



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

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# Scottish Parliament

Thursday 10 September 2020

*[The Presiding Officer opened the meeting at 12:20]*

## First Minister's Question Time

**The Presiding Officer (Ken Macintosh):** Good afternoon. We will begin First Minister's question time shortly but, before we do, as today marks the three-weekly review point of the lockdown restrictions, the First Minister will make a slightly longer statement than normal.

**The First Minister (Nicola Sturgeon):** The Scottish Government is required by law to review lockdown restrictions every three weeks. As the Presiding Officer said, the latest review falls due today, and I will shortly give an update on the decisions that we have reached.

I will set out why we are not yet able to move to phase 4 of the route map out of lockdown. I will confirm that, in the light of the recent increase in the number of cases of Covid and because it must still be our aim to keep prevalence of the virus as low as possible, we have taken the precautionary decision to pause some changes that we had previously scheduled for slightly later this month. I will also announce a tightening and extension of some existing restrictions and rules as part of our efforts to slow the rise in the number of cases as we enter winter, and I will confirm that the Protect Scotland app—the significant enhancement of test and protect that I signalled in the programme for government—is now up and running.

First, I will report on today's statistics. Since yesterday, an additional 161 cases of Covid-19 have been confirmed. That represents 1.9 per cent of newly tested people and takes the total number of cases to 22,039. Sixty-five of today's cases are in the NHS Greater Glasgow and Clyde area, 46 are in Lanarkshire, 12 are in Lothian and eight are in Ayrshire and Arran. The remaining 30 are spread across eight different health board areas.

A total of 266 patients are currently in hospital with Covid, which is eight fewer than yesterday. As of last night, seven people were in intensive care with Covid, which is one more than yesterday.

In the past 24 hours, no deaths have been registered of patients who had been confirmed as having the virus. The total number of deaths under that measurement therefore remains at 2,499. I again send my condolences to everyone who has lost a loved one to this illness.

I turn now to the review of lockdown restrictions. As I indicated a moment ago, it is not possible at

this stage to indicate a move from phase 3 to phase 4 of the route map out of lockdown. I therefore confirm that we will remain in phase 3 for now, and it is important to stress that that is likely to be the case for some time yet.

For us to move to phase 4, we must be satisfied that

"the virus is no longer considered a significant threat to public health".

As is obvious from the figures that I have reported in recent days—and as confirmed to me in advice from the chief medical officer—that is definitely not the case. When we reviewed lockdown measures six weeks ago, we had recorded 14 new cases a day on average over the previous week. Three weeks ago, the average daily rate had risen to 52 new cases a day, and in the seven days up to yesterday, the average daily rate was 155. Our latest estimate of the R number is that it is now above 1 and possibly as high as 1.5.

Over the past week, we have had to impose additional restrictions on people living in five local authority areas in Greater Glasgow and Clyde: Glasgow, East and West Dunbartonshire, Renfrewshire and East Renfrewshire. Therefore, rather than the threat to public health receding, the pandemic at this stage is accelerating again, albeit—thankfully—from a low base and not as rapidly as it was back in March and April.

It is worth stressing that the position is not entirely unexpected. In recent weeks, we have reopened significant parts of our economy. Though many will be operating below full capacity, approximately 96 per cent of businesses in Scotland are now trading again. Children have gone back to school, and we have eased many social, leisure and travel restrictions. People are meeting up more, going out more and travelling more, and all that is positive.

However, as we released ourselves from lockdown, we also released the virus. We gave it more opportunities to spread, so it was always likely that there would be a rise in cases. Indeed, the reason why we focused so firmly over the summer on suppressing the virus was to ensure that any increase was from a low base, and to give our test and protect teams the best possible chance of keeping outbreaks under control.

It is important, even in a period of rising cases, that we do not lose sight of the objective of keeping infection levels as low as possible. That approach has been important. Since late July, for example, Spain's weekly level of new cases per 100,000 of population has increased from 34 to 126, France's level has risen from 11 to 60 and Scotland's rate has increased from two to just under 20. We have come out of the summer with a relatively low prevalence of the virus.

Of course, without test and protect, and the efforts of so many across the country, the virus would already have spread considerably further and faster. I am very grateful to everyone for the collective effort so far. It has made a difference.

However, cases are now rising again. By looking around Britain, Europe, and the rest of world, we can see just how difficult it is to keep the virus under control when, globally, the pandemic is still accelerating. Even New Zealand, which at one stage reached zero Covid, has now reimposed some restrictions.

In Scotland, having reopened schools, we are now welcoming students back to our colleges and universities. That is a necessary and positive development but, because it involves people moving around the country and mixing, it undoubtedly brings further risks.

One point that is frequently commented on is that the recent rise in cases has not been mirrored by an equally large rise in hospital admissions or deaths. That may partly reflect the fact that many of the new cases are among younger people. Although that can provide some comfort, it should not, and must not, lead to complacency. Although Covid kills relatively few younger people, we know that it can still be harmful to their health. It is not a virus that anyone should be relaxed about getting.

In addition, if Covid spreads too widely in the younger, healthier parts of the population, it will inevitably reach older and more vulnerable people. That could then lead to an increase in hospital admissions and fatalities, as is happening now to some extent in countries such as France. It is also worth noting that, although numbers in Scotland are still low, there has been a rise in hospital admissions over the past couple of weeks.

Let me make one point very clear: I understand how hard this is for everybody, but perhaps for young people in particular, and it is not their fault. Younger adults are more likely to work in public-facing jobs, to have to use public transport and to live in shared accommodation. That is simply a fact of life for so many young people in our society. It also makes it more likely that they will be exposed to the virus and, therefore, all the more important that we stress the ways in which they can protect themselves and others.

Taking account of all the most up-to-date information that we have, the Scottish Government's judgment is that we cannot at this stage risk the new opportunities for transmission of Covid that reopening further services and facilities would entail. In my statement on 20 August, I set out several changes that were provisionally scheduled for 14 September. At that time, I stressed:

"Given the volatility that we face in transmission of the virus, there is a very real possibility that some of, or all, those plans could change."—[*Official Report*, 20 August 2020; c 4.]

Unfortunately, due to the rise in cases since then, we have concluded that those changes must be paused for a further three weeks. The new indicative date for their resumption is Monday 5 October. However, I must stress again that that remains an indicative date and a final decision can be taken only much nearer the time.

That means, unfortunately, that spectators will not be able to return to sports stadia and other venues over the next three weeks. Two pilot events that are due to take place this weekend will proceed. However, after that, we will judge possible pilot events on a case-by-case basis in the light of the latest Covid data.

The other services and venues that are affected by this pause are theatres, live music venues, indoor soft play facilities, and indoor contact sports activities for people aged 12 and over.

In addition, outdoor events that have not yet been given the green light, such as those where a lot of people stand close together, cannot yet restart.

I will give an update on funerals and weddings later in my statement.

I am well aware that, for people who work in the sectors that are affected by today's pause, it is a very hard message to hear. I know how long they have waited to start up again, or to resume more of their activities. I know, because I have seen it in so many sectors, how much work they have put into plans for safe reopening. I also know the impact of continued closure. I want to stress, therefore, that the decision to delay the indicative date by three weeks has not been taken lightly. However, right now, given the rise in the number of cases, it is the only responsible decision that we can reach.

For the same reason, the reopening of call centres and offices whose staff are still working from home will be reviewed again on 1 October, but it will definitely not take place before then.

For now, working from home will remain the default position. Again, I am aware of the impact of long-term home working on many businesses and employees, and on shops, cafes and bars that normally attract trade from office workers. We are currently working with partners, including the Scottish Chambers of Commerce and the Scottish Trades Union Congress, to plan for a safe phased reopening of those remaining offices when circumstances allow. That planning will inform future route map review decisions. However, at this stage, a full return to office working—which would substantially increase the number of people

meeting indoors and travelling together on buses and trains—would risk a significant acceleration of Covid transmission.

Finally, before I move on to further measures that we deem to be necessary in order to reduce the spread of the virus, let me say a few words to those in the shielding category. We will continue to provide as much information and advice as possible. In fact, if you are registered with the shielding SMS service and live in areas where there have been local outbreaks, such as Aberdeen or Glasgow, you will have received text messages alerting you to changes in local advice. We have also published a guide on the mygov.scot website, which suggests simple things you can do to lower your risk of exposure, and you will receive an update letter soon from the chief medical officer. We understand that the recent rise in cases will cause concern, but at this stage, we do not plan to reintroduce shielding. Instead, we will continue to give you the information you need to help you to stay safe.

In addition to pausing the reopenings that had been planned for later this month, we have concluded that it is necessary to tighten some existing restrictions to help curb the spread of the virus, especially between and within households. As of now, up to eight people from three households can meet indoors and larger outdoor gatherings are also permitted. I can confirm that we intend to change that, so that a maximum of six people from two households will now be permitted to meet together. To help to reduce transmission, but also to simplify the rules as much as possible, this new limit will apply both indoors—in houses, pubs and restaurants—and outdoors, including in private gardens. There will be some limited exceptions—for example for organised sports and places of worship. Also, any children under 12 who are part of two households meeting up will not count towards the limit of six people.

Lastly, given the importance of these life events and the distress caused by not being able to mark them, we intend to allow a limited exception for funerals, weddings and civil partnerships. Already, up to 20 people can attend ceremonies for those occasions and we intend to retain that limit for now. However, from Monday, that limit of 20 will also be permitted for wakes and receptions as long as they take place in regulated venues such as hotels with strict guidance in place. I know that many have called for greater consistency in the arrangements for ceremonies and receptions, so I hope that will help deliver that.

I am asking people to abide by these stricter new limits on gatherings immediately. However, the regulations that will give legal effect to them will come into force on Monday, and more detail

will be available on the Scottish Government website.

Of course, for now, for people living in Glasgow, East Dunbartonshire or West Dunbartonshire, Renfrewshire and East Renfrewshire, the advice is not to visit other households at all. Let me also re-emphasise that the new limit of six people from two households will also apply in restaurants, pubs and beer gardens, as well as in our homes. We hope that by reducing the risk of transmission in those settings, it will help to keep the sector open. However, I can confirm that we have decided to implement two additional measures to reduce the risk of transmission in the hospitality sector. First, we intend to make it mandatory for customers in hospitality premises to wear face coverings whenever they are moving around and not eating or drinking—for example, when entering and going to a table or to the bathroom. Secondly, subject to some exemptions, we will also make it mandatory—rather than simply in guidance—for staff working in hospitality premises to also wear face coverings. The hospitality industry has put a lot of effort into creating safe spaces for people to meet and we hope that those additional protections will help ensure that the sector can remain open, with high levels of compliance.

I am aware that the announcements that I have made so far are hard for people to hear. After six long hard months, we are still asking the public to make a lot of difficult sacrifices. That is unavoidable, given the nature of the challenge that we face. However, I want to be clear that while we still face a battle to get and keep Covid under control, we are in a stronger position than earlier in the year. Test and protect is working well and now taking a lot of the strain; without it, the virus would be spreading further and faster and we would require to apply much stricter lockdown measures again.

Today, a significant enhancement of test and protect has gone live; the Protect Scotland contact tracing app is now available for download and use. The app does not replace our current test and protect system; it adds to it. The work of our teams on the ground—interviewing people who have tested positive, getting in touch with close contacts and making recommendations based on the information that they gather—will remain the cornerstone of our approach to controlling outbreaks. However, the app is an important addition to the work of those teams. If you download it, you will receive a notification if someone you have been in close proximity to tells the app that they have tested positive. It will be particularly useful for settings such as public transport, where we tend to spend time in close proximity to people we do not know. It will also be very valuable as students arrive back at university or college for the new term.

The app is available now from the Apple and Google Play app stores, and more information is available on the new protect.scot website. The app operates anonymously and confidentially. The simple fact is that the more of us who download and use it, the more effective it—and test and protect overall—will be in helping us to beat Covid. Therefore, I encourage everyone to download it today and spread the word to all their friends and family. This is a simple but very powerful thing that all of us can do as individual citizens to help protect Scotland as a whole.

The pause in our route map and the new restrictions that I have outlined today are not welcome; I know that, and the Scottish Government did not want to have to impose them. However, they are necessary and they reflect the fact that Scotland—like the rest of the United Kingdom, Europe and the world—is currently in a very precarious position. However, notwithstanding that, as I said a moment ago, we are in a much better position than we were in late March.

Prevalence of the virus is lower, thanks to the individual sacrifices that so many of you have made for the greater good. We are seeing a rise in new cases, but it is not as rapid as it was earlier in the year. Test and protect is working well; even with a rise in cases, it is allowing us to live much more normally than we could under lockdown. Therefore, we still have grounds for cautious hope and optimism, but we have no grounds whatsoever for complacency. It is vital to do everything we can to stop cases rising further before winter.

That is the reason for the decisions that I have outlined today. These steps are necessary to help curb a virus that we know spreads rapidly whenever it gets the chance. Of course, the success of these measures depends on all of us; by necessity, it is still a collective effort. After all, although Government actions, such as testing and contact tracing, have a significant role to play, unfortunately, the virus does not respond to Government instruction. It thrives or dies according to how people behave; it spreads when we give it opportunities to do so and it goes into retreat when we deny it those opportunities. Although none of us can guarantee that we will not get or spread the virus—and it is not our fault when we do; it is, after all, highly infectious—we can all do our bit to reduce the chances of that happening.

I know that making these choices, such as keeping our distance from friends, staying in small groups and washing our hands regularly, gets harder and much more tiresome as time passes, but they are more important now than they have been for months.

The best way of remembering the key choices that we all need to make is to remember FACTS—the rules that will help us to protect ourselves, our families, communities and the national health service. Ultimately, the rules will help us to save lives, and we should not lose sight of that. Face coverings should be worn in enclosed spaces; avoid crowded areas; clean your hands regularly and thoroughly, and clean hard surfaces after touching them; 2m distancing remains our clear advice; and self-isolate and book a test immediately if you have symptoms of Covid: a new cough, a fever, or a loss of—or change in—your sense of taste or smell. Keeping to those basic rules is not easy, but it remains the best way of expressing our care for and solidarity with each other.

Once again, I thank everyone across Scotland for your patience and for continuing to make these hard sacrifices for the sake of the people that they love and for the sake of the country as a whole.

**The Presiding Officer:** Before the First Minister takes questions, I remind members that I will take all the supplementary questions after question 7, which will be asked by Pauline McNeill.

### Protect Scotland App

**1. Ruth Davidson (Edinburgh Central) (Con):** I thank the First Minister for advance notice of her statement.

The sobering news in Scotland and across the rest of the UK over the past few days has been a reality check for anyone who thought that the pandemic was on its way out. It is clear that, although we can still hope for further progress to be made over the rest of this year, there will be no swift return to normality.

We all recognise the importance of sticking to the rules—washing our hands, socially distancing and doing our bit. That is down to each and every one of us, and each and every one of us will benefit if we do that.

Last night, the new Scottish contact tracing app was launched. Experts at University College London have said that the uptake of such an app would need to be between 56 and 95 per cent for it to be successful. Reaching those numbers will take a momentous effort.

This morning, I along with thousands of Scots did my bit and downloaded it to my phone and I have no doubt that the First Minister did so, too. However, many people across Scotland do not regularly use apps and are perhaps not as addicted to our phones as the first Minister and I. What is being done to ensure that everybody, including those who are hardest to reach, is being helped to adopt this new technology?



**The First Minister (Nicola Sturgeon):** I thank Ruth Davidson for her question, for downloading the app and for taking the opportunity to encourage other people to do so. I appeal to members across the chamber to follow that example. This is not political in any way. All of us have a duty to ask our fellow citizens to do the right thing.

Uptake is important, of course, which is why it is so vital that we encourage people to download the app. There are other views about whether it needs to reach a specific percentage. I take the view that the higher it is, the better—the more people who sign up the better. Everybody who signs up is making a contribution. When I left my office to come to the chamber the download number had just passed 150,000, which is really good progress after a few hours. I hope to see it rise further over the next few days. From tomorrow, there will be a major advertising campaign to back it.

