and the petition by the Musicians Union.

17:57

Gillian Martin (Aberdeenshire East) (SNP): I thank Tom Arthur for securing what has been an interesting and important debate. I want to talk about part-time and amateur musicians. I should declare an interest, albeit not a financial one, as the wife of a musician who juggles his life as a teacher with that as a lead singer in his spare time, and one who has played all over the EU. In fact, it is quite the opposite of a financial interest because, as the partner of any part-time musician

will say, the only direction that money seems to go is out the door, rather than back in.

I have another interest to declare, in that my father and niece are in the Ellon and District pipe band, which has had a very close relationship with Maaseik in Belgium for the last 20 years or so. Over the years, the band has enjoyed the freedom of movement opportunities and has gone over to Belgium, often a couple of times a year—obviously, that applies more to my father than my niece—with great friendships being built up as a result.

As a result of Brexit, semi-professional, part-time, novice and amateur musicians could be completely squeezed out of the opportunities to perform in other EU countries. Membership of the EU and all that it brings—today, we have mentioned issues such as freedom of movement, the customs union and the single market—is a gateway to UK performers accessing international audiences.

Many musicians barely break even as it is. Bands or performers for whom being a musician is not their main occupation and who squeeze in a tour or festival performance between their other commitments are lucky to recover their overheads from those endeavours. More restrictions on them could be the difference between their playing overseas and their not doing so. How much more fundraising will Ellon and District pipe band have to do to continue their relationship with their friends in Maaseik? What a terrible shame it would be if the band were to decide that it was not worth it.

The same applies to young bands that want to make a name for themselves wherever they can, and who can currently access opportunities in EU countries with a minimum of red tape and expense. It will not just be a shame if they cannot do that: as many members have mentioned, it is actually crucial that they can do it, for the future success of the Scottish and UK music industry.

Let us look at what a hard Brexit or a no-deal situation could mean to performers. Outwith the EU, musicians will be in a customs-carnet-requirement situation which, as has been mentioned, will be onerous. At the moment, to perform in EU countries, musicians pack up their kit, fly out with it, collect it from the carousel, perform with it and come home again. There is no red tape and no planning other than the normal carrier restrictions on luggage and arranging travel insurance. No proof is required that a musician is not going to sell that gear while they are in an EU country; because they are in the single market, if they did sell it, all would be well.

There is also the freedom of movement aspect. Would it be realistic for a semiprofessional

musician or band to head to a country and have to get a work visa for a one-off performance in a festival, the fee for which might barely even cover their travel costs? How much would that visa cost and how long would it take to get? It is all beginning to sound like it will just not be worth it.

At the moment, the cost of travelling to a gig in an EU country, whether that is part of a festival line-up or a one-off gig, is probably going to cancel out any fee for that gig. But, hey! Musicians do not necessarily do it for the money. All the same, fewer semiprofessional or young bands will take up those opportunities if it really starts to cost them money. That will mean that only wealthy kids can be in bands that can take up such opportunities. Ugh! The best bands that I know came from the working class. Everyone knows that. Do I need to mention them?

As has been mentioned, one way in which a band or musician can make a performance in another EU country equitable is by selling merchandise when they are there. If they sell enough compact discs, badges, T-shirts and whatever, they might cover some of the costs. But, hang on—a future Brexit UK will not be part of the single market, so to sell merch a band or musician might need some kind of export license on top of the customs carnet and the work visa. How much will that cost? How long will people have to wait for it? What paperwork is involved in that? It is really starting to look like it will not be worth it.

I guess that I am saying that there is a lot more to music than big successful touring bands with managers, accountants and record companies behind them doing all the paperwork and red-tape management. Members should consider this: not one of those big professional touring bands was not a young struggling band, or a semiprofessional band, or does not include people who were juggling jobs and doing it at the weekends. If we do not encourage people, we will end up with a music industry in which only wealthy kids join bands, and I do not really want to listen to that kind of music.

If we stop the ease with which Scottish and UK musicians can make their name internationally and reach a wider audience, we make it more difficult for the success stories to emerge. End of story.

The Deputy Presiding Officer: I call Michael Russell to close for the Government. Minister, you have seven minutes and there is no need to make a declaration of your musical talent, unless you feel that that is necessary.

18:02

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): I

am glad that you have already recognised the talent that exists, Presiding Officer.

I congratulate Tom Arthur on putting this issue to Parliament and I welcome to the gallery Caroline Sewell and Jennifer Laidler from the Musicians Union. This has been a Musicians Union campaign, and it has had the strong support of many in the Parliament. The Scottish Government agrees with the terms of the motion.

Brexit, and in particular an end to free movement, could undoubtedly have a negative impact on the Scottish music industry. The single market not only supports Scottish and EU musicians in a business sense, but allows artists to circulate, collaborate across borders and exchange ideas. It encourages creativity and means that there is much innovation. I was struck by Maree Todd's point that free movement is the exact parallel of artistic freedom. It allows that cross-pollination of ideas; it is the essence of artistry. If we crack down on that and say that free movement is no longer available, inevitably we will diminish the ability of musicians to contribute to society and to each other.

