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Wednesday 6 May 2020

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Scottish Parliament

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[The Presiding Officer opened the meeting at 12:30]

One Minute's Silence

The Presiding Officer (Ken Macintosh): Before we move to the first item of business, colleagues will be aware that Friday 8 May marks the 75th anniversary of VE—victory in Europe—day, which saw the end of fighting in Europe in the second world war. Normally, most colleagues would have attended services or commemorations in person on Friday, but in the absence of such events in the face of the current restrictions, I invite colleagues to join me in observing one minute's silence to remember all those who suffered, fought and died in that horrific conflict.

First Minister's Question Time

12:32

The Presiding Officer (Ken Macintosh): Before we move to questions, the First Minister will make a brief statement.

The First Minister (Nicola Sturgeon): Thank you for the opportunity to give a brief update on some of the key statistics in relation to Covid-19.

As at 9 o'clock this morning, there have been 12,709 positive cases confirmed, which is an increase of 272 since yesterday. A total of 1,632 patients are in hospital with confirmed or suspected cases of Covid-19, which is a decrease of 24 from yesterday. Last night, a total of 89 people were in intensive care with confirmed or suspected cases of the virus, which is a decrease of 15 on yesterday. In the past 24 hours, 83 deaths have been registered of patients who had been confirmed as having Covid-19, which takes the total number of deaths in Scotland under that measurement to 1,703.

The figures that I have provided are the most accurate figures that we can provide on a daily basis. They record all registered deaths where the individual had been tested and confirmed as having the virus. However, each Wednesday, National Records of Scotland produces a more detailed weekly report that includes not just deaths of people with a confirmed diagnosis but cases in which Covid-19 is entered on a death certificate as a suspected or contributory cause of death. The latest NRS report has just been published; it covers the period up to Sunday 3 May. I remind members that, at that point, according to our daily figures, 1,576 deaths had been registered of people who had tested positive. Today's report shows that, by Sunday, the total number of registered deaths linked to the virus, confirmed and presumed, was 2,795, 523 of which were registered in the seven days up to Sunday. That is a decrease of 135 from the week before. It is important to note that that is the first weekly reduction in Covid-19 deaths that we have seen since the first death related to the virus was registered.

Forty-nine per cent of all registered Covid-19 deaths occurred in hospital, 43 per cent occurred in care homes and 8 per cent occurred at home or in other settings. However, in the most recent week, 59 per cent of all deaths linked to the virus happened in care homes. Although that is a deeply distressing figure, it is nevertheless important to note that the number of deaths in care homes also reduced last week compared with the previous week.

Finally, the total number of deaths—although still significantly higher than the five-year average—also fell, which means that the number of what we refer to as “excess deaths” was lower this past week than in the previous one.

Eighty-three per cent of excess deaths had Covid-19 as their underlying cause. Hearing reports of any number of deaths is difficult and my thoughts are, as always, with all those who have been bereaved. I am acutely aware that trends in statistics in no way ease the pain of losing a loved one. However, in the broader fight against the virus, this week’s figures give us some hope. The number of deaths has reduced overall, as has the number of excess deaths and that of virus-related deaths, generally and in care homes.

Tomorrow, the Scottish Government must formally consider whether to continue the current restrictions for another three-week period. As I have indicated, our progress, although real, is still too fragile to immediately and significantly ease restrictions. We are now planning for ways in which we can gradually do so as soon as possible.

More detail on that process is set out in the paper that was published yesterday. However, the message remains clear: people must stay at home except for essential purposes and stay more than two meters from other people when they are out; they must not meet up with people from other households; they must wear a face covering if they are in a shop or on public transport and isolate completely if someone else in their household has symptoms.

If we all stick with those restrictions for a bit longer, I am sure that we will see more progress and bring forward the moment when we can ease some of them.

Coronavirus Reproduction Number

1. **Jackson Carlaw (Eastwood) (Con):** We have all learned in recent weeks about the R number—the reproduction rate of the coronavirus. This week, the Scottish Government suggested that, if it were to start ending lockdown, the R number would have to be less than 1 for a sustained period. It also said that a different approach for different areas—either in Scotland or in the rest of the United Kingdom—could be justified by Scotland having a meaningfully different R number.

Could that difference be from the figure in the rest of the UK, or could it be a regional difference from, say, the R number for the north of England? Would it be a statistical difference or more of a judgment by ministers? Can the First Minister confirm exactly what a meaningfully different R number looks like?

The First Minister (Nicola Sturgeon): I appreciate that this is not the most helpful way to start answering the question, but it could be a mix of all those things. Yesterday, we published our best assessment of where the R number is right now—it is between 0.7 and 1. We also said that there is an indication that, right now, the number might be slightly higher in Scotland than it is in other parts of the UK, although there is a significant degree of uncertainty in that.

If that is the case, some common sense should be applied to that. Our first cases were confirmed later than those of the rest of the UK and we might be slightly behind the curve—perhaps only by a matter of days. The data that is used to make those assessments comes from the kind of statistics that I have just reported.

What the experts tell me is that there is not a particular set of numbers that we need to get to, but that we need to have more confidence than we have right now that the R number is significantly below 1, so that as we start to ease restrictions, it does to go above 1 very quickly.

I said yesterday that we have to be driven by the evidence, and I will stick to that approach entirely throughout this situation. I have to apply judgment to that evidence: if it tells us that it is too soon to lift any of the restrictions, we must follow that. If experiences differ either in different parts of the UK or in different parts of Scotland, we have to pay attention to that.

We all want—and I certainly want—as much consistency as possible, not least because it makes the messaging a lot simpler. However, we must accept either that different stages of the infection might dictate different paces, or that—to simplify the situation—we all go at the pace of the slowest area within Scotland and the UK.

What we cannot have—I hope that everybody agrees with this—is any part of the UK or any area being forced to lift restrictions before the evidence says that it is safe to do so. I will continue to seek to be guided by the evidence and to apply best judgment to it.

Jackson Carlaw: I will come back to the matter of clarity of messaging. I have a considerable degree of sympathy with the point that the First Minister concluded on.

Yesterday, the Scottish Government paper was clear that getting the R number down was the priority, and that relies on testing and tracing. However, testing numbers are still falling short of last week’s target.

We are understandably a little bit sceptical about the Government’s promise to recruit 2,000 contact tracers in the next four weeks. Will the First Minister tell us how many contact tracers

there are currently and how the 2,000 will be recruited and trained? Will she give the Parliament a cast-iron guarantee that that target will be met?

The First Minister: I will pick up on a couple of things that Jackson Carlaw said, for the purposes of being very clear. Getting the R number down does not depend on testing and contact tracing but on all of us behaving in a way that suppresses the virus, which means everybody sticking to the rules and guidance that we are asking them to stick to. Keeping the virus suppressed and the R number down will partly depend on continued social distancing, but it will also partly depend on our ability to quickly identify outbreaks, which is where testing and contact tracing comes in.

We reported on testing capacity last week, and we have also reported that, over the weekend and up until yesterday, the University of Glasgow's capacity would have been slightly lower than it will be, because of a change to the shift pattern. Yesterday, more than 4,600 tests in total were carried out in Scotland, and that number will continue to increase as capacity gets back to normal and then increases beyond that.

In relation to how many contact tracers there are right now, a contact tracer is not currently a discrete professional categorisation. Many different people will be working in health protection teams and, when required, they will fulfil that function. We have to scale up that capacity because of the scale of the current infection that we are using it for. Health boards are looking at where they can use existing staff to do the job and, from that, we will be able to say with more certainty how many additional workers we will require to recruit. Right now, our best estimate is that we will require to recruit an additional 2,000 staff.

We then have to continue to increase testing capacity in order to be able to carry out the number of tests. The number of tests that will be required will depend on the prevalence of the virus in the community. The assessments that we are making are that that will probably require capacity for a minimum of about 15,500 tests per day. Clearly, such estimates will never be fixed in stone, because they will depend on how the virus is operating.

We will keep Parliament updated as that work progresses. The Cabinet Secretary for Health and Sport and I are scrutinising it very closely as we go through this month because, as I said the other day, we intend to have the capacity for an enhanced contact tracing operation to be in place by the end of May.

Jackson Carlaw: I appreciate the complexities involved in all of this but, on both the R number and the contact tracer target, the point is that, from

the public's perception of progress being made, as much clarity as possible is essential. As the First Minister told the BBC just this morning, balancing risks is difficult. The public have to be clear on what is happening and why.

The key stay at home message has been effective because it has been delivered simply and with absolute consistency. It has not mattered whether people watch STV or the UK-wide "BBC News at Ten", or whether they read *The Scottish Sun* or *The Guardian*; they have received the same advice and the same message. Simplicity saves lives. Does the First Minister agree that, to ensure its maximum effectiveness, future guidance should be equally simple and consistent across the UK within a framework of an agreed plan by all Administrations?

The First Minister: In broad terms, yes, I agree. Nobody needs to convince me, as one of the people who has to deliver the message on a daily basis, of the importance of clarity and simplicity. Being able to deliver that message and having the public respond in as magnificent a way as they have done has been incredibly helpful. I want as much consistency of messaging as possible, and I have worked very hard to try to achieve that.

I will always say—I say this openly as well as in private discussions—that a four-nations approach, if it is to be meaningful, has to be one that all four nations have been involved in formulating, and which takes account of the evidence in each part of the UK, not just the evidence in some parts of it. That is the way in which we have to continue to proceed.

I will end my answer with a point that I have made previously. We can have a four-nations approach that is co-ordinated and that accepts that there will be some differences of pace, depending on the evidence. That would be perfectly legitimate. However, we could decide that doing the same thing at the same time is what matters most. Either of those approaches is legitimate. If we use the latter, the point that I have made previously is really important: we must go at the pace of the part of the UK that is furthest behind in the infection curve, because not to do so would lead to parts of the UK potentially lifting restrictions before it was safe to do so. That is the worry that I have, and it is what I am not prepared to countenance here.

Jackson Carlaw: I agree with that. If we are going to have a four-nations approach, we have to agree, within the overall plan, either that there will be differences in different parts of the United Kingdom or that we go at the pace of the slowest. What is important is that, within an overall agreed plan, there is clear messaging. My point is that mixed messages will not help, and our priority is saving lives.

I think that the First Minister might underestimate the potential for muddle that comes from mixed messaging. For example, construction firms are asking why firms have been able to work safely in England, Wales and Northern Ireland, but not here. If a building site in Carlisle can keep going and do so safely, while there is still a lockdown and without spreading the virus, why can one in Dumfries not?

The Scottish Government risks that kind of confusion on a bigger scale if there is not a consistent message about how different types of workplace should operate across the UK. Again, simplicity saves lives.

This is not about politics; it is about keeping things clear. The question is genuine. Why not work to achieve the same guidance across the whole UK on how to work safely? If any given business can work safely anywhere, and do it without spreading the virus, why not in Scotland?

The First Minister: Some people—I am not saying this about anybody in particular—seem to have a lot more angst about a UK-wide approach than I do. I have been very clear. If somebody says to me that the approach has to be UK-wide at all costs, I will say that that is the wrong starting point. If somebody else says that Scotland has to have a separate approach at all costs, I will tell them that that is the wrong starting point. My starting point is: what does the evidence tell us to do to suppress the virus and save lives? That is the only thing that I am interested in, regarding what I am dealing with right now.

I take it on good faith that this is not about politics, because it certainly is not about me. Where there are differences right now, I could say that maybe the problem is that others are not following Scotland's guidance, just as others say that it is Scotland not following guidance from elsewhere. There is a big assumption in Jackson Carlaw's question, which is that it is safe for construction to be operating normally in other parts of the UK. As First Minister of Scotland, I am not yet absolutely satisfied about that.

I suppose that my central proposition is this: at the start of the outbreak, my judgment was that construction, apart from essential projects, was not safe to operate. What has changed between then and now? Has enough changed for me to change that judgment? My answer to that is, "Not yet". We are at such a critical stage. The evidence that I am looking at tells me that it would not take very much at all to send our progress into reverse. We need to persevere for a little bit longer to get that progress more solidified and be more confident about it.

We are working with the construction leadership forum that has been established, which is working

on a phased restart. We are talking to it about that approach, and I think that there is a lot of common sense in it. However, until I get to a point where I am satisfied in saying—to the construction industry or anybody else—that they can ease up a bit without risking the virus getting out of control, the responsible thing to say is, "Let's stick with the guidance that we have, until we get to a position where we are more confident." That is the risk-based and careful judgment that I have a responsibility to apply, and that is what I am going to continue to do.

Care Homes (Testing)

2. Richard Leonard (Central Scotland) (Lab):

This week we welcomed the Government's plans to reintroduce a test, trace and isolate strategy, although we now have to build up capacity after that approach was abandoned by the Government in March.

The First Minister has confirmed today that a test, trace and isolate strategy cannot be implemented until the end of the month. However, we know from international advice and experience that such an approach can be carried out simultaneously with a lockdown and can have benefits throughout the course of a pandemic, including the benefit of us knowing what the R number is.

Last week, the First Minister dismissed Professor Hugh Pennington's view that the R number in Scotland's care homes could be as high as 10, but we have not been told what that number is, if it is not 10. Can the First Minister tell us that number, or does she still not have sufficient evidence to be certain of it, because of the Government's failure to carry out a comprehensive testing programme?

The First Minister (Nicola Sturgeon): I need to clarify a number of things in relation to Richard Leonard's question.

We do not need testing to tell us the R number—that comes from modelling that is based on a range of different data. We have an assessment that allows us to say that the R number in the community is within a certain range. We do not yet have the ability to say that with confidence about care homes, although we think that the number is above 1. I do not dismiss anybody's view, but I have seen nothing and been told nothing to suggest that it is anywhere near as high as 10 in care homes.

The difficulty with making an assessment across care homes in general is that half of care homes do not currently have any infections so the figure is not standard across all care homes; it will be variable in different settings. Work is being done to understand that in more detail, just as it is for other

institutional settings such as hospitals. I am not avoiding giving a figure, but it is difficult to arrive at, and people more qualified than I are working hard to understand it as much as possible.

Just to be clear, I did not say that we cannot do anything with test, trace and isolate until the end of May. We are building up capacity so that we will have enhanced capability by the end of May, but testing and tracing is being done in Scotland right now. For example, because of the outbreak in the care home on Skye, a test and contact trace approach has been taken there.

It is about building up testing capacity. Nobody has taken away capacity in Scotland; we have been building it up from the start of the outbreak. We need to get it to a level—albeit, as I have said, not a fixed level—at which it can operate comprehensively to keep the virus suppressed, and to flex, depending on how the virus is operating. That work is under way right now.

Richard Leonard: I am concerned about care homes. In her statement, the First Minister confirmed that 59 per cent of all Covid-19 deaths in the past week have been in residential care homes for the elderly. The situation has real life-and-death consequences.

For weeks, families across Scotland have been unable to visit their loved ones in care homes, in the hope that that would keep them safe. Sadly, for many, that has not been enough. In the past week, the Covid-19 outbreak at the Home Farm care home on the Isle of Skye has tragically demonstrated how rapidly and widely the virus can spread in care homes. It has also brought home the importance of testing all care home residents and staff, not just those who are symptomatic.

There are approximately 85,000 residents and workers in care homes for older people in Scotland. If we now have the capacity to do 10,500 tests a day—which the First Minister says is available—but almost two thirds of that daily testing capacity is going unused, there is no reason why everyone in Scotland's care homes, staff and residents, should not be tested during the next two weeks. Given that care homes are a priority, will the First Minister finally give a commitment to making that happen?

The First Minister: I will come on to talking about the position on testing in care homes, which is an important point.

I am deeply concerned about the situation in care homes. Not a day—probably not an hour—goes by, during which I, the Cabinet Secretary for Health and Sport, and others, do not discuss the action that is being taken and the support that we are giving to deal with the situation in care homes. I understand how deeply distressing the situation is, particularly for relatives of people in care

homes, for those who work in care homes, and for the wider public.

As I said in my statement, today's figures are deeply distressing. It does not underplay or minimise the impact on individuals for me to say that, for the first time since the situation in care homes reached the scale it has, the figures also show a reduction in the number of deaths. We are working hard to make sure that that reduction continues in the weeks ahead.

Testing is important, but it has to be clinically driven. In care homes where there is an outbreak, all residents and staff, whether they are symptomatic, asymptomatic or pre-symptomatic are being tested.

Testing, including on asymptomatic staff and residents, is also being done in care homes without outbreaks. The test can be unpleasant and invasive, but it is really important, particularly for frail and elderly people, that it is driven by the best clinical advice and evidence, and that is what is happening.

Turning to the wider point that I want to make, while testing is an important element, we must not, even inadvertently, oversimplify the situation and say that testing is the only thing that matters. Basic infection prevention and control is the most important thing in care homes and in dealing with the situation, for this infection or with any infection. That is why directors of public health are providing enhanced clinical leadership. They have contacted every care home in Scotland, and they are assessing, care home by care home, how infection prevention and control is being managed, taking into account staffing, training, physical distancing and testing. When deficiencies are identified, they are working to rectify them. The care home rapid action group is taking accelerated action where necessary, and is working with care home providers.

A range of interventions are essential in care homes if we are to ensure that this outbreak is controlled and if the number of people affected, particularly the number of people losing their lives, is to decline.

Richard Leonard: Our care workers are putting themselves at risk in the front line of the battle against Covid-19 every day and every night of the week, but many of them are among Scotland's lowest-paid workers. Last week, the First Minister said:

“We will be looking for quite some time to come at how to properly recognise and reward those on the front line of our health and care services.”—[*Official Report*, 28 April 2020; c 67.]