The point about people who do not routinely use smartphones is important. It is for that reason, among others, that we decided not to base our entire test and protect system on a proximity tracing app. We built it from the bottom up, using tried and tested approaches in our public health teams and the app is an enhancement of that.

If you do not have a phone or use the app, you will not be missed from our test and protect system. Everybody who tests positive, notwithstanding the app, will still be contacted by a contact tracer and details of those with whom they have been in contact will be taken. The app adds to that system and it is important to recognise that.

The real value of the app is that it will help us to notify close contacts of positive cases who are not known to the person who has tested positive—somebody they have sat close to in a bus or a train, a pub or a restaurant. That is the importance of the enhancement.

Test and protect is working well—I say that with not a shred of complacency. The most up-to-date figures on its performance were published by Public Health Scotland yesterday. At this stage, well over 90 per cent of index cases and more than 90 per cent of close contacts are being contacted. It is working well, the app is an important enhancement and I hope that we will all get fully behind it.

**Ruth Davidson:** We all hope that the app works successfully.

We are learning, as we go through the pandemic, that to get ahead of the virus we must fight it across all fronts and testing is at the heart of that. At present, even with the increase in testing that the First Minister has outlined, her strategy focuses on symptomatic cases, on surveillance and on the sick and people at high

risk. She made no mention in her statement on wider community testing. Will the current position be the long-term one for the country or is it a staging post towards mass community testing?

**The First Minister:** We are working with the United Kingdom Government to try to advance mass community testing. The Prime Minister spoke yesterday about the work that the UK Government is doing and we are engaging with it on that. The UK Government is being frank that not all the technology exists in a developed-enough form. There is a lot of work to do to make testing available on a mass scale in a way that is rapid and easily accessible.

We continue to build the capacity of our current testing system, again in partnership with the UK. Our approach to testing is set out in our current testing strategy, which we keep under constant review. There are some categories of people whom we test regardless of symptoms: care home workers are tested every week, whether or not they have symptoms; some categories of patients who are admitted to hospital and staff who work in our hospitals are also tested routinely; and people working in our education system can access testing if they believe that they may have been exposed to the virus.

Other than that, our advice to people, which is really important, is that they should access testing if they have one of the symptoms of Covid that we regularly remind people of.

We have seen, over recent weeks, that testing in Scotland has increased rapidly and substantially. The most recent figures that can be accessed comparing countries across the UK show that we are testing proportionately more people per head of population.

We work with the UK Government on this, and we will continue to do so as we develop capacity and develop the approaches that we take to testing, in line with our learning about the virus.

**Ruth Davidson:** I accept that the community testing technology is complex and may not quite be there yet, but we have seen experts such as Professor Jose Vazquez-Boland, chair of infectious diseases at Edinburgh university, and Professor Hugh Pennington explain that we need more than the current measures if we are going to eradicate Covid-19, and identifying those who are asymptomatic, through mass testing, is a really important tool.

The First Minister says that she is working with the UK Government towards mass testing. That is really positive. Is she able to give a bit more information on how she hopes that that will be achieved, and does she have any timescales for informing the public about it?

**The First Minister:** We will keep the public informed on an on-going basis. We have published, in recent weeks, our testing strategy, which is available on the Scottish Government website and is kept under review.

I am a firm believer in, if you like, a twin-track approach. We have to focus on the future and we have to commit to trying to develop approaches, even if they are not yet fully enough developed to be implemented now. That is the right approach to developing not just mass testing, but mass rapid testing.

We also have to focus, right now, on the fundamentals of making sure that our current approach to testing can be properly implemented. That is why the development and launch today of Protect Scotland is so important. Having initially decided not to have a Scotland-specific app, we decided to have one when we saw the success of the app on which ours is based in the Republic of Ireland and, more recently, Northern Ireland.

We will focus on the here and now: making sure that people who need testing get access to it quickly. The testing system is largely within a UK-wide network, so we require to work with the UK Government to make sure that we can access that appropriately for Scotland, and we are doing that. We will also look to develop new approaches in the future, as soon as the technology and our ability to implement that is where we need it to be.

**Ruth Davidson:** Everyone is in agreement on the importance of testing within the suite of tools that are at our disposal, so I will ask the First Minister about a very specific aspect of the testing regime.

We found out yesterday that only 5 per cent of people who are coming into our airports have been contacted by the national contact tracing centre. The most recent Public Health Scotland statistical report said that 631 people were contacted out of the 13,607 who were required to quarantine.

We know that the transport secretary and airport chiefs met earlier this week to discuss that. Will the First Minister commit to introducing a package of support for airport testing, as aviation chiefs have asked?

**The First Minister:** There are two issues wrapped up in that question, which I will take separately.

The current approach from Public Health Scotland is to contact a sample of those coming into the country every week who are required to quarantine. We set a target of 20 per cent, or 450 people—whichever was the greatest. Last week, we reached 631 people. The health secretary recently announced additional funding for new

contact tracers, with the aim of contacting up to 2,000 passengers a week, from October. That is under the current system.

The second part of the question was whether there is an alternative to quarantine, in whole or in part, through testing of people coming into the country. We have been discussing that with airports, just as the UK Government has, and we are considering that.

To put it bluntly, this is a calculation of the risk of different approaches and the risk that we think it is appropriate to take. We know that the incubation period for the virus is 14 days, so if we test somebody coming into the country on day 1 and they test negative, that does not mean that they will not test positive a day, four days or 14 days later. We would have to be testing at different points, and not everybody would be captured. That said, to be frank, not everybody is captured by quarantine, either.

This is a balance of risk, and those discussions are on-going. I would hope that, in not too much time, we will have alternatives to quarantine that allow us to make more use of testing. However, we have to be sure that the arrangements that we have in place, whatever they are, are providing the maximum protection against the importation of the virus, which remains one of the significant risks that we face.

## Covid-19 Testing Strategy

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

I thank the First Minister for advance sight of her statement.

When we started to come out of lockdown, we made clear our view that there must be the agility to pause and to go back, as well as to go forward in the process, and that there must be transparency in the science to back it up. The science tells us that across much of Scotland the virus is on the rise again, and that there is no room for complacency. Therefore, we support the cautionary approach that the First Minister has taken today.

However, something that must concern us all is that, in Scotland's testing strategy, which was published only last month, the Government said that its target is to have a daily testing capacity of 65,000. Yesterday, only 14,341 tests were carried out. When schools returned a few weeks ago the testing system in Scotland faced extra pressure, and it buckled.

The First Minister can launch a new app today, but at the Covid-19 Committee yesterday Professor Linda Bauld warned that

"If we cannot get rapid testing, we really are in trouble."

Professor Bauld is right, is she not?

**The First Minister (Nicola Sturgeon):** I did not hear the particular comment that Richard Leonard referred to. However, as I said yesterday when I was asked about other comments made by Professor Bauld, I listen to her very carefully. She is one of the many experts we are lucky to have in Scotland. She talks a lot of sense, and her advice is always important.

I am going to try not to be too technical here. The issues that Richard Leonard raised are important and very legitimate, and we are working our way through them to ensure that we continue to build both the capacity and resilience of the testing system. The technical bit, which I will not go into at too much length and which I alluded to in my reply to Ruth Davidson, is that a large part of our testing system is part of a United Kingdom-wide network, including the Glasgow Lighthouse lab and drive-through centres, and therefore capacity and access to testing are managed across the UK.

We are working with the UK to ensure that Scotland's access to capacity is appropriate and fair, and during the past few weeks we have probably used more than our population's share. That is partly because of the rise in demand as our schools went back; we have seen that demand recede a little bit. Although there will be issues—there have been some issues about turnaround time with postal tests, for example—over the past few days we have not seen issues with access to testing for people who need it or, as was the case when the schools went back, with people being referred to testing centres that are some distance away.

We have seen—and this will be a reflection of England's schools going back—a rise in demand in England that reflected ours when our schools went back. I do not want to overstate this, but I have some concern that rises in demand in England might impact on Scotland's access to testing. That is why we continue to work closely with the UK Government on that.

Right now, and during the last number of days, there has not been an issue with people in Scotland who need testing getting rapid access to it. The figures that Richard Leonard quoted are actually figures that were reported yesterday for 8 September. Today's figure—which I appreciate is not published yet, so Richard Leonard could not be expected to have it—is that around 17,000 tests were carried out yesterday. Those are tests carried out, not capacity. For some of the reasons that I have mentioned, capacity fluctuates daily right now. The target that he referred to is still the one that we are looking at. I assure Richard Leonard and the chamber that, on a daily basis, the health secretary and I look very closely at all

those issues to ensure that people in Scotland who need testing have access to it.

**Richard Leonard:** I thank the First Minister for that answer, although I reflect that the actual number of tests carried out yesterday—or the day before and reported yesterday—is still 50,000 below the target figure.

Let me move on to something else. Any new restrictions and local lockdowns have a significance because they have an impact on all our lives and wellbeing. However, research shows that Scotland's children and young people, and younger children in particular, have found the past six months especially hard to cope with—so much so that mental health organisations came together last Friday to unite in warning of the coming mental health crisis.

The Scottish Children's Services Coalition forecast that Scotland's children and young people face “a perfect storm” and called for “a national crusade” to tackle that. It also said:

“The Government needs to work urgently with the relevant authorities to ensure that not only is there sufficient provision available at the local community level, but that this is clearly communicated and easily accessible for young people and their parents or carers.”

What urgent action is the Government taking to calm that perfect storm?

**The First Minister:** I thank Richard Leonard for that question, but first I want to cover off part of his previous question, in the interests of public understanding. The target figure is for capacity. We have been deliberately seeking to build the capacity that we will need in winter, which is much higher than the capacity required by the demand that we have now. The figure that Richard Leonard quoted for the day before yesterday, and which he is right about, is the demand figure. It is demanded. It is not accurate to compare those two figures. I know that such things are complex. We have a capacity target that is designed to reflect what we anticipate demand will be in the winter, which is not necessarily what demand is now.

On the issue of young people and mental health, there are few more important things in our response to the crisis than catering to the needs of young people. Everybody has found the past six months difficult, but there is no group in our population that has suffered more than young people. They have spent months out of school, away from their friends, and often they have not seen their grandparents for long periods of time. The impact on their mental health and wellbeing has been significant.

That is why it was so important to get children back to school full time. I am pleased that we were able to do that and that, so far, we have been able to keep schools open. The cautious approach that

Richard Leonard has supported is partly to enable us to keep schools open. We are also mindful of the need to ensure that mental health services are appropriate.

As members have commented and interacted with me on, we already had a challenge with child and adolescent mental health services. Before Covid, we were in a process of re-designing and investing in those services. That work continues and we must now make sure that we take account of the effects of Covid. For example, the commitment to have counsellors in schools will be delivered by next month, and we continue to take forward plans for a community wellbeing service that will be more accessible, in a preventative sense, to young people who require it.

**Richard Leonard:** Let me come on to child and adolescent mental health services, because those are central to my question. The Scottish Children's Services Coalition also warned last week that the Covid-19 restrictions have negatively impacted on young people who were struggling already with anxiety and depression. It goes so far as to warn of a "lost generation". Services are still not equipped to deal with the demand that there is.

It is now two years on from the damning Audit Scotland report into rejected CAMHS referrals, which made 29 critical recommendations to overhaul the system. The fact is that only seven of those recommendations have been actioned to date. Two years ago, when that report first came out, I asked the First Minister whether she would reform the system of referrals, but it remains largely unreformed and unchanged. Figures from over the lockdown period show a 55 per cent drop in CAMHS referrals. They show that more than 1,100 young people have been waiting more than a year for treatment. They also show that, between April and June this year, more than 900 referrals to CAMHS were again rejected. That was supposed to have changed.

Will the First Minister accept that her Government has failed to implement the recommendations of the 2018 Audit Scotland report on rejected referrals to CAMHS? Will she accept that the Government is letting down a whole generation of young people? On world suicide prevention day, will she finally, once and for all, put an end to rejected referrals?

**The First Minister:** I accept that there is much more to do. I will write to Richard Leonard with an update on the progress on and implementation of the recommendations in the report that he refers to because they are important. Some of the work that was under way had been disrupted by Covid—I will come to that—but it remains vital that we take that work forward.

It is correct to say that there has been a drop in referrals, although—and I do not have the figures in front of me—I know that referrals have started to increase again. The drop was largely because of the inability to have face-to-face services during the Covid pandemic. Many health boards—and I know that NHS Greater Glasgow and Clyde has done particular work on this—have used the unfortunate necessity of reduced referrals to catch up on some patients who have been waiting longer. That work has been during the pandemic period.

In the past couple of years, we have continued to invest heavily in CAMHS, and there are more people working in CAMHS. However, fundamentally, we require to reform and put more emphasis on prevention and early intervention and less on specialist services, so that those services are there for those who need them. That work is under way and it will pick up again as—I hope—we come out of the Covid situation. I also referred to the counsellors in schools and the wellbeing service. All of that is about the vital work that we need to do to ensure that the investment that we are putting in delivers for the young people who need those services.

Finally, Richard Leonard referred to a quote about a "lost generation", and I understand the fears that lie behind that. All of us—me in particular—have an absolute duty to do everything that we can, not just in mental health but across a range of things, to make sure that that phrase does not come to pass and that this generation of young people do not bear the long-term legacy of Covid. That is a duty and a responsibility that I take very seriously.

### Walk-in Testing Centres (University Towns)

3. **Patrick Harvie (Glasgow) (Green):** I echo the support that has been expressed for the Protect Scotland app and reassure anyone who has not downloaded it already that it is really quick and easy to do, so I encourage everyone to do it.

Like everybody across the chamber and across the country, the Scottish Greens are deeply concerned about the rise in new infections in Scotland. Some experts are warning that it could be the start of a second wave, but we must not treat that as inevitable. We can stop the rise, but to do so we need to put aside any hint of a blame game and work together. As the First Minister has indicated, this must not be about stigmatising young people or any other group in the population; it is about providing clear rules and ensuring that systems and support are in place so that they can be followed.

We saw that the testing system broke down when children returned to school last month, and universities will commence their terms next week.

We need to make sure that the same does not happen again, so that students and staff are kept safe. Can the First Minister confirm how many walk-in testing centres are open and operational in our university towns, and can she reassure students and staff that demand will be met?

**The First Minister (Nicola Sturgeon):** First, I thank Patrick Harvie for his support of the Protect Scotland app. I am told that, since we have been speaking in First Minister's question time, another 50,000 people have downloaded the app, so the total number is now over 200,000, which is very positive.

I endorse Patrick Harvie's comment that we must not treat a continued resurgence of Covid as inevitable. That does not mean that we should underestimate how difficult it is to keep it under control and drive it down further, particularly as we go into the winter, but we must focus on doing that and must not see it as inevitable that we will have to deal with a second wave.

I will get information to Patrick Harvie this afternoon—I do not have it in front of me—on the sequence of the walk-in centres that we have committed to having in place over this month, with the order and dates for their opening. The one at St Andrews is open, as I have already indicated. They are part of the overall number of walk-in centres that we are using to make testing more accessible. However, we have, for the reasons that Patrick Harvie spoke about, prioritised areas where there is a university population. I think that the one around the University of Glasgow is due to open this week, and it will be followed by others.

In addition, as members will be aware, last week we published updated guidance for further and higher education that looks at blended learning arrangements on campus, the use of face coverings and shared accommodation. I know that the universities and colleges take very seriously their responsibility to keep the student population safe.

**Patrick Harvie:** I am grateful for that answer, and I look forward to any further information that the First Minister can provide. Last month, we saw some families being told to travel halfway across the country to get a test, and it will simply not be acceptable if the same thing happens with student populations.

Elsewhere in our education system, the Educational Institute of Scotland warned yesterday that children with additional support needs, but particularly those with more complex needs, are receiving inadequate support in our schools because staffing levels are simply insufficient for teachers to be able to follow the guidance while providing the close contact and support that those pupils need. One teacher said that, in addition to

their usual job, teachers are having to do the enhanced cleaning that is required throughout the day, because no cleaning staff are available.

