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AITHISG OIFIGEIL

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Scottish Parliament

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): The first item of business is First Minister's question time. Before we turn to questions, I invite the First Minister to update Parliament on the Covid-19 pandemic.

The First Minister (Nicola Sturgeon): Thank you, Presiding Officer.

I will give a quick update on today's statistics. Yesterday, 803 new cases were reported, which was 4.8 per cent of all the tests that were carried out. The total number of cases now stands at 188,345. Currently, 1,542 people are in hospital, which is 76 fewer than yesterday, and just 22 above the peak last spring. That is positive.

Currently, 113 people who tested positive for Covid, or were admitted to hospital with Covid within the past 28 days, are in intensive care, which is one more than yesterday. I deliberately give that definition, because it is the standard measure that we have been using for our daily intensive care figures. However, the definition does not cover some patients—30, as of today—who have been in intensive care with Covid for more than 28 days. The number of Covid patients who experience long stays in intensive care units is now increasing. Therefore, from today, we will publish data on that additional measure.

I regret to report that, in the past 24 hours, a further 50 deaths were registered of patients who first tested positive in the past 28 days. The total number of people who have died, under the daily measurement that we use, is now 6,551. National Records of Scotland has just published its weekly update, which includes cases in which Covid is a suspected or contributory cause of death. Today's update shows that, by Sunday, the total number of registered deaths that have been linked to Covid under that wider definition was 8,726. Of those deaths, 374 were registered last week, which is 70 fewer than in the previous week. Once again, I send my condolences to everyone who has lost a loved one.

I will quickly update Parliament on the latest vaccination figures. As of 8.30 this morning, 985,569 people have received their first dose of the vaccine, which is an increase of 57,447 since yesterday and the second-highest daily total so far. Given the severe weather conditions

yesterday, that is—in my view—nothing short of extraordinary. My thanks go to everyone who made it happen—to those who are running the programme across the country and, of course, to those who braved the elements to get the jag.

We have now vaccinated with the first dose 99.8 per cent of residents in older people's care homes, at least 96 per cent of people over 80 who live in the community, 80 per cent of 75 to 79-year-olds, and 45 per cent of people aged 70 to 74. We remain on course to vaccinate everyone over 70 and all people with a serious clinical vulnerability by mid-February, and we are now accelerating vaccination of 65 to 69-year-olds.

Vaccination will, in time, offer us a route back to greater normality, but we know that it must be accompanied by other measures. That is why, this week, we have confirmed further steps to increase testing, and it is why we are adopting strict travel restrictions. Yesterday, Michael Matheson announced that, from Monday, all travellers to Scotland from outside the common travel area will be required to undergo managed quarantine.

For the moment—alongside vaccination, testing and travel restrictions—lockdown continues to be the most important way of keeping the virus under control. The restrictions are tough for us all, but they are working. I repeat the most important rule of all: please stay at home except for essential purposes. When people are out, remember the FACTS advice. Staying at home whenever possible remains essential to getting and keeping the virus under control, as we vaccinate more and more people, so please stick with it. Stay at home, protect the national health service and save lives.

Committee on the Scottish Government Handling of Harassment Complaints (Evidence)

1. Ruth Davidson (Edinburgh Central) (Con): The Scottish National Party's chief executive, Peter Murrell, might have committed perjury by changing his story under oath to an inquiry of a committee of this Parliament. However, he has been clear about one thing: Nicola Sturgeon did not discuss the Alex Salmond meetings with him as her party chief executive. That is about the only thing that he has given a straight answer on. He was certain that the meetings were on Government business. Did Peter Murrell tell the truth under oath?

The First Minister (Nicola Sturgeon): Yes, Peter Murrell did tell the truth. Of course, he is perfectly capable of standing up for himself and does not need me to do that.

I will, assuming that the committee does not postpone my appearance again, get my

opportunity to set out to it my account next Tuesday. I relish that opportunity.

It is perhaps clear to everyone why the Opposition parties are so keen to drag Peter Murrell into a process that he had no part in, and to damage him. Perhaps they know how integral he has been during the past 15 years to the electoral success of the SNP and, conversely, to the electoral defeats of those parties. Their motive is very transparent, indeed.

Ruth Davidson: The First Minister said that Peter Murrell told the truth, but the SNP chief executive's evidence conflicts with the First Minister's, and only one of them can be right.

There is a pattern here: a ruling party of government acting as though it is beyond reproach, a chief executive changing his story, a suddenly forgetful First Minister, votes in Parliament ignored and promises of co-operation broken. Officials who have been coached at taxpayers' expense have been forced to change their evidence, and lawyers have shut down key witnesses and statements.

The Parliament—the country—should not have to put up with that. Therefore, today I am sharing evidence that the committee will not publish. This evidence has been shut down even though it is already in the public domain. The First Minister does not need to wait for her committee appearance to answer these questions, because the committee will not publish the evidence anyway.

Alex Salmond says that the First Minister set up a meeting on 14 July 2018, in her home, and that after that she called him on 18 July to discuss the ongoing situation. Did the permanent secretary know about those meetings before they happened?

The First Minister: I have already set out an account of the dates on which I spoke to Alex Salmond, in person and on the telephone, in my written evidence. I told the permanent secretary that those meetings had happened, and I told the committee in written evidence when all that happened. I will go into all of it in detail, under oath, before the committee next week. That is the right and proper way to do this.

I want to sit in front of the committee. I have been having accusations levelled at me for two years now, but have not been able to answer them fully because, first, of the ongoing criminal proceedings, then laterally out of respect for the process of the committee.