There is action that can be taken now. Last week, the First Minister told me that the Cabinet Secretary for Health and Sport was developing a

death-in-service payment. When it was announced, however, it applied only to national health service staff, not to care workers, disappointingly. That is something that the First Minister could and should put right.

The Scottish Trades Union Congress has called for all key workers, including care workers, to receive a pay rise of £2 an hour. Will the First Minister support that call from the STUC, and will she provide the funding for it? Will she see it as an important first step in ending the long-term undervaluation of our care workers?

The First Minister: Death-in-service benefits are important and we want the issue to be properly addressed for staff in the social care sector. The reason why the announcement by the health secretary covered the NHS is a basic but important practical one: the Scottish Government, via the NHS, employs those staff, while the same is not true for the social care workforce. We are not in the same position there, and we do not have the same ability to make the decisions for that workforce that the health secretary announced for the national health service.

That does not mean, however, that we are not working in other ways to address those issues more broadly. I will say this bluntly: I bow to nobody in my admiration, respect and deep gratitude for health and care workers the length and breadth of this country. As I have always done—when I was health secretary and since I have been First Minister—I want us to ensure that, as far as we can within the resources that we have, we are rewarding those workers properly. I will not labour the point, and this is not to say that they are paid enough at all, but social care workers in Scotland are already paid more than their counterparts in England and Wales.

As we go forward, we want to value those who have done so much for us, but we do that in discussion and in consultation. We discuss issues of pay and reward in partnership with trade unions and employers. Right now, we are holding twice-weekly discussions with the STUC and general council members. Jamie Hepburn met representatives of the STUC on Friday, and Jeane Freeman is meeting Unison representatives tomorrow, I think. We are taking forward those discussions in the proper way.

Let me be clear: we owe a deep debt of gratitude to health and care workers, and it is one that I am certain must be paid, certainly in words and recognition, but in more than words, too.

Covid-19 Test Capacity

3. **Patrick Harvie (Glasgow) (Green):** On behalf of the Scottish Green Party, I express our deep sadness at this week's news that the United

Kingdom now has the largest number of Covid deaths in Europe. Our thanks go to everyone who is respecting the lockdown. Some people seem to be willing to hand over Scotland's decision making on that issue and are actively agitating for an end to the life-saving measures that are in place. We urge the Scottish Government to continue to put public health first.

Test, trace and isolate is now clearly stated as Scottish Government policy. I am pleased by the move back to that approach. However, as others have done, I want to explore the numbers. On testing, the First Minister said two weeks ago that she wanted to

“use to the full now the capacity that we are building.”—
[*Official Report*, 21 April 2020; c 66.]

However, she has just told us that, from capacity for more than 10,000, just over 4,000 tests were completed yesterday. That underuse of our capacity is not a single day's anomaly; the stats that were published for previous days showed that 1,400 or 1,600 tests had been done, against capacity of well over 8,000 at the time. It seems that, since the start of this month, well over three quarters of our testing capacity has been sitting idle.

When does the First Minister believe we will get close to using our full capacity for testing? Does she agree that that is a necessary step towards the mass testing that Scotland needs?

The First Minister (Nicola Sturgeon): May I correct Patrick Harvie's figures a little? I said on Friday that by the end of this week we will have capacity for 10,000 tests a day; we do not currently have capacity for 10,000. On Friday, the capacity that I confirmed we had reached was 8,350, split between the expanded national health service lab network and the University of Glasgow lab, but I also said that a change to the shift pattern at the University of Glasgow was taking 2,000 off that capacity, until yesterday.

Therefore, until yesterday, testing capacity was—my arithmetic might betray me here—about 6,350, so the figure of 4,000 tests represents use of more than 70 per cent of the capacity that we had yesterday. If I have, in the moment, got any of those figures wrong, I will happily correct them later.

I also said on Friday—this is something about which my understanding has deepened over the past weeks—that there will never be a perfect match between capacity for testing and use of testing, because of fluctuations and geographical variations in demand. There will also never be a perfect match between the number of tests that we do and the number of people who are tested, because there are good clinical reasons why some people require to be tested more than once. For

example, we require that Covid patients who are being discharged from hospital to a care home have two negative tests. There will always be differences.

We are working to ensure that capacity is used as fully as is possible and practical, and we are working to build capacity beyond what it is now. The milestones that I set out were capacity for 10,000 tests by the end of this week, and for 12,000 by the middle of the month. The initial assessment of where we need to go after that, for TTI, is 15,500. Again, I will inject a bit of caution on that number: we might need to go beyond it. That will depend very much on how well we suppress the virus and on the requirement for testing to keep it at low levels.

Patrick Harvie: We will continue to look at the figures, of course, but the tables that were published yesterday seemed to suggest that there had been 1,400 or 1,600 tests done per day, from capacity for well over 8,000 a day.

Mass testing—actual tests taking place, as opposed to capacity—is only the first element in TTI. It is good that the Scottish Government is emphasising the work of human contact tracers as the next step. A proximity app might well have a role to play, but I agree with the First Minister that it should not and cannot replace the proven methods that are used by people who work in public health.

I was therefore pleased to see the first estimate of the numbers, which is that 2,000 contact tracers will be needed. However, the plan that was published on Monday does not have clear timescales attached to it, so I am still unclear about the timescale, even after the First Minister's exchange with Jackson Carlaw. The First Minister says that enhanced contact tracing capacity should be in place by the end of May. Does that mean that 2,000 contact tracers will be recruited, trained and deployed by then? If not, how many will be in place by then? Will the First Minister tell us who is undertaking that recruitment? Will the contact tracers be employed by public health agencies or by outsourced private contractors?

What measures will be put in place to support people for whom isolation will pose particular challenges, including people with family caring responsibilities, significant disabilities or complex health needs?

The First Minister: We will set out more detail on the milestones towards capacity, and we will set out changes to our estimates of capacity as we build towards milestones. Health boards are already looking to train existing staff in contact tracing, and an advert will go live on Friday, through Public Health Scotland, for recruitment of additional contact tracers. That work is under way.

I ask members to try to appreciate the complexities in the assessments that are required to allow us to estimate what we need, and to appreciate that they will vary as we go through the experience of the pandemic. We will share as much detail of that information as we can, as quickly as possible.

I will briefly cover two other points. I will address the issue of the NHSX app. There has, understandably, been some confusion, because it is a technical matter. Two different contact tracing digital products are being talked about. In Scotland, we are developing a digital tool that will support targeted manual contact tracing, which will be led by our public health teams. There is some functionality that we need that the NHSX app will not, as far as we are aware, provide—that being the ability to put in details of contacts so that people who do not have the tracing app can still be contacted.

There is also the proximity app, which is the one that is being talked about. We are not developing an alternative to it; we are trying to understand better how it is intended to work and how it will fit in with our systems. Government officials will have seen a presentation on the app this morning, so I hope that some of the questions will be answered.

I hope to be able to say confidently to people in Scotland that they should download the app because it is a useful enhancement, and because there are no concerns about privacy and data use. That is what we are working towards. However, the app is an enhancement; we should not build an entire system around it, because we need to cater for people who, with the best will in the world, will not download an app of that nature because they do not have the technology or do not want to use such technology.

When we talk about test, trace and isolate we often focus just on test and trace—those are the areas in which the Government has a responsibility to ensure that we have capacity. At the start of this week, we tried to focus people on what “isolate” will mean, because it will work only if the public are willing to comply. We will potentially find ourselves, under the policy, being advised to isolate for 14 days, which could then happen on multiple occasions.

Another thing that we are thinking of, to build on and learn from the work that we have done in supporting the shielded group in this phase of the virus, is what kind of support we have to put in place to allow homeless people to isolate, and people who might not have a spare bedroom in which to isolate from their family. We are asking how we will support such people. That is about supporting people to do the right thing. It is not—as some of the more lurid headlines suggested

earlier in the week—about locking people up in hotels against their will.

Overwhelmingly, my experience of dealing with the pandemic in the past couple of months has been that the public want to do the right thing, but what has often stopped them has been their not having the ability to do that. It is not that they do not want to do the right thing, so we have to provide as much support as we can.

Furlough Scheme

4. Willie Rennie (North East Fife) (LD): The First Minister knows that I support the introduction of a universal basic income, as well as a daily pay supplement of £29 for health and social care workers. Those measures are needed now, so I would appreciate an update from the First Minister on the progress that has been made, if possible.

I also invite the First Minister to consider our proposals on a way to protect the one in five workers on furlough. If we turn off the scheme too soon, before workers can afford it, jobs will be lost and its success will be undermined. We propose keeping the furlough scheme for longer, together with a taper, which would help companies to get their cash flow started. In her discussion with the Prime Minister, will the First Minister raise our safe return to work scheme to protect jobs?

The First Minister (Nicola Sturgeon): On the first question, I will provide updates as and when I can. I go back to the answer that I gave to Richard Leonard: we will discuss pay and reward with trade unions and employers, and we will make decisions on that basis.

On a universal basic income, I am on record as saying that my position on that has gone from my having a keen interest in exploring it, to what I now describe as active support for it, because of our experience right now. We cannot implement it unilaterally in Scotland, for reasons that everybody understands, but I look forward to having Willie Rennie's support as we try to progress the idea with the United Kingdom Government.

Willie Rennie will have to forgive me, but I have not had the opportunity to see his proposals on the furlough scheme. I will be happy to look at them in detail, however. As he alluded to in the latter part of his question, decisions on the furlough scheme are not ones that I am able to take, but I agree in principle that we have to provide support for businesses for as long as it is needed. The UK Government is to be credited for putting the scheme in place, but it must not create cliff edges when it withdraws it.

As I said, I am happy to consider Willie Rennie's proposals and, if we agree with them, to feed them in to our discussions with the UK Government.

Willie Rennie: It is important to try to work constructively on such matters, in the interests of securing positive solutions.

Many people who need non-urgent healthcare are in pain and discomfort, and are worried that their conditions will get worse. For example, people with pernicious anaemia suffer from tiredness, chest pain and poor balance if they do not receive regular vitamin B12 injections from their general practitioner. Since the lockdown, that treatment has not been possible. The symptoms can become permanent if they are not treated.

A constituent of mine, Andrew Gould, is in severe pain as a result of deterioration of his hip joints. He was due to have his hip replaced next week, but the procedure has been postponed. He is not alone in finding himself in that situation.

It is right that we are protecting people from the virus, but people are suffering in many other ways, too—as, I know, the First Minister knows. GP surgeries and hospital wards are quieter than we feared they would be, so is the Government planning a safe way for such treatments and operations to start again early?

The First Minister: Yes. One of the issues that we set out in the paper yesterday concerned how and when we can start to restore non-urgent elective procedures in the health service. I and the Cabinet Secretary for Health and Sport know how serious the situation is for people who currently cannot access a range of treatments.

Willie Rennie mentioned vitamin B12 injections: I know from the experience of someone who is very close to me how important those injections are. That importance is replicated across a range of conditions and treatments. The work on planning phased restoration of postponed national health service procedures is under way, as part of our general planning for coming out of our restrictive lockdown as quickly as we are able to do so.

On a more general point, I repeat the important message that the health service is open for people who have emergency symptoms or symptoms that they are worried about. We need to continue to get that message across. Progress is not yet good enough, but we are seeing signs in terms of hospital bed occupancy, for example, that the message is starting to get across, because numbers are starting to go up again. That is positive, but we must continue to ensure that the message is conveyed to people.

Also more generally, everybody who is dealing with the situation right now must balance the different harms that are being done to the population. We must try to deal with the harm of the virus, but we must also try to mitigate the harms from what we do to deal with the virus: such

is the complexity of the decision making that we are all grappling with right now. We need to get back to as much normality as possible as quickly as possible, but in a way that mitigates the different harms that are being done. I will continue to listen carefully to what members from across the chamber say about that, just as we will continue to listen to the views of the wider public.

The Presiding Officer: Before I take supplementary questions, I inform members that 31 members have requested additional questions. Notwithstanding the First Minister's offer, that might be quite a lot to get through. We have scheduled an extra 15 minutes for this question time, so we will play it by ear and see how many questions we can get through. However, that is a lot of members.

Quarantine (Entering the United Kingdom)

Bill Kidd (Glasgow Anniesland) (SNP): Countries including Germany, South Korea, New Zealand and Ireland have introduced tighter health and quarantine measures for people entering from abroad at airports and other points of entry. Does the First Minister think that similar measures should be applied to people travelling to the UK?

The First Minister (Nicola Sturgeon): Yes. I have said previously that, particularly as we go again into a suppression phase of dealing with the virus, we cannot not have restrictions that deal with people coming into the country from elsewhere, whether they involve suggested isolation or the quarantine approach—there are arguments for both of those methods. I believe that the United Kingdom Government is considering the issue. It is a reserved matter, but my view is clear that that has to be part of how we continue to keep cases of the virus low once we have got it to the level of suppression that we are working on right now.

In Vitro Fertilisation

Ruth Davidson (Edinburgh Central) (Con): I have been contacted by constituents who, a few weeks ago, received a letter from the Edinburgh fertility centre and reproductive endocrinology at the Edinburgh royal infirmary telling them that the in vitro fertilisation cycle that they were in the middle of had been stopped due to Covid-19. That was one letter among hundreds. The decision is completely understandable; nonetheless, it is devastating because IVF is, for many people, their last or only hope of starting a family.

The First Minister is rightly concerned about the impact that Covid-19 restrictions might have on the mental health of the nation. I can tell her that, although IVF is a physical procedure, its mental impact can be utterly consuming. People in other parts of the United Kingdom have been given a

plan that allows their clinics to apply to reopen from Monday. When can my constituents and others like them across the country expect to see a similar plan published for Scotland?

The First Minister (Nicola Sturgeon): We are currently looking at the issue, and we hope to give clarity on it soon. As Ruth Davidson indicated, that has been an issue across the UK and we want to get that service restarted as quickly as possible. Everybody who has been unable to get treatment as a result of the restrictions is in a difficult position, and I understand the heartbreak and devastation of people in that particular circumstance. We will make sure that the service resumes as quickly as possible and that we give the requisite clarity about that as soon as we are able to do so.

Insurance Company Obligations

David Stewart (Highlands and Islands) (Lab): The First Minister is aware that thousands of small businesses—from hotels to hardware stores—across Scotland are trying to claim on their insurance policies because of the interruption to their trading caused by the lockdown. However, several insurers have been accused of wriggling out of their obligations, which puts at risk the future of many businesses. Will the First Minister meet insurance companies and spell out to them that leadership and social responsibility are crucial during the pandemic, so that, when the lockdown ends, we can still have a functioning economy?

The First Minister (Nicola Sturgeon): I am clear that insurance companies, like everyone else who has a responsibility, should play fair and understand the difficulties that businesses—through no fault of their own—are having. I send that message without equivocation. Anyone who is trying to wriggle out of their obligations is doing a disservice to the challenge that all of us are facing and dealing with. I am happy to ask the Cabinet Secretary for Finance to have a more direct discussion with the insurance sector, to make sure that there is an understanding—and to make sure that there is no further guidance that we can offer to provide clarity on what people should do and how they should act.

Malaria Deaths

John Mason (Glasgow Shettleston) (SNP): The World Health Organization has warned that, because of the focus on Covid-19, malaria deaths could double this year, which could affect some of our partner countries, such as Rwanda, Zambia and Malawi. Can the First Minister say anything about that? Despite the current difficulties, can Scotland do anything to help those countries?

The First Minister (Nicola Sturgeon): It is recognised that, in countries with a higher

prevalence of underlying health conditions, there can be added complications in relation to Covid-19. Through contact with partners and others on the ground, we are monitoring the Covid-19 situation as closely as we can in our African international development partner countries—those are the countries that John Mason mentioned: Malawi, Zambia and Rwanda.

We continue to support our African partner countries through projects that are funded under the international development fund and by the climate justice fund. As part of their end-of-year reporting, all projects that we fund are carrying out impact assessments in relation to Covid-19 and, at our request, considering whether their existing project can assist in the Covid-19 response in the partner country concerned.

Glenisla Care Home

Jamie Halcro Johnston (Highlands and Islands) (Con): Last Tuesday, a resident from the Glenisla care home in my region was transferred to hospital in Aberdeen; the next day, the resident was confirmed to have Covid-19. The care home immediately took action to protect residents, but today—a week later—it is still waiting for tests to be undertaken on all residents and staff. NHS Grampian has told the care home that testing kits are not available and that there are no plans to test.

Speaking on BBC Radio Scotland this morning, the First Minister committed to looking into that case. Given the urgency of the situation, can she advise what action she has taken since it was raised with her? Will she also look into the claims that testing kits are not available? Given the vulnerability of our care home residents and the staff who look after them, can she assure us that, when a case is confirmed in a care home, it is Government policy that all residents and staff should be tested as a matter of urgency, in order to limit the potential spread of the virus?

The First Minister (Nicola Sturgeon): Yes, that is Government policy; I have made that clear. This morning, I said on the radio that, if I had the details of the care home, I would look into it. To be fair to the BBC, I do not know whether it has provided the details yet. If the member wants to provide them, the Cabinet Secretary for Health and Sport and I will look into that specific case. We will also investigate whether there is any shortage of testing kits in NHS Grampian. However, let me be absolutely clear that such testing is the policy intention.

Oil and Gas Workers Furlough

Lewis Macdonald (North East Scotland) (Lab): The First Minister may have seen reports in today's *The Press and Journal* that oil and gas

firms are grappling with whether to furlough workers or go straight to redundancies, which may well be open to challenge on grounds of unfair dismissal. What advice would she give to those employers?