Pupils with ASN are some of the most vulnerable in our schools and, very often, they suffered the most during lockdown. It simply is not good enough if they are not getting the support and resources that they need to thrive. What will the First Minister do today to provide the enhanced staffing that is needed, so that teachers can do the best for all pupils with additional support needs in this challenging time?

**The First Minister:** We have already taken significant action, but I do not underestimate how challenging this is for teachers across our education system. From memory, I think that £58 million of additional funding has been made available to local authorities, to help with things such as enhanced cleaning. We have also made funding available to increase substantially the number of teachers who are working in our schools, to help with exactly the challenges that Patrick Harvie mentioned.

We will continue to work closely, through the education recovery group, with the EIS and others to make sure that further challenges are properly supported.

This is not easy for anyone; it is not easy for young people or teachers in our schools. One positive thing, which I hope is an indication that some of the challenges that have inevitably been faced and the anxiety that many parents, teachers and young people felt as schools went back are, if not disappearing, easing a little bit, is that school attendance is rising and the number of young people who are absent from school for Covid-related reasons has reduced significantly since the first few days of the term.

We keep—and the education secretary keeps—very close to all those things as we do everything we can to ensure that those who are working on the front line, whether in our education system or in our NHS, have the support and the resources that they need.

### Test and Protect

**4. Willie Rennie (North East Fife) (LD):** I thank the First Minister for advance sight of her statement. We are facing months more under the thumb of the virus. The First Minister says that test and protect is working well. However, when I asked Professor Linda Bauld in the COVID-19 Committee yesterday about the system, she warned that the test part is not fully working and is causing concern. She said that, if we cannot get rapid testing, we really are in trouble. She also said that quarantine is not being followed. Only one in four people says that they fully comply.

Does the First Minister really think that what she is doing on testing and quarantining is enough?

**The First Minister (Nicola Sturgeon):** No, I do not think that any of the things that any of us is doing right now is necessarily enough. That is why we continue to support, expand and build the resilience of the systems.

I think that test and protect is working well, and I think that the evidence supports that. The test part, as I mentioned in detail when responding to Ruth Davidson, is part of a networked United Kingdom system. There are aspects of that system that require us to co-operate with the UK Government, to ensure that any challenges are overcome and any concerns are addressed.

I have a concern—I do not want to overstate this—that rising demand in other parts of the UK could have an impact on the capacity or turnaround times in Scotland, but we will continue to work through those issues. We are all trying to achieve the same things, and we will continue to work constructively with other Governments across the UK to expand testing capacity and resilience and to use new technology that allows testing to be done in a different way and much more rapidly. In Scotland, we have already procured tests that are done much more quickly at the point of care. Those things are important on an on-going basis.

The protect part of test and protect is probably working even better, given the numbers that are published. Again, however, we are not complacent about those. This is where Scotland is perhaps doing a bit better than some other parts of the UK. We are seeing well over 90 per cent of contacts and well over 90 per cent of index cases traced.

On quarantine, I accept the challenges for the travelling public, airports and airlines, and the challenge for any system to be absolutely watertight and foolproof. Therefore, we must look at how we can tighten things up and at alternative ways of doing things, which we continue to do.

None of this is straightforward and none of this is easy, but it is all-important that we try to keep the virus under control.

What I would say—this relates back to Patrick Harvie's comment—is that we should be very vigilant about the situation that we are in right now. We should be very cautious and hear the warning sounds very clearly. However, we should also reflect on the progress that we have made since the earlier part of the year. We are in a stronger position. I hope that means that, if we all—the Government especially—do the right things and if the public all—as they have done so well—get behind the public health advice, we will not have to accept the inevitability of what might otherwise

happen. We can all have an impact in keeping it under control.

**Willie Rennie:** I urge the First Minister to read the full *Official Report* of yesterday's meeting of the COVID-19 Committee. Professor Bauld was very concerned about the test element of the test and protect strategy and, in particular, our capacity for and utilisation of testing. She was also very concerned about the quarantine aspect. As we have seen from this week's figures, more than 800 people have been missed by the quarantine spot checks. When one person in four is not complying with the rules, that is a real concern.

We are turning a dark corner in people's hopes and expectations. In their minds, we were preparing for recovery and for the elimination of the virus, but now we are being taken backwards. I was therefore most concerned by what Professor Bauld also said yesterday when she warned about the prospect of there being social unrest. Will the First Minister say what plans she has on that front and how she proposes to avoid such unrest happening?

**The First Minister:** Before I respond to Willie Rennie's comments, I say that all of us should, as elected politicians, see it as part of our duty to avoid social unrest and to take very seriously our responsibility to explain such matters to the public and to encourage them to do the right things. I think that all members from across the chamber will be doing so.

I am not blind to the challenges on the issues of testing and quarantine—I take such matters very seriously. Because of the way in which the test and protect system is structured, we require to work with the UK Government on the test part. That sometimes makes those challenges more difficult, but it is nevertheless the right thing to do in order to ensure that we have that system operating across the whole of the UK.

Although I accept the limitations of the quarantine system and the desirability of having alternative approaches to it, one point that is not fully understood is that every single person who comes into the country and who is required to quarantine—100 per cent of them—will be contacted by email. The phone call follow-up is the sample bit of that process. There is therefore contact with every one of those people. However, we do have to work hard to make the systems that we have in place to mitigate the virus all the more effective.

I stress that elimination is—and must continue to be—our objective. It will not happen at a fixed point in time. We have always said that we will go backwards and forwards as we come out of lockdown. Elimination is not the same as eradication, which will happen only with a vaccine.

However, the reason that we are being cautious again today is that we must continue to bear down on the rates of infection. If we are to achieve elimination, we must drive those rates as low as possible and must not accept that it is okay to have a certain level of the virus circulating. Sometimes, the rate will be higher than at other times, but the objective of driving it as low as possible remains absolutely essential.

I will read the full *Official Report* of Professor Linda Bauld's evidence, since it has been mentioned a couple of times. As I have said before, I have a huge amount of respect for her.

However, the point is that, as we go further through the pandemic, it becomes harder for the public—and for all of us—to follow all the advice. Every single one of us will identify with that feeling. Therefore the duty on all of us as politicians—and, I accept, principally on me—is to explain as clearly as possible why we are asking people to do certain things and what the reasons for those things are.

We must also explain why, where necessary, we have enforcement measures in place so that people who flagrantly breach the law—for example, someone who holds a house party for several hundred people—experience the consequences of that. It is important to make people understand that we are not putting those restrictions on them for no reason; it is for good reason.

Inevitably, as we get further into the pandemic, the messages will become more complex and people will become more fatigued, which is why it is more important than ever that we continue patiently and fully to explain why all those measures remain vital.

**The Presiding Officer:** I remind members that I will take all supplementary questions after question 7.

### Domestic Abuse

**5. Gillian Martin (Aberdeenshire East) (SNP):** To ask the First Minister what the Scottish Government is doing to support victims of domestic abuse in light of reports of increased incidents during the Covid-19 pandemic. (S5F-04373)

**The First Minister (Nicola Sturgeon):** As many others have done, I have previously expressed my deep concern about the greater risks to women and children of domestic abuse during the pandemic. I again make a plea to anyone who is suffering such abuse to seek the help that exists.

Police Scotland continues to prioritise domestic abuse cases, and the Scottish Government is focused on ensuring that front-line services

continue to provide support. We have allocated an additional £1.5 million to Scottish Women's Aid and other such services and have recently published a new online resource for those working in housing, social work, health, education and other sectors to enable them to know where to direct people for further assistance. We remain committed to implementing the equally safe strategy and will introduce legislation on domestic abuse protection orders within this parliamentary session.

**Gillian Martin:** Women who are experiencing domestic abuse often have to make a devastating choice between staying in the home of the perpetrator or making themselves and their children homeless to get away from the abuse. One way of giving women much-needed breathing space in such situations is through emergency protective orders. How will the new domestic abuse bill give police and courts powers to ban domestic abusers from victims' homes?

**The First Minister:** The bill will provide new powers to impose restrictions on a suspected perpetrator of domestic abuse, including removing them from a home that they share with the person at risk and prohibiting them from contacting or otherwise abusing the person at risk while the order is in effect. The bill will also facilitate processes for changes to be made to social housing tenancy agreements to help victims stay in their own homes by giving powers to remove perpetrators from tenancy agreements. Too often, in the past and currently, it is the victim of abuse rather than the perpetrator who is faced with losing their home; we need to change that.

The measures are intended to provide protection for the person at risk and to enable them to take steps to address their longer-term safety and housing without them becoming homeless in order to protect themselves. I hope that those measures, which of course still have to go through the full scrutiny of Parliament, will help considerably with protecting those who are most at risk of domestic abuse.

### Airports (Support)

**6. Graham Simpson (Central Scotland) (Con):** To ask the First Minister how the Scottish Government is helping airports to survive during the Covid-19 pandemic. (S5F-04361)

**The First Minister (Nicola Sturgeon):** The global downturn in aviation that has been caused by Covid has had a significant impact on airports and airlines around the world, including here. We have provided support to the sector within the powers that are available to us. Airports and ground handling companies have been granted 100 per cent non-domestic rates relief this year and we have also called on the United Kingdom

Government to extend the job retention scheme to help the aviation industry through the winter season.

Our immediate focus is on helping airports to recover their route networks to maximise the potential for a return to connectivity and employment. We will also do everything that we can to help airports secure new routes. Scotland has a good record on that; in 2019, Scotland was better connected than ever before.

It will take time for demand to return; indeed, it will take time for us to recommend that people travel as they did before Covid. However, in the meantime, we will continue to do what we can to help the sector to recover.

**Graham Simpson:** Over the past week, I have spoken to airport bosses based in Glasgow, Edinburgh and Aberdeen. They have painted a dire picture, in which thousands of jobs could be at risk and Scotland certainly will not be connected to the world. They are crying out for help and, as the First Minister knows, they want an airport testing regime that could reduce the need to quarantine.

I have also spoken to the wider travel sector. Barrhead Travel told me that Scotland risks losing an industry that contributes £1.7 billion to our economy and employs over 25,000 people. Earlier, Ruth Davidson mentioned figures that showed that less than 5 per cent of those people arriving in Scotland last week who were required to quarantine have been contacted by the national contact tracing centre. Surely, if we tested everyone on arrival, we would have 100 per cent contact and we could reduce the need for quarantine—is 100 per cent contact not better than less than 5 per cent?

**The First Minister:** As I said to Willie Rennie, there is 100 per cent contact with people coming into the country who are subject to quarantine. They are all contacted by email and then a sample is contacted by telephone. Public Health Scotland can also involve the police if there are concerns about flagrant breaching of quarantine.

If we simply tested people on day 1 of their coming into the country, we could test 100 per cent of people, but we would then let into the country a significant percentage of people who had Covid because, unfortunately, if people are at an early stage in the incubation period, they test negative for Covid. The ability to test on day 1 and then test later as well is being explored. We would still not capture everybody, so we have to make some careful judgments about the balance of risk. We cannot simply be sanguine and shrug our shoulders about people coming into the country with Covid.

I think that Graham Simpson will find that there is not as much disagreement between us on the

issue as he thinks there is. However, I presume that if what he asks for were as simple as he is making it out to be, his colleagues in the UK Government would already have done it, but they have not, for the same reasons as the Scottish Government has not yet done it. It involves complex issues to do with public health as well as logistics, efficacy and practicality, and we are all working through those issues as carefully and quickly as we can.

We all want to have a better alternative to quarantine. If that was as easy as the member makes out, other Governments to which he is perhaps more favourable would have found ways to do it, but they have not.

### **Homeless Households (Accommodation)**

**7. Pauline McNeill (Glasgow) (Lab):** To ask the First Minister for what reason the Scottish Government is delaying the ban on placing homeless households in unsuitable accommodation, which it announced in May 2020. (S5F-04365)

**The First Minister (Nicola Sturgeon):** We remain very committed to extending the unsuitable accommodation order to all homeless households in the current parliamentary session, which in effect will end the use of bed and breakfasts as temporary accommodation, other than in emergency situations.

Temporary exemptions were created in May, which allowed for placements in hotels and B and Bs where needed. That has effectively kept people off the streets and in safe and secure accommodation during the pandemic. We are extending those exemptions until the end of January, given the on-going challenges that we still face. We recognise the challenges that local authorities are facing as a result of the pandemic and that supplies of suitable temporary accommodation have been limited due to restrictions on the turnover of void properties as a result of lockdown. The decision was reached with the support of councils, which remain focused on ensuring that people have somewhere safe and warm to live.

**Pauline McNeill:** I am sure that the First Minister will agree that people who are experiencing homelessness are in a state of crisis and that that is compounded when they are in unsuitable accommodation, such as hostels or bed and breakfasts. Research shows the effect on people's physical and mental health. The situation affects their sense of safety and their ability to maintain a normal life, including cooking for themselves and accessing laundry facilities, which makes life very difficult. We whole-heartedly welcomed the decision to extend the seven-day restriction on time spent in unsuitable



accommodation to all people to ensure that all homeless people are treated equally.

I accept what the First Minister says about the challenges in today's world, but I would like a guarantee—or as firm a commitment as she can give—that that will be done as soon as practically possible after January, and that the timetable will not slip unless there is a good reason for that.

**The First Minister:** I have already said that we are very committed to doing that within the current parliamentary session. Given the current circumstances, it would not be responsible of me to say that without any caveat. I agree 100 per cent with Pauline McNeill that, in normal times, permanent settled accommodation is always better than B and B and temporary accommodation. In the pandemic situation, because of some of the wider factors that we have had to deal with, access to B and B and temporary accommodation has often been the difference between someone being in accommodation and their being on the streets and not safe. We have to look at that relative to the current circumstances.

I hope that, by January, we will be in a better position. The commitment is there and it is strong but, in the current situation, we have to be aware of the uncertainties and recognise that the most important thing is to ensure that people are not on the streets during a pandemic. If, in these unique circumstances, that means that people are in B and B or temporary accommodation, that is better than their being on the streets. In normal times, settled accommodation is always the best, and that is what we continue to aim for.

**The Presiding Officer:** We move to supplementary questions.

#### **Glasgow Rocks Basketball Team**

**John Mason (Glasgow Shettleston) (SNP):** The First Minister might be aware of Glasgow Rocks, which is Scotland's leading basketball team and is based in my constituency. The team is very worried about whether elite players will have to come in through quarantine and when spectators can come back. Can she offer the team any reassurance?

**The First Minister (Nicola Sturgeon):** Obviously, we are happy to engage directly with Glasgow Rocks about specific concerns that it has and the reasons for those. I am fairly sure that sportscotland has already been in contact with Glasgow Rocks and provided it with details of our guidance on the resumption of performance sport. As I say, there is an offer of more specific support via the institute of sport to ensure that all the necessary protocols are in place. If there are more specific issues on which the team wants further guidance, we would be happy to facilitate that. I

am sure that we all wish the team every success once the season resumes.

#### **Grantown-on-Spey (Covid-19 Testing)**

**Edward Mountain (Highlands and Islands) (Con):** The First Minister will be aware that 37 people in Grantown-on-Spey have tested positive for Covid-19, including a care home worker. At the outset, given the concerns of staff and residents, and at their request, I contacted the Cabinet Secretary for Health and Sport, and she confirmed that the tests that are carried out in that care home are being diverted to Raigmore hospital for analysis.

However, NHS Highland's director of public health confirmed that NHS Highland could not analyse the type of tests that had been diverted to it. I ask the First Minister to explain why the Scottish Government diverted tests to a lab that could not analyse them and, indeed, subsequently lost them, which meant that complete retesting was required and led to subsequent delays.

Will the First Minister please give me an undertaking that she will personally investigate the situation? The issues that have arisen do not give me or the residents of Grantown the confidence in the test and protect system that we should have, especially given that, this morning, NHS Highland not only dispatched incomplete testing kits to the care home but required care home staff to go back to Raigmore to pick up more.