I am not refusing to sit in front of the committee; I am relishing the prospect of doing it, because then people will be able to hear my account and make up their own minds. In the meantime, I will

get on with doing the job that people across the country want me to do, which is to lead it through a pandemic.

Ruth Davidson: If we pick our way through that answer, it sounds like the First Minister only informed the permanent secretary after the meeting and the phone call. Let us get the story straight. In everyone else's mind—including Peter Murrell's—this was always a Government matter. However, according to the First Minister's story, it only became a Government matter on 6 June, when she wrote to the permanent secretary to say that she knew about the investigation. Therefore, this became, to the First Minister's mind, a Government matter on 6 June. It being a Government matter, she then—a month later—set up a meeting with Alex Salmond, in her house, on 14 July. Then, she called him four days later. All that was on a Government matter, without any official being present or record being taken, and it was all against the ministerial code.

I ask the First Minister why, if she knew that it was Government business on 6 June, she set up the July meetings and phone calls without an official being present or a record being taken?

The First Minister: A moment ago, Ruth Davidson said that she was going to reveal evidence that nobody would otherwise hear. As far as I recall—people can check my written evidence—everything that she has just said is set out in the written evidence that I have already given to the committee. It is published, and it has been for months.

I have been patiently waiting to give oral evidence to the committee, but my date on which to do that has been postponed—I understand the reasons why—certainly two and perhaps three times. I certainly hope to be sitting in front of the committee, answering all these questions, under oath next Tuesday morning. People can listen to that and make up their own minds.

I believe that it is important to subject myself to scrutiny and to make sure that the Government is subjected to scrutiny, but it is also important to have the opportunity to tackle head-on some of the ridiculous conspiracy theories that people such as Ruth Davidson have, in my view, been all too quick to indulge. I call on anybody who has anything that would help with the process of the committee to sit before the committee and do what I am going to do, which is to put an account on the record, under oath. I am not the one who is refusing to do that.

I undertook all my meetings, as I have said before, in my capacity as party leader. I will set that out again orally. I informed the permanent secretary in June when I thought that the

Government was going to be subjected to a legal challenge. I have made all that clear.

All along, I was determined that I was doing nothing to intervene in or to compromise the confidentiality, independence and integrity of a process that was kicked off because women—whose voices have, to be frank, too often been lost in this process—came forward with complaints. I thought that it was important that those complaints were properly investigated and not swept under the carpet just because of the seniority and party affiliation of the person whom they were about.

I will set out my account openly and fully. I relish having—at long last—the opportunity to do that.

Ruth Davidson: The women were failed—they were failed by system that was set up by the First Minister's Government. While they were being failed, the First Minister knew exactly what she was meeting Alex Salmond about. She chose not to tell her officials in advance and she chose not to keep a record. She kept on speaking to Alex Salmond all throughout the process—the process that failed all those women. Then she came into this chamber and told Parliament things that have been utterly contradicted by her own evidence and testimony.

We have women who have been failed, taxpayers' money and a cover-up at the heart of Government. The whole affair stinks to high heaven. Someone should take responsibility for those failings. Should not it be the First Minister?

The First Minister: Scrutiny of the Government and of my role as First Minister is right and proper, which is why I am freely subjecting myself to that scrutiny next Tuesday. I have waited a long time to get the opportunity to do that, and I now relish the opportunity.

What is very clear—it has certainly been clear from Ruth Davidson and, I think, from some members of the committee—is that it does not matter to some people what I say next Tuesday. It does not matter what any of us say to the committee, because those people have prejudged the issues. They have decided in advance what are the rights and wrongs of the situation.

The roots of this whole issue are in complaints that came forward not about my behaviour, but about somebody else's behaviour. It was right that those complaints were properly investigated. We know, because this is why the judicial review action collapsed as it did, that the Government made a mistake in its application of procedure. I deeply regret that, because I think that it let women down. However, in my view, a process that indulges conspiracy theories without insisting that people come before the committee to substantiate those theories also lets down the women.

The scrutiny of me and my Government is right and proper, and I do not shy away from it. On the contrary—I have been waiting a long time to sit before the committee and face up to it.

Of course, another on-going process is looking into whether—or not, as I would say—I breached the ministerial code. It is important to allow that to take its course, as well.

I say again that it feels to me as though certain people in the chamber have already prejudged all that and are not interested in what I have, or anybody else has, to say about it.

Ministerial Code (Potential Breach)

2. Jackie Baillie (Dumbarton) (Lab): As a member of the Committee on the Scottish Government Handling of Harassment Complaints, I will not prejudge the outcome before the First Minister gives evidence next week, and she knows that I am not a great believer in conspiracy theories. However, it appears that the Government procedures were deeply flawed and that two women were let down by the process. I think that we would all agree that we must ensure that that never happens again.

The First Minister knows this, because she has just referenced it, but she is subject to a referral for a potential breach of the ministerial code, which is being investigated by James Hamilton QC. The ministerial code exists to protect the public interest, to ensure that there is trust between politicians and the public and to allow the public to hold the Government to account. It is therefore critically important. If the First Minister is found to have breached the ministerial code, will she resign?

The First Minister: That is the Jackie Baillie who is not prejudging the outcome of the process. Women who have been involved in the committee process have—I know, because it has been published—written to the committee, saying that they think the committee process is now letting them down; it is important not to lose sight of that.