The First Minister (Nicola Sturgeon): I do not want companies to make workers redundant if that can in any way be avoided. Clearly, I cannot give advice here that is bespoke to individual companies in different sectors, but my advice generally is that redundancies should be a last resort.

The furlough scheme, which is not a Scottish Government scheme, is available. Although we have welcomed it and it has been very positive, we need to make sure that the future of the scheme is tailored to our on-going need to respond to the virus. I would therefore encourage companies—whether in the oil and gas sector or more generally—to investigate all the forms of support that are available and to make maximum use of them, whether that is through the furlough scheme or the range of support that is available through Scottish Government routes.

United States Trade Talks

Maureen Watt (Aberdeen South and North Kincardine) (SNP): What engagement has the Scottish Government had with the United Kingdom Government about the commencement of trade talks with the US this week?

The First Minister (Nicola Sturgeon): Like most other people, I was alerted to that matter through the newspapers last weekend. Yesterday, the Minister for Trade, Investment and Innovation was advised in a call that trade talks would restart that afternoon. He has written to the UK Government seeking meaningful engagement in that process to ensure that Scotland's interests are represented and protected. We have repeatedly set out that the US 25 per cent tariffs on whisky and other Scottish goods should be removed before any negotiations start, and we must be absolutely clear that our national health service should be protected and that there must be no reduction in environmental, animal welfare or food safety standards as a result of any agreement. I think that those issues should be preconditions for negotiations, and not things that are left to the negotiations themselves.

Outpatient Appointments (Test Results)

Maurice Corry (West Scotland) (Con): Will the First Minister confirm that outpatient consultant appointments that involve test results, particularly in respect of potential cancer diagnoses, should not be postponed or cancelled by health boards during the current emergency?

The First Minister (Nicola Sturgeon): Urgent treatment should not be cancelled, and we have made that very clear. Clinically driven decisions will be made on the balance of risk for different patients. Clinicians will look at the patient's circumstances and decide whether the risks of postponement are greater or less than the risks of a patient going to hospital, potentially coming into contact with other people and being exposed to the virus. Those decisions are being made, but if something is urgent, it should happen and not be postponed.

As I said to Willie Rennie, we are now in a process of thinking through how we restore and resume non-urgent procedures that have been postponed, so that we get the national health service, as well as society generally, back to as much normality as we can as quickly as possible.

Universities (Financial Assistance)

Daniel Johnson (Edinburgh Southern) (Lab): Universities Scotland is clear that the higher education package that was announced by the United Kingdom Government will do little to help the sector in Scotland. Although the £75 million to help research that the Scottish Government announced is welcome, it will not make up the potential £1 billion-plus shortfall in income that universities would normally generate from non-European Union students and private income from venue rental and consultancy work. Almost a third of universities' income is at risk, so what further measures will the Scottish Government take to ensure that we do not see any universities fail as a result of Covid?

The First Minister (Nicola Sturgeon): Our universities are facing a significant challenge and we will continue to work very closely with them to make sure that we give appropriate support when and where we can. The Scottish Funding Council is working closely with universities to understand their financial position and guide any decisions that require to be taken.

I agree with Daniel Johnson about the UK Government's announcement. As far as we are aware, no consequentials are coming to the Scottish Government through that announcement—certainly, no more than is marginally the case. The decision that we have taken and announced today is an important first step and an indication of our determination to work with universities to support them through this difficult time. The £75 million of research funding has been welcomed by the sector and will form a foundation for the discussions that we will take forward with them in the months to come.

Private Rent Sector Landlord (non-business) COVID-19 Loan Scheme

Andy Wightman (Lothian) (Green): Yesterday, Scottish ministers published details of the landlord loan scheme, which provides loans for landlords who are not receiving rent from tenants as a result of Covid-19. I am not aware of what consultations were undertaken with tenants and housing charities. However, given that a landlord in distress also means a tenant in distress, can the First Minister explain why the scheme contains no provision to also support tenants and, in particular, why it contains no prohibition against a landlord who is in receipt of a loan seeking to evict a tenant for arrears once the emergency legislation and its existing protections expire?

The First Minister (Nicola Sturgeon): I hope that Andy Wightman will recognise that, given the nature of the crisis that we are dealing with, the Government is not able to consult as normal on a lot that it is doing to support different groups and individuals in society because there is no time to consult.

We are putting and have put in place a range of supports and protections for tenants through discretionary housing payments and the emergency legislation on protection against eviction. The loan fund is also an indirect way to try to protect tenants. If a landlord faces repossession because they cannot pay their mortgage, that is not going to help a tenant who lives in their property.

The loan is available only to landlords with five or fewer properties; it is not available to big-scale landlords. It is also available only to landlords who are not eligible for any other Government support. It is a short-term, limited offer.

As I said, in supporting landlords, the intention is to also support tenants. We continue to be open to suggestions about how we can improve the support that is in place and how we can extend it, where possible.

Shielded People (Exercise)

Joan McAlpine (South Scotland) (SNP): I have a young constituent, Hannah Jack, who is 15 and is immune suppressed. She is shielding with her mum, Kaz, who has asked me to raise the issue of safe exercise.

Kaz is very supportive of the Scottish Government's approach and the need for restrictions to last as long as is needed to keep us all safe. However, she has asked whether any consideration has been given to shielded people who want to get out into the sunshine and take a bit of exercise. For example, could we look at restricting access to green spaces at certain times

of day to shielded people, who cannot get out to exercise and get sunshine in any other way?

The First Minister (Nicola Sturgeon): I am happy to look at such practical suggestions in more detail, because I absolutely understand why they are made and how difficult the situation is for shielded people.

For obvious reasons, a lot of the decisions that we are taking right now are guided and informed by clinical and medical evidence. That is particularly true when it comes to those who are in the shielded group: they are being shielded because of particularly severe medical conditions. However, we will take away suggestions about the shielded group, and I will ask the health secretary to write to Joan McAlpine when we have had an opportunity to assess them.

More generally—I stress that what I am about to say is not specifically related to the shielded group—one thing that I am very keen to do, if we can, at an early stage is to allow people to be outdoors and exercising more often. Right now, the guidance says that that should happen only once a day, but could we allow people to exercise more than once a day, as long as they continue to comply with social distancing measures? That might well be one of the earliest easing-up changes that we make to the restrictions. However, we also have to think about the unintended consequences of all such things. We have to ensure that, as we ease things, people still do the other things that are required to keep the virus suppressed.

Businesses (Social Distancing Requirements)

Mike Rumbles (North East Scotland) (LD): As businesses think about gradually returning to work, many will find it difficult to maintain the 2m social distancing requirement. The World Health Organization recommends maintaining a social distancing measure of 1m, so why have we gone for 2m across the United Kingdom? Should not our Governments be following the science that is recommended by the World Health Organization?

The First Minister (Nicola Sturgeon): The advice that has been given to me is 2m, and I think that that is the same across the UK. Mike Rumbles is right, in the sense that in some countries the figure is 1.5m, in some it is 1m, and in some it is 2m, as it is here.

In all of this, I have wanted the approach to be as precautionary as possible. I think that that is the right approach. There is no intention on my part, right now, to ease or reduce the 2m figure in any way. However, we continue to take advice and look at all of these things.

It is absolutely the case that, as we start to get the economy moving again and businesses back

to work—although, as I said yesterday, our advice for some time will likely be that if people can work from home, they should do so—and as people start to go back into workplaces, there will be a need for adaptation and redesign. We are talking to businesses, economic and business organisations and trade unions about how that will work in practice for different parts of the economy.

A wider debate has been sparked by the UK Government's draft workplace guidance. We are consulting stakeholders on the extent to which it should be mandatory for employers to publish risk assessments, or whether that should be voluntary. We are looking at all those things in detail in order to get to the right approach. Everything that we are doing is about trying to strike a better balance than we have just now in allowing people to get back to as much normality as possible without compromising the need to suppress the virus. None of these decisions is straightforward or black and white, but we must work through them in an orderly fashion.

Unpaid Carers (Support)

George Adam (Paisley) (SNP): What support is the Scottish Government providing to unpaid carers during the Covid-19 pandemic?

The First Minister (Nicola Sturgeon): Unpaid carers are playing a vital support role, as they always do, for their families, friends and neighbours. I know that they are feeling the pressure, as is everybody.

We have established a £500,000 fund to help local carer organisations provide support to carers. We also extended access to personal protective equipment to unpaid carers, and we are working with national carer organisations to understand how we can better support carers to access testing. We have made emergency changes to carers allowance and to the young carer grant rules to ensure that the coronavirus does not prevent carers from accessing benefit support.

Furthermore, as has recently been announced, we will include provision in the forthcoming coronavirus bill, which is being introduced to Parliament next week, to allow for an extra coronavirus payment of £230.10 in June for carers who are in receipt of carers allowance supplement. If Parliament passes that measure—as I hope and expect that it will—that will support around 83,000 carers and will be an additional investment, directly to them, of £19.2 million.

Training Providers (Support)

Michelle Ballantyne (South Scotland) (Con): The training industry, which supports modern apprentices and learners across Scotland, is hugely frustrated by the lack of confirmation from

the Scottish Government as to whether training providers can continue to work. By following public procurement guidance in relation to public money, training providers could receive a percentage of a contract's value in advance. That would allow them to continue to support learners and develop improvements to the sustainability of modern apprenticeships.

Will the First Minister intervene to enable our trainers to make the best use of public money? If they furlough their staff now, those staff are not permitted to work and to provide that important support to our learners.

The First Minister (Nicola Sturgeon): I do not need to intervene, because I know that Jamie Hepburn is involved in work that is under way to try to resolve the issue and reach the best possible outcome. The most helpful thing that I can do is ask Jamie Hepburn to write directly to the member with more detail on that work and the steps that are being taken to resolve the issue that she has raised.

Covid-19 Response (Unintended Consequences)

Anas Sarwar (Glasgow) (Lab): I broadly support the measures that have been taken in response to Covid-19 and the rationale behind them, but I want to raise concerns about the unintended consequences.

We are storing up future physical conditions and psychological trauma. We have already seen a reduction of 70 per cent in the rate of referral for cancer diagnosis and an increase in treatment times. On psychological trauma, I am aware of a Glasgow constituent whose wife is in the final stages of her cancer. He has not been able to see her for almost 40 days. He rightly asks why he is allowed to be 2m away from strangers in supermarkets, but is not able to see his wife in the final stages of her life.

Surely there is a practical solution that would prevent such situations. It could involve testing, adequate levels of personal protective equipment and social distancing. Let us not build up unintended consequences that will stay with people for the rest of their lives.

The First Minister (Nicola Sturgeon): Obviously, I do not know all the particular circumstances of the constituent case that Anas Sarwar has raised but, in general terms, the guidance that is in place for hospitals and care homes allows for end-of-life visits of relatives. If Anas Sarwar wants to pass on more details of that case and we can provide clarity that might help in that situation, we would be happy to do so. However, we have always recognised the extreme

sensitivity of family contact at the end of a loved one's life.

On the broader issue—I hope that Anas Sarwar will take this in the way that it is intended—I really do not need people to tell me about the unintended consequences of all this. I spend every day, as the Cabinet Secretary for Health and Sport and other ministers do, worrying about, thinking through and grappling with all the issues that are being created by the action that we are having to take to suppress the virus. I know that everybody is doing the same, and I know that all those questions come from a thoroughly good and well-meaning place.

We now face issues of complexity and necessity. What will not change over the next period is the requirement to suppress the virus. What has to change is how we are doing that, so that we get to a point at which we have a better balance that allows people to get back to a degree of normality and mitigates any unintended consequences but does not risk the virus running out of control. That is the balance that we are trying to strike.

I say to members: please be assured that we are as focused on the unintended consequences of all this as we are on suppressing the virus. A lot of support will be required in a range of different ways for a long time to come in order to deal with some of what people are suffering right now, and that is very much at the centre of all our thinking.

Cancer Screening

Gillian Martin (Aberdeenshire East) (SNP): On the subject of unintended consequences, the First Minister has mentioned many times the difficult decisions that are being made in judging the potential for harm to other areas of healthcare as we respond to Covid-19. I would like to hear her current thinking on the potential to resume our cancer screening programmes, which, as she knows, have saved so many lives up to this point.

The First Minister (Nicola Sturgeon): I specifically mentioned that issue yesterday. We want to get cancer screening programmes started again as quickly as possible and, as part of the work that we are doing right now, we are looking at how that can be done safely and to what timescale.

There have been a lot of really difficult decisions in all this, and that was undoubtedly one of the most difficult. The judgment that was made, which was guided by the chief medical officer, was that pausing cancer screening would do less damage than continuing with the programmes and having a situation in which people missed their appointments for a variety of reasons—for

example, they had the virus or were worried about going for an appointment.

If someone missed their appointment while the programme was running, it would be three or five years before their next appointment was due. If we pause the programme, we effectively freeze things and, when those services resume, everybody who was meant to get an appointment in those three months will get their appointment then. That was the judgment that was made. We want to get the programme back up and running as quickly as possible, and that is a key part of what we are working through right now.

Mental Health (Doctors)

Alexander Stewart (Mid Scotland and Fife) (Con): A recent poll by the British Medical Association Scotland showed that 40 per cent of doctors are currently living with depression, anxiety or other mental health issues. The same survey found that a quarter of those who reported a problem had not been suffering from it prior to the coronavirus outbreak. What measures will the Scottish Government implement in order to monitor and improve the mental health of our doctors?

The First Minister (Nicola Sturgeon): At the end of this week—probably over the weekend—the Cabinet Secretary for Health and Sport will announce and outline a package of measures that are designed specifically to support the mental health and wellbeing of healthcare and social care professionals.

We absolutely recognise that, although it is a tough job at the best of times, it has been so much tougher in recent times. Some healthcare professionals and social care staff will have experienced and witnessed things that will have had a profound impact on their mental health and wellbeing, and we take very seriously our responsibility to support them. All of us, through our own network of family and friends, will be aware of people in those positions who are suffering in that way.

We will ensure that members are notified of the detail of the package of measures towards the end of the week, when we are in a position to put it in the public domain.

Care Homes (Hospital Discharge)

Neil Findlay (Lothian) (Lab): My mum, like thousands of our loved ones, is in a care home. We now have the worst death rates in Europe, and care homes are at the epicentre of the crisis. It has been announced today that 59 per cent of deaths are occurring in care homes.

Why on earth are we continuing to discharge patients from hospitals to care homes without

establishing whether they are positive for Covid-19? I am not one ever to plead with the First Minister, but I will do so now. Please stop that practice now to save the lives of residents and the great people who look after them.

The First Minister (Nicola Sturgeon): I will come on to the specifics of what happens in care homes, because they are so important. However, first, I say to Neil Findlay that every single one of us is deeply concerned and moved by what is happening in our care homes. That is particularly the case for people who have relatives in care homes, such as Neil Findlay, but I do not think that a single one of us does not find the situation deeply and profoundly upsetting. So please do not ask such questions in a way that suggests that we are not all trying to do everything that we possibly can in order to do the right thing.

On the situation in care homes, if a patient in a hospital has the virus, they must have two negative tests before they can be discharged. If a patient has not had the virus but is being discharged to a care home, they should be tested 48 hours before they are due for discharge. If the judgment is that it is right for that person not to remain in hospital but that it would be better for them to be in a care home, they must be isolated in that care home for 14 days if their test result has not been known. Therefore, at every single step of the way the priority is to prevent infection from getting into care homes. The ways in which that is done are clinically driven and led, and they are also led by what is in the best interests of the individual and in the interests of trying to prevent infection in care homes.

Even if Neil Findlay does not agree with the detail of that policy—as he is absolutely entitled to do—I hope that he will take it in good faith that we are doing the things that we have been advised to do as the best ways of protecting individuals at every single step of the way, whether they are in hospital, care homes or communities.

Business Support (Aerospace Industry)

Kenneth Gibson (Cunninghame North) (SNP): When we move to the next stage of the evolving crisis and look towards reviving our stricken economy, it will be clear that some sectors will already have been in a more precarious position than others. The aerospace industry involves innovative manufacturing, has a highly skilled and productive workforce, is critical to generating income that can be spent in our service economy, and provides taxes to pay for public services, but it has been hit hard. What will the Scottish Government do—in co-operation with the United Kingdom Government, if necessary—to assist our increasingly vulnerable aerospace industry, half of which is based in Ayrshire and on

which thousands of well-paid jobs depend, both directly and indirectly?

The First Minister (Nicola Sturgeon): We will continue to work with the UK Government to support all sectors of the economy in appropriate ways. However, we will also look for ways in which the Scottish Government can give support to particular sectors that are so important. The pivotal enterprise resilience fund that we announced last week might be appropriate for companies such as those that Kenny Gibson has described. Not long before the current outbreak started, I visited Spirit Aerosystems in Prestwick, so I know how important that industry is to the Ayrshire economy. Perhaps Mr Gibson, along with those companies, could look at whether that fund might offer them support.

Business Support (Bed and Breakfasts)

Edward Mountain (Highlands and Islands) (Con): Across Scotland, the operators of small bed and breakfasts who pay council tax are struggling. Many cannot apply for support from the Scottish Government's hardship fund, because they do not meet the requirement to have a business bank account. Incidentally, that has never been a requirement of Her Majesty's Revenue and Customs to prove that a B and B is operating as a business or been recognised as a way of preventing fraud. Will the First Minister undertake to try to find a way of removing that requirement, which is clearly a huge stumbling block for small B and Bs in applying for the grants that they need?