**The First Minister (Nicola Sturgeon):** I will certainly have the health secretary look into the specific issues that have arisen. I am not aware of the particular problems around testing, but I know that the local teams in Grantown-on-Spey have been working very hard and, I think, very effectively to make sure that the cluster of cases in question is kept under control.

The most recent information that I had was that the cluster consisted of 37 cases, most of which are linked to the local abattoir; there are just two cases in the wider community. I do not dismiss the challenges that Edward Mountain has raised, which we will look into, but those figures are a real tribute to test and protect—they show that it has stopped a workplace cluster seeping into the wider community. I thank everybody who has helped to achieve that so far.

#### **Dental Care (Access for National Health Service Patients)**

**Elaine Smith (Central Scotland) (Lab):** Last month, the Minister for Public Health, Sport and Wellbeing said that independent dentists were being encouraged to follow the spirit of the route map, but constituents tell me that it is still the case that those who can afford private dental care have

access to a wide range of treatments that are unavailable to national health service patients.

Does the First Minister agree that private patients are not at less of a risk to themselves or to dental staff than NHS patients are? Will she therefore review her advice on dental health to ensure that people are not left suffering simply because they cannot afford to pay for private treatment?

**The First Minister (Nicola Sturgeon):** In summary, yes. Since the public health minister gave his answer, I think—if I have got the timing of that right—that there has been movement in what NHS dentists can offer by way of services. The use of aerosol-generating procedures for urgent care is now possible. There is a different relationship between dentists who deliver private care and the Scottish Government. The national clinical director, who has a dentistry background, has encouraged them to comply with the guidance that is set out for the dental profession, and the chief dental officer has worked very hard with the profession generally.

Our focus is on allowing people to access the fullest possible range of dental services on the NHS as quickly and as soon as it is safely possible for them to do so. Throughout the pandemic, a number of emergency centres across the country have provided people with access to urgent and emergency care.

If I have not covered every aspect of the question in my answer, I will ask the public health minister to write to Elaine Smith with a fuller update on what is now possible and what we hope to make possible in the coming weeks.

#### **Protect Scotland App (Use of Information)**

**David Torrance (Kirkcaldy) (SNP):** What assurances can the First Minister give users of the new test and protect app that our contact information will be held securely and that privacy will be respected at all times?

**The First Minister (Nicola Sturgeon):** I am getting a running commentary on download from the Deputy First Minister, who tells me that more than a quarter of a million people in Scotland have now signed up to the app, which is fantastic. I thank everybody who has done that, and I ask those who have not to please do so.

Privacy and confidentiality have been at the centre of the development of the app. I am not a technical expert but, in summary, the app does not track a person's location; it generates random codes that tell whether they have been in contact with someone within 2m for 15 minutes or more. Those codes are retained for only 14 days, I think, but they allow people to be notified. There is no passing on of data; in fact, very minimal data is

collected by the app. Of course, if you are told that you have been in close contact with somebody who has tested positive, you have no idea who that person is, and when the person who tests positive puts their testing code into the app, they do not know who will be notified. Anonymity, confidentiality and privacy are built into the app, and that is an important assurance for people.

#### **Outdoor Education Centres (Financial Support)**

**Alexander Stewart (Mid Scotland and Fife) (Con):** This week, the Scottish Government announced that it was unable to agree financial support to outdoor education centres. As a result, closures may well be inevitable. For many young people, breaks at such centres were often the only opportunity to enjoy life-enhancing experiences; the announcement could also result in loss of employment in rural areas, where jobs are at a premium.

Will the First Minister and her Government reconsider their stance and commit to investing in such facilities, which will help to ensure the health and mental wellbeing of young people during the Covid-19 crisis?

**The First Minister (Nicola Sturgeon):** I absolutely agree on the value of outdoor education centres and the importance of the work that they do. It is regrettable that, because of public health advice, the overnight services that they are able to offer are still limited.

It is important to say, though, that many organisations with outdoor education centres are in the third sector, so they have been able to apply for support through the third sector resilience fund. Education centres can also access financial support through the United Kingdom Government's job retention scheme, and we hope that that will be continued.

We will continue to work with the sector. We funded the Scottish Advisory Panel for Outdoor Education to develop guidance for schools and councils on day visits to outdoor centres—the guidance was published in mid-August, I think—because we are trying to work with the sector to maximise what it can do and what it can offer, which is of course a way of ensuring maximum income.

We absolutely understand the importance of outdoor education centres and we will continue to work with the sector to provide whatever support is possible.

#### **Retail Sector (Covid-19 Measures)**

**Alex Rowley (Mid Scotland and Fife) (Lab):** I certainly do not underestimate the gravity of the Covid situation or the difficult decisions and judgments that are having to be made, and I want

to acknowledge the good communication that we have had in Scotland over this period.

However, I want to focus on the retail sector. When lockdown and social distancing began, a lot of retailers counted the numbers of people who were entering their shops, but that practice is starting to slip in some areas, which is worrying a lot of people. On social media yesterday, I saw a gentleman who I recognise and who I know has underlying health issues saying that he was in his local Co-op and there was no social distancing and people were not wearing masks. I have experienced that, too.

Will the Government talk to the retail sector about the fact that we have to remain vigilant and protect people? I have talked to a lot of shop workers, who are on the front line, and they are saying that their employers are not enforcing social distancing, so they feel at risk.

**The First Minister (Nicola Sturgeon):** Alex Rowley is right to raise the concern. I recognised earlier, in my statement, the enormous amount of work that the hospitality sector has done to try to ensure that it is providing safe spaces for people, and I think that it is also appropriate for me to recognise the enormous amount of work that I know the retail sector has done. I am very grateful for that.

I will come back in a second to people who work in shops, because I do not necessarily want this to be directed at shop workers. In general, however, for businesses, as for individuals, the longer we go through this, the harder it is to comply with what is required. I understand that, but it also becomes more important.

I have heard anecdotes and have had emails sent to me saying that there are systems that were put in place at the outset—one-way systems, for example—that retail is not operating now. Shops are of different shapes and sizes and they have to put in place the systems that work for them, but there is guidance in place for sectors across our economy, and we expect those sectors to comply with that guidance.

In direct response to the question that Alex Rowley asked me, we will continue to engage with retail to make sure that that guidance is being applied properly in shops across the country.

Shop workers are on the front line. The job that they do is very different from the jobs of people on the front line of our public services, but they are on the front line and they are more exposed to the virus than many of the rest of us are. We therefore have a particular duty to help to keep them safe. Those that they work for also have a duty to keep them safe, and the public have a duty to help to keep them safe, which is why I appeal to the public. Make sure that you wear your face

covering and take responsibility for physical distancing. Do not give any grief to shop workers who ask you to do those things, because they are doing their job, and they are doing it responsibly.

I keep coming back to this point. I do not want this to sound saccharine and clichéd, but it will take the effort of all of us to get through this—and we will get through this. This is the only time in my life that I can remember when it is true to say that none of us can cope alone; the collective efforts of all of us will determine how successfully and quickly we get through the pandemic. Every one of us has a part to play, and I appeal to everybody to play their part.

This is all an enormous pain in the neck, but the measures are really important in order to keep everybody, including shop workers, safe. At this moment, let us all resolve to tighten up our compliance with all the measures. If we do that, we will get through the pandemic more quickly.

#### Quarantine (International Travel)

**Kenneth Gibson (Cunninghame North) (SNP):** Although the priority remains minimising infection and saving lives, can post-travel quarantine be done differently? If there is a viral spike in one part of an overseas country, is it necessary to impose a blanket quarantine on all travellers from that country? Quarantining folk from Mallorca because of an outbreak in Madrid makes no more sense than locking down Shetland because of infections in Stranraer. A broad-brush approach increases uncertainty, damages our travel industry, ruins holidays and deters visits from family and loved ones who live overseas. Will the Scottish Government therefore consider a more nuanced and flexible approach to quarantine?

**The First Minister (Nicola Sturgeon):** Yes, we consider that. On a weekly basis, we look at the data that comes principally from the joint biosecurity centre, which gives data to the four United Kingdom nations. Increasingly, we also look at the data from the test and protect system, which, as well as trying to keep us all safe, is a rich—and getting richer—source of information about exactly where the risks are coming from.

We will always try to be as effective as possible, in as proportionate a way as possible. It is really important that we take steps that can effectively minimise the risk of importation of the virus. For example, we took the decision a couple of weeks ago to put quarantine requirements on people who come back from Greece, largely because the test and protect system told us that dozens of people who had tested positive in Scotland had reported recent travel in Greece. We were able to act in that case, and I think that we acted rightly. If the

data allows it, we will be able to target the measures more effectively.

This is really difficult for everybody, particularly for the aviation sector. I absolutely understand that. I am sorry if this sounds really basic, but this is a global pandemic, which is accelerating globally. Therefore—it gives me no pleasure to say this—my advice to people right now has to be to think very carefully about non-essential foreign travel, given the gravity of the situation that the world is facing.

I hope that, before too long, that advice will change but, right now, the Government has a duty to minimise the risks of the virus spreading. One of the biggest risks that we face is the importation of the virus from elsewhere in the world. Such decisions are difficult. We will try to make them as proportionate as possible, but our most important obligation is to keep people as safe as possible.

#### **European Union Negotiations (Fishing Rights)**

**Peter Chapman (North East Scotland) (Con):** An article in *The Times* newspaper on Tuesday reported that a Scottish Government delegation in Brussels suggested to European Union officials that United Kingdom negotiators should make concessions to the EU on fishing rights in the Brexit talks. I am sure that the First Minister will realise that, if that is true, that significantly weakens the UK's negotiating position and could, therefore, result in a much poorer outcome for our fishermen. Will the First Minister confirm or deny that that conversation took place as reported?

**The First Minister (Nicola Sturgeon):** Neither I nor anybody in the Scottish Government has ever tried to undermine the UK's negotiations with the European Union. Even if we wanted to—which we do not—we would not have to, because the UK is doing such a good job of undermining the negotiations itself.

I ask the member to reflect on what has transpired over the past couple of days. The UK Government has just published a bill that it admits breaks international law. It is trashing the United Kingdom's international reputation and, frankly, that is disgraceful. That story sounds to me like the UK Government is preparing the ground to sell out Scotland's fishing industry yet again and is looking for somebody else to blame. When and if it does sell out Scotland's fishing industry, the only people to blame will be the Tories in the UK Government.

#### **Covid-19 (Diabetes)**

**David Stewart (Highlands and Islands) (Lab):** The First Minister will be well aware that people with diabetes face a significantly higher risk of dying from Covid-19, with one in three of all

coronavirus hospital deaths associated with the condition. Will the First Minister join me in welcoming the United Kingdom ARCADIA trial, in which pre-clinical research has suggested that the glucokinase activator could aid those with diabetes who contract Covid-19?

**The First Minister (Nicola Sturgeon):** Yes, I warmly welcome that, and I wish that research and that trial every success. The member is right to raise concerns around people with diabetes and the specific risk factor that appears to be presented, as well as highlighting the good work that is being done to tackle that.

I take this opportunity to praise scientists, experts and clinicians across the country, who are trying to develop the scientific solutions to Covid. I am hugely optimistic that, in time, science will provide us with a way out of this, through better treatments and, ultimately—hopefully—a vaccine. We have some of the best people working on it, and Scotland is more than playing its part. We have some of the best brains in the world working on it, here in Scotland and in the UK, and they deserve our full support. While they are doing their bit in their work, all the rest of us have to do our bit right now to keep the virus under control.

#### **Traffic Regulation (East Craigs and Craigmount)**

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The City of Edinburgh Council is about to use Government spaces for people money to impose sweeping changes on the communities of East Craigs and Craigmount in my constituency, affecting 3,500 homes. The council has avoided any meaningful consultation, through the use of temporary traffic regulation orders, despite stating openly that the changes are likely to become permanent.

So keen were they to be heard that 1,000 residents recently attended a public meeting that I organised with the council's transport convener. They are not car enthusiasts; they are normal people. Had the city council asked them, they would have made it clear that the plans will actually lengthen essential car journeys, putting huge additional pressure on arterial routes.

Given that a court in Berlin struck down similar proposals, stating that they were a misuse of the emergency, is the First Minister content that the council administration is acting lawfully and in the spirit of the Government's funds for community social distancing?

**The First Minister (Nicola Sturgeon):** I am happy to look into the specifics in more detail. I absolutely believe that local people should be properly consulted and listened to about local schemes. Alex Cole-Hamilton regularly comes to

the chamber and talks to me about the need for greater localism and decentralisation and the need to do more to tackle climate change, so he should perhaps also reflect on that. He is right, however, to voice the interests of his constituents, and I am sure and I hope that the City of Edinburgh Council will listen and take them seriously.

### **Rave Organisers (Fines)**

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Following a rave in my constituency that was attended by 300 people, the police had to use the criminal law to charge the event organisers. Under the coronavirus regulations in England and Wales, fines of up to £10,000 can be levied on those organising such events. Given that money is the motive, and that not a thought is being given to public health, hitting the culprits where it hurts, in the pocket, seems an excellent idea. I trailed that idea at the COVID-19 Committee yesterday, and it was favourably received by Professor Bauld and Michael Clancy. Will the Scottish Government consider introducing similar measures here?

**The First Minister (Nicola Sturgeon):** There are two contextual points to make here. First, criminal proceedings are under way in relation to that specific case, so I will not comment directly on that. As Christine Grahame knows, being a former lawyer with long experience on the Justice Committee, we have different structures of fines and fixed-penalty notices in Scotland, and we have tried to fit the coronavirus system into those existing systems. They are different here from what is in England.

We will continue to consider whether we can use greater fines and enforcement but, in cases where there has been a flagrant and egregious breach of the law, it is right that the full force of the criminal law is brought to bear on people who do such things. They are not just breaking the law, they are putting lives at risk.

Let us not lose sight of this: it is still the case that all of us, in small ways and large, need to act in a way that saves lives. The virus kills people, and every time we allow it to spread, somebody's life is potentially at risk. Let us all ensure that we abide by the regulations—and the vast majority of people are doing so. Christine Grahame is right about this: in cases where people are not doing things inadvertently or because they make a mistake, which everybody will do from time to time, but are just flouting the law with no regard for other people's safety or for human life, the full force of the law should be brought to bear on them.

### **Merchant Navy Day**

**Maurice Corry (West Scotland) (Con):** On Thursday 3 September, we celebrated merchant navy day with the red ensign being flown on many buildings throughout the United Kingdom, and sea Sunday was celebrated at the weekend. Ninety five per cent of the world's goods are transported by sea. The British merchant navy plays a huge part in that and its ships, crews and former seafarers are a significant part of Scotland's veteran community.

Will the First Minister join me in recognising and thanking our British merchant navy crews, ship owners and ship managers for the vital work that they do in crewing and operating our ships worldwide, particularly in light of the extended crewing schedules that are being experienced during the Covid-19 pandemic in order to keep our supplies moving 24/7?

**The First Minister (Nicola Sturgeon):** I join the member in paying tribute to our merchant navy crews, ship owners, operators and all those who work so hard to provide and deliver those services, which are important for the reasons that the member has set out. Like the rest of us, their work has been made more difficult because of the circumstances that we are living through. My gratitude goes to them for playing their part in helping to keep the country going through the most difficult of times.

**The Presiding Officer:** Thank you. My apologies to members whose questions we did not have time for. Parliament will resume at 2:45.

13:46

*Meeting suspended.*

14:45

*On resuming—*

## Portfolio Question Time

### Transport, Infrastructure and Connectivity

**The Deputy Presiding Officer (Christine Grahame):** Good afternoon. The next item of business is portfolio questions. In order to get in as many people as possible, I offer my usual mantra: short questions and succinct answers would be a boon.