I still hope that the committee will use the powers that are available to it to ensure that everybody relevant gives evidence, but that is a matter for the committee and for Jackie Baillie. When the committee has concluded its work, when James Hamilton QC has concluded his inquiry—again, I am co-operating fully with that inquiry, as I am obliged to do—and when the outcomes of those are published, people can ask me that question and I will set out what I intend to do. However, I do not believe that I breached the ministerial code. That is my position right now, and I am entitled to due process just like everybody else.

Jackie Baillie: I say to the First Minister that I am not prejudging the outcome of the inquiry in relation to the ministerial code; I asked her what action she would take if she had breached it, not about the committee. The First Minister cannot simply ignore the ministerial code—that would have deeply damaging consequences for the Parliament, the Government and our democracy.

On 29 March 2018, the First Minister attended a meeting here, in the Parliament, with Geoff Aberdein, who is the former chief of staff to Alex Salmond. The First Minister claimed to have forgotten about that meeting and told the Parliament that it was “fleeting” and “opportunistic”, but the meeting was pre-arranged for the specific purpose of discussing the complaints that were made against Alex Salmond. I remind the First Minister of paragraph 1.3(c) of the ministerial code, which states:

“It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation”.

I ask again: if the First Minister is found to have breached the ministerial code, will she resign?

The First Minister: I do not believe that I did breach the ministerial code, so I will not engage with that hypothetical question. When James Hamilton QC issues his report, we can have an open discussion on the basis of whatever findings he arrives at, just as we will, no doubt, have an open discussion when the committee arrives at whatever findings it arrives at.

Jackie Baillie is really stretching it here in saying that she is not prejudging things and then asking me a string of questions that are designed exactly to prejudge the outcome of this. She will get the opportunity to raise all those issues and ask whatever questions she chooses—not only on selected bits, but on the whole course of things—in proper full session on Tuesday. I look forward to having that opportunity, when we will do that properly. That is the best way to ensure full scrutiny of me and my Government and to respect the rights and interests of the women whose complaints started the whole process, and it is the best way to allow me due process, which I am entitled to.

I look forward to having that opportunity, and I say again that, if the committee is really interested in having proper full transparency, it will ensure that everybody who has relevant information to offer comes before it and does so fully, openly, on the record and on oath, just as I will do on Tuesday.

Jackie Baillie: Every time I ask a question about the ministerial code investigation, the First

Minister replies with rhetoric about the committee. I look forward to questioning her on Tuesday at the committee, but my questions are specific to the ministerial code investigation that is being conducted by James Hamilton QC. It is not only a question of whether Parliament has been misled that the First Minister should be investigated in relation to. Paragraph 2.30 of the ministerial code states:

“Ministers and officials should therefore ensure that their decisions are informed by appropriate analysis of the legal considerations and that the legal implications of any course of action are considered at the earliest opportunity.”

We know that, in the judicial review, there was a significant delay between counsel’s opinion and the conceding of the case, and that it took the threat of senior counsel resigning before the Government collapsed the judicial review, which cost the taxpayer well over £600,000. I ask again: if the First Minister is found to have breached the ministerial code, will she resign?

The First Minister: Jackie Baillie stands there and says, in one breath, that she is not prejudging the outcome of things but says, in the next breath, “We know things.” That is before the committee has even heard a single word in oral session from me.

I think that Jackie Baillie should decide whether she is really open-minded, objective and impartial on the matter or whether she has prejudged the issue. I suspect that, for Jackie Baillie and for some Conservatives, it does not matter what I say next Tuesday: the press releases will already be written, just as I suspect they were before my husband appeared before the committee for the second time, earlier this week.

I am well aware of the terms of the ministerial code—I am probably more aware of them than Jackie Baillie is—and I do not consider that I breached the ministerial code. I will make that case very robustly. Let us wait to see what the findings are of James Hamilton’s inquiry when they are arrived at and published—remember, I referred myself to James Hamilton for the inquiry—and then we can have all these discussions, but let us not prejudge the outcome.

I know why the Opposition parties are desperate to get rid of me—I am under no illusions about that—but, just like everybody else, I am entitled to due process and I do not need lectures on democracy from Jackie Baillie.

Care Home Visits

3. Willie Rennie (North East Fife) (LD): Care home residents have been separated from their families for months, just when they needed each other most. I have had detailed and helpful discussions with the Cabinet Secretary for Health

and Sport and the chief nursing officer on how to allow safe visiting. Now that almost all care home residents have been vaccinated, will their families be allowed in soon? Will it be possible to allow safe visiting by, say, the middle of February, when immunity takes hold?

The First Minister (Nicola Sturgeon): I very much hope that we can reach that position soon but, just as I have done in the past, I have tried to refrain from giving simplistic or easy answers, even if I know that those are the answers that everybody wants to hear.

New guidance on visiting care homes is being worked on. I do not think that we have got a precise date yet, but it will be published imminently. It is looking, in light of the current rates and levels of the virus, and also, of course, in light of the extremely high uptake of vaccination in care homes, at what is possible in terms of giving designated visitors much greater normality in their interactions with care home residents.

Of all the really difficult things that people are having to live with as a result of the pandemic, I know that this is one of the most difficult. That is the case for people who are separated from older relatives generally and cannot have normal interaction, but it is particularly difficult and cruel for people whose older relatives are residents in care homes. We want to get to a much better position as quickly as possible, but we must do that carefully and in a way that prioritises the safety of those residents and everybody who works in a care home environment.

I remember—I will never forget for as long as I live—the toll of deaths in our care homes last year. People in our care homes are still dying from Covid, although at lower numbers than they were last year. I do not want us ever to go back to that position, which is why these decisions have to be taken so carefully.