The First Minister (Nicola Sturgeon): The Cabinet Secretary for Finance tells me that she is considering that issue.

As is the case with many such issues, what we are trying to do is to strike a balance. In this case, the balance is not necessarily the same one that we would strike in normal times. It involves trying to ensure that there is some due process and good governance around applications. I am not suggesting that people are fraudulently applying for money—and certainly not in the sector that Mr Mountain has mentioned—but we need to have some way of guarding against that without making it impossible for people to access such funds.

I say again that we are trying to strike the right balance and that the balance is probably less risk averse than the one that we would strike in normal times. However, I will ask the finance secretary to correspond with Mr Mountain once we have had a chance to look at that issue in more detail.

Supporting Communities Fund

Claire Baker (Mid Scotland and Fife) (Lab): The supporting communities fund, which will

provide funding worth £40 million, is very welcome. Although £8.4 million has already been awarded, I am aware that the locations of some of the anchor organisations in Fife mean that significant gaps have been left in other parts of the region. I am surprised that the letter that members of the Scottish Parliament received last week from the Cabinet Secretary for Communities and Local Government revealed that guidance on how community groups can access the fund is being worked on only now. I appreciate the reasoning behind quickly distributing the funds, but can I have assurances that the next tranche of funding will provide support for areas and towns that have so far missed out and that the process for accessing the funds will be transparent and well publicised?

The First Minister (Nicola Sturgeon): It may be helpful if I ask the communities secretary either to speak to or to correspond with the member so that we fully understand her point about the local impact.

In general terms, we will try to make sure that the arrangements that have been put in place to access these funds are as user friendly and as fair as possible and we will learn as we go. It is a bit like the answer that I gave to the previous question. In normal times, we work out all the details of these things and then we announce the fund. However, right now, we are having to do things the other way round. We are having to get the money agreed and launch the funds and then work out all the application details as we go. It is not ideal, but we are in a crisis situation. That sometimes means that we will revise things as we go, there will be unintended consequences that we want to fix and there will be things that do not work properly.

I ask members across the chamber to raise such issues and, where we can, we will act to fix them. We might not be able to fix everything but we will certainly have a go. The communities secretary will be happy to take up Claire Baker's particular point in a bit more detail.

Business Support

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): This question is similar to the previous two. Is it possible for the Government to support some businesses that are not eligible for any of the current financial support schemes? I am thinking of businesses with properties that have a rateable value above the £18,000 threshold, businesses that are not in the retail, leisure or hospitality sectors, sole traders who rely on dividends to earn a living, self-employed people who operate businesses from home and some businesses that are not sole occupants of premises. All those groups are in difficulty and are receiving no

financial support, as far as I know. What might we be able to do to help them?

The First Minister (Nicola Sturgeon): We will look at where there are gaps and look at what we can reasonably and practically do to fill those gaps. I cannot stand here and give a blanket commitment that we will be able to cater for every circumstance and fill every crack in the support that is available, but I am determined that we will do everything that we can, whether that is working to persuade the United Kingdom Government to do more or different things, adjusting the schemes that it puts in place to make sure that they meet Scotland's particular needs or—as we have already done—using our own powers and resources to put additional schemes in place. It is important that that kind of support for business continues for as long as business needs it.

We also continue to hear feedback from different businesses. We have already made adjustments and changed our minds on certain things as we have got that feedback and we will continue to operate in that way. Of course, the Cabinet Secretary for Finance remains willing—she is nodding—to speak with any member about particular issues that are being raised with them about businesses in their constituency.

The Presiding Officer: There are still nine members who have not had an opportunity to ask a question. I appreciate the First Minister's willingness to carry on. However, we have chamber business scheduled for 2.30. Given the First Minister's willingness to continue, I suggest that we delay the start of the afternoon session by 15 minutes to 2.45 and continue now until we get through those nine questions. I encourage members who are leaving to be careful about observing social distancing.

Food Provision (Older and Vulnerable People)

Stuart McMillan (Greenock and Inverclyde) (SNP): The First Minister will be aware that, in my community, the level of deaths is three times higher than in any other part of Scotland. What additional resources can the First Minister provide to the public sector, the third sector and the voluntary sector to assist with one of the most important elements of what is happening locally, which is pre-prepared food provision? That is one way of ensuring that some of the older and most vulnerable people will not leave their homes to go into the community.

The First Minister (Nicola Sturgeon): Stuart McMillan raises an important point. I am very aware of some of the concerns that have been raised in Inverclyde about the geographic breakdowns of deaths. Every single death is a tragedy, wherever it happens. As the pandemic develops, the geographic impact may change in

different ways, so we have to ensure that we can respond to that appropriately.

Stuart McMillan is right to raise the importance of support for communities and people as well as for businesses. At the outset of the outbreak, we announced £350 million of funding to support communities where that is needed. As part of that, we have committed to a range of support in Inverclyde. That includes funding directly to the local authority of £1.3 million for the Scottish welfare fund, £749,000 in hardship funding and £0.5 million from the food fund, as well as support for third sector and community efforts, such as grants to Oak Tree Housing Association and Inverclyde Community Development Trust. We will continue to look carefully at the community and human impact of the current situation as well as at the business impact.

Rail Network (Increase in Services)

Colin Smyth (South Scotland) (Lab): The First Minister will have received a joint letter signed by the general secretaries of the rail workers unions the Associated Society of Locomotive Engineers and Firemen, the Transport Salaried Staffs Association and the National Union of Rail, Maritime and Transport Workers expressing deep concern at any plan to increase the level of services on our rail network when we do not yet have Government guidance on how that can be done safely, never mind have those measures implemented. Can the First Minister give a clear commitment that the Government and rail operators will work with the trade unions to jointly identify, where there is real and necessary demand to increase services, how that demand will be met safely for passengers and workers? Will she make clear that there will be no increase in services without the full agreement of the trade unions? Surely that is the least that we can do for our key transport workers.

The First Minister (Nicola Sturgeon): In short, yes, I whole-heartedly agree. I apologise, but I have not personally seen that letter yet, although I am sure that it is coming to me and I will ensure that I pay close attention to it. Those discussions with the trade unions will take place, if they are not on-going already.

On the issue more generally, before we can persuade workers to go back to work, we have to give them confidence that it is safe. A key part of that is persuading those who use and run our public transport system that it is safe, too. If we fail to do that, no matter how strongly I might urge people to go back to work, they will not do it.

The work to ensure that it is safe for people to return is critical, and essential to that is the role of trade unions in representing the interests and voice of workers. We are consulting with trade

unions, and will continue to do so, on the workplace guidance that the United Kingdom Government has been working on. Concerns have been raised about the inadequacy of that, so we want to ensure that we understand those concerns and rectify the issues, either through action that we can take or through our discussions with the UK Government. I give an assurance that the safety of those who work in our public transport system and of those who use it is absolutely central to everything that we will do.

Third Sector (Support)

Brian Whittle (South Scotland) (Con): To follow on from Stuart McMillan's question, we all recognise the input of the third sector and charities in supporting the Government's effort to tackle Covid-19. As we move towards coming out of lockdown, we will have physical, mental and emotional health and wellbeing issues in our communities and we will be leaning on the third sector to help us to provide support in that regard. I know that the First Minister will recognise that but, from talking to third sector organisations, including charities as well as sports, music, art and drama clubs and our scouts and guides, I think that it is obvious that they are struggling, too. Organisations are telling me that they might have to downsize or might not even be there at the end of this. What is the Scottish Government doing to ensure that, at that point, our third sector organisations are there to deliver for us when we need them?

The First Minister (Nicola Sturgeon): The third sector is invaluable. That was the case pre Covid-19, it is absolutely the case during the pandemic and it will be the case after it. Just as it is important to support businesses and our statutory sector organisations such as our national health service and local authorities, it is vital that we support the third sector. We have already made funding available for that but, in the interests of time, I will not go through it all. As we move forward, we will consider how we ensure that organisations and sectors that need support can get it on a sustainable basis.

Let me be clear that my view—a view that has been strengthened rather than created by the current experience—is that our country without a strong, vibrant and dynamic third sector would not be the strong and dynamic country that we want it to be. Therefore, the third sector is critical and the Cabinet Secretary for Communities and Local Government is determined to ensure that it gets the support that it needs.

Emergency Support (Students)

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I welcome the £4.2 million of

additional funds that the Scottish Government has made available to universities and colleges for students during the Covid-19 crisis. However, the support that is available could be as low as £500 for individual students who are struggling and in all likelihood will no longer be able to access summer employment. Will the First Minister review support for poor students? Does she agree that a temporary relaxation of the qualifying criteria for universal credit to allow students to claim during the summer months could make a huge difference for students from the poorest backgrounds during these unprecedented times?

The First Minister (Nicola Sturgeon): Bob Doris has raised a really important issue. The emergency funds that have been made available to universities and colleges can be used to support students during the summer up to the end of July, in recognition of reduced employment options. Universities and colleges will receive a further instalment of higher education funds in August; it will be a matter for each university and college to determine the amount that can be awarded, but the previous maximum limits have been removed. We will also continue to work closely with the National Union of Students and the sector on the support arrangements that are required in the future.

On the point about whether the universal credit rules can be relaxed, that is a reserved matter but it is a point that we would support. Generally, we remain committed to ensuring that students are adequately supported during what is a very challenging time for them—as indeed it is for everybody.

Offshore Oil Workers (Testing)

Liam Kerr (North East Scotland) (Con): I am grateful to the First Minister for staying on this afternoon. A significant number of offshore workers and companies have contacted me to suggest that not enough testing of offshore workers is being done. There is testing at Aberdeen airport but I am told that it involves the offshore worker providing their own swab, and they tell me that that does not feel sufficiently robust. What progress is being made to protect with testing North Sea oil workers, their families and, by extension, the national health service when they deploy offshore, and when they come home?

The First Minister (Nicola Sturgeon): When workers in that category are onshore, they can use the online portal to book a test at one of the drive-through centres or mobile units, whichever is appropriate. Availability of test kits that can be posted out for people to use at home is increasing, although it still has a long way to go, and that is a obviously different and greater challenge when

workers are offshore. I will certainly take away the point about how we better improve access when workers are offshore and the health secretary will come back to Liam Kerr in due course.

Shielding and Outdoor Exercise

Fulton MacGregor (Coatbridge and Chryston) (SNP): I have been contacted by a constituent who is shielding along with her family, as her three-year-old son has cystic fibrosis. She is worried about what the immediate future may hold. She was keen to stress to me that outdoor exercise is key to keeping him well, which is similar to the situation that was raised by Joan McAlpine. What consideration has the Scottish Government given to the impact of any changes in the framework for decision making on people who are shielding? How will the Scottish Government engage with the people in that category about the impact on them of any future changes?

The First Minister (Nicola Sturgeon): My answer to Joan McAlpine will to some extent cover the response to Fulton MacGregor and when we consider Joan McAlpine's suggestion, we will make Fulton MacGregor aware of the outcome.

I will say two things very briefly. First, I absolutely recognise how difficult this is for people who are in the shielding category, particularly when they are children and their families are having to shield as a result. We want to do everything that we possibly can to make their lives easier.

The other thing that I have to say is tougher. People are being asked to shield for very good reasons, because their health condition means that they are particularly at risk from the virus. Any changes that we would make to the advice around shielding would have to be carefully considered and clinically advised and driven, which is why I want to be cautious today about raising expectations about what might be possible. We will continue to look at the issue and take the advice of our clinical advisers.

Emergency Hospital (NHS Louisa Jordan)

Monica Lennon (Central Scotland) (Lab): Aside from its original purpose as an emergency Covid-19 hospital, what consideration has been given to the role that NHS Louisa Jordan might play in helping to get our health service fully operational again. Has the Government drawn up any criteria to inform its decision making? Could the Louisa Jordan be used for orthopaedic procedures, for example?

The First Minister (Nicola Sturgeon): I appreciate that this might not be the most helpful answer. That is under consideration but we have not reached any final decisions. The NHS Louisa

Jordan was intended to deal with Covid patients. We always hoped that it would not be needed, and we still hope that it will not be needed, but we cannot yet rule it out for the remainder of this year, so we must not take our eye off its principal purpose. It was also intended to be a step-down facility, effectively, and not where a patient would immediately go for intensive care, although it does have intensive care unit facilities to cover the eventuality of patients deteriorating.

We have to think carefully about how that hospital is configured and what that makes it appropriate for, or not, in relation to the wider healthcare objectives. As we look to get our health service working normally again, and to tackle the backlog of certain procedures, the potential use of that hospital is one of the things that we will consider. As we take more concrete decisions around that, we will advise Parliament in the normal way.

Food and Drink Sector (Support)

David Torrance (Kirkcaldy) (SNP): Will the First Minister outline what support the Scottish Government is providing to Scotland's food and drink industry as part of the response to the Covid-19 pandemic?

The First Minister (Nicola Sturgeon): We are doing two main things to help the food and drink industry. Obviously, the virus has impacted adversely on many food businesses, particularly those that are dependent on exports and the hospitality trade. First, we are providing nearly £23 million specifically to eligible seafood businesses as part of our overall package of economic support. That includes schemes for which other food businesses might also be eligible. We are also delivering common agricultural policy payments to farmers and crofters on time as part of the published schedule for 2020; notwithstanding Covid, that schedule has continued.

Secondly, we are working with the whole food industry, including retailers, to ensure that Scottish produce is getting on to shelves and to consumers to help maintain livelihoods and jobs. I take the opportunity today to thank everyone who is working in the many sectors that help to produce food and to get it to our tables for the absolutely crucial role that they are playing during this crisis.

This sector is important to Scotland's economy, but it is also important to Scotland's brand, to our reputation and to how we are seen in the world. I give an assurance that we will continue to work with it to provide it with support during this difficult time and as we come out of this period.

The Presiding Officer: Members will be pleased to hear that that exhausts all our

questions. I thank you all for your forbearance. Parliament will resume at 3 o'clock, and not at quarter to; we have an hour until then.

14:02

Meeting suspended.

15:00

On resuming—

Business Motion

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-21669, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Consumer Scotland Bill.

Motion moved,

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

Groups 1 to 4: 45 minutes,

Groups 5 to 8: 1 hour 30 minutes.—[*Graeme Dey*]

Motion agreed to.

Consumer Scotland Bill: Stage 3

15:01

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Consumer Scotland Bill. Members should have with them the bill as amended at stage 2, the marshalled list and the groupings of amendments.

As is usual practice, the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, one minute will be allowed for the first division following any grouping.

Any member who wishes to speak in the debate on a grouping should press their request-to-speak button as soon as I call the first amendment in that grouping.

Members should now turn to the marshalled list.

Section 2—The general function of providing consumer advocacy and advice

The Presiding Officer: Group 1 is on consumer Scotland general function. Amendment 1, in the name of Andy Wightman, is grouped with amendments 2 and 19.

Andy Wightman (Lothian) (Green): Amendments 1 and 2 arise from the productive discussions that took place with the Minister for Business, Fair Work and Skills and his officials during and in the aftermath of stage 2 of the bill.

Amendment 1 is concerned with the general functions of consumer Scotland. I was concerned in general terms that the bill was focused narrowly on a very traditional view of consumerism—one that is linear, transactional and typically about trading standards, consumer rights and so on. As we now know, consumerism and consumption are very big global problems. If society were to consume what we consume here in the United Kingdom, we would need almost three planets' worth of natural resources.

I was therefore keen to explore whether consumer Scotland could have a general function of

“promoting a reduction in the consumption of natural resources.”

That was my starting point at stage 2, which led to an interesting discussion around the definition of “natural resources”. Happily, the minister was keen to have a conversation about the matter, as well as the view that consumer Scotland should also have as part of its general functions a broader purpose of promoting “environmentally sustainable practices” in any event.

I was very pleased to meet the minister and I think that the Government is still in agreement with my amendment 1, which means that consumer Scotland will have an additional general function of promoting the

“sustainable consumption of natural resources”,

which is a fairly well-understood term in international law.

Amendment 2 is designed to incorporate into the bill references to “wellbeing”, which is coming to the fore as a concept in economic thinking. Indeed, the Scottish Government has made several references to and is doing quite a bit of work around wellbeing. In conversation with the minister, we have agreed—at least, I think that he is still in agreement—an amendment to the bill that will provide for consumer Scotland promoting what is now referred to as

“prosperity and other aspects of wellbeing”.

I commend amendments 1 and 2 to members, and I move amendment 1.

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I am pleased to support amendments 1 and 2, in the name of Andy Wightman. As I noted at stage 1 and again at stage 2, the Government has always been of the view that consumer Scotland should take a wider view of consumption than traditional ideas of buying goods on the high street.

We have always intended that consumer Scotland should have a role in considering environmental issues, and we have noted from the start that consumers will play a significant role in tackling the global climate emergency. That is one reason that the body is so important.

I thank Mr Wightman for the time that he took to speak to me about these matters. I believe that his amendments further the goals that I have laid out.

I hope that amendment 19, which is a Government amendment, is uncontroversial. It clarifies that, as was made clear in the policy memorandum, the specific functions that are set out from section 3 up to the proposed recall of goods function, are not independent of the general function of consumer Scotland, as set out in section 2. The amendment will have little impact on consumer Scotland's day-to-day operation, but it offers useful clarity, particularly in the light of the focus that section 2 has received during the bill's passage, and the significant revisions that it will undergo if Mr Wightman's amendments are agreed to today, as I hope that they will be. Amendment 19 will also clarify that the product recall function forms part of the general functions of consumer Scotland.