#### Glasgow to Edinburgh via Falkirk Rail Line (Repairs)

1. **Alison Harris (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the repair work being carried out on the Glasgow to Edinburgh via Falkirk rail line. (S5O-04573)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** Following the severe weather last month, which led to the closure of the Edinburgh to Glasgow via Falkirk rail line, I visited the site last week to see at first hand the significant repair work that is being undertaken. Scottish Canals and Network Rail are currently undertaking the necessary repair work to the canal breach and the railway. We continue to press Network Rail to restore passenger services as quickly as possible. In the meantime, alternative transport options have been put in place, including other rail routes and replacement bus services for passengers travelling between Edinburgh and Glasgow and Dunblane.

**Alison Harris:** The Glasgow to Edinburgh rail link is vital to Scotland's economy and those living in the towns between the two cities. It is not unreasonable for people to be angry that bad weather can close the line for weeks at a time. What plans does the Scottish Government have to focus investment on making the rail line more resilient, and what discussions has the cabinet secretary had with Network Rail about ensuring that money can be directed into making the line better prepared for adverse weather?

**Michael Matheson:** I recognise the disruption and difficulty that the closure of the line cause for my constituents in places such as Falkirk. The member will appreciate that Scottish Canals and Network Rail have worked tirelessly over the past couple of weeks to repair the damage and the almost 1km of the main line that was swept away during the period of adverse weather. Restoring the route is a significant undertaking from an

engineering point of view. I can assure the member that Network Rail and Scottish Canals are taking forward all the appropriate measures that they can.

The member might be aware that, unlike the situation for other parts of the United Kingdom network, in the high-level outputs that we put in place for Network Rail in Scotland, we specify climate change as one area for which they have to implement mitigation measures. Network Rail is already undertaking that work across the network.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Following the drop in use during lockdown, there is a real risk that passengers will stay away from rail services permanently, particularly given that the Dunblane to Edinburgh service now takes two hours each way. What steps will be taken to incentivise and promote use of rail once the repairs are complete?

**Michael Matheson:** The reality is that capacity on the rail network continues to be constrained, as is the case across the rest of the public transport network, due to physical distancing. As we move through the route map and the transport transition plan adapts to the stages in it, we will consider what further measures we can put in place to encourage people to return to rail and other forms of public transport. Some thought has already been given to that.

I can assure the member that we are keen to ensure that those who have to make use of public transport at the present time can do so and feel safe in doing so. Once we move to the stage where we no longer have physical distancing, we will encourage the public to start making use of public transport on a normal, routine basis.

#### Bus Services (Semi-rural Areas)

2. **Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government how it supports the provision of regular bus services in semi-rural areas such as Ratho in the Edinburgh Pentlands constituency. (S5O-04574)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** We provide direct annual funding of around £53 million to support all bus services, including those in rural and semi-rural areas, and more than £200 million to provide free bus travel for older and disabled people. We also fund local authorities through the general revenue grant to provide additional targeted support for services to meet local needs. In 2018-19, £57 million was provided in that way.

During the pandemic, we have maintained levels of direct funding. In addition, we have committed up to £109.7 million over 20 weeks to

ensure expanded services to enable people to travel safely while distancing.

**Gordon MacDonald:** Many residents and commuters in the semi-rural areas of Edinburgh in my constituency are being discouraged from using public transport following changes to the bus service provider that have resulted in an increased cost to commuters who travel into Edinburgh and within the city.

One-Ticket, which is an integrated public transport pass that has existed since 1998, could help commuters, but it is not well known—its sales represent less than one third of 1 per cent of the local bus company's turnover. What can the Scottish Government do to help promote awareness and use of One-Ticket to the residents of rural Edinburgh?

**Michael Matheson:** The member will be aware that One-Ticket is an independent commercially led ticketing venture, and it is a matter for operators to decide whether they wish to make use of such provision.

The member might be aware that we are seeing ever-increasing use of contactless payment across public transport. Alongside that, the smart ticketing card has also been provided, which allows a variety of different card-based public transport ticketing options to be used on one single smart card. The smart ticketing card, which was rolled out last year, is the first of its type in the United Kingdom and can be used by all public transport operators in Scotland.

### Transport Infrastructure (South-west Scotland)

**3. Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what assessment it has made of the potential benefits of improving transport infrastructure in south-west Scotland. (S5O-04575)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** The south-west Scotland transport study, which concluded in January, emphasised the importance of a connected, safe, resilient and high-quality strategic transport network for the region. It recommended that 23 interventions be taken forward for further detailed appraisal in the second strategic transport projects review. By their very nature, such studies assess the potential benefits and impacts of interventions.

Work has recently restarted on STPR2. We intend to take a phased approach to phase 1, which will be focused on recommendations that will lock in the transport benefits for individuals' travel behaviours.

**Brian Whittle:** Three growth deals, worth in excess of £1.4 billion, surround the south-west.

However, transport infrastructure in the south-west remains woefully short of what is needed to support the south-west economy. Cairnryan—the biggest port in Scotland and the third biggest in the United Kingdom—is under threat from poor connectivity via the A77, the A75 and the rail link, and Transport Scotland has warned that the Bellfield interchange in Kilmarnock already has more traffic than it was designed for before those growth deals even get under way.

The Scottish Government's investment in the south-west—

**The Deputy Presiding Officer:** Mr Whittle, I am sorry, but this goes for everybody. I asked for short questions, and although we have added an extra five minutes, I will be pressed to get everybody in, including supplementaries. Please shorten your question.

**Brian Whittle:** I appreciate that. I am nearly there, Presiding Officer.

Investment in the south-west sits at a mere 0.04 per cent of the investment over the past 10 years. When will the Scottish Government stop the empty rhetoric that goes all the way back to a promise made by the then First Minister, Alex Salmond, 10 years ago, stop ignoring the needs of the south-west and give us the same level of investment that is enjoyed in the rest of Scotland?

**The Deputy Presiding Officer:** That was not a lesson in how to be brief. Can you give a reasonably short answer, cabinet secretary?

**Michael Matheson:** As the member is aware, we have already carried out the south-west Scotland strategic transport corridor study, which has identified 23 options. Part of that includes improvements to both the A75 and the A77. I stress that that includes the A77, whereas yesterday the member's party leader appeared to be looking for investment only in the A75 for some reason. However, I assure the member that we remain committed to ensuring that we take forward STPR2, which will see investment made in the A75 and the A77, unlike the proposal from his party leader.

**The Deputy Presiding Officer:** I will take two brief supplementaries.

**Colin Smyth (South Scotland) (Lab):** If the cabinet secretary wants, I will happily join him in a photograph of us holding a sign that says "Dual the A75 and the A77".

The cabinet secretary said that STPR2 would be delayed. Can he confirm whether specific proposals on the A75 and the A77, or similar proposals on road upgrades, will be contained in phase 1, or will they be kicked into phase 2? That phase will take place way into 2021, and people are sick of waiting.

**Michael Matheson:** The member will recognise that staff who are undertaking that work have had to pivot towards dealing with issues related to the pandemic. I am sure that he will recognise that staff in Transport Scotland, local authorities and other public agencies are working extremely hard to deal with the pandemic. That has meant that some work has had to be paused, including some of the work that is associated with STPR2.

In order to make progress as quickly as possible, we are breaking the process down into two phases. The first part, early next year, will lock in some of the behavioural changes that we have seen in recent months to make sure that we build on those. The second part will come later in the year.

The member will recognise that staff are doing their very best to deal with issues related to the pandemic and, at the same time, to restart the STPR2 work, drive forward the process and drive improvement across Scotland, including in the south-west.

**Emma Harper (South Scotland) (SNP):** Has the cabinet secretary been in discussion with the United Kingdom Government in relation to additional infrastructure requirements for the port of Cairnryan after 31 December this year?

**Michael Matheson:** We have had no direct ministerial engagement with the UK Government on Cairnryan, despite the fact that we have raised the matter with it and despite its recent announcements about the possibility of a customs point being introduced on the Northern Ireland side. The UK Government must seek to address the issue as quickly as possible, but we have not yet received any further assurance about the actions that it intends to take.

#### **Edinburgh-Glasgow Transport Links (Improvements)**

4. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what assessment it has made of any potential benefits of improving transport links between Glasgow and Edinburgh. (S5O-04576)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** We have already invested significantly in improving transport links between Glasgow and Edinburgh with delivery of the Edinburgh to Glasgow improvement programme. An £850 million rail investment has brought the fastest journey times between Glasgow and Edinburgh city centres as well as increased capacity, with more comfortable, efficient and reliable trains, and has ensured that all routes between the two cities are electrified. In addition, the £500 million M8-M73-M74 motorway

improvements project improved road journey times and reliability across central Scotland.

The second strategic transport projects review is considering what further transport investments should be made.

**Annie Wells:** We have heard that there are major disruptions on the Glasgow to Edinburgh train line as we speak, and the M8 does not have the capacity to deal with increased demand at peak times. The key to increased economic activity is having transport links to support businesses and workers in the area, which is why we are calling for an acceleration of infrastructure projects, including a three-lane M8.

Those plans—

**The Deputy Presiding Officer:** Do you have a question?

**Annie Wells:** Those plans—

**The Deputy Presiding Officer:** No, do you have a question?

**Annie Wells:** Those plans, according to a Scottish Government adviser, would generate more economic growth—

**The Deputy Presiding Officer:** A question.

**Annie Wells:** —and create more jobs.

**The Deputy Presiding Officer:** No, that is not a question.

**Annie Wells:** Will the Scottish Government accept that our proposals are the right thing to do, and will it take them forward without delay?

**The Deputy Presiding Officer:** I say to members that you are cutting other members out if you waffle on. I want crisp questions, and crisp answers from the cabinet secretary.

**Michael Matheson:** The key commitment for infrastructure investment that the Conservative Party has brought forward is to introduce a third lane on the M8. Introducing a third lane to the M8 would mean no money for the upgrade of the A77 or the A75, for investing in the A96 in the north-east, for completing the dualling of the A9, or for the other big strategic investments that we are making in health and education. The Conservative Party's proposal for a third lane on the M8 has been created on the back of a fag packet. It is not the kind of investment that will deliver the change that we need across Scotland, including in the south-west, the north, the Highlands—

**The Deputy Presiding Officer:** Yes.

**Michael Matheson:** —and in the north-east, the east and the west. That is the reality of our approach, rather than the silly and childish



approach that is being taken by the Conservative Party.

**The Deputy Presiding Officer:** What is sauce for the goose is sauce for the gander. Listen everybody—I am trying to get through the questions.

### Spaces for People Programme

**5. Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government whether it has reviewed the uses to which the spaces for people programme has been put since it was established, and whether this includes safety and cost effectiveness. (S5O-04577)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** Spaces for people was established as an emergency response to the Covid-19 outbreak and is enabling local authorities to quickly implement pop-up active travel measures that support physical distancing. Local schemes are the responsibility of individual local authorities. Sustrans is offering support to monitor projects and is working closely with the Society of Chief Officers of Transportation in Scotland and Transport Scotland to deliver an evaluation of the programme. Local authorities have a legislative duty to ensure road safety in all schemes and are required to follow public procurement processes to ensure value for money.

**Gordon Lindhurst:** Across Edinburgh, from the Comiston and Braid roads to East Craigs, residents have been shocked by the random, council-style temporary measures flung on to the streets of our city, leading to unsafe pavements and roads, congestion, increased air pollution, and hazards to the elderly and disabled such as floating bus stops. What will the Scottish Government do to ensure that funds that it provides are used in a less wasteful manner and for properly planned programmes for more pedestrian and cyclist-friendly spaces for people?

**Michael Matheson:** Proposals and schemes that are brought forward for local authorities are matters for the local authority, having gone through the process with Sustrans to secure funding for such schemes. Three broad criteria need to be met in dealing with that, and part of it includes addressing disability and access issues. Any matters relating to the schemes that the member makes reference to are for the City of Edinburgh Council.

### Public Transport (Commuter Travel Safety)

**6. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what action it is taking to ensure that capacity on public transport allows commuters to travel safely as part of its

planning for the reopening of non-essential offices. (S5O-04578)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** The Covid pandemic has had a significant impact on our transport system as travel demand has fallen. That is why we have committed up to £487 million of additional financial support to date for public transport services to support operators while fare-box revenues are impacted. We have also committed a further £10 million for temporary bus priority to help ensure that public transport remains an attractive choice. Transport Scotland officials are working collaboratively with Scottish Chambers of Commerce and the Scottish Trades Union Congress to plan for safe, phased reopening of remaining offices and to inform route map review decisions.

**Claire Baker:** Although today has seen a pause in moving out of lockdown, at some point non-essential office-based work will resume and we will see an increase in the number of travellers on the Fife circle which, as the cabinet secretary knows, is usually a busy peak-time service. When people return to socially distanced workplaces, will the same rules continue to apply on public transport, or will capacity be sufficient only when social distancing ends?

**Michael Matheson:** I recognise the issues that the member raises about the Fife circle and I also recognise that Network Rail and ScotRail have achieved significant improvements on the line in recent times. Notwithstanding that, the reality is that, while physical distancing continues to be required on public transport, capacity will be constrained. That is why we have provided offers of financial support for things such as bus prioritisation, so that local authorities can look at how they can improve the offer on public transport—on buses, in particular—to support additional capacity where necessary. However, although non-essential offices may open, we are still advocating for and encouraging businesses to support people to continue to work from home where possible, and to look at options such as staggered start and finish times to reduce transport demand at peak times.

I recognise the issues, and they are being addressed through the transport transition plan, but there will be challenges with the limited capacity on the public transport network. We are doing work to maximise capacity, but it will still be constrained. That is why businesses and others need to think about their travelling time and, where possible, support and encourage staff to continue to work from home while physical distancing must be maintained.

**Gil Paterson (Clydebank and Milngavie) (SNP):** It is evident that public transport will continue to be impacted by the need for physical distancing, so can the cabinet secretary outline how the Scottish Government will engage with transport providers and members of the public to ensure that public confidence in public transport is maintained?

**Michael Matheson:** My officials meet regularly at a senior level with public transport providers, such as Network Rail, ScotRail and other bus and rail operators, to look at available capacity and its utilisation, and at whether further measures can be put in place to enable the public to have confidence in the use of public transport. I assure the member that we have taken forward a range of measures to encourage transport operators to adapt the routines of how they operate services in order to provide the public with confidence and to meet demand where necessary. As I just mentioned, we have also provided additional funding to support local authorities through the bus priority rapid deployment fund to help them to improve and increase bus services on key routes.

#### **M74 (Noise Mitigation)**

**7. Richard Lyle (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what discussion re noise mitigation it is having with the Scottish Roads Partnership in light of the recent publication of reports of increased noise levels being experienced by residents beside the Uddingston section of the M74. (S5O-04579)

**The Deputy Presiding Officer:** There was a little tweaking of the wording, but it was not sufficient to make a fuss about.

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** My officials are continuing discussions with the Scottish Roads Partnership to understand the results of its post-construction noise survey in that area of the M74, following the M8-M73-M74 motorway improvements project. Transport Scotland has requested a full explanation from the SRP on the outcome of the survey and will provide an update as soon as possible. The matter requires to be assessed by an appropriately qualified specialist, and my officials will take independent special advice in considering whether any additional measures are necessary.

**Richard Lyle:** The M74 was the only motorway upgraded without noise suppression fencing and my constituents have suffered increased noise. Many trees and bushes have been removed and not replaced—or replaced with what I would call twigs. Other planting work was carried out because of my pressure on the issue. As the noise report supports my position, what more is intended

to be done to reduce noise? When will the noise suppression fencing that I have pressed for previously finally be installed?

**Michael Matheson:** I know that challenging how the Scottish Roads Partnership has progressed some of the noise mitigation measures on that section of the M74 has been a long-standing issue for the member. I assure him that Transport Scotland is engaging directly with the SRP to interrogate the findings of the noise survey and identify what actions it will take to mitigate the difficulties that have been identified. I assure the member that we will continue to press the SRP to ensure that appropriate measures are taken on the basis of the findings of the noise survey.

#### **Stonehaven Train Crash**

**8. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the Stonehaven train crash. (S5O-04580)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** My thoughts continue to be with the families and friends of those affected by this tragic incident. I visited the site on Monday to show my support to those involved in the investigation, recovery works and service restoration. The site remains under the control of Police Scotland and the Rail Accident Investigation Branch. The removal of the carriages has started and will continue during the coming days. Network Rail advises that the restoration of passenger services is planned for October.