Willie Rennie: I am pleased that the First Minister indicates that it might happen soon; I am also pleased that there will be new guidance. However, when we consider that many care home residents do not have much time left, every single day counts.

Anne has early onset dementia. Her daughter said:

“I find it absolutely awful thinking what is going through her head just now—that those faces she used to know, visiting her all the time, are no longer there.”

Families are giving evidence to Parliament today. Families are crying out for urgent change. We have heard their stories, and they want safe access to care homes. Clinicians say that the separation is worsening dementia as visits from family are the only tether to reality that some people have left. Residents in care homes should

be living, not just existing. I will press the First Minister just a little bit more. Can she give families hope? Can she give them a date by when safe care home visiting will begin?

The First Minister: I will not give a date today, before we are in a position to do so. That would be wrong, because it would run the risk of giving families false hope, which I do not want to do. When we get to that position, which I hope will be sooner rather than later, I want it to be on the basis of well-considered advice and guidance that has been properly informed by clinical evidence and input, so that, when we give a date, we can have confidence in it.

I will make two further points, although I do not expect that either will make a single person who is in such a scenario feel any better. I do not, for a second, underestimate how deeply traumatic the situation is. First, I know—or, at least, can imagine—how deeply traumatic it is. I make no criticism of Willie Rennie for reading out such testimony, but I say to him that I know that and I feel it. My heart breaks for people who are in that position. Secondly, what possible interest would I or the health secretary have in delaying, for a minute longer than necessary, a return to normality? We all want to get back to normality as quickly as possible in general, but particularly so on things that matter so deeply.

We will take those steps as quickly as possible, but it is also incumbent on me and the health secretary to do so as safely as possible so that, later this year, we will not be having discussions in the chamber about why we again have people dying in our care homes from Covid. These are difficult decisions, but that difficulty is as nothing compared with that of the reality with which relatives are living. I urge people to try to understand why such a change has to be done as carefully as we are trying to do it.

Covid-19 (Protections for Tenants)

4. **Patrick Harvie (Glasgow) (Green):** As the First Minister knows, throughout the pandemic the Scottish Greens have made the case for greater protections for people who rent their homes. It was pressure from the Greens that led to the introduction and extension of the winter evictions ban and the introduction of the tenant hardship loan fund. It was a Green amendment to emergency legislation that gave students the right to terminate their tenancies.

However, there is more to do. What is missing is serious action to tackle out-of-control rent rises. Does the First Minister accept that the idea of rent pressure zones has failed, given that there is not a single such zone operating anywhere in Scotland? What more does she plan to do to tackle rising

rents and to prevent people in the private rented sector from building up unmanageable debt?

The First Minister (Nicola Sturgeon): I would not necessarily accept that the legislation that was put in place, including that on rent pressure zones, has been as Patrick Harvie has characterised it. The onus is on local authorities, which have been given the flexibility to do so, to take action where they consider it necessary and appropriate.

However, I accept that there is more that we can do on that front. Patrick Harvie has run through the various steps that the Government has taken. I am happy to give him and the Greens due credit for their part, but I am sure that he would also give the Government credit—I hope that he would—for being very responsive to where action in the face of the pandemic has been necessary. I do not close my mind, nor does the Government close its mind, to doing more on how we might better regulate the private rented sector—not just in the short term, during the pandemic, but looking to the longer term.

By necessity, any further legislation would require to be introduced in the new session of Parliament, after the election. My party will put forward proposals for that in the course of the election campaign, as I am sure that Patrick Harvie's party and others will also do. It might be that we could find parliamentary consensus on what needs to be done. I am open minded and will continue to listen to proposals for both the short term and the longer term.

Patrick Harvie: I give the Government credit when it listens and acts, but that has not happened on the issue of rent controls. High rent is just one of the factors that are keeping many households in poverty. As we look forward to recovery from the pandemic, there are stark warnings about the future increases in poverty that our country might see. The Scottish Government has eye-catching targets on child poverty, but even before the pandemic we were on track to miss them. Almost one in four children in this country lives in poverty. If we do not act, the number will rise dramatically. Citizens Advice Scotland has warned about rising debt. Home schooling has increased household costs for many people, incomes are under threat and the United Kingdom Government's social security system is still unworthy of that name.

Surely the Scottish Government needs to show more ambition both in its budget for next year and in the longer term to support the household incomes of those who are most in need, whether that means expanding free transport and school meals, investing to cut energy bills, reconsidering its position on public sector pay or providing an uplift on the Scottish child payment. There are

many actions that need to be taken to support the household incomes of those most in need.

The First Minister: I very much agree with those sentiments, but it is not true to say that the Scottish Government just has eye-catching targets on child poverty; we have game-changing policies in place—and I use that term because it is the one used by anti-child poverty campaigners. There is the new Scottish child payment, for example, which is just taking effect now to put extra money into the pockets of low-income families with children.

My party has already set out plans to extend free school meals to all years in primary school throughout the year, including school holidays, if we are re-elected in the election in May. We have taken steps throughout the pandemic to put extra money into the pockets of those on the lowest incomes and we will continue to look to do that.

Through our affordable housing programme, we have built almost record numbers of new houses to try to deal with some of the pressures on housing availability. I think that the Scottish Government doing all those things that I have spoken about puts us in a unique position in the United Kingdom. The equivalent of the Scottish child payment, for example, does not exist in any other UK nation. I hope that, in future years, it might.