If Jackie Baillie's amendment, which we will turn to in a moment, is agreed to—as I hope that it will be—that clarification might be useful because, unlike the functions that are set out in sections 3 to 5, the establishment and operation of a product recall database is something that consumer Scotland must do rather than something that it may do to advance its general function. Therefore, I hope that members will join me in supporting all the amendments in group 1.

The Presiding Officer: I have no indication that any other member wishes to contribute. Does Andy Wightman wish to make any remarks in summing up?

Andy Wightman: No.

Amendment 1 agreed to.

Amendment 2 moved—[Andy Wightman]—and agreed to.

Amendment 19 moved—[Jamie Hepburn]—and agreed to.

After section 5

The Presiding Officer: Group 2 is on product recall. Amendment 3, in the name of Jackie Baillie, is the only amendment in the group.

Jackie Baillie (Dumbarton) (Lab): As members know from the stage 1 debate, I call amendment 3 the Whirlpool amendment; I will explain why in a minute.

Amendment 3 will require consumer Scotland to establish and operate a central database of major recalled goods to help inform consumers who have been adversely affected. It will be a single, co-ordinated and trusted point of information about all the major product recalls across the country that affect consumers in Scotland.

Let me illustrate why I believe that that is an important measure for us to take by talking about Whirlpool. Almost 18 months ago, Whirlpool embarked on the recall of 1 million washing machines and tumble driers across the UK. The recall affects Hotpoint and Indesit machines. The recall was not due only to a minor technical fault—in some instances, house fires were caused and significant damage resulted. However, the pace of the recall has been far too slow. Some people have not registered their machine, but there is also a lack of easily understood information. Many more people still have the machines in their homes. Just last week, Whirlpool announced that another 21 different models also need to be recalled. The problem continues, and it is clear that not everyone is aware of it.

Four out of every five house fires in Scotland are caused by faulty white goods. That is dangerous, and it means that we should act.

Creating one trusted point of comprehensive information on product recalls that will help support and protect consumers in Scotland is the right thing to do.

I am pleased that the Scottish Government has sought to work with me in developing my amendment, and the collaborative approach that the minister has taken is appreciated. I record my thanks to Electrical Safety First for its work in strengthening our legislation and reducing the number of fires, accidents and deaths that are caused by electricity.

I move amendment 3.

Jamie Hepburn: As I indicated a few moments ago, I am very pleased to support amendment 3. I am very grateful for Ms Baillie's work in lodging what will always be known as the Whirlpool amendment.

I indicated at stage 1 that I was open to the idea of consumer Scotland having such a function. As I said at stage 2, the Government recognises the significant danger that is posed by the failings of the current recall system. Ms Baillie has identified the challenge of the small proportion of consumers who respond to recall notices. There are other areas of concern. It is important to remind ourselves that this is not just an issue of products being faulty and not working, and the attendant problems that that can cause. That is bad enough, but the matter can also be very dangerous. Like Jackie Baillie, I want to record my thanks for the work that is done by Electrical Safety First.

I am grateful to Ms Baillie for discussing the issue with me in advance of both stage 2 and this final stage of the bill. I hope that amendment 3 will help to address some areas of concern and serve to demonstrate the positive value that consumer Scotland can bring.

The amendment requires consumer Scotland to make publicly available a database of recalled goods, either by developing that database or by contracting some other body to develop it. I make that point because I have always said that consumer Scotland will be an independent body and must be allowed to make its own decisions on how it carries out its work and its functions.

I welcome amendment 3 and hope that it will be agreed to by Parliament.

The Presiding Officer: No other members wish to make a contribution. Does Jackie Baillie wish to add any comments?

Jackie Baillie: Brevity is a fine art in politics. I will not add any other comments.

The Presiding Officer: Thank you Ms Baillie; that is hugely appreciated.

Amendment 3 agreed to.

Section 6—General provision about functions of Consumer Scotland

The Presiding Officer: Group 3 is on vulnerable consumers. Amendment 8, in the name of the minister, is grouped with amendments 10, 4, 17 and 5 to 7.

Jamie Hepburn: I will try to keep my remarks short. The definition in the bill of the word “vulnerability” has been the subject of much discussion, both here in the chamber at stage 1 and in the committee at stage 2. There were also deliberations before stage 1. I am delighted that significant co-operation across the Parliament has led to a consensus that the definition that we now have is the right one.

Amendments 8, 10 and 17 do not alter the definition of vulnerability that was agreed at stage 2. Instead, they move the agreed definition from section 6(6) to section 23, which deals with general interpretation. That move is necessary because the definition of a vulnerable consumer currently applies only for the purposes of sections 6 and 13. The Government amendments in this group will ensure that the definition will apply to all references in the bill to vulnerable consumers.

We have taken that step in the light of Ms Baillie’s amendments. If those amendments are agreed to—as I hope that they will be—references to vulnerable consumers will also be introduced to section 16 and schedule 1, which will make a bill-wide definition desirable. The Government supports Ms Baillie’s amendments, which I believe are a useful additional means of allowing consumer Scotland to demonstrate that the interests of vulnerable consumers are central to its work. I am, again, grateful to Ms Baillie for taking the time to discuss those matters with me.

The Scottish ministers will play their part in that as a result of amendment 6. It is right that the board should include representation from those who know what it is to be a vulnerable consumer. I am pleased that Ms Baillie lodged the amendment, having refined her stage 2 amendment on the topic. I make a commitment that when the bill is passed this evening—as I hope that it will be—the Scottish ministers will take that duty and responsibility very seriously.

I move amendment 8.

Jackie Baillie: I am pleased to speak to amendments 4 to 7 in my name, and to support the minister’s amendments. This area was subject to discussion with the minister and his officials following stage 2, and I am grateful to him for that.

The set of amendments seeks to ensure that consumer Scotland includes somebody who has had experience of being a vulnerable consumer, so that we benefit from their lived experience and

so that their considerations are at the heart of the new organisation. We know that organisations are more likely to get things right from an early stage in their operation if they listen to and involve people who have lived experience.

As we have heard, amendment 4 will require ministers to produce a report to set out how the interests of vulnerable consumers have been considered.

I thank the Scottish Co-operative Party for its advocacy in this area, and I thank the minister for his support. I hope that members throughout the chamber will support all the amendments in group 3.

Amendment 8 agreed to.

15:15

The Presiding Officer: Group 4 is on inclusive communication. Amendment 20, in the name of Ruth Maguire, is grouped with amendment 21.

Ruth Maguire (Cunninghame South) (SNP): I thank Inclusion Scotland, Camphill Scotland and the Royal College of Speech and Language Therapists Scotland—in particular Kim Hartley Kean—for their support in campaigning for inclusive communication.

One of the bill’s aims is to safeguard consumer interests and ensure that consumers can play a part in building a more inclusive and sustainable economy, and amendment 20 is about including people. Inclusive communication is communication that enables the largest number of people in the population to be included. For an organisation, that is about encouraging, supporting and enabling people to use whichever ways of expressing themselves they find easiest.

Who is inclusive communication good for? It is good for everybody. Communication disadvantage is strongly associated with socioeconomic disadvantage, and many people who are living with disabilities and long-term conditions will also experience communication disadvantage. That includes 100 per cent of people who have autistic spectrum disorder; 100 per cent of people who have dementia; around 80 per cent of people who have a learning difficulty; and around 30 per cent of people who have had a stroke. However, as I said, inclusive communication benefits everybody, because no one has ever complained that a public service was too easy to understand or made it too easy for them to get their point across.

The main question might be why we should put inclusive communication in the bill rather than leaving it for guidance. There has been Scottish Government guidance on inclusive communication for 10 years, but it is not broadly applied across the board. I lodged a similar amendment to the bill that became the Social Security (Scotland) Act

2018, which set out in law a requirement for Social Security Scotland to implement inclusive communication approaches. That has worked really well, because it was in legislation from the beginning and it is not open to interpretation or duplication as it would be if it had been left to guidance.

I move amendment 20.

Jamie Hepburn: I am very supportive of amendment 20. As Ruth Maguire observes—and as has been my own experience—no one complains when a public body communicates very clearly. Of course, the converse is also true, and members will all have received complaints and concerns where that has not been the case. On that basis, it is vital that consumer Scotland reaches as many consumers as possible, and amendment 20 will help to achieve that.

I thank Ruth Maguire for meeting me to discuss the objectives that her two amendments seek to achieve. Amendment 20 would mean that

“Consumer Scotland must have regard to the importance of communicating in an inclusive way”

when it publishes its annual reports and its consumer welfare reports. Indeed, the emphasis on the necessity of communicating in an inclusive way is laid out using a similar approach in the Social Security (Scotland) Act 2018, which I believe Ms Maguire was instrumental in developing.

I hope that by agreeing to amendment 20 we will send a clear message that the Government, and indeed the Parliament, values inclusive communication and that we are committed to encouraging it wherever and whenever possible. I am grateful to Ruth Maguire for lodging these important amendments, and I urge Parliament to support them.

Amendment 20 agreed to.

Amendment 21 moved—[Ruth Maguire]—and agreed to.

Section 8—Requirement to provide information to Consumer Scotland

The Presiding Officer: Group 5 is on consultation with designated regulators. Amendment 22, in the name of the minister, is grouped with amendment 18.

Jamie Hepburn: The amendments in group 5 relate to consumer Scotland’s information-gathering powers. Designated regulators are given a role in helping to ensure compliance with those powers. Jackie Baillie’s amendment 18 and my amendment 22 are both about ensuring consultation when regulators, or those whom they

regulate, are specified in regulations made under section 8.

I am grateful to the Law Society of Scotland for raising the issue of consultation, and I am also grateful that Ms Baillie intervened to ensure that it could be considered in the debate. I am fully supportive of the intent behind Ms Baillie’s amendment 18. As a matter of course, we will always consult those who would be named in regulations. Nonetheless, I can see the value in putting such a requirement in the bill. However, as it is drafted, Ms Baillie’s amendment imposes a requirement for ministers to consult designated regulators whenever there is a proposal to designate a new regulator. When regulations are made for the first time, there will, of course, be no existing designated regulators. Amendment 18 therefore does not guarantee proper consultation with those who are about to be designated.

I believe that amendment 18 presents another challenge, in that it requires consultation with all designated regulators every time. That means that if there are already a number of designated regulators, each and every one of them must be consulted on the proposal to designate someone new, even if that new regulator operates in an entirely different field. I am, of course, open to the possibility, and am cognisant that there might be—indeed, it is likely that there will be—cases in which designating a new regulator could impact on a regulator that has already been designated under section 8. However, I believe that such a situation is also likely to be rare. In my view, it would therefore be unnecessary to require, as standard, consultation with all designated regulators.

The Government’s amendment 22 maintains the consultation requirement that Ms Baillie’s amendment 18 seeks to establish. It also notes that those whom it is proposed to designate must be consulted, but it removes the additional blanket requirement to consult all existing designated regulators.

I hope that I have reassured Ms Baillie that her intent in lodging amendment 18 is encompassed in my amendment 22. I therefore urge her not to move amendment 18.

I move amendment 22.

Jackie Baillie: I rise to speak in favour of the minister’s amendment 22 and to explain why I intend not to move amendment 18.

Amendment 18 arose from an approach from the Law Society of Scotland, which I shared with the minister because time was extremely tight—we were up against the deadline. I am delighted that the Scottish Government has agreed that there is a gap in the legislation and has lodged its own amendment, which has the same intention as

my amendment 18. As the minister has confirmed, the Scottish Government's view is that amendment 18 would have the unintended consequence of imposing an obligation to consult all designated regulators whenever a new single regulator was to be designated.

I accept that the Scottish Government's amendment 22 makes the position clearer. On this occasion, and for that reason, I am therefore content not to move my amendment 18 in favour of amendment 22 in the name of Jamie Hepburn.

Amendment 22 agreed to.

Section 12—Exemptions from requirement to provide information

The Presiding Officer: Group 6 is on information gathering and exemptions. Amendment 9, in the name of Jackie Baillie, is the only amendment in the group.

Jackie Baillie: Amendment 9 arises from a further discussion with Electrical Safety First. From my early days of seeking to understand it, I recall that “may” and “must” have the same effect in legislation. However, I note that the minister has previously said that he was allowing for consumer Scotland to outsource the creation of the database if it wished to do so, although that would be a matter for it to consider.

Amendment 9 therefore seeks reassurance on that point. Although I hope that consumer Scotland would not outsource the creation of the database, the amendment would make it clear that it would have a duty to publicise and disseminate information about major product recalls. That is, of course, consistent with the committee's recommendation in its stage 1 report. Even if consumer Scotland were to decide to do the database itself, we could still find ourselves in a situation in which it published the details of major recalls on its database but then was not required to publicise them any more widely—hence the replacement of “may” with “must” to put that beyond all doubt.

I will, however, as I always do, listen carefully to what the minister says and I hope that he can either provide me with some reassurance that consumer Scotland will publicise the details of major recalls irrespective of whether we use “may” or “must”, or just support my amendment.

I move amendment 9.

Jamie Hepburn: I respect the fact that Ms Baillie is advocating for clarity and certainty. However, if amendment 9 was agreed to, it would have wider applicability than what she is seeking to add. On that basis, I am somewhat concerned by what is laid out in the amendment. In my view,

the bill already provides the clarity and certainty that is required.

The requirement could stray into areas related to information that could be withheld in court. Section 12(1) of the bill clearly states that notices requiring information cannot cover anything that could be withheld in court. I know that the Law Society of Scotland raised that issue, which is a matter that it should be familiar with. Framing the exemption in terms of information that could be withheld in court has precedent in other legislation as well.

On the points that Ms Baillie has raised, I feel that it is still important that we provide the organisation that we seek to establish with the scope and the ability to determine its work. Of course it is important that the organisation considers that in the context that Ms Baillie laid out but, across the board, I am concerned about the applicability of this amendment in relation to information that can be withheld in court. There are precedents for that in a raft of other legislation. On that basis, I urge Ms Baillie not to press her amendment 9, with the assurance that I think that the bill already achieves what she is seeking.

Jackie Baillie: I understand what the minister is asking. I am not altogether clear that he gave me the assurance that I am looking for so I will try again, because I want to be helpful. In order for me not to press the amendment, I need the minister to agree—and I am happy for him to intervene to clarify this—that he expects consumer Scotland to publicise the details of major recalls that it publishes on its database. Before I sit down, if the minister would like to intervene and say yes—

Jamie Hepburn: Within the parameters whereby consumer Scotland is an independent body, yes, that would be the expectation.

Jackie Baillie: I have heard very clearly from the minister what his intentions are, which was much more helpful than the note provided to him by the civil service. On that basis, I will not press amendment 9.

Amendment 9, by agreement, withdrawn.

Section 13—Forward work programmes

The Presiding Officer: Amendment 10, in the name of the minister, was debated in group 3. I ask the minister to move amendment 10.

Jamie Hepburn: Thank you, Presiding Officer—

The Presiding Officer: You just need to formally move it. It was debated earlier.

Jamie Hepburn: I beg your pardon.

Amendment 10 moved—[Jamie Hepburn]—and agreed to.

Section 14—Reports on investigations

The Presiding Officer: Group 7 is on minor and technical amendments. Amendment 11, in the name of the minister, is grouped with amendments 12 to 16.

Jamie Hepburn: Thank you—I was getting somewhat ahead of myself when I rose to my feet just then. Let me find the right speaking note. These amendments are very much minor and technical in nature, so I will seek to keep my remarks short.

At stage 2, amendments from Jackie Baillie were accepted that require consumer Scotland to set out in its investigation reports and in its annual reports how it has had regard to the activities carried out by other bodies with similar functions.

At the same time, Government amendments were accepted to broaden the principal duty on consumer Scotland under section 6(3). Consumer Scotland will now be required, when carrying out its functions, to have regard to activities carried out by

“specified persons and any other persons”

with similar functions, which could be a body or an office-holder. I noted at the time that, if both sets of amendments were accepted, the bill would need to be tidied up at stage 3 so that it referred throughout to

“specified persons and any other persons”.

That is what amendments 11 to 14 now do.

15:30

Amendments 15 and 16 alter section 23 to ensure that the list of definitions in that section is in alphabetical order, which is in line with best practice for the layout of legislation and allows for more straightforward reading of an act of Parliament, which I hope the bill will become. However, the amendments do not make any changes to the definitions. The key definition of “consumer” was previously at the top, in order to give it prominence, but that is no longer necessary now that it is in a section on its own.

I move amendment 11.

Amendment 11 agreed to.

Amendment 12 moved—[Jamie Hepburn]—and agreed to.

Section 15—Annual report

Amendments 13 and 14 moved—[Jamie Hepburn]—and agreed to.

Section 16—Consumer welfare report

Amendment 4 moved—[Jackie Baillie]—and agreed to.

Section 22A—Meaning of “consumer”

The Presiding Officer: Group 8 is on the meaning of “consumer”. Amendment 23, in the name of Richard Leonard, is the only amendment in the group.

Richard Leonard (Central Scotland) (Lab): The purpose of amendment 23 is straightforward. The bill contains a number of references to “consumers”, in the plural, but in section 22A, which is on the meaning of “consumer”, the term is defined as either

“an individual ... who purchases, uses or receives, in Scotland, goods or services”,

or

“a business ... no larger than a small business”.