Scotland has a rich tradition across all musical forms. We have heard about some of that tonight. Some of it is present in this chamber. Our national performing companies have international reputations in classical music, and Scottish traditional music and its influence are known the world over—again, that is a point that Maree Todd made eloquently. Our contemporary artists are at the cutting edge of many different genres.

I must say that, as Mr Arthur knows, my own musical interests are slightly eclectic. I studied music at school. There is not much that I like that was composed after 1900 and there is virtually nothing after 1940. I remember a visit to my house in Argyll from Anne Lorne Gillies in the days of CDs. She looked at my massive rack of CDs—I am very enthusiastic about music—with some incomprehension when she discovered that the bulk of them represented English romantic composers of the 19th century. We all have our particular fondnesses and, as Pauline McNeill pointed out, diversity in music, as in many other things, is to be welcomed.

I suspect that I pretty much endorse Albert Schweitzer's view of music. He said that the way to overcome the misery of life—in my case, that is presently the misery of Brexit—is to be fond of music and cats, and I endorse both those things.

I have to assume that Brian Whittle is genuinely fond of rock music and I would be interested to see him perform, though I am sure that I would not like it. That is nothing to do with Brian Whittle but is about my own personal tastes—maybe it is something to do with Brian Whittle, but not an

awful lot. Therefore, I was sorry to hear Brian Whittle and Rachael Hamilton take the position that Citizen Smith took in the television programme of that name, which was, essentially, “Good news, comrade, the butter ration has been cut.” Apparently, there is to be no difference from the position with freedom of movement, which can be abolished with no consequences at all for the music industry. However, that is not what the Musicians Union says.

Brian Whittle: I would be delighted to bring my Gibson SG to Parliament to deafen members.

Does the member recognise that it was recently established that Glasgow is the third biggest city in the world for live music and that a lot of that live music comes from well outside the EU and, in particular, from the United States of America?

Michael Russell: Yes, I recognise that, but it is not either/or. That is the equivalent of the line that Michael Gove has taken in debate with me, which is that he does not believe in a migration policy that makes a difference between a Polish plumber and a Bangladeshi builder. The trouble with the Tory position is that they do not want either of those people to be here. If the argument was that freedom of movement was being abolished but that there would be a much wider view on allowing people into the country, I could understand it, although it would not make much difference. However, abolishing freedom of movement goes hand in hand with a view that migration is not desirable, and we have seen that at cultural events and festivals this very year in Scotland. It is part of an overall approach from the Conservative Government that seeks to restrict entry into this country. Moreover, it is an approach that was not voted for by Rachael Hamilton’s constituents or by those who voted in the area that Mr Whittle represents. Scotland said no to Brexit and that meant saying no to the end of freedom of movement, yet we have heard again from the Tories that that is what they want to impose.

There is bound to be an effect, no matter how small, and the Musicians Union is right about that. Ending freedom of movement puts at risk some really important things, two or three of which I will mention. It puts the national performing companies at risk, as 21 per cent of their permanent performing staff are non-UK EU nationals and we know that those people are affected by Brexit. Further, Amy MacDonald recently stated in *The Times* that she would consider relocating from the great city of Glasgow to the continent due to concerns about Brexit and her ability to attract musicians to play with her.

Edinburgh’s festivals have audiences of more than 4.5 million. In 2016, the international festival had 2,000 artists from overseas, the largest group of whom were from the rest of the EU. Free

movement supports that amazing international showcase. Music tourism is valuable to the Scottish economy. A report by UK Music called “Wish You Were Here 2017” indicated that there were 1.2 million music tourists in Scotland in 2016, many of whom will have come from the EU.

We welcome the recent report by the Creative Industries Federation on global talent. It addresses not just music but the creative industries as a whole, demonstrates the scale of the challenge that Brexit presents to all creative and cultural organisations, and shows the vital role that non-UK nationals play. That is not to say that some will not be here, but freedom of movement is tailor-made to make sure that as many people as possible come here and have the opportunity to do whatever they want. Moreover, it means that artists can go elsewhere without let or hindrance, which was a point that Maree Todd made.

I am sure that there are people throughout the continent of Europe who wish to hear Mr Arthur playing. We should be keen to export him—not permanently, of course—to make sure that he is heard. There might even be those who wish to hear Mr Whittle on his Gibson. We should not deny them that opportunity in Berlin or Barcelona, but they will be denied if Brexit goes ahead.

I want to make it absolutely clear. Tom Arthur and the Musicians Union are right on this matter. Brexit will impact on music as it will impact on all cultural industries and all aspects of our lives. Earlier, Mr Chapman asked us to be cheerful. There are no reasons to be cheerful about Brexit and it is time that the Tories admitted it.

Meeting closed at 18:10.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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