We are taking action to back up those targets but—and this is a big but, which I think we all have to consider—we need to do more. We know that poverty—child poverty in particular—is too high and we know that the pandemic and the inequalities that it has both exposed and exacerbated run the risk of making that problem worse. We all have to challenge ourselves to do more. I know that the Scottish Government and my party, in setting out plans for the next session of Parliament, are focused on doing that, and I hope that that is true of parties across the chamber.

Schools (Return During Holiday Period)

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister whether the Scottish Government is considering children returning to full-time education during part of the traditional summer holiday period. (S5F-04797)

The First Minister (Nicola Sturgeon): There are no plans to take a blanket approach to increasing pupils' learning time or the intensity of learning time. Individual schools will work with pupils, as they do every year, to identify ways to supplement learning as appropriate and we encourage schools and local authorities to target

support where it is most needed, including tutoring if required.

In addition, e-Sgoil will be providing an Easter senior-phase study support programme, which will begin in April; it is currently gathering input from learners to best design that programme. Teachers are contracted to work 195 days a year. Any additional cover for summer holidays would need to be agreed, and it would need to be done on a voluntary basis.

The needs of children should be at the heart of this. Children have lost a lot of education and it is really important that we support them to make up for that loss. However, children have been affected in a plethora of ways and we need to keep in mind their wellbeing as a whole as we go through the rest of the pandemic and into the recovery phase.

Christine Grahame: I put on record my thanks to all the staff in our schools for all that they have done for our children and grandchildren during this very long pandemic.

I hear what the First Minister has said but does she agree with me—as I think that she does—that school is so much more than the three Rs, to use the old-fashioned shorthand? School is so important for the wellbeing and social development of our children. That has been lost over these months, and a version of summer school might provide it.

The First Minister: I think that we should properly consider all those things. There is a big job of work to be done, which will not be completed quickly, to make sure that the impact on our young people does not turn into a long-term impact that they are saddled with for the rest of their lives. It is about making sure that we help them to make up for lost education and lost learning time but it is also about supporting them to deal with the wider impacts: the separation from their friends; the worry and anxiety that Covid has no doubt brought their parents and them; and the long periods of time without seeing close relatives such as grandparents. That is all having a deep emotional impact on our young people.

I think that whatever we do in the months and perhaps years to come has to take account of recovery in the wider sense so that, whatever else happens or does not happen, this generation of young people do not pay a lifelong price for what I hope will be a once-in-a-century pandemic that we are unfortunate enough to be living through.

A9 and A96 (Dualling Completion)

6. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the First Minister when projects to dual the A9 and A96 roads are expected to be completed. (S5F-04809)

The First Minister (Nicola Sturgeon): We continue to take forward plans to dual the A9 and the A96. Despite the 5 per cent cut to Scotland's capital budget as a result of Westminster budget decisions, we have completed the first section of the A9 and construction is well under way on the second, with the project expected to open to traffic in the winter of this year. The design and development process has been protracted by the impacts of Covid and, rightly, through ensuring that the statutory process concludes, with local communities having their say and any objections being resolved as far as possible.

Design work is well under way on dualling the A96. That is a significant undertaking that requires careful in-depth planning and design to ensure that we deliver the right schemes and keep impacts on the environment to a minimum. Once the statutory process concludes, a timetable for progress can be set.

Jamie Halcro Johnston: The pledges to complete work by 2025 and 2030 for the A9 and A96 respectively have been described as “ambitious”. Of the 11 sections of road under the A9 programme, which started in 2011, only one has been completed so far, with only one other even under construction. None of the work on the A96 has started. The projects are vital for communities across my region, for accessibility and for safety, with IAM RoadSmart saying that failure to complete the projects

“will cost lives as well as stunting the local economy.”

Can the First Minister again reassure my constituents in the Highlands and Islands that the Scottish Government is committed to completing both projects in full and within the original target timescales? Will she commit to providing delivery timescales for the remaining sections of the A9 and for the A96?

The First Minister: I agree that the proposals are ambitious, but I have set out the progress and our intentions. I will ask the Cabinet Secretary for Transport, Infrastructure and Connectivity to write to the member in more detail to set out the future projections. As everybody knows, such projects involve complex and at times lengthy planning and statutory processes that have to be undertaken, not least because it is important that local residents get the chance to have their say on the design and that any objections or concerns are taken into account and, where possible, addressed.

Clearly, as is the case with almost every facet of life right now, Covid has had an impact on the projects, and we will need to consider exactly what that impact will be going forward. I have set out the significant progress on the A9 and where we

are with the A96 plans. We will continue to progress those as quickly as possible.

Covid-19 (Travel to Vaccination Hubs)

7. Iain Gray (East Lothian) (Lab): To ask the First Minister how far people should be expected to travel to attend a vaccination appointment at a Covid-19 vaccination hub. (S5F-04800)

The First Minister (Nicola Sturgeon): Every effort has been made and will continue to be made to minimise travel times and distances to vaccination centres where that is possible. I know that some residents in areas such as East Lothian have had to travel to central Edinburgh locations and that, for people in some parts of East Lothian, that might be a distance of around 35 miles. However, a new vaccination centre at Queen Margaret University in Musselburgh has opened today, I think. That will be significantly closer and will carry out 4,000 vaccinations in the next week.

If someone is offered an appointment at a location that is not suitable for them due to mobility issues, an underlying condition or any other factor, an alternative location will be offered wherever possible, and a national booking line is in place for rescheduling appointments. Calls to the line can be passed to NHS Lothian's local call handlers to arrange appointments locally.