It is fundamentally important that the new body, consumer Scotland, should not be able to represent only individuals and small businesses; it should be able to take a class action or collective action and represent a community perspective. After all, there is obviously a community dimension to the consumption of services such as broadband or public transport or to the surcharging of parcel deliveries, and to the quality, price and frequency of services that communities receive. It would be frustrating if local collective community interests sought guidance and intervention from consumer Scotland only to be told that the body was not empowered to assist in that dimension of real consumer interest because the Scottish Government or the Parliament had blocked amendment 23.

The Parliament has a proud track record of backing a community perspective, whether that is through the Land Reform (Scotland) Act 2003 and community ownership or community rights under the Community Empowerment (Scotland) Act 2015. Communities are affected by markets operating well or failing badly, and the bill should expressly recognise that. I am bound to say that, if we can define businesses as consumers, surely we can define communities of people as consumers. The consumer is more than the individual and should not materialise in the legislation only as an individual figure. Let us therefore amend the bill with amendment 23 to reflect that.

I move amendment 23.

Gordon Lindhurst (Lothian) (Con): Although we have much sympathy with Richard Leonard’s position on amendment 23, which certainly has merit, I think that the minister will set out reasons

why he will not support it. Part of the difficulty with it is that it would extend the scope of the bill too much. We need to see the bill in operation and see whether it is working well. The bill has already been expanded to apply to organisations such as small businesses and certain social enterprises, which is welcome, but the extension that Mr Leonard is looking for might be a step too far at this stage. I will wait to see what the minister has to say about the amendment, but there is a lot of sympathy for it among Conservative members.

Jamie Hepburn: I apologise that, despite this amendment being in the last group of amendments, albeit that it is in a group on its own, it is likely to be the one that I have to speak to the longest.

I agree with Gordon Lindhurst's sentiments and do not demur from the points and principles that Mr Leonard has laid out with regard to the necessity of considering communities of consumers. I would have been very happy to have discussed this matter in more detail with Mr Leonard to ensure that his concerns were addressed. I think that I made that offer but, unfortunately, we did not have that opportunity. I would have been happy to speak to Mr Leonard.

The bill identifies the consumer as an individual and the small business as an individual small business. Inevitably, when consumer Scotland takes forward its work, it will look at it on the basis of how it impacts individuals and small businesses plural. The concerns that Mr Leonard has laid out are already encompassed in the definitions that are set out in the bill.

In the amendment's literal interpretation, I believe that there are significant challenges. In brief, they are as follows. First, the bill has already been significantly amended to widen the definitions of "consumer" and "business". As I have said, in doing so, that will already capture many of the community bodies that are included in the amendment. Secondly, almost as a direct consequence of the first point, there is a risk that we will send a confusing message that other small organisations are not captured, precisely because we have carved out a particular reference to community bodies, when small community bodies are already caught by the existing provisions. Thirdly, by including community bodies regardless of their size, it potentially privileges medium-sized community bodies over other comparable organisations, such as medium-sized charities, without a clear rationale for doing so. Finally, and linked to my first point, the definition of "consumer" has already been significantly altered and we run the risk of overcomplicating and diluting it to the point of being difficult to exercise meaningfully.

I will say a little about each of those points in turn, and I will be as brief as I can. I will set out

broadly what the term "community body" means under the Land Reform (Scotland) Act 2003. Section 34 of the act defines it as a body whose main purpose is consistent with furthering sustainable development and is a limited company; a Scottish charitable incorporated organisation; a community benefit society; or a body of such other description as may be prescribed.

At stage 2, the Consumer Scotland Bill was amended to widen the definition of "consumer" to include a business that is no larger than a small business. The definition of "business" in section 23 of the bill was also amended to include "a not for profit enterprise". For the purposes of the bill, that means an organisation that a person might reasonably consider to exist wholly or mainly to provide benefits for society. A Scottish charitable incorporated organisation and a community benefit society therefore ought to already fall within the definition of a "not for profit enterprise", and a limited company would ordinarily fall within the broader definition of a "business" anyway.

Therefore, provided they are small, all those bodies are already covered. If small community bodies are already captured, there is no value in an amendment to clarify that they are captured. Indeed, doing so with a definition that limits community bodies to those with purposes that are consistent with sustainable development has the potential to have the opposite effect. It could suggest that charities and other small community bodies with a different purpose will not be caught by the existing definition of them as businesses by virtue of being "not for profit enterprises".

It is important to remind ourselves that we are making law here. It is always subject to legal interpretation, and that could be an unintended consequence were this amendment to be passed.

I turn now to the next difficulty that I have with the amendment. It does not limit the definition to small organisations, in contrast to existing provisions around small businesses. The definition of community bodies that the amendment uses requires that the bodies must have a minimum of 10 members, but it sets no upper limit.

The fact that membership has to be confined predominantly to a community does not guarantee that the organisation will be small. As an example, under the Community Right to Buy (Scotland) Regulations 2015, a community defined by a postcode could include everyone who is entitled to vote in Edinburgh with a postcode beginning "EH". I am not picking on Edinburgh particularly; that would also stand for other postcode areas.

I of course understand the point—and I reemphasise it—that consumers within a geographical area could have a common interest,

and they are already encompassed within the definition in the bill, as amended at stage 2. However, it is important to note that, when we apply what is laid out in Mr Leonard's amendment, we are talking about organisations rather than communities per se. Whether or not it is intended to, the amendment therefore allows for the inclusion of bodies that are not small, which is also problematic. It would mean that medium-sized organisations would be considered consumers, but only if their purposes are consistent with sustainable development. That would privilege medium-sized bodies with that goal over many medium-sized businesses and charities with other equally laudable objectives. There is, I believe, no clear rationale for doing that.

Finally, as I have noted, amendments at stage 2 already significantly expanded the definition of consumers. Amendment 23 would be a further expansion, which could give weight to the argument that we have moved away from the idea that was originally consulted on prior to the introduction of the bill.

It is important to remind ourselves that the amendment, if agreed to, would also apply to the consumer duty. Public authorities, including local authorities, would have to consider community bodies—regardless of size—as part of discharging the duty. That has not been consulted on, and its timing now means that there has been very little opportunity to understand the practical impact of adding that to the definition. For all those reasons, despite recognising the good intent behind it, I urge Mr Leonard to withdraw his amendment at this stage.

As I have laid out, I believe that many of the organisations that Mr Leonard seeks to protect would already be covered by the bill and that the idea of community interest, which I agree with, is already encapsulated within the applicability of the individual consumer being multiplied to consumers, plural, as it will be in consumer Scotland's interpretation of its work. I hope that that provides Richard Leonard with some reassurance, and that he withdraws his amendment. However, if he presses it, I urge members to vote against it.

The Presiding Officer: I call Richard Leonard to conclude in this group, and to press or withdraw amendment 23.

Richard Leonard: I have to say that I find the argument that the fact that the bill has already been amended means that we cannot lodge another amendment about the weakest argument that I have heard in this Parliament in four years. Of course we have scope as a Parliament to make amendments to the bill if we think that its definitions and scope do not sufficiently recognise

the challenges that this new body, which is being created for the first time, will face.

Jamie Hepburn: I would have hoped that Richard Leonard heard that I spoke extensively, and that that was not the core part of my argument. Nonetheless, I hope that he will reflect on the fact that both Ms Baillie and Mr Wightman were able to say that we worked together very closely to draft amendments that were consistent with the purpose of the bill and which enhanced it. That opportunity was available to Mr Leonard, which I made very clear, and I would have been very glad had he taken it; sadly, he did not.

Richard Leonard: For the record, Mr Hepburn and I met in his office after the stage 1 debate in this Parliament and we spoke explicitly about the need—[*Interruption.*] We spoke explicitly about the need to alter the bill to reflect—[*Interruption.*] If Mr Hepburn wants to intervene, I will take his intervention.

Jamie Hepburn: I am happy to intervene, because it is important that we are accurate on these matters. It is correct that Mr Leonard and I met in advance of stage 2, and that he had the opportunity to lodge an amendment at stage 2, when we could have tested these ideas and then—perhaps—finessed them. It is important to note for the public record that Mr Leonard failed to lodge an amendment at stage 2.

15:45

Richard Leonard: Let me move on to the other arguments—[*Interruption.*] I want to make it absolutely clear for the record that Mr Hepburn and I have met to discuss this amendment. In the interest of consensus, he could have offered to meet to discuss it in more recent days, not least because the stage 3 proceedings were postponed a few weeks ago.

The other point that I want to make is this. As I said, if we as a Parliament are in favour of extending the definition of “consumer” to include small businesses, it seems rather odd that we cannot extend it to include communities. I listed some examples of legislation that this Parliament has passed where the entity of a community is seen as an important part of the fabric of our society.

Jamie Hepburn: I totally agree with the notion that a community of consumers must be considered, and the definition that we have, as laid out in the bill, already encapsulates that perfectly. It refers to an individual consumer, but consumer Scotland, in taking forward its work, is clearly going to consider those consumers on a collective basis, ergo as a community of consumers.

It is important to reflect that Mr Leonard's amendment talks not about communities but about "a community body". That has perfect application in many pieces of legislation, but it would have inherent problems within the confines of the bill. As I have laid out, there is a danger that it would cause confusion and perhaps pervert some of the very interests that Mr Leonard seeks to advance, with small charities being interpreted as not being encompassed. That could cause real problems. On that basis, I urge him to withdraw his amendment.

Richard Leonard: I will finish on this point. I think that, if we do not agree to amendment 23, there will come a point in the not-too-distant future when a community seeks to prosecute its interests through consumer Scotland and, by dint of our not agreeing to the amendment today, if that is the way that Parliament votes, that community will ask why on earth it is that a small business has access to advocacy from consumer Scotland but a community interest does not.

The Presiding Officer: I assume that Mr Leonard is pressing his amendment. The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: As this is the first division of the afternoon, I will suspend the meeting for five minutes while I call members to the chamber.

15:47

Meeting suspended.

15:52

On resuming—

The Presiding Officer: We move straight to the division on amendment 23.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 14, Against 38, Abstentions 16.

Amendment 23 disagreed to.

Section 23—Interpretation

Amendments 15 to 17 moved—[Jamie Hepburn]—and agreed to.

Section 24—Regulations

Amendment 18 not moved.

Schedule 1—Consumer Scotland

*Amendments 5 to 7 moved—[Jackie Baillie]—
and agreed to.*

The Presiding Officer: That ends our consideration of amendments.

At this stage in the proceedings, members will be aware that I am required, under the standing orders, to decide whether any provision of the bill relates to a protected subject matter—that is, whether it will modify the electoral system and franchise for Scottish parliamentary elections. The bill will do no such thing, therefore it does not require a supermajority to be passed at stage 3.

Consumer Scotland Bill

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-21657, in the name of Jamie Hepburn, on the Consumer Scotland Bill at stage 3.

15:57

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I am opening the stage 3 debate on the Consumer Scotland Bill in unprecedented times. The debate had been scheduled to take place a number of weeks ago but it was delayed, which was, of course, proper in the context of the challenges that we face.

In the circumstances of our responding to Covid-19 and dealing with matters of life and death, the bill and its aims might be felt to be somewhat trivial. In that context, it is hard to see what might not be viewed as such.

During this period, the importance of protecting our citizens—specifically by ensuring that the most vulnerable are well protected and looked after—has been highlighted in a way that we have never had to grapple with previously. We will come through these difficult times, and, on that basis, we must plan for the future. Today, we have the opportunity to ensure that all consumers in Scotland—in particular, vulnerable ones—have a recognised voice. In that sense, the bill remains important.

I thank everyone who has contributed to the scrutiny of the bill so far. Since its introduction, in June, members and stakeholders have worked together to ensure that the bill creates the framework that consumer Scotland needs.

The positive stage 1 debate confirmed Parliament's support in principle, and I took any challenge that was offered in the spirit of seeking to ensure the success of consumer Scotland. I am grateful for the work of the Economy, Energy and Fair Work Committee and its extensive scrutiny of the bill, as well as that of the Finance and Constitution Committee and the Delegated Powers and Law Reform Committee.

I will take a few moments to talk about the important areas that are set out in the bill: collaboration, vulnerability and consumer Scotland's role.

At stage 1, we heard clear concerns about how the body would interact with an existing complex landscape. My intention has always been that the body will collaborate and build relationships, and we have taken steps to make that explicit in the bill. As the committee recommended, we have expanded the organisations that consumer

Scotland is required to take account of. Those are no longer only public bodies, but any body or office holder who carries out the same or similar activities.

We have also gone further. Ministers can name, in secondary legislation, specific bodies or office-holders whose activities must be considered by consumer Scotland when it is exercising its functions. I particularly thank Jackie Baillie for her helpful interventions in that area. She has helped to ensure that consumer Scotland must not only take account of organisations and office-holders but demonstrate how it has done so in its annual report and in any report that follows on from an investigation by consumer Scotland.

At stage 1, we heard that the definition of “vulnerable consumer” did not reflect current understandings of the term, nor how consumers experience vulnerability. Jackie Baillie pointed us to the definition that is used by the Scottish Legal Complaints Commission, and I believe that we now have a definition that truly reflects the range of circumstances and characteristics that give rise to vulnerability. As a result of amendments that we agreed to a few moments ago, vulnerable consumers will be better represented in the body. As a result of Ruth Maguire’s amendments, we have laid out very clearly that consumer Scotland must communicate inclusively to reach out to all consumers, and I am very grateful to her for having taken that matter forward.

Consumer Scotland’s role has been clarified in useful ways. The definition of “consumer” has been widened to include small businesses, in response to the clear message that small businesses often face similar issues to those faced by individual consumers—which might be true now more than ever. That does not mean that individuals are no longer the primary focus. Consumer Scotland will set its own work priorities on the basis of the evidence of where there is most harm and in collaboration with other consumer organisations, where desirable. However, it does mean that consumer Scotland has scope to consider a greater range of harms and to ensure that its investigations are comprehensive.

The bill reflects the reality that consumer Scotland is being established precisely because we understand that consumption is not limited to a traditional idea of high street purchasing. Consumers are both agents and targets of change, and that is clearest in the realm of environmental issues. Andy Wightman often made such points over the course of the bill’s consideration, and the bill now takes account of the impact that consumers can have on the environment and the interest that consumers have in helping to preserve it. That work has helped us

to create a more forward-looking body that reflects the challenges that we face now and in the future.

There remains significant work to ensure that consumer Scotland delivers its potential, and I remain committed to taking forward that work in partnership with those who know the system best. Presuming that Parliament agrees to pass the bill today, as I hope we will, our next step is to appoint the chair and members, who will be regulated by the Commissioner for Ethical Standards in Public Life in Scotland. Recent events mean that that process will not be under way as quickly as we had hoped, but, no matter when it is completed, we will work to ensure that the body has a diverse membership with the full range of skills and experience that is required.

The bill is an opportunity for us to ensure that consumers have a voice, that their interests are represented and that their own capacity to drive change is properly harnessed. The situation in which we presently find ourselves has revealed how important it is that consumers have the information that they need and are mindful of the impacts of their own behaviour. We began this process because we recognise that consumers are the lifeblood of our economy. In the months ahead, they will be vital in rebuilding our economy and supporting our local businesses. Consumer Scotland and the consumer duty are key steps to realising that potential, and we can move towards that if Parliament agrees that the Consumer Scotland Bill be passed.

I move,

That the Parliament agrees that the Consumer Scotland Bill be passed.

16:04

Maurice Golden (West Scotland) (Con): The aim of the bill, which is to strengthen the protection, trusted advice and support offered to consumers, is very much welcome. However, a central concern, which has been raised repeatedly at all stages, is that the bill seeks to introduce a new consumer body—consumer Scotland—to an already crowded landscape of consumer support.

We already have Citizens Advice Scotland, Advice Direct Scotland, Which? and the Competition and Markets Authority, not to mention Trading Standards Scotland. Despite that concern having been raised in the stage 1 report, there is still no clearly defined relationship between consumer Scotland and those organisations. I believe that that is both potentially problematic and a missed opportunity. For example, the Competition and Markets Authority has an expanding presence in Scotland. It strikes me, as it did the British Retail Consortium, that during the bill’s consideration would have been a good time

to establish a firm working relationship between those two bodies.

There is still no detail on how data sharing will work between organisations. Exploratory talks with the United Kingdom Government on using frameworks that are in the Enterprise Act 2002 are welcome, but that issue should have been properly fleshed out at the bill's inception.

We must also be mindful that coronavirus will have an impact on the consumer landscape that is as yet unknown. That underscores the need to properly define consumer Scotland's role, otherwise we risk unnecessary duplication of work at increased cost. Energy Action Scotland raised that concern before the outbreak, and it is all the more relevant now.

The risk of duplication has led many to question the need for a new body, when a properly resourced Citizens Advice Scotland arguably could fill the role. It has a presence in just about every community in Scotland and dispensed more than 220,000 pieces of consumer advice last year alone, yet it will lose £300,000 in funding following the introduction of consumer Scotland .

Therefore, although I understand the minister's intent in setting things out in the bill at a high level, I believe that there is a need to properly focus consumer Scotland on areas where it can do most good. Product recall is a good example of an area where it can make a big impact. The Economy, Energy and Fair Work Committee has heard about the inadequacies of the product recall system in Scotland, and a recommendation was made that consumer Scotland should co-ordinate and disseminate recall information.

As things stood, no such provision was in the bill, although attempts were made to add it at stage 2. Therefore, I am delighted that the so-called Whirlpool amendment, which was lodged by Jackie Baillie and which ensures that product recall falls within consumer Scotland's remit, has been agreed to at stage 3. That change will allow for the publication of regular recall updates, as well the creation of a publicly accessible database of recall information. That will strengthen the bill.