**Liam Kerr:** In harrowing and tragic circumstances, the railway family and all our emergency services were challenged in the extreme that day—and beyond. Their commitment and courage have been rightly noted.

Grant Shapps, the Secretary of State for Transport, met Police Constable Liam Mercer, who was one of the first on the scene. I understand that he intends to write to the chief constable of Police Scotland, recommending a commendation for his bravery and for that of PC Eilidh McCabe. Will the cabinet secretary consider writing to the chief constable in support of that recommendation?

**Michael Matheson:** On the day of the incident, I met PC Liam Mercer, other officers and those in the railway industry who had responded to it. I am conscious of the significant efforts that they all made and the heroic way in which they went about dealing with a complex and tragic event. I assure the member that I have already asked for measures to be taken to recognise the outstanding contribution and bravery that was demonstrated

on the day by all those who responded to the tragic incident in such an exemplary way.

**The Deputy Presiding Officer:** That concludes portfolio questions. We managed to get through all the questions again.

## Scottish Parliament (Assistance for Political Parties) Bill: Stage 1

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is a stage 1 committee bill debate on motion S5M-22651, in the name of Bill Kidd, on the Scottish Parliament (Assistance for Political Parties) Bill.

15:10

**Bill Kidd (Glasgow Anniesland) (SNP):** Back in February, the Parliament agreed to the Standards, Procedures and Public Appointments Committee's proposal for a committee bill that would amend the Scotland Act 1998 in order to transfer responsibility for setting the terms of the funding of non-Government political parties from the Scottish Government to the Scottish Parliamentary Corporate Body. The bill and its accompanying documents were introduced on 24 June. I am pleased now to invite the Parliament to agree to the bill's general principles.

The bill aims to make an administrative change to the way in which so-called Short money payments are determined. Today's arrangements originate from payments introduced by the Harold Wilson Government in 1974 to enable Opposition parties to fulfil their parliamentary functions. After devolution, the Scotland Act 1998 included provision for an equivalent scheme, and so Short money has been part of our devolved arrangements from day 1.

It is generally Opposition parties in the Scottish Parliament that receive payments under the terms of the current scheme, but there are coalition scenarios in which junior parties in Government can receive certain payments.

Under the current arrangements for funding political parties, payments are made according to a scheme that is set out in an order in council made under powers set out in the Scotland Act 1998. Those powers have been used only once: an order was made in 1999 and has governed our arrangements since the creation of the Scottish Parliament. It was prepared jointly by the United Kingdom Government and the then Scottish Executive, but the Scotland Act 2016 removed the UK Government's role, leaving the Scottish ministers solely responsible for submitting draft orders to Her Majesty.

Therefore although the scheme has always been, and continues to be, administered and funded by the Scottish Parliamentary Corporate Body—in the same way as members' salaries, allowances and pensions are—the corporate body does not have the ability to alter the formula that

determines the level of funding provided and who is eligible to receive it.

The committee considered that the Scottish Government, as the party or parties in power, was not ideally placed to determine the funding of the other political parties represented in the Parliament. In contrast, the SPCB consists of MSPs elected by the whole Parliament and acts in a politically neutral manner. As such, the committee believes that it is better placed to propose any alterations in respect of the funding of non-Government parties, which would always be subject to agreement by the whole Parliament.

According to the bill's proposals, responsibility for setting the terms of the Short money arrangements is transferred from the Scottish ministers to the Parliament. Its provisions would give the Parliament the power to make a resolution setting out a new scheme. In this way, any changes to the current scheme would, as I have said, be agreed by the whole Parliament.

Back at the proposal stage, I reassured members that the bill's proposals were narrow in scope, and I do so again in this debate on its general principles. Although the bill transfers responsibility for setting the terms of any future funding scheme from the Scottish ministers to the Parliament, it does not interfere with the existing scheme and formula. Those will remain in place until such time as the Parliament agrees to change them by means of a formal resolution process. As such, the passage of the bill will not itself affect the amount paid to parties.

It is envisaged that, in drawing up a new scheme, the SPCB would consult before submitting it for formal approval by the whole Parliament. In that way, any alteration to the amount of support available to eligible parties, or any change to the rules on eligibility, would be determined by all MSPs.

In drawing up plans to introduce the bill, the committee consulted with MSPs, political parties, the Parliamentary Bureau, the Scottish Government and the Electoral Commission. Their responses, which have been published on the committee's web page, were supportive of the policy. Significantly, the Scottish Government has indicated that it is content that its responsibility in this area be transferred to the SPCB.

To summarise the general principles of the bill, it transfers responsibility for setting the terms of funding for Opposition parties from the Scottish ministers to the Parliament. The current order, which determines the current formula, will remain in place unless and until the Parliament as a whole agrees to a change.

I move,

That the Parliament agrees to the general principles of the Scottish Parliament (Assistance for Political Parties) Bill.

**The Deputy Presiding Officer:** I call David Stewart to speak on behalf of the Scottish Parliamentary Corporate Body.

15:15

**David Stewart (Highlands and Islands) (Lab):** It does not seem that long ago that we were holding the debate on the proposal for the bill. First, I will thank—as Bill Kidd has—the committee and the supporting staff for their continued work on the bill.

In my previous speech on the bill, I mentioned that the last time the Parliament discussed what we commonly refer to as Short money was on 2 June 1999. Indeed, it was one of the first debates that the newly established Parliament had. That debate was intended to be about modifications to schedules 4 and 5 of the Scotland Act 1998, but the discussion was dominated by the subject of Short money and it is strange that, as we are nearing the end of session 5, we return to the subject.

In 1999, the debate was more about the allocation of money, but the bill is more straightforward, seeking to transfer the administrative oversight of the scheme to the corporate body. That is a move that I hope makes sense, given that, for the past 20 years, the corporate body has been funding the scheme with part of its budget.

It is important to stress that the corporate body sees the bill as a narrow change to the oversight of the scheme and not a fundamental reorganisation. The corporate body, as we have heard from Bill Kidd, oversees the reimbursement of the members' expenses scheme and it is to the credit of the allowances office and indeed members themselves that we have not seen some of the issues that have impacted other Parliaments.

Similarly, the corporate body operates the members' salary scheme and, with the Parliament's support, we have overseen measures to detach ourselves from other Parliaments' arrangements and establish our own, which, in my view, is a reflection of the maturity of the institution.

The corporate body's oversight of financial assistance will mirror to a great extent what the corporate body does with salaries and expenses. As I said, at present—indeed, since the Parliament was established—it is the corporate body that has been meeting all the costs associated with the Short money scheme.

The funding, as we have heard from Bill Kidd, is based on a formula, and the annual amount is currently set at £8,926 per member of the qualifying party group. In terms of accountability, at the end of each year, all parties that have received the funding are required to provide an audit certificate signed by an independent audit professional, which is then published on the Parliament's website, confirming that the amount spent has been for parliamentary purposes and for parliamentary purposes alone.

The order in council providing for the existing scheme has been in place since 1999. Previously, if any changes were to be made to the arrangements, such an order would have required approval by Westminster and Holyrood before being made by Her Majesty.

The Scotland Act 2016 changed those arrangements and approval by Westminster is no longer required. Only the Scottish Parliament needs to approve a Short money order. However, the corporate body considers that the arrangements provided for by the 2016 act are still not wholly satisfactory, as the power over the funding arrangements was transferred to the Scottish ministers. As the funding is provided by the corporate body, we consider that the corporate body is best placed to oversee the arrangements.

As I mentioned earlier, that would be similar to the corporate body's responsibility for the administration of members' salaries and the reimbursement of expenses scheme. Similar to members' salaries and expenses, we do not think that it is appropriate, as a matter of principle, for the Scottish Government to have the power to determine funding for non-Government political parties. The corporate body, by contrast, consists of representatives elected by all MSPs and acts in a politically neutral manner.

As such, the corporate body might therefore be thought to be better placed to take decisions and to promote actions in respect of the funding of non-Government political parties. The proposal, therefore, is that the corporate body should be able to regulate the Short money provision. I am pleased to note that this is supported by the Government.

It is important to be clear that, although the corporate body funds the scheme, it is for individual parties to determine how the funding is used, provided that it is used only for parliamentary purposes.

As I said, I am grateful to the Standards, Procedures and Public Appointments Committee for the work that it has undertaken on the matter, and I hope that the bill receives support today.

15:20

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** I welcome the opportunity to take part in the debate, and I propose to keep my contribution relatively short. My comments on behalf of the Government will be very much in keeping with those that I made when Parliament debated the relevant committee bill proposal some seven months ago. I suspect that other speeches will have a familiar ring to them, too. However, it is important to place matters on the record once again, at stage 1 of the bill's passage.

As members are aware, the committee bill to replace section 97 of the Scotland Act 1998, regarding financial assistance to non-Government party groups in the Parliament, which is also referred to as Short money, was introduced on 24 June 2020. The Government's position has always been that it is for Parliament to take the lead on matters that are relevant to its operation, which is a position that I am pleased to say was reinforced by the statutory framework that was provided for in the Scotland Act 2016.

The existing arrangements for Short money appear to be purely consequential on the need to have put in place a range of practical measures at the start of devolution and, more specifically, at a point prior to Parliament's having been operational and in a position to take on such a role. On that basis, the Government supports the principle of Parliament having direct responsibility for Short money, and for that policy move to be delivered via a committee bill.

The proposal may be regarded as a welcome continuation of legislation that has been promoted by Parliament to govern its internal operation in a more permanent manner, including the legislation on the registration of members' interests and arrangements for the administration of parliamentary pensions.

As the convener of the Standards, Procedures and Public Appointments Committee outlined, the bill's aim is simply to transfer statutory responsibility for setting the arrangements for Short money from the Scottish ministers to the Scottish Parliamentary Corporate Body. I note that the bill that is promoted by the committee is admirably brief and sets out a clean and simple statutory framework, which is also to be commended.

Members will no doubt be aware that the funding, which in 2018-19 was circa £560,000, is already provided from the corporate body's budget. The corporate body is, therefore, surely best placed to oversee future arrangements. The move will place Short money on a similar footing

to that for administration of members' salaries and the allowances scheme.

As we have heard, the bill does not seek to affect the amount that is paid to parties, to make changes to the existing scheme or to alter the formula that is applied for disbursement of funds. Rather, the bill provides for the arrangements for Short money, including the amounts that are paid to parties, to be determined in the future by a resolution of the Parliament as a whole. That seems to me and the Government to be an entirely sensible basis on which to proceed. It will enable Parliament to set its own timetable for any future review of Short money, or to assess the merits of any specific reform proposal. Finally, I note that the current order will remain in force until the first resolution is made under the new framework.

I ask Parliament to agree to the general principles of the bill.

15:23

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** As a member of the Standards, Procedures and Public Appointments Committee, I am pleased to speak in the stage 1 debate on the bill. I am glad that we have allocated only a short amount of time to the debate, because it is, I hope, one of the least contentious pieces of legislation to have come before Parliament. As others have said, the bill simply seeks to bring responsibility for setting the terms of funding for registered political parties within the responsibility of the Scottish Parliamentary Corporate Body, by transferring that responsibility from the Scottish ministers.

It is really quite surprising that, under the Scotland Act 1998, payments to political parties are provided for by an order in council rather than by the SPCB, but today we seek to start the process to rectify that. We are talking about the funding to assist Opposition parties in carrying out their parliamentary business, and today we debate only the transfer of responsibility, and not the funding itself. I am sure, Presiding Officer, that if we were debating the funding, you would have a queue out the door of members wishing to speak.

When the committee first saw the paper on the subject, it included the term "short money", with "short" having a small "s", and I was somewhat puzzled as to what we were talking about. When I realised that it should have had a capital "s", to reflect the initiator of the concept, I thought, "I know something about this."

Sir Edward Short, the then Leader of the House of Commons, was tasked by Harold Wilson with implementing a commitment that was made in the Queen's speech of March 1974 to provide some

money to Opposition parties to help them to do their work. It was mainly for the work of shadow ministers and the offices of the whips. Naturally, on that occasion, it was vital to consult the other parties in the Commons.

Progress was delayed by the second election that year, in October 1974, but someone who was deeply involved in the discussions throughout the process as chief whip of the Scottish National Party group of seven, then eleven, was one Hamish Watt. He was very enthusiastic about the move, especially as it would ensure not only that the number of seats that a party had in the house would be taken into account, but that the number of votes that were cast for each party in the election would be used in devising the formula.

As members who know my father can imagine, I was subjected to a running commentary on the machinations of those who were involved in considering the proposals, but he was immensely proud to have been part of that process. All those who are listening to the debate in parties' central offices in the members' block will now know where the origins of their posts and the money for them comes from. It is difficult to believe that Short money for Opposition parties did not exist earlier than the 1970s, but there it is.

That explains my ability to correct the term "short money" in the original paper by giving it a capital "s" and my eagerness to speak in today's debate. Here endeth the history lesson.

15:26

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I am delighted that I do not have to tear up my speech and that this is the consensual debate that I thought that it was going to be.

I welcome the progress of the bill and offer my thanks to those who have been involved—in particular, the members of the Standards, Procedures and Public Appointments Committee and its staff. Bill Kidd has laid out the detail of the provisions, so I will not go over that again.

When I spoke briefly in the debate on the proposed bill back in February, I provided some background on the history of payments to political parties in the United Kingdom, as Maureen Watt has just done. I will not rehash those points, but it is important to reflect on the role that such payments have in enhancing our parliamentary democracy.

The bill might serve as a reminder that democracy is about more than just elections; it requires active and functioning Opposition parties, informed debate, an informed electorate and involvement in the wider processes of how we are

governed. In a healthy democracy, we should constantly reflect on how to enhance and improve our democratic engagement and procedures.

In many ways, not a lot has changed since last I spoke on the subject. Because the bill is a committee bill, the familiar process of preparing a stage 1 report for Parliament to consider has been bypassed. Much of the scrutiny and engagement work has already taken place, as the committee outlined its proposals. However, the rather straightforward sections of the bill and its documentation have been examined by the Finance and Constitution Committee, and its call for views did not receive any responses; its report reflects that fact. That should not come as any great surprise, given that, as the financial memorandum notes, the costs of shifting responsibilities from ministers to the Scottish Parliamentary Corporate Body will be “minimal”.

However, it is right that such processes take place and that proposed legislation—particularly proposed legislation that seeks to amend our foundational statutes—is given the full scrutiny that it deserves. That said, when we introduced the bill, the committee did not foresee there being any great controversy regarding what we proposed. As has been set out, the bill presents a small but sensible change of responsibilities. Consultation responses have welcomed its provisions, and its principles have been well received across Parliament.

It is unlikely that this afternoon’s debate will feature heavily in tomorrow’s newspapers, but it is welcome that this parliamentary housekeeping is taking place, because it is a necessary part of what we all do. I support the bill, and the Scottish Conservatives will give it their backing again today, as we have done in the Standards, Procedures and Public Appointments Committee.

15:29

**Neil Findlay (Lothian) (Lab):** I thank the convener of the Standards, Procedures and Public Appointments Committee and Dave Stewart from the Scottish Parliamentary Corporate Body for opening the debate.

I think we all recognise that the funding of political parties is very important to the running of our democracy. If we want to have a thriving parliamentary democracy, we need to invest in it by providing financial support for things such as research, policy development, stakeholder engagement, communications and all that goes along with the work of political parties. A functioning, effective and accountable democracy costs money.

The bill—let us be honest—is a pretty dull one. It is process driven, dry and bureaucratic. It is not

the sort of bill that gets us jumping out of bed in the morning, but it is without doubt an important piece of legislation as it will transfer responsibility for Short money from ministers to Parliament, where it should probably always have sat, in my opinion. We should never see control over this important budget line in the hands of ministers of any political party, so the bill is a good move and a democratic one.