Iain Gray: People understand how big a challenge the programme is. They appreciate the efforts of those who are delivering it, and they are willing to go to great lengths to be vaccinated, but the lengths that they are being asked to go to are rather more than the First Minister appears to believe. In East Lothian, many constituents who live in Dunbar or North Berwick have been asked to travel past not one but two vaccination hubs in East Lothian to go to the Edinburgh International Conference Centre or, even worse, the Royal Highland showground, which is a round trip of about 80 miles, involving two or three bus journeys or a return taxi fare of about £120.

When people phone the helpline, they are routinely and repeatedly told that nothing can be done and that no closer appointments are available. Meanwhile, they hear stories of Midlothian residents being sent to Haddington in East Lothian for their vaccination. We have the whole roll-out of second doses still to come. Will the First Minister intervene and sort this out?

The First Minister: We will continue to try to get the right balance between local accessibility and speed of the programme. Rightly, we have been under pressure to speed up the programme, notwithstanding the reasons for the phasing of it in the early days, and it is now motoring.

I appreciate that some people—particularly as we go down the age groups—will be asked to

travel a bit further, but local health boards will be as flexible as possible, and health and social care partnerships should be offering to help with transport when somebody has to travel a bit more. The new centre in Musselburgh that I mentioned is an example of how we are trying to make the programme more accessible.

The arrangements will never be perfect for people, because we are trying to vaccinate the entire adult population as quickly as possible. Most of the people who contact me recognise that but, equally, we recognise that we need to make sure that people are not being asked to travel inordinate distances or being put in a position in which it is genuinely impractical for them to attend a vaccination appointment. The flexibility and input of local health boards is extremely important in that regard. We continue to try to get the arrangements as right as we can.

I will end this answer by saying that the programme is going really well, notwithstanding some of the issues that we see, which we will undoubtedly continue to see in some areas with a programme of such a scale. There are people right across the country who are working so hard to get through people as quickly as possible. Of course, people enthusiastically turning up for their appointments is also a critical part of the success of the programme so far.

The Presiding Officer: We turn to supplementary questions.

Covid Vaccination Priority Groups (Police Officers)

Stuart McMillan (Greenock and Inverclyde) (SNP): I have been contacted by a number of local police officers who feel that they should be prioritised when it comes to receiving the Covid vaccine. I have spoken to some officers who have had to self-isolate three or four times since last March.

Can the First Minister give any details of discussions that the Scottish Government has had with the Joint Committee on Vaccination and Immunisation regarding the prioritisation of certain professions, such as police officers and teachers, so that they could receive the vaccine first, once the initial prioritisation list has been completed?

The First Minister (Nicola Sturgeon): I have previously set out some of the issues that we are grappling with here, and I know that people understand them. In the early phase of the vaccination programme, we have limited supplies, so we have to prioritise where those supplies go first. Instead of Government doing that based on our judgments, we have—as we always do on issues around vaccination and immunisation—taken the clinical expert advice of the JCVI, which

has asked us to prioritise based on the order of people in clinical need and at greatest risk of becoming seriously ill and dying.

That is the list that we are working through right now. We hope to have completed that initial list by the early part of May. To recap, that is everybody above the age of 50, and any adult of any age with underlying health conditions. There will be some police officers included in that, just as there will be some teachers included in that. However, as we go through the early phase with limited supplies, every time we decided to attach greater priority to one group of people, we would have to deprioritise another group, which would be a group that the JCVI has considered is more clinically at risk, and I do not think that, ethically, that would be the right thing to do.

However, as we get to the point at which we are getting to the end of the initial priority list, we will, of course, think about the order in which we vaccinate the rest of the adult population. The JCVI is currently considering what advice it might give on prioritisation in the second phase, and we hope to receive that in the near future. Part of its consideration will be of whether there should be occupational prioritisation for healthy individuals from 16 to 50—subject, of course, to the latest data on vaccine safety and effectiveness. When we have that advice, we will set that out to the Parliament, and we will also set out the decisions that we will take on the basis of it.

Covid Vaccination Priority Groups (Offshore Medics and Workers)

Liam Kerr (North East Scotland) (Con): I have a related question. Offshore medics are on the front line in the battle against Covid, helping to save lives on board oil platforms, while members of the offshore oil and gas workforce work tirelessly to protect security of supply throughout the pandemic. Is the First Minister able to give similar comfort on whether offshore medics and offshore workers should receive the vaccination as a priority in phase 2 to keep those critical workers safe?

The First Minister (Nicola Sturgeon): That will depend on the advice that the JCVI gives us. The JCVI will give the same advice to Scotland, England, Wales and Northern Ireland, and if the past is anything to go by, all Governments will accept that advice. Therefore, I cannot say with certainty right now whether the workers to whom Liam Kerr refers will be prioritised in phase 2, because that would be to pre-empt the clinical expert advice that we will give, should the JCVI consider that it is appropriate to give us advice on the prioritisation of the rest of the adult population. Vaccination will be done as quickly as possible, and it will be done on the basis of the best clinical

advice and in the order of priority that is most likely to reduce serious illness and cut the number of people dying from the virus. I think that that is the right way to go. I understand that everybody, virtually without exception, wants to get vaccinated yesterday, but we have to do it methodically and in line with advice, and that is what we will continue to do.