In a similar way, the Scottish Conservatives have already strengthened the bill by ensuring protection for small businesses. Small businesses—especially small rural businesses—are often affected by the same issues that face individuals. We worked with the Scottish Government to ensure that the definition of “consumer” would include small businesses. That means that the new duty in relation to consumer interests will apply to them too, which will ensure that public bodies have to take account of the impact of their actions on small businesses.

That definition of “consumer”, together with the bill's potential to strengthen the consumer safety net, mean that the Scottish Conservatives will support the bill today. The task will then be to ensure that consumer Scotland delivers a clearer consumer advice service in Scotland.

16:09

Richard Leonard (Central Scotland) (Lab): The Scottish Labour Party is in favour of the creation of consumer Scotland, on the understanding that it will deliver added value, strengthen consumer advocacy and work collaboratively with existing organisations in the field, including user groups, customer forums and, of course, the excellent, community-based citizens advice bureaux. At decision time, we will vote for the bill, and that will go on the record.

However, also on the record must be our belief that our limited parliamentary time today should not have been devoted to the bill, when there are other, more urgent issues to address. Those issues arise from the Covid-19 pandemic, which has seen more than 2,000 deaths in Scotland—too many deaths in residential care homes, and too many front-line staff losing their lives in trying to keep the rest of us from losing ours. That is what the Parliament should be debating; we should be leading by example.

A few weeks ago, Citizens Advice Scotland said:

“The Bill as presented is too greatly focused on the single output of creating Consumer Scotland and too little is said about how this action creates a better outcome for citizens”.

It is right.

As Scottish Labour members have said all along, consumer Scotland's objectives need to go well beyond just the elimination of harm. It should not just be defensive; it should be proactive. It should not be concerned simply with consumer protection; it should be concerned with consumer benefit. That is why, for example, it should have an important strategic role in consumer education.

As we all know, it is one thing to have rights. It is another for people to know their rights, and it is yet another to access the enforcement of those rights. That is why Jackie Baillie's amendments to the bill are so important. It is also why we must understand that, in the end, it is the poorest in our society who are, as consumers, cheated the most. It is worse than that, however: they are also the least likely to be able to access those powers of enforcement, and so the least likely to get justice. If it does nothing else, therefore, I hope that the new consumer body will understand that and will stand up for them, and that it will make that its first priority.

Another fundamental point to consider is that, 50 years ago, J K Galbraith wrote:

“In virtually all economic analysis and instruction, the initiative is assumed to lie with the consumer ... This is called consumer sovereignty.”

However, he also said that that was no longer true. In the new industrial state, there is at work what he described as “the revised sequence”, in which markets are controlled not by consumers but by producers and their interests.

Today, the idea that the consumer is king is even more of a myth than it was back in the 1960s. We know that power over markets rests with an ever-narrowing elite of owners of production with huge corporate power. Consumers need, now more than ever, a guardian—and an active one, not a passive one, at that.

For example, tackling the social injustice of the parcel surcharging of residents in remoter parts of Scotland must be an early priority for the new body. Moreover, while consumer Scotland might be able to deal with some of the symptoms, it should also be able to influence the root causes, such as the abandonment of average pricing and the emergence of marginal pricing; attempts by the management of Royal Mail to slide away from the universal service obligation during the Covid-19 pandemic; the growth of the gig economy; and the rolling back of the state.

Labour members believe that it is important for the bill to treat consumers not just as their manifestation as individuals, but as a community interest, too—as my amendment sought to bring about.

At stage 1, the minister made play of consumer Scotland’s independence from Government, saying in his closing speech in the debate that it

“will be wholly independent of Government and of political direction.”—[*Official Report*, 23 January 2020; c 108.]

He said that again today—yet, under schedule 1 to the bill, the minister will appoint consumer Scotland’s chair and all its board members.

I will end on this point: that is why we are keen for the new body to be not just answerable to Government, but directly accountable to the Parliament. That would be a better framework for the body to work in, and that is what we want to see when it is brought into being in the weeks and months ahead.

16:14

Andy Wightman (Lothian) (Green): I have to confess that I began my contemplation of the bill with no great enthusiasm. However, I am happy to report that, as the debate has proceeded, I have seen some merit in it. Some aspects being

reserved, however, has been a cause of frustration for some of us, throughout the process.

I thank the minister for the constructive manner in which he has engaged with members. That has been a great joy to me. There are many examples in which his and his colleagues’ good intentions in other respects appear to exist only briefly then to vanish into thin air.

I also thank colleagues on the Economy, Energy and Fair Work Committee—in particular, my good friend Jackie Baillie, whose wise counsel we now greatly miss on the committee—and all those who gave evidence. It is a reflection of the consensus on the bill and of good working relationships that, for the first time as an MSP, I did not press any of my stage 2 amendments.

I thought that I would have six minutes for this speech, but I have only four. I will use that time to say a little bit more about the two amendments that I moved and secured earlier this afternoon, which sought to empower consumer Scotland to promote environmentally sustainable consumption, and to foster wellbeing.

I think that it was agreed that the bill was too narrowly focused on what I would describe as a traditional view of consumerism: a linear and transactional view. It is now widely accepted that globally, as a society, we consume as if we had three planets’ worth of natural resources, and as if we had the capacity to absorb the waste that we create. Friends of the Earth Scotland has done some analysis of the matter, and recently concluded that Scotland’s material consumption across all sectors accounts for 68 per cent to 74 per cent of our entire carbon footprint.

We need to move towards a circular economy; I hope that there will be legislation in that regard quite soon. That would mean having an economy that cuts carbon emissions and reduces the amount of waste that we generate, thereby providing employment opportunities, lowering the cost of goods and so on.

I did some investigations on the subject. It was interesting to note that, internationally, the United Nations has adopted guidelines for sustainable consumption. In its most recent conference on trade and development, it highlighted the importance of consumer protection laws and their being based on promotion of sustainable consumption.

We need to reduce our consumption of natural resources, because they are finite and because consumption of them drives climate change. We need to do that because rates of consumption in the rich world impose a disproportionate debt on poor countries, and because consumer choice can too often drive the process of damage to the natural world. Not only that, but we have

international legal obligations under the UN sustainable development goals—in particular, goal 12, which is to

“Ensure sustainable consumption and production patterns.”

To date, worldwide material consumption has topped 92 billion tonnes. It is projected that without urgent and concerted political action, global resource extraction could grow to 190 billion tonnes by 2060. That growth is not sustainable. Consumers, and how they acquire, use and dispose of goods, are key to correcting that trajectory. I am delighted that consumer Scotland will now have an important, albeit modest, role in securing that goal.

Another matter that was widely discussed at stage 2 was wellbeing, which is now an important policy goal of the Scottish Government and, indeed, of a number of Governments globally. We believe that wellbeing can be advanced by high standards of consumer advice. UN sustainable development goal 3 places a duty on us to promote wellbeing, and wellbeing also sits at the heart of our national performance framework.

Over the past few weeks, people’s lives have changed dramatically. We are flying less, driving less, producing less and consuming less. That reduction in consumption will have an immediate effect on the natural environment. As, in time, the crisis recedes and we move into the recovery phase, we might expect that there will be longer-term consequences for our patterns of consumption. Some of those will be very necessary changes, so I am pleased that the Scottish Greens will support the bill at decision time.

16:18

Alex Cole-Hamilton (Edinburgh Western) (LD): The global outbreak of coronavirus overshadows the debate, and has permanently changed the already complex landscape of consumer protection and advice. The nature of the emergency and its impact on the wider world—not least on the economy and consumerism—is the subject of intense scrutiny, and will be for many years to come.

We welcome the creation of consumer Scotland, but it needs to add value to what already exists, rather than displacing or duplicating it.

Consumer advice remains patchy and can be confusing for vulnerable and older people, as was highlighted by Age Scotland at stage 2. The creation, through the bill, of a new body, with its duty to consider the interests of vulnerable consumers—in particular, disabled, older, low-income and rural consumers—is of paramount importance, yet it remains unclear in the bill how

consumer Scotland will interact with existing bodies. I look forward to clarification of that in the minister’s closing speech.

Citizens Advice Scotland does valuable work on everything from social security and housing, to employment, to relationships and so much more. Its importance to society has been highlighted throughout the current emergency. A recent survey for Citizens Advice Scotland found that the financial impact of the coronavirus is such that more than 40 per cent of Scots are concerned about their income, with a third of respondents expressing concern about their ability to pay rent or utility bills. In that light, Citizens Advice Scotland has, like many other organisations, launched a new helpline. The helpline will supplement the service in its 59 local offices, and will offer guidance and support for people in need.

Covid-19 has created an array of new challenges when it comes to protecting the most vulnerable people in our society. Protecting vulnerable people from fraudulent activity, including scams, has become so much more important, as is outlined in the Competition and Markets Authority’s report, “Protecting consumers during the coronavirus (COVID-19) pandemic: update on the work of the CMA’s Taskforce”, which was published on 24 April. Although the majority of businesses continue to behave responsibly during these unprecedented circumstances, a very small minority are exploiting the situation by making misleading claims about goods and services, or by ignoring customers’ attempts to cancel bookings or exercise other rights.

As it stands, the whole new system that the bill will create does not take proper account of other organisations in Scotland that play an important part in the consumer landscape. As we plan for the future, it will be imperative that Scotland takes a more nuanced and collective approach to consumer protection. That is another reason why we need assurances that consumer Scotland will add something new.

The current pandemic is not the only challenge ahead: what will happen with Brexit is also central to consumer safety. Currently, about 90 directives and regulations make up the body of European Union consumer protection law. Car hire, holidays, restaurants, product quality and advertising are all legislated for by Europe. Outside the single market, protections could easily be diluted and trade agreements could expose our markets to forces that work against the interests of British and Scottish consumers.

What will happen to the weekly alerts about dangerous products? Electrical Safety First says that, last year alone, white goods caused a house fire almost every day in Scotland. Jackie Baillie

mentioned that in her remarks on her amendment 3, which requires consumer Scotland to establish a central database of major recalled goods and inform consumers who are adversely affected in that regard. Jackie Baillie's approach is significant, and will reduce the harm that is caused by defective and faulty goods. We need strong advocates to protect consumers.

I have raised concerns about protecting consumers' rights online. The CMA notes that, since the beginning of April, the proportion of complaints that relate to online goods and services has risen: some 74 per cent of complaints about cancellations have related to goods and services that were bought online. Those are just some of the challenges that the new body will face.

I am running out of time, Presiding Officer. The combination of the people-focused approach that is provided by a wide realm of organisations and a holistic higher-level approach has the potential to deliver concrete and sustainable improvements for the people who most need them. The Liberal Democrats will therefore be happy to support the bill at decision time.

The Deputy Presiding Officer: We move to the open debate.

16:23

Keith Brown (Clackmannanshire and Dunblane) (SNP): I am grateful for the opportunity to speak in support of the bill, which seeks to safeguard consumers' interests and welfare, and to ensure that they can play a part in building the inclusive and sustainable economy that Scotland requires in the 21st century.

As Richard Leonard said, classic liberal market ideology suggests that the consumer is king or queen, but very often what we see, especially from free marketeers, is the championing of vested interests, corporations and large organisations at the expense of consumers. I have never understood why people who believe in free markets do not do more to champion the interests of consumers.

I have always believed that markets are important and can be productive, but they should be subject to society's control rather than society being controlled by markets. We can see examples of the egregious misuse of power when we look at what has happened to people's travel plans and consider the unwillingness of companies to return money that was paid to them in good faith even though they did not provide the services that were paid for.

At a time of such uncertainty about our exit from the EU, the climate emergency and the coronavirus pandemic, it is more important than

ever that people who live in Scotland have a strong and independent voice to champion their interests as consumers and ensure that they are not left behind by forces outside their control.

Members mentioned the huge and understandable drop-off in consumption. When we have the recovery, I hope that companies small and large will appreciate that consumers should never be taken for granted and should be given the rights that they are due. Consumer Scotland can be the champion for ensuring that that happens. It should make sure that there is an understanding that it will operate in a complex consumer landscape, and that it will complement and work with bodies that already provide excellent advice and advocacy services. It is good to see support for those principles and the bill across the chamber and from bodies such as the Law Society for Scotland and Which?. Members of the Scottish Parliament have to strive to improve the lot of our constituents, and that means empowering them to take decisions over their own lives and ridding our communities of want and poverty.

The bill represents an important tool for the Government in its efforts to address the power imbalances that our constituents continue to experience. Every day, our constituents experience harm as consumers—some examples have been given already—that are enabled through the distinct imbalances of power that allow those with particular vulnerabilities to be exploited. Members have rightly raised the injustices of exorbitant delivery charges for their rural constituents, and my constituents face difficulties with energy and utility providers. Today, we have the opportunity to support a bill that will protect constituents from those harms and empower them to participate as well-informed and active members of inclusive and fair markets in Scotland.

However, as always, the debates over how we may best improve our society and the lives of our constituents are constrained by the Scottish Parliament's lack of powers. To me, it is absurd that the UK Parliament retains any powers over consumer protection and competition—full powers that were sought by the Scottish Government. I know that I speak for many colleagues when I talk of feeling a deep frustration that, when Scotland seeks to lead within the UK, we are often constrained by a UK Government that holds important reserved powers but lacks the ambition or vision to use them. What possible opposition could there be to devolving further powers to the Scottish Parliament? The division of these particularly powers between the Scottish and UK Parliaments does not make any sense. If people were to look at the situation objectively, they would not be able to see why the division of powers in this area has been decided in the way that it has.

It is to the credit of the Scottish Government that it has managed to put together a rational bill that will help to address those issues, but we cannot pretend that this is the best way to conduct our affairs.

The empowerment of the powerless and the vulnerable, and in this case of the individual against the faceless corporations, is best served by handing the Scottish Parliament further powers. Let us face it: a Tory-led, post-Brexit Britain could provide no stronger argument for increased powers for Scotland and it also raises, as Alex Cole-Hamilton said, real concerns for consumer rights and protections. Tory MPs have promised a bonfire of EU regulations, which could have significant repercussions for consumers in Scotland. There is a real risk that standards and rights will be slashed in a race to the bottom. It is not right or just that attempts by Parliament to advance the rights of consumers in Scotland could be undone by a rampant right-wing Tory Government in hock to its big business donors. Until the Scottish Parliament has full powers over our affairs, we will continue to work with one hand tied behind our back, and the bill could be much improved—[*Interruption.*]

The Deputy Presiding Officer: The member is just closing.

Keith Brown: The bill could be much improved with full powers for the Parliament over matters of competition and consumer enforcement.

The Deputy Presiding Officer: Please close, Mr Brown.

Keith Brown: However, I am pleased to speak in favour of the bill, which will safeguard the consumer interests of my constituents and others across Scotland.

16:28

Michelle Ballantyne (South Scotland) (Con): Ironically, the first line of my speech was going to be, “The Consumer Scotland bill is by and large an uncontentious bill”. Having listened to Keith Brown, I might have to take that back.

The protection offered to small businesses after the stage 2 amendments is extremely welcome. Particularly in the present climate, no member would think that it was not a good decision to agree such a measure at stage 3. The other bit I really liked was the duty to consider vulnerable consumers, although the Law Society indicated in its briefing that

“the definition of ‘vulnerable consumers’ could be improved”.

We need to consider that as the bill progresses.

Because I have only four minutes, and I will try to stick to my four minutes, I just want to touch on the things in the bill that I have concerns about. My first concern is about not only how the agency will operate once it is established but the consequences of the functions that come to it.

That was probably highlighted best in the evidence that was received from Energy Action Scotland, which said that the proposal for 20 staff at a budget of £2.5 million would not be sufficient for the new agency to effectively carry out all the functions for which it will be responsible.

We must ensure that the agency does not grow arms and legs but, when the bill came before the Economy, Energy and Fair Work Committee, many witnesses seemed to be unclear about what consumer Scotland’s role would be. There seemed to be a feeling that the Scottish Government should have decided what the body would do before taking decisions on its framework and creating financial estimates which, of course, might well now be out of date.

Consumer Scotland’s relationship with existing organisations will probably be the real test of how effective the organisation will be. Colleagues have already said that we must be careful that the agency does not clutter the consumer rights landscape or cause any confusion to consumers, but it is easy to see how that could occur. I have written a small list of bodies that consumers can already turn to. It includes Which?, the Office of Gas and Electricity Markets, Ofcom, the Competition and Markets Authority, Advice Direct Scotland, Energy Action Scotland, Shelter Scotland and, of course, Citizens Advice Scotland, which Alex Cole-Hamilton talked about at length. We have to remember that Citizens Advice Scotland formerly did a lot of the work that the new agency is going to do and will lose funding and, potentially, staff to the new agency. That might have implications for the other work that CAS does. We will have to watch that situation carefully.

It is also important to note that the various organisations are specialists in their own fields. Therefore, consumer Scotland must put an emphasis on co-ordinating those organisations and on using rather than superseding the talent and knowledge that is already in place.

I will conclude in a moment, because a lot of what I was going to say has already been said, and not everything merits being repeated. Jackie Baillie’s amendment on data was important. Some of the work that I am now doing with the Environment, Climate Change and Land Reform Committee is about calling for better data and ensuring that we have accessibility to data on all the things that come before us, because it is with good data that we can check what is going on and

revisit things in a way that ensures that we can make good decisions for the future.