In effect, as other speakers have said, the bill tidies up or cures a hangover from the era before the Scotland Act 2016. It will transfer the responsibility to the corporate body. It does not seek to change the existing scheme or formula for the disbursement of funds, so it will not affect the amount that is paid to parties. To me, however, that is an issue, and although it is not addressed in the bill, it will need to be addressed in the longer term.

At the moment, the governing party or parties—this is not a party-political comment; it applies whoever is in government—have the civil service, special advisers, legions of policy specialists and an army of press officers. Opposition parties have just a few researchers and a few press officers to rely on—a handful of staff to shadow all the work of the civil service and the Government. That serious issue lies at the heart of the matter.

I hope that members will reflect on that in the round, because things can change quickly. That is the appeal that I would make to people when they look at the issue. The formula has not changed for a very long time and there has been no recognition of the increased powers and responsibilities that have come to this Parliament over time, which require more research, advice, work and consultation.

Scottish Labour supports the bill and we hope that it will be passed without any problems.

**The Deputy Presiding Officer:** I call Mark Ruskell to wind up the debate on behalf of the Standards, Procedures and Public Appointments Committee.

15:32

**Mark Ruskell (Mid Scotland and Fife) (Green):** I am delighted to wind up the debate as the committee’s deputy convener. I thank the clerks and members who spoke in the debate.

In effect, the Scottish Parliament (Assistance for Political Parties) Bill corrects an administrative abnormality or, as Neil Findlay called it, a hangover that we have had since the Scotland Act 2016. It is long overdue that that is corrected. It is a technical bill and it does not deal with levels of funding or the formula that is applied to different political parties, although that is a live issue. Neil

Findlay and others alluded to the fact that, if the bill is passed, there will be a debate to come about re-examination of the formula, but that is not a matter for decision today. Today is about—I hope—passing a bill that will make a technical change to how Short money is distributed in this Parliament.

David Stewart told us a little of the history of Short money, and Maureen Watt offered a fascinating personal history around the subject. Her contribution underlined just how important Short money is, particularly for smaller political parties that are trying to find their feet in institutions and scrutinise Government. When the Government has so many resources in the form of the civil service and party staff working for it, it is really important that smaller parties have the financial support to enable them to do the work of scrutinising Government.

Of course, back in the day, in the 1970s, even the SNP was a small party, if members can believe that.

I would like to briefly note the difference in procedure for a committee bill. At stage 1, a committee bill is not referred to a lead committee for a report on its general principles, given that the Parliament has already debated and agreed to the committee's initial policy proposal. In the case of this bill, we had that debate back in February.

As Jamie Halcro Johnston pointed out, the Finance and Constitution Committee has now considered and reported on the bill's financial memorandum. No responses were received following the committee's call for views, and the committee concluded that it had no comment to make on the financial memorandum.

Meanwhile, the Delegated Powers and Law Reform Committee was also required to report at that stage. It examined the resolution-making process in section 1 of the bill, which replaces the current provision for payments to registered political parties. The committee indicated that it was content with the proposed resolution-making power.

There is strong consensus on the general principles of the bill. Namely, those principles are that it is appropriate for responsibility for setting the terms of funding for non-Government political parties to be transferred to the Parliament; that it is logical and consistent that the Parliament should have that responsibility, because the scheme has always been administered by the SPCB; that, as a politically neutral body, the SPCB is the most appropriate body to propose any alteration in respect of funding—I welcome the support from the Government on that position, too—and, finally, that any change in funding should be subject to the agreement of the whole Parliament.

I am pleased to close the debate on behalf of the Standards, Procedures and Public Appointments Committee. I am delighted that we have had the opportunity to take the bill through stage 1. I confirm that I seek the Parliament's agreement on the general principles of this committee bill.



## Internal Market

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is a statement by Michael Russell on the internal market update. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

15:37

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** The United Kingdom Internal Market Bill, which was published yesterday, represents the biggest threat to devolution that Scotland has seen since this Parliament was reconvened in 1999, after 292 years of adjournment.

The threat comes from a gang of hard-right-wing, anti-devolution Tory Brexiteers, who said during the Brexit referendum—in which the people of Scotland voted overwhelmingly to remain in the European Union—that they wanted to take back control. Now we know what they wanted to control: us, our country of Scotland and our right to make our own decisions and choose our own future. They are trying to do so by removing from the people of Scotland and this Parliament the powers that were given to us 23 years ago this coming week by an overwhelming vote of our fellow citizens. That popular mandate means that it is the duty of every member who is elected by Scotland to stop them.

That is not just the view of the Scottish National Party Government. Here is what the Welsh Labour Government has said about the bill:

“the UK Government plans to sacrifice the future of the union by stealing powers from devolved administrations. This bill is an attack on democracy and an affront to the people of Wales, Scotland and Northern Ireland, who have voted in favour of devolution on numerous occasions.”

Last month, the Scottish Parliament considered the original proposals that were set out in the UK Government white paper on the internal market, and it voted by 92 votes to 31 to reject them. Now we know precisely what the proposals are in legislative terms and what they actually mean for businesses, for jobs, for the lives of the ordinary citizens of Scotland and for their Parliament.

The bill has also had something added to it that was not in the consultation—brief as it was. On Monday, it was merely a press rumour, but now we know that the UK ministers intend to unilaterally alter and override solemn and binding commitments in an international treaty that was agreed by the House of Commons only in January this year.

On Tuesday, we witnessed something that I do not think that anyone in this chamber would have

thought possible: a UK secretary of state, standing at the Westminster dispatch box, calmly informing the House of Commons that the Government intends to break international law with the bill. The rule of law is the cornerstone of a functioning democracy. Without it, a state is nothing but a collection of desperadoes, set on whatever aim they choose, without restraint and no matter the consequences.

Moreover, as the Lord Chief Justice of Northern Ireland, Sir Declan Morgan, pointed out yesterday, such actions also undermine the domestic legal scene. As he put it,

“where there is an indication that a state intends to break international law ... it may have a domestic effect on the confidence the public has in the legal system generally.”

Johnson’s reckless actions are now aimed not just at us; they will also trash the UK’s already tarnished international standing, put at grave risk sustainable and beneficial trading and economic relationships with most of our international partners and weaken the legal basis of all our lives. All that is happening while he and his irresponsible and reckless Government are hurtling, in the midst of a pandemic and the worst global recession in many generations, towards a hard European Union transition deadline entirely of that Government’s own choosing of 31 December, with only two bad options left—a disastrous no deal or an almost equally damaging low deal—and armed only with blockheaded arrogance, a false sense of exceptionalism and this entirely unnecessary and deeply damaging bill, which will actually make every problem worse.

The UK Government has not only signalled its intention to break international law; it is also signalling its intention to break domestic law—to break the devolution settlement, which was once described as

“the settled will of the Scottish people.”

Let me now turn to the detail of the bill. There is much in it that repays study, if only to reveal how contemptuous the Tories are of this place and of the people we represent. At clauses 2 to 9, there are sweeping powers to compel Scotland to accept lower standards set elsewhere in the UK on animal welfare, food safety, environmental protections and a host of other areas. Those powers would radically undermine the ability of this Parliament to serve the people who elected it.

At clause 46, powers are given to UK Government ministers to design and impose replacements for EU spending programmes in devolved areas such as infrastructure, economic development, culture and sport and education and training, or possibly more general public spending in those areas. Bypassing democratically elected MSPs and ministers in Scotland, those provisions

jeopardise current Barnett funding levels and will inevitably lead to policy confusion.

Worse, given the centralising ambitions of the UK Government, no one should be surprised if, in the future, the UK Government diverts money that should be under the control of this Parliament for Scotland's schools and Scotland's hospitals to pay for what appears to be its priority of union-jack-badged projects. It is already limbering up, as we saw on Twitter last night, to spend money taken from other Scottish budgets on its own pet projects in the very few Tory constituencies left in Scotland.

Part 4 of the bill establishes a new unelected monitoring body called the office of the internal market, which will have the power to pass judgment on devolved laws and will invite businesses with deep pockets to challenge the democratic decisions of this Parliament.

Clause 48 reserves state aid, which is, indisputably and without any pretence to the contrary, a blatant power grab. As a result of a decision sneaked out yesterday in the midst of the bill chaos, we know that the state aid provisions will merely mirror those of the World Trade Organization, making a deal with the EU even more difficult, and will provide little or no scrutiny or rigour.

The UK Government says that the bill will guarantee that companies can trade unhindered in every part of the UK, but that is not what the bill is about. There is no threat to such trade and never has been. This Government endorses the need for such trade and will always do so. What the UK Government wants is something different. In order to deliver bad trade deals, which is all that it can expect from its weakened state, it wants private health companies to have a guaranteed right to trade unhindered in Scotland, weakening and undermining the Scottish national health service. It wants private water companies to be given a guaranteed right to trade unhindered in Scotland, undermining standards and raising prices. It wants—once its hooks are in—to be able to alter anything that we do with just a flourish of a UK minister's pen.

Although the bill says that there may be exclusions from the principles of non-discrimination, the explanatory notes state:

"The Bill will provide the BEIS Secretary of State with a power to alter these exclusions to retain flexibility for the internal market system in response to changes in market conditions."

In other words, the UK Government can alter whatever we do, whenever it likes, regardless of the views of the people of Scotland. That is the open door to the kind of creeping privatisation and rampant deregulation that we have already seen south of the border. Yet all the while, the UK

Government behaves as if our heads button up the back, insulting our intelligence with the claim that that is in fact a "power surge." That is only true in the sense that power surges destroy everything that they touch. In reality, it is nothing of the sort. Every one of the powers that the UK Government trumpets is already devolved and is already exercised in the context of a coherent set of agreed EU laws and institutions that guarantee flexibility and local autonomy. Contrast that with the system that the bill wishes to put in place—a system in which the UK Government can unilaterally and arbitrarily impose its rules on Scotland, regardless of the wishes of the Scottish Parliament.

In the face of widespread stakeholder concern about the proposals, UK ministers have resorted to the familiar tactic of ignoring, or blatantly misrepresenting, the facts—but, as Robert Burns observed,

"facts are chieftains that winna ding".

Organisations and farming, business, public health, environmental and many other sectors across Scotland and the UK are deeply concerned about the proposals. Widely and correctly, they are seen as being incompatible with devolution, bad for businesses and consumers, dangerous for the environment and an impediment to necessary and effective devolved public health measures.

The proposals threaten to undermine the good progress that has been made on common frameworks—the preferred, proportionate and agreed means of managing policy difference across the UK when EU rules no longer apply. It is late in the day for sense to prevail in the Johnson Government, but there is still just enough time if it commits to that agreed process now. For my part, I repeat the undertaking that I made in the Parliament on 18 August: we will not diverge in any frameworks area, existing or new, while those are finalised. I urge the UK Government to do the same.

The bill is a shabby blueprint for a much weakened constitutional settlement that would leave Scotland defenceless. As the First Minister said yesterday, it is an "assault on devolution", the like of which we have not experienced since the Scottish Parliament was established. We cannot and will not allow that to happen.

The UK Government has now asked the Scottish Parliament to give legislative consent for the bill. In addition to the damage that the bill will do, which is reason enough to refuse consent, it surely cannot be right that we are expected to agree to something that is, in the admission of the proposers themselves, against international law. Therefore, the Scottish Government will bring to the Scottish Parliament a motion to refuse

consent. We will also publish a full rebuttal of the bill, which we will distribute nationally and internationally, and we will take whatever other steps are necessary to defend what we have and what we need to retain in order to build for the future.

It will be no surprise to anyone that the Scottish Government remains of the firm belief that the people of Scotland have the right to choose their own future. We are determined to make that happen. After the events of this week, that resolve is steadier than ever. That is why, before the end of this session of Parliament, we will set out the terms of a future referendum clearly and unambiguously to the people of Scotland in a draft bill.

However, even if, after all that, they do not believe that our interests as a nation would be better served as a full, normal EU member state, no member of this Parliament of any constitutional or political persuasion will, I hope, consent to a bill that offends international law while also breaking and discarding the established constitutional settlement. If any member votes for that, they are voting not just for Tory illegality but, in fact, for the end of devolution. That is what is at stake and what we must all defend with every skill that we have, with every ounce of determination that we can summon and with a steely resolve to never, never be defeated.

**The Deputy Presiding Officer:** The cabinet secretary will take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business. Members who wish to ask a question should press their request-to-speak buttons.

**Dean Lockhart (Mid Scotland and Fife) (Con):** I simply do not have enough time to address the political bluster that was the cabinet secretary's statement. In the middle of the current health and economic crisis, the absolute priority of the Scottish Government must be to protect jobs and livelihoods. The cabinet secretary is well aware, but will not acknowledge, that more than half a million jobs in Scotland and more than 60 per cent of our trade depend on free access to the UK internal market. Jobs and livelihoods must be the absolute priority, not another constitutional stand-off contrived by the SNP.

The cabinet secretary claims that the internal market proposals undermine devolution, but in reality over 100 new powers are coming to the Scottish Parliament, which will make it more powerful than ever. I have three questions for the cabinet secretary. First, is it SNP policy to hand back every one of those additional powers to the EU? Secondly, is it SNP policy to blindly keep pace with future EU law without having any

influence whatsoever on those provisions, bypassing this Parliament and turning it into a passive rule taker? Thirdly, is it SNP policy to return Scotland's fisheries to the common fisheries policy? Is that the reason that the Scottish Government interfered in the Brexit negotiations, thereby undermining the best outcome for our fishing communities?

Those questions are more important than ever, because it is now clear that the SNP wants to take a wrecking ball to the UK internal market, regardless of how many jobs will be lost. It is, after all, a market that the SNP wants to separate from. The SNP wants to hand back powers to Brussels and, in doing so, damage Scotland's farming and fishing communities and any prospect of a full economic recovery.

**Michael Russell:** For a Tory—this week of any week—to talk about constitutional abstraction is ludicrous.

I will give three simple answers to the three questions that Dean Lockhart poses. The answer to the first question is no, the answer to the second is no and the answer to the third is that we have never supported an unreformed common fisheries policy, unlike the Conservatives, who not only supported such a policy but implemented one.

I will now address three points that Dean Lockhart would not make. There is no threat to the internal market—none at all. That threat is manufactured as a constitutional abstraction—the member's own words—to damage the Scottish Parliament. I will ask him two questions. First, as a member of this Parliament, is he going to vote for its destruction? If he is, let the Tory voters note that. My second question is much more direct: as a lawyer, is he prepared to recommend that this Parliament supports a flagrant breach of law? If he is, he stands with a number of other Tory lawyers, but he stands in contradiction to his profession and his oath.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I have had regular contact with the cabinet secretary over the Covid period and have thought to myself that he is putting in a hard shift. It is rather ironic, therefore, that what brings us to the chamber today is Boris Johnson's less hard-working approach, which sees him playing fast and loose with the UK union. It is difficult to believe that the Scottish Tories in this Parliament are willing to put Johnson and his interests before the interests of the people of Scotland.

My view is that, by working together, the devolved Governments must now show that Boris Johnson and his Tory cabal cannot bypass the agreed devolution settlements. We should also

link up with the English regions to build that campaign.

What representations on the United Kingdom Internal Market Bill has the Scottish Government made with the other devolved Administrations of the UK? Is the Scottish Government willing to hold further discussions with the devolved Administrations to show a united front against the bill and to build a united campaign against this unacceptable behaviour, which threatens—not just undermines—devolution?

**Michael Russell:** I am of course willing to make common cause with anybody who is opposed to the bill. As I think that Alex Rowley knows, I keep in close touch with the Labour Administration in Wales. Indeed, I have been in touch today with Jeremy Miles, my opposite number there, and I will speak to him again tomorrow morning. I note the comments of Mark Drakeford, who was Jeremy Miles's predecessor—we worked closely together on these issues.