Tesco (Livingston Distribution Centre)

Neil Findlay (Lothian) (Lab): This week, Tesco is paying a £5 billion dividend to shareholders while cutting between £3,000 and £13,000 a year from key workers at its Livingston distribution centre and four other locations. Does the First Minister agree that that sickening corporate greed exemplifies everything that is wrong with unregulated free-market capitalism? Will she join me in calling on Tesco to withdraw its despicable fire-and-rehire threat?

The First Minister (Nicola Sturgeon): I would call on any employer to treat their staff fairly at all times, but particularly given the difficult circumstances that everybody is living and working in right now. I am not responsible for what Tesco decides to do in terms of dividend payments to shareholders or indeed its hiring practices, but I have no hesitation in saying that any employer that is treating workers unfairly or in a way that is against the principles of fair work should be asked to think again, and I am happy to do that.

Of course, we would have more ability to regulate some of those things in this Parliament if the powers did not lie at Westminster, but instead lay here in this Parliament. I know that Neil Findlay will not be standing again at the election but, notwithstanding that, I hope that he can be an advocate in favour of that in the future.

Priority Families

Ruth Maguire (Cunninghame South) (SNP): In challenging times, those who are in already vulnerable situations are often hit the hardest. What is the Scottish Government doing to support priority families as identified in “Every child, every chance: The Tackling Child Poverty Delivery Plan 2018-22” to improve their income prospects and help to protect them from the precarious situation that they find themselves in at this difficult time?

The First Minister (Nicola Sturgeon): Supported by the tackling child poverty fund, we have invested more than £7 million this year in the new parental employability support fund, which is designed to help low-income parents, particularly from the priority family types that are identified in the delivery plan, to progress into and then within employment.

This year's draft budget confirms further funding of £5 million for the service, and we will shortly confirm details of additional funding to strengthen the support that is available to both disabled parents and young parents.

That is in addition to the wide-ranging action that we are taking through the delivery plan, including providing advice through the money talk team and directly boosting household incomes for up to 163,000 children through the Scottish child payment.

Teachers (Extra Protections and Testing)

Brian Whittle (South Scotland) (Con): What extra protections and testing can be put in place for those teachers who are looking after children with special needs, children who are vulnerable and the children of key workers? By the nature of their jobs, they come into close contact with not just their charges, but also the parents of those children. I am sure that the First Minister will agree that the work that those teachers do is essential, and that it also comes with an increased risk.

The First Minister (Nicola Sturgeon): We are delivering asymptomatic testing to schools. That is in progress as we speak, in advance of some gradual, phased return to school—we hope, although that has to be confirmed next week—later this month.

I will happily take the issue away and have discussions about whether there is more that we can do for the particular groups on top of that, but there is no doubt that testing has a key role to play in trying to identify cases of the virus and get people into isolation as quickly as possible.

Cladding (Private Buildings)

Daniel Johnson (Edinburgh Southern) (Lab): While First Minister's question time has been in progress, the United Kingdom Government has announced an additional £3.5 billion for the removal of unsafe metal cladding from private buildings. Given that announcement, will the First Minister reflect on whether the Scottish Government will review the financial assistance that it has made available for the removal of such cladding, especially given the financial predicament that it has left many people in?

The First Minister (Nicola Sturgeon): Obviously, I am not going to comment on that announcement, because I have not heard it, having been standing here answering questions. I set out at First Minister's question time last week, I think—or possibly the week before—the work that the Scottish Government is doing to determine how best we target funding to help those who are most in need of help in that situation. Constituents of mine are affected by the issue, so I know how

urgent it is. Once I have had the opportunity to catch up on whatever has been announced today, and what the implications might be for Scottish Government decision-making, I will be happy to write to the member with an update.

Cabinet Office (Recruitment)

Keith Brown (Clackmannanshire and Dunblane) (SNP): The First Minister will be aware that the Tory Government at Westminster is advertising jobs in the Cabinet Office's union unit for which knowledge of Scottish issues is deemed only "desirable". Does the First Minister agree that that unit is no more than a costly flag-waving exercise and an outrageous waste of taxpayers' money?

The First Minister (Nicola Sturgeon): I suppose that the United Kingdom Government's asking for people in whom knowledge of Scotland is "desirable" could be seen as a step in the right direction, because there is no evidence that it has insisted on that at any point in the past.

Does that not say it all—recruiting people to a so-called union unit for which, I understand, it has said that it is not essential to have knowledge of Scotland, Wales or Northern Ireland? Complete uninterest in Scotland, Wales and Northern Ireland perhaps might just sum up the union perfectly.

The most interesting things about that union unit, as far as I can see, are the fact that, if the Scottish Government had an independence unit in such a way, there would be howls of protest from the Conservatives; and all the effort that is being put into fighting in a referendum campaign that they say is never going to happen. That is a bit odd.

I am saying to people, "Let's get through Covid"—I am focused right now on getting this country through Covid—"then, post-pandemic, let's have this debate properly." In addition, here is an idea: let us allow the people of Scotland to decide their own future.

Extended Households (Covid-19)

Alex Cole-Hamilton (Edinburgh Western) (LD): On Friday, I hosted a virtual coffee morning for more than 50 new parents in my constituency. From the start, it became clear just how much strain those people are under, especially the mums, with many reduced to tears as they shared their stories.

In England, the extended household policy has been expanded to allow parents with babies under the age of one to bubble up with another household of new parents. However, there is no such provision in Scotland.

Good parental mental health is a matter of profound importance for the wellbeing and development of babies. With the possibility of several more months of lockdown still ahead of them, we need to give those mums and dads a bit of hope and the society of their peers. Will the First Minister now follow England and allow those parents to bubble up with each other for support?