We have indicated that we will support the bill. However, despite Keith Brown's commentary, there is a risk of powers being used for their own sake, and that of creating a whole agency to use those powers simply because we have them. Although I recognise that Scotland has some of its own consumer rights issues that could be better dealt with by a Scotland-specific organisation, I ask that the Scottish Government does not rush into the implementation of this new body and, instead, provides further clarity on its finances and functions to ensure that Scottish taxpayers are getting value for money and that we do not just create a mess about who is responsible for what, leaving consumers less than clear about where they can get much-needed support when they need it.

16:32

Jackie Baillie (Dumbarton) (Lab): I am grateful for the opportunity to participate in the debate, although I am sorry to say that I do not really think that we should be having it just now. I say that very much as a convert to the new consumer Scotland body. Equally, I must say that I am astonished—but not surprised—that Keith Brown had to raise constitutional issues in his speech. I expect that in normal circumstances but, frankly, I do not expect that now—the challenge that is before the country deserves a far better response than that.

I have been clear that, while people are dying of Covid-19 in our hostels, care homes and communities and the country is in lockdown, we should not be debating something that has little direct impact on the crisis. Frankly, I do not believe that we should be using time in this chamber to debate anything other than how we protect our people and our businesses during these exceptional times.

There are other reasons for my view. First, consumer Scotland will not be operational for many months. Like any body, it will take time to recruit staff and establish itself. There is, therefore, no immediate rush.

Secondly, as members across the chamber have said, we already have an effective network of citizens advice bureaux, and that, coupled with the expertise that rests in Citizens Advice Scotland, will continue to provide vital consumer services. In addition, we have the Scottish Government-commissioned Advice Direct Scotland, which is new on the consumer landscape.

Finally, I am aware, as are we all, of the significant scale of the financial intervention to tackle Covid-19. Although it is true that the bulk of

the money has come from the UK Government, there is, nevertheless, a problem for the Scottish budget. Our revenue-raising streams have reduced, but we have not assessed the impact on income tax, land and buildings transaction tax or business rates. We also know that there will be additional costs in our social security system—council tax benefit and the Scottish welfare fund are just two areas where demand is likely to increase. Although the cost of consumer Scotland might be only £5 million over the next two years—a small amount in the context of the Scottish budget—I am concerned that we should not commit to new spending without first carrying out a robust financial review across all Government.

All that said, I pay tribute to the minister for his approach. He has worked collaboratively with the Economy, Energy and Fair Work Committee and me. I am grateful to him for doing that—in particular, for supporting my Whirlpool amendment; he tried to nick it at stage 2, but we got it back.

Members of the Labour group and Co-operative parties have long championed the rights of consumers. We believe that a well-functioning economy and well-informed and empowered consumers drive up standards, innovation and value for money. Of course, the current economy is different from the economy in the 1960s and 1970s, when Labour and Co-operative MPs developed the raft of measures that underpins much of today's legislation.

Technology has moved on apace; a few months ago, who would have thought that I would now know about Zoom, Microsoft Teams or BlueJeans? There are different ways of doing business, and consumer markets do not always function well, so there is a need to update legislation in the UK Parliament as well as the Scottish Parliament.

Any legislation that we pass here must seek to protect consumers. We already have a cluttered and confusing landscape. If the new body serves to clear it up a bit, that will be helpful. However, some fear that it is just a piece of nation building and that the services it will provide already exist. I am sure that the minister will tell me otherwise.

How the body acts and whether it has the interests of consumers at its heart will be determining factors in judging consumer Scotland's success. It cannot be just another Scottish Government quango; it needs to deliver for consumers across Scotland. I will be happy to support the bill at decision time.

16:37

Stuart McMillan (Greenock and Inverclyde) (SNP): I will not touch on the politics side of

things, because we have to move on from that. Apart from perhaps one or two points, which I will come on to in a moment, I will attempt to unite the chamber with my comments.

I welcome the bill and I thank the minister for bringing it before Parliament. Many aspects of public policy have no party politics and are a wonderful opportunity to help every person that we serve. This bill is an example of that.

I move to an issue on which I hope that the chamber can unite—the siting of consumer Scotland. I make a bid for my area, Greenock and Inverclyde. The minister was part of the Texas Instruments task force, so he is aware of the employment challenges and opportunities in the Inverclyde area. He attended a number of the task force meetings and was instrumental in getting the joint funding package from the Scottish Government and Inverclyde Council, which secured Diodes inc as the buyer for the Texas Instruments plant in Greenock, which it took over.

The siting of consumer Scotland in my constituency would be useful, because it would create employment and help with the local economic situation. As colleagues across the chamber know, over the past couple of weeks, my area has been in the media because of Covid-19. Because of the age demographic, we need more younger people and people who are working to come and live there; the siting of a new agency would help with that.

Schedule 1 of the bill refers to the location of the offices. I will formally write to the minister on the issue, and he can be sure that I will encourage people in my constituency to write to the Government as well.

I genuinely commend two of today's amendments—Jackie Baillie's Whirlpool amendment and Ruth Maguire's amendment 20. Those amendments strengthen the legislation, and more people will have a better outcome as a consequence. I therefore pay tribute to both members. I am sure that Jackie Baillie will agree that my paying tribute to her, or to other Labour Party members, is not something that I often do, but credit should be given where it is due. Well done.

I whole-heartedly welcome the power that will be available to consumer Scotland to make grants and loans. I also welcome the various reporting mechanisms that will be in place, such as the reports on investigations and the consumer welfare reports.

I consider it important that, as a public body, consumer Scotland should operate according to certain sets of criteria. The first set relates to value for money, which was touched on earlier, and the second relates to working with stakeholders to

ensure that consumer Scotland does not duplicate the existing outstanding work of the organisations that work in the consumer protection landscape. I am pleased that both sets of criteria will, in my opinion, be met.

I also consider that the legislation will be a valuable addition to that landscape. Furthermore, the fact that consumer Scotland has the support of Which? and the Scottish Retail Consortium indicates to me that Parliament will enhance consumer fairness tonight. I will be genuinely pleased to support the bill tonight.

16:42

Claire Baker (Mid Scotland and Fife) (Lab): Consumer trust is a serious matter. It is important that consumer Scotland forms part of a coherent and robust system of advice and redress for consumers, and MSPs' amendments have strengthened the bill.

In the stage 1 debate, I and other members spoke of the need to define the objectives of the body more clearly to ensure that external organisations and consumers are clear on what it is, its purpose and how it will operate. In its briefing for the debate, the Law Society of Scotland has repeated its concerns regarding any duplication of functions and efforts, and I support the suggestion that consumer Scotland be invited to join the consumer protection partnership.

Having a network in which the responsibilities and abilities of each part are clear to consumers is also a key consideration. Consumers need to be able to trust in the system and its ability to provide protection. As other members have highlighted, a range of stakeholders are already involved in consumer issues. To avoid confusion, the role of consumer Scotland must be clear, and it must work collaboratively with other bodies, including those in the third sector, to ensure that we have a coherent system that is easy for consumers to understand.

I have a particular interest in action to address ticket touting and stop the exploitation of music and sport fans through the resale of tickets at inflated prices. Ticket touts are creating profits for themselves, but they are not supporting artists, promoters or venues in any way. Although most consumer powers remain reserved to Westminster, I welcome the more recent action from the Competition and Markets Authority and others in taking a more aggressive approach to touting and improving transparency for consumers. However, more still needs to be done to close the gaps in legislation that allow such unscrupulous practices to take place. That is an area that I would like to see consumer Scotland look into by providing research and additional

advocacy for change. I also hope that consumer Scotland is able to act to influence and persuade the relevant bodies in cases for which consumer powers remain reserved.

The position of Scottish Labour on the timing of the debate has been made clear this afternoon. We are in an unprecedented situation and should focus our limited parliamentary time carefully. However, it is worth considering how the coronavirus pandemic is influencing and will influence the consumer landscape. I have spoken about ticket touting but, at the moment, the issue is more about how we get refunds for tickets, rather than the sale of tickets.

We are already seeing some welcome steps for consumers through extended return periods for purchases, part refunds for car insurance in the light of reduced use and a pausing of TV subscriptions for sports services. However, those are all the decisions of businesses, not requirements. There are also on-going problems with holiday and flight refunds.

In the events sector, many venues have organised a choice of refunds or credit vouchers for cancelled events in the short term, but there are also examples of those who are reorganising events being unable or unwilling to provide refunds if the new dates are unsuitable for the ticket holder, and of venues struggling to offer refunds for performances that will no longer take place. Although I am sympathetic to venues and promoters that are looking to minimise their financial losses, and in some instances survive, consumers must be protected from having those losses passed on to them. As we move out of the current situation, we need to consider what that will mean for consumers who are looking for event tickets—the extra protections that they will have and whether that will all inevitably come at a higher price.

We should also be aware of the likelihood that many more companies will focus their operations online, and of the new and different responsibilities that they will need to fulfil for consumers as a result. We need to ensure that they are fully aware of the rights that are extended to consumers.

If Parliament passes the bill today, it will be important to consider the job that consumer Scotland will have in a post-coronavirus landscape. The operating environment will unquestionably have changed, as will the wants and needs of consumers. We must ensure that the new body is able to respond effectively to those challenges.

16:46

Gordon Lindhurst (Lothian) (Con): I have looked at the bill again this afternoon, having done

so both when I was convener of the Economy, Energy and Fair Work committee, and also in this chamber when the bill was at stage 1.

Most of the bill is not controversial, although one or two of this afternoon's exchanges did turn out to be slightly that: Keith Brown's speech, for example.

The discussion that was had between Richard Leonard and the minister means that I should, perhaps, put on record that I do not think that Richard Leonard approached me to discuss his laudable amendment prior to today. However, both he and the minister detailed in extenso their discussions on the matter.

It is important for consumers to be protected and the measures set out in the bill are welcome—provided that the new body fulfils its role in an efficient and effective manner. That is the main point that I would like to emphasise. I do not propose to repeat what others have said, as that would serve no further purpose. Repeated assurances alone of goodwill from the Parliament, on a variety of subjects and measures, do nothing to help anyone, which is why I make that main point.

A few areas of concern remain about some parts of the bill, its stated aims and whether those aims can be achieved. There is a possible continued risk of duplication. As the committee heard in evidence from several bodies, including Citizens Advice Scotland, they already provide consumer advice, their funding might be affected by the bill, or their role might be perceived to be diminished, unless there is a clear set of lines. There is a bit of work to be done on that as the new body is brought into operation.

There is also a need to ensure that confusion does not arise between intra-UK bodies and their various roles. In his response to the committee, the minister gave a commitment in principle on the possibility of a Scottish consumer protection partnership. That was welcome, because such a partnership could help to co-ordinate matters in the way that the similarly-named body does in England.

There are areas that probably need a bit of work, and I am sure that the minister will work on those to ensure that consumer Scotland will be able to realise its purpose and work effectively and properly across the consumer landscape. One of those areas is its ability to help tackle consumer harm online. There is a major issue with that, not only in Scotland but in the UK generally. Consumer Scotland could help with that, and therefore I welcome the provisions in part 1 of the bill, which sees the functions of the body widen to include that area.

The body that will be set up by the bill will be effective if it works in co-operation not only with the bodies that are present in Scotland already, but with others in the UK. To repeat my main point, the new body, and the provisions of the bill, must be deployed effectively and efficiently. On that basis, we support the bill.

The Deputy Presiding Officer: I call Jamie Hepburn to wind up the debate. If you could take us to just before 5 o'clock, that would be useful—six or seven minutes please, minister.

16:50

Jamie Hepburn: Thank you, Presiding Officer. I am sure that I can rely on you to keep me right about how close to 5 o'clock I should run.

I am grateful to the colleagues who have taken time to contribute to today's debate on what I hope is still viewed, as Michelle Ballantyne said, as a relatively uncontentious bill. From the stage 1 debate onwards, we have come together to support the principles of the bill. We have collectively recognised the value of giving consumers a stronger voice and we have all recognised in the current context the particular need to do so in the light of what markets might look like in the future. We have also recognised that it is critical to ensure that the consumer voice is a central part of policy and of decision making.

The collective approach that we have taken and the support that I have mentioned are signs of the importance that we all place on achieving fairness for consumers. That approach supports businesses that do the right thing, strengthens trust among our citizens and helps us to build a more inclusive and fairer Scotland.

That is why, when the powers were devolved to this Parliament in 2016, the Government recognised the need to use those powers to seek better outcomes for consumers. I thank the members of the 2015 working group on consumer and competition policy, which considered what could be achieved. That was a group of independent participants from outwith the Government, who came together and recommended the creation of consumer Scotland. It has been a long process to reach the point that we are at today, but we have taken time to get it right.

A number of members—Maurice Golden, Alex Cole-Hamilton, Michelle Ballantyne and Gordon Lindhurst in particular—have remarked that the consumer system across the UK, and in Scotland, is a crowded one. That is a fair concern to raise. We have ensured that that is accounted for in the establishment of consumer Scotland. We have made it explicit in the bill that there are other bodies whose work and roles must be recognised

by consumer Scotland. We will define in regulations those bodies that consumer Scotland must—although not exclusively—take account of. That is laid out in the legislation.

We have also made a clear commitment to establish a Scottish consumer protection partnership, which will involve all the organisations that have that role. Claire Baker was right to point out that the Law Society of Scotland has recommended that consumer Scotland should be a member of the existing UK consumer protection partnership. That is not in my gift, but I agree that it would be a sensible step and I see no impediment or barrier to that happening.

Concerns have been expressed about the cluttered landscape. It is worth reminding ourselves that those other bodies that we have referred to support the creation of consumer Scotland. The very bodies that people think might regard consumer Scotland as an addition to the clutter are themselves supporting its creation. Citizens Advice Scotland and Advice Direct Scotland, both of which have been mentioned, support the establishment of consumer Scotland.

That takes me on to a point that Gordon Lindhurst raised. He said that concerns had been expressed that, in future, citizens advice bureaux and Citizens Advice Scotland might have a diminished role in consumer advocacy. That is not my intent—I have been clear that Citizens Advice Scotland has a very clear on-going role to play in that regard. Not only is the notion that we have committed less funding to Citizens Advice Scotland incorrect, but we have committed more funding to CAS in the area of consumer advocacy for the coming year.

Richard Leonard and Keith Brown rightly spoke about their concerns for the most vulnerable consumers in our society. It was always our intent—as we have, I hope, laid out clearly—that consumer Scotland must consider vulnerable consumers in particular in its area of activity. We have finessed our approach and reached a very good position in laying out who should be considered as a vulnerable consumer.

I want to pick up on an issue that Richard Leonard raised in speaking to his amendment and again in the debate. I agree with him entirely that communities, whether they are geographical communities or communities of interest, should be considered as consumers by consumer Scotland. I give him an assurance that the bill allows for that in the context of how it defines a consumer.

Richard Leonard expressed concern that consumer Scotland should be accountable to Parliament rather than to Government, and I agree with him on that. I refer him to the fact that, under section 13 of the bill, ministers will have no direct

role in the forward work programme for consumer Scotland, which must be laid before Parliament. In addition, the annual report, as set out in section 15; the consumer welfare report, as set out in section 16; and the review of consumer Scotland's performance—which will be undertaken by an external agency and not by the Government—must all be laid before the Parliament. Consumer Scotland as a body will be directly accountable to this democratically elected Parliament, as is right and proper.

Lastly, I must respond to Stuart McMillan, who is quite correct in lobbying early in respect of where the new body should be located. I would be happy to have any correspondence from him in that regard—we are not yet at the stage of determining where consumer Scotland will be located, but we will consider the matter closely.

We have before us the opportunity to pass legislation that—I believe—recognises that issues around consumers and consumption cover far more than simply buying goods from shops or retail outlets, and that, looking beyond the traditional view, a body can be set up to protect consumers. It should recognise the challenges that we currently face, which—while they may not be those that we will face in years to come—have underlined the importance of protecting and considering the interests of consumers, especially the most vulnerable. I look forward to our passing the bill to ensure that consumer Scotland can get on with that work in the years ahead.

Business Motion

16:58

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-21667, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 12 May 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate:
Suppressing COVID-19: The Next Phase

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 13 May 2020

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister's Questions

2.30 pm Stage 1 Debate: COVID-19 Legislation

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Tuesday 19 May 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 1 Debate: Civil Partnership
(Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 20 May 2020

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister's Questions

2.30 pm Stage 3 Proceedings: COVID-19
Legislation

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time—[*Graeme Dey.*]

The Presiding Officer: I have no indication that any member wishes to speak, but I understand that Labour may wish to vote against the motion—[*Interruption.*] I will put the question.

The question is, that motion S5M-21667 be agreed to.

Motion agreed to.

Parliamentary Bureau Motions

16:59

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two Parliamentary Bureau motions. I call Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S5M-21665, on designation of a lead committee, and S5M-21666, on approval of a Scottish statutory instrument.

Motions moved,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Hate Crime and Public Order (Scotland) Bill.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/126) be approved.—[*Graeme Dey.*]

Decision Time

16:59

The Presiding Officer (Ken Macintosh): There are two questions to be put as a result of today's business.

The first question is, that motion S5M-21657, in the name of Jamie Hepburn, on the Consumer Scotland Bill at stage 3, be agreed to. Because the motion concerns the passing of a bill, we will move to a division. Members should cast their votes now.

For

Adam, George (Paisley) (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)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 67, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Consumer Scotland Bill be passed.

The Presiding Officer: The motion has been agreed to and therefore the Consumer Scotland Bill is passed. [*Applause.*]

As no member objects, I propose to ask a single question on the two Parliamentary Bureau motions.

Motions agreed to,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Hate Crime and Public Order (Scotland) Bill.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/126) be approved.

Meeting closed at 17:01.

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