Alex Rowley makes a good point about the need for solidarity. I am glad to say that nobody is outwith redemption; for example, the shadow Counsel General in Wales has resigned from the Tory front bench because he cannot stomach the illegality of the bill. Today, the former Tory MEP Struan Stevenson—a man of principle—expressed his concern that this is taking place. It is pretty shameful that there is not a single Tory in this chamber who will rise to their feet to say, "We will not have this illegality." That is the problem with the Scottish Tories, and the voters will tell them that next year.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** The bill poses the most substantial threat to devolution since 1999, in centralising control to the UK Government and to the hands of the UK Parliament, and cutting across devolved powers by imposing new domestic constraints. People in Scotland voted decisively, by 74 per cent, for those powers to come to Scotland and to this Parliament.

Does the cabinet secretary agree that, in progressing with the bill, the UK Government is rolling back on devolution, without the consent of the people of Scotland?

**Michael Russell:** There can be no other conclusion in reading the bill. That is entirely what the UK Government intends to do.

I do not claim to be greatly prescient in politics but, more than a year ago, when we withdrew from the discussions on the single market, as the United Kingdom Government was calling it at that stage, we knew that it was inevitable—that this was where it was going. We needed to mark that, by saying that we were not going with the UK Government on that matter.

I regard it as very strange that the UK Government, in the midst of a pandemic, in the worst recession in certainly 100 years and probably more, and having refused the extension that it was offered to the current negotiations, should still be bringing this forward. It can only be monumental stupidity, or a monumental dislike—bordering on hatred—of the existence of devolution.

Brexiters who regard Westminster as sovereign—under that mediaeval concept that is still clung to by the Tories, among others—must thoroughly dislike the devolved Administrations and the devolved Parliaments, and want to get rid of them.

That is the agenda, I have to say, and it will be resisted, I hope, by every member of the Scottish Parliament who is thinking of their constituents.

**Maurice Golden (West Scotland) (Con):** I recognise that the SNP Government is nationalist and populist, but does the cabinet secretary think that the use of hyperbole and threatening behaviour, including a reference to the "ragman roll", is representative of a modern and progressive Government?

**Michael Russell:** To correct Maurice Golden, the Government is not "populist", it is popular. [*Interruption.*] In that, it is substantially different from the Tories.

I have made it absolutely clear that, on occasion, on Twitter, we all say a bit more than we should. At the time, I said that, although my knowledge of history was such—as Mr Golden's is not—that there was hope for those on the ragman roll, some of whom changed their position, I thought that it was inappropriate, and I said so at the time.

However, it is even more inappropriate for the party of which Mr Golden is a member to accuse me this week of "treachery". In fact, not one member of that party demurred from that word.

I will take no lessons from Conservative members about the use of language; I will take lessons from myself and my own conscience. When I do not do things as well as I might have done, I say so. I wish that the Tories would do the same.

**The Deputy Presiding Officer:** Thank you very much.

I remind all members of the need for the debate to be heard by *Official Report* staff, and recorded. Therefore, while it is inevitable on such an issue that tempers will rise, please stay within the bounds of Parliamentary rules.

**Ruth Maguire (Cunninghame South) (SNP):** Scottish Environment LINK has warned that UK Government plans could

“force Scotland to follow the lowest common denominator, especially where countries negotiating ... trade deals with the UK demand lower standards”.

Does the cabinet secretary share its concern that that could undermine

“efforts to combat climate change and biodiversity decline”?

**Michael Russell:** I noticed the comments of Scottish Environment LINK in response to the original consultation, which was only one month long. I think that it continues to be right about those matters.

Dean Lockhart upbraided me for wishing to keep pace with European regulation. Many organisations in Scotland, such as Scottish Environment LINK, are very glad that the Government is prepared to look at the high standards of environmental regulation in the European Union, and is determined to be part of them.

Unfortunately, we know precisely what will happen with the Tory commitment to high standards: it will evaporate the moment that they have the power to move onwards without restriction. As I said in my statement, those desperadoes will do it.

We are in a climate emergency. We need to stand up for the type of regulation that we need—for even stronger regulation—and to reject those who are against it.

I do not trust a word that the Tories say on anything, but, at this stage, least of all on the environment. I believe that Scottish Environment LINK is right, and we will work with it to make sure that we can keep pace.

**Pauline McNeill (Glasgow) (Lab):** Does the cabinet secretary agree that the bill not only breaches international law, by allowing for the contravention of article 4 of the UK Government’s own withdrawal agreement, but lays the groundwork for more extensive breaches of international law and tries to insulate the UK Government’s ministers from judicial scrutiny? Does he also agree that this isolationist bill is embarrassing for the UK internationally? Will he accept, from me, that we—Scottish Labour is not nationalist, which he knows—will stand with the nationalists and anybody else who wants to defend the devolution settlement against the incredulous position of the Scottish Tories, who do not seem at any point to want to defend the devolution settlement in the chamber?

**Michael Russell:** I accept that Pauline McNeill is not a nationalist—she has brought that point home to me on many occasions since we both

entered this Parliament in 1999. I know that she is committed to devolution and was before this Parliament even existed. We will work with Pauline McNeill, the Labour Party and any other party or individual who wishes to defend devolution.

I am not a devolutionist; I wish to move on, but the reason that I and the Scottish Government have been able to work so constructively with the Welsh Labour Government is that we recognise our differences. We recognise that we have different final destinations, but we know that all those destinations lie through our respective Parliaments and the work that they do, including for the people of Scotland. That is what these Parliaments are about. This Parliament is about working for the people of Scotland in areas such as health and education.

It is absolutely astonishing that the Scottish Conservatives wish to conspire with those—indeed, they wish to be among those—who want to see the Scottish Parliament done down, and not for its own sake. They want to see the Parliament done down in a way that will damage the people of Scotland. I will not let that happen, and I know that Pauline McNeill will not either.

**Mark Ruskell (Mid Scotland and Fife) (Green):** The United Kingdom Internal Market Bill is not statecraft—it is state-sponsored vandalism. In rejecting the race to the bottom in standards while strengthening the case for independence, the Scottish Government must be consistent. The race to establish free ports in Dundee and Rosyth, which is being championed by SNP councils and MPs, is part of the same deregulatory agenda to cut rights and standards for workers and the environment that is in the bill. Will the Scottish Government rule out free ports and rule in regional green new deals that can deliver the right opportunities for trade and investment?

**Michael Russell:** [*Inaudible.*]—exist across the EU, and that is the point that I would make. As far as I can see, nothing that the UK Government is offering is not already available in the EU, and that should be regulated. I can certainly support the member by making the point that I want to see any development in Scotland take place on the basis of an absolute commitment to the principles of ensuring a sustainable environmental future for the country. We can make common cause on that, because I know that the Green Party will campaign vigorously alongside the rest of us to make sure that the UK Government proposals do not succeed.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The scandal of the Northern Ireland situation has already been condemned by two of the past four Conservative Prime Ministers. The bill risks food safety across the UK and it is financially wasteful in the way that it allows contradictory

Government investment in infrastructure. It even risks harming the ability to have warmer homes in Scotland by removing separate building regulations. I want to see changes that involve the four Governments of the UK working together. The Scottish ministers have been reluctant to sign up to ideas that are federal in nature, because they are as reluctant to share decision making as the UK is. Would the cabinet secretary join a revised process with all four Administrations to oversee the internal market?

**Michael Russell:** Each Administration has the right to pass legislation of its own. That is why, I suggest to Mr Cole-Hamilton, he is in this Parliament—because he has the right to do that.

I am happy to work with the other Administrations on the basis of equality. He might think that federalism is that basis; I think that the basis is independence. However, I am prepared to commit myself to the equality of the four Parliaments. Unfortunately, the one party in this Parliament—I do not think that the Liberals are in this position—that is not prepared to commit itself to the equality of those Parliaments is the Conservative Party. If all the other parties can commit themselves strongly and publicly to that principle of equality and equity, we will be able to work together to defeat the proposals.

**Gillian Martin (Aberdeenshire East) (SNP):** I took a breath when I heard Dean Lockhart use the phrase “wrecking ball”, because yesterday, *The Guardian* editorial described the internal market bill as

“a wrecking ball, swinging wildly into EU negotiations”

as well as our

“international reputation and the union.”

The appearance of the bill has prompted many to warn that it will encourage a race to the bottom on environmental protections, food standards and animal welfare. Does the cabinet secretary believe that enacting the bill could leave Scottish farmers at a financial disadvantage, as they rightly try to maintain the high standards in food production that have led to Scottish food’s excellent international reputation? In short, is the “wrecking ball” that is called the internal market bill about to devastate Scottish agriculture?

**Michael Russell:** It is significant that in the consultation on the internal market, NFU Scotland indicated very clearly in its submission—so clearly that Peter Chapman could not stomach it and denounced it—that it wanted to see the common frameworks and devolution succeed. Neither of those things have been respected by the UK Government in the bill.

Scottish farmers are right to be concerned. If the bill is passed, they will find that a whole era of

unfair competition lies ahead, as well as a dumbing down of standards in a way that will be very damaging to the high standards of what they produce.

That applies right across the board. In every area of Scottish life, there will be unfair competition as a result of the bill, which will be brought in by the Tories. The devastation of Scottish business, which they will be responsible for—partly through Brexit and certainly through the bill—will lie at their door. If the bill passes, much of that devastation will be felt before next May, and the Tories will pay a heavy price for it. None of them should think that they are coming back, because most of them are not coming back.

**Oliver Mundell (Dumfriesshire) (Con):** Unlike Mike Russell, I will leave it up to my voters to decide whether I am coming back. Does he agree that it is a bit ironic to stand up in this Parliament and say that he is not a devolutionist and, at the same time, tell us with a straight face that a bill that is designed to protect our United Kingdom represents the biggest threat to devolution? Has he forgotten that his party attempted to end devolution for ever in 2014?

**Michael Russell:** Mr Mundell’s father and I were founding members of this Parliament. Although we did not have the same view on many things, I think that we had the same view on one thing, which was that this Parliament was an important next step for the people of Scotland. Some people believe that it was the final step, but not even the founders of devolution believed that it was the final step. At the beginning, Donald Dewar described it as a process, not an event. Maybe the Tories regarded it as the final step, but there was an agreement that allowed Scotland to come together and vote for the establishment of this Parliament—[*Interruption.*] Mr Mundell wants to go on asking the question, even when he is getting the answer. That is somewhat perverse.

The reality of the situation is that I believe that devolution can be built on and developed so that, when the Scottish people choose to do so, they will choose independence. What I do not believe is that this Parliament should be damaged and destroyed at the whim of a Government and a party that it did not elect. Mr Mundell represents part of the south of Scotland. He should endeavour to emulate the good folk of Dumfries, who, in 1706, decided that they did not want the union to take place. As Mr Smyth knows, because I see him acknowledging it, they burned the articles of union at the market cross and sent their representative to vote against the union. If only they had a representative like that now.

**John Mason (Glasgow Shettleston) (SNP):** Will the cabinet secretary explain something that I am a little puzzled about? I thought that we were

working on common frameworks and that there was negotiation and possibly compromise between the four Governments. Will he update us on what has happened to that process and why this bill is necessary?

**Michael Russell:** I would have to delve into the mind of Michael Gove for that, which is not a task that I wish ever to undertake. The reality of the situation is that considerable work has gone into establishing the frameworks. The work has been completed on seven frameworks, six of which apply to Scotland, but we could finish the rest of it very quickly.

I said in my statement that we should be ready to commit ourselves to those frameworks even without completing that work. However, it has been claimed recently by the selfsame Michael Gove that the framework programme that he previously thought was the bee's knees apparently has things missing. If there are things missing, he should tell us what those things are and we will make sure that the frameworks go into place.

It is one of the great tragedies of this situation that, after all that work has been done, it has been thrown away by Michael Gove. I am not in favour of Brexit, but we were willing to work with others to make sure that frameworks were in place that could provide the scaffolding to allow the countries to continue to work together. We were keen to see that happen. I had hoped that the members of this Parliament from the Tory party would say that, surely, at this late stage, we could get back to discussing and putting in place the frameworks and abandon what is force majeure against not just this Parliament but the people of Scotland.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** There can be no denying that this bill is a power grab. Is the cabinet secretary concerned by the UK Government's plans to provide powers to UK ministers to spend directly in our devolved areas?

**Michael Russell:** If the UK Government was to come along and say, "Here is some extra money. We would like to spend it. How shall we spend it?" and if we were to sit down and say, "Well, there is this priority and that priority," that would be the mature and sensible thing to do. However, for some reason, Alister Jack—he is the Secretary of State for Scotland, in case people did not know—wants to spend money in Scotland without consulting anybody else.

There are a number of problems with that. The first is policy confusion. Let us say, for the sake of argument, that the Tories wish to privatise the national health service, which they do. Under this bill, they could spend money on that no matter what the Scottish Government said.

There is another problem, too. I noticed last night a lot of tweeting by Douglas Ross—he is the leader of the Scottish Conservatives, in case people did not know—and the selfsame Alister Jack, much of which was about replacing the A75. I know that there are members in the chamber who want to see the A75 renewed—Emma Harper is one of them—but, of course, the A75 runs solely through—*[Interruption.]* Presiding Officer, I will not be shouted down. *[Interruption.]* I have a loud enough voice not to be shouted down; that is a lesson for the Tories. The A75 runs entirely through Tory constituencies, so what is that about? It is about the Tories spending money on their own constituencies and trying to bypass the elected representatives of the Scottish people. That will not happen.

**Neil Findlay (Lothian) (Lab):** What an interesting afternoon. The cabinet secretary was just talking about burning documents and books. I wonder whether he would like to burn copies of his past writings in "Grasping the Thistle", in which he advocated the privatisation of the national health service and the civil service and advocated a new union. *[Interruption.]*

I ask the cabinet secretary whether the Lord Advocate will be making a statement on the legal implications of this move by Boris Johnson's useless, incompetent and increasingly corrupt Government. Dennis Skinner once said that Boris Johnson was "educated beyond his intelligence". Was he not right about that, and is it not a shame that not a single Tory has the principle or decency to stand up and condemn this utter stupidity?

**Michael Russell:** I suppose that it was too much to think that I would get solidarity from Comrade Findlay. At the end of the day, that was not going to happen. I should probably say to him, in the words of a previous generation of British generals, there—I am gesturing at the Conservative members—is the enemy, not here. *[Interruption.]* He does not seem to know that.

Let me show a generosity that was not shown by Comrade Findlay. The legal implications of the bill are clear. We will bring forward those legal implications at the appropriate time and we will certainly deal with them when we consider the legislative consent motion.

As I have said to Mr Findlay on innumerable occasions in the chamber, page 5 of the introduction explains what the book is about. I am surprised that Mr Findlay has read it all but has deliberately ignored page 5. He does things in a very backward fashion.

**Claudia Beamish (South Scotland) (Lab):** Does the cabinet secretary agree that, in clauses 2 to 9, there is a grave risk of the baseline being far too low, in view of Scotland's good

environmental record and specifically in respect of the four EU environmental principles as well as the agriculture and food standards that members have highlighted? Does he agree that that is totally unacceptable and against our interests in trade, business and human health?

**Michael Russell:** I know that Claudia Beamish takes a particularly strong interest in these matters. She is aware that if, for example, the Tory hostility to the UK Withdrawal from the European Union (Continuity) (Scotland) Bill was successful, those environmental principles would be out the window. The Tories do not wish the bill to pass for a variety of reasons, one of which is those environmental principles, to which this Government is committed.

I would gently disagree with her, however, as I do not think that the baseline is too low—there is no baseline. The moment that the bill is on the statute book, the power that I referred to will be given to the various secretaries of state to make any decisions that they want. It does not matter what is in the bill. It is like the illegality of the international part of it: it will all be swept away in the interests of Boris Johnson and the Conservative Party. That is another reason why we should resist the bill utterly and completely.

I am grateful for the member's support. I will call her "Comrade Beamish" for that.

## Decision Time

16:17

**The Deputy Presiding Officer (Lewis Macdonald):** There is one question to be put as a result of today's business. The question is, that motion S5M-22651, in the name of Bill Kidd, on the Scottish Parliament (Assistance for Political Parties) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Scottish Parliament (Assistance for Political Parties) Bill.

*Meeting closed at 16:17.*



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

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