The First Minister (Nicola Sturgeon): We will always consider what more we can do to ease the pressure that people, particularly parents, are living under.

Of course, Scotland, unlike England, has for some time excluded children under 11 from the limits that we have imposed on things such as people meeting up, and there is already the extended household concept in Scotland whereby single parents with children under 18 can join another household. Arrangements are in place, but nobody—least of all me—underestimates the difficulties that people are facing, and we will continue to consider every way in which we can make things better.

However, we have to do that carefully. As I keep saying, infection levels in Scotland are too high, albeit that they are coming down and are lower than those in England. Perhaps that suggests that the careful approach that we are taking is not always the wrong one. Nevertheless, I recognise the difficulties for particular groups of people, which is why we will always look at what more we can do to ease the restrictions where that is appropriate.

Climate Change

Kenneth Gibson (Cunninghame North) (SNP): Only yesterday, scientists from Harvard University and University College London announced research findings that showed that fine particles from burning fossil fuels were responsible for up to one in six deaths in the United Kingdom pre-Covid-19. That is in addition to a study that was published a fortnight ago on accelerating global ice loss, which matches the worst-case scenarios of the Intergovernmental Panel on Climate Change. In view of that serious situation, will the Government redouble its on-going work, in co-operation with other nations, to avert catastrophic climate change?

The First Minister (Nicola Sturgeon): Yes, we absolutely will. We recognise—as, I think, everybody does—that global co-operation is absolutely integral and essential to responding effectively to the climate and ecological crisis.

We are already playing our part. At the end of last year, we updated the climate change plan with more than 100 new policies that will help us to

achieve a just transition to net zero by 2045. As the Climate Change Committee has noted,

“the Scottish economy has decarbonised more quickly than the rest of the UK, and faster than any G20 economy since 2008.”

We also intend to use the opportunity of the 26th conference of the parties and our role as co-chair of the Under2 Coalition to raise global ambition and drive forward tangible climate action across the world.

Vaccine Wastage

Margaret Mitchell (Central Scotland) (Con): Last week, the dedicated staff at Whitehill community centre in Hamilton had to throw out 14 vials of the Pfizer vaccine, which had been held at a lower temperature for more than five days, because appointment vacancies that were made centrally had not been filled. Each vial contains enough for six to seven jabs, so 84 to 98 people were deprived of that life-saving vaccine. That is just one centre in Lanarkshire, and there have been similar experiences Scotland-wide.

Will the First Minister please provide clear messaging that those in the shielding and relevant age groups can check with the national helpline to confirm their appointment date and thereafter check the availability of short-notice appointment vacancies—for that day or the next day, usually—to ensure that not a single drop of the precious vaccine is squandered, that the maximum number of people are vaccinated each day, and that more people can then move up the queue?

The First Minister (Nicola Sturgeon): For the reassurance of anybody who is watching this, I confirm that nobody will be deprived of their vaccination. Every adult in Scotland will be offered the vaccination, and I hope that we will see significant numbers of people coming forward to get it, as we have done in the early groups.

Wastage is minimised. The wastage rates of the vaccine, so far, are very low and we want to get them lower still. They are well below the 5 per cent international figure that is often used for planning assumptions in designing such programmes.

I cannot ever stand here and say that there will not be wastage of a single drop of vaccine. I think that most people who use common sense would realise why that is. Things sometimes happen in the distribution and administering of vaccines that make that impossible, but there will be efforts, and I know that those who are administering the programme are working hard, every hour of every day, to minimise wastage to the absolute lowest levels.

Health boards have standby lists so that, if appointments are not filled, they will fill them. I

and, I am sure, others will have had emails from people who have had very short-notice messages to ask whether they could go for an appointment on the same day—maybe a couple of hours hence. Some people think that that is great, although others are less happy with that. Those systems are in place.

I am never going to stand here and say that, in a programme of such a scale, everything every single day is perfect and there are no glitches or things that go wrong. That is not going to be the case. The exercise is the biggest peacetime logistical exercise that we have ever undertaken in Scotland; the same is true in the other UK nations. When things go wrong, as happened in Fife this week, we have to take action quickly to resolve that.

We must keep wastage to an absolute minimum but, right now, the programme is going better than I could have dared to hope at this stage. Proportionately—in terms of vaccines per million of the population—the daily number of vaccinations that was reported yesterday was the highest achieved so far in a single day between Scotland and England. It was our highest daily total so far. Today, in the face of some of the most severe weather conditions that we have had in many years, we have had our second-highest daily total. The programme is therefore going well, and we will continue, on a daily basis, to resolve as quickly as we can any issues that arise, including those that Margaret Mitchell has highlighted.

Maritime Businesses (Support)

Rhoda Grant (Highlands and Islands) (Lab): The First Minister is aware that businesses have received support on the basis of rateable value. Maritime businesses do not have a rateable value, but they have similar costs, such as berthing dues, loans and rental payments, and they have received no help. They might qualify for councils' discretionary payments, but those are inadequate to meet their needs and are a fraction of what their land-based equivalents have received. Will the First Minister undertake to ensure that they get an equivalent level of support?

The First Minister: I will ask the Cabinet Secretary for Finance to look at the perspective that the member highlights and to consider whether there is more action that we can take. With any system of financial support, we need a system on which to base eligibility. Although it is not perfect, I think that rateable value is, so far, the best one that we can have. We have recognised that some businesses will fall through the cracks, however, which is why other sectoral schemes have been put in place. Councils have also been given money, and the finance secretary has

recently indicated that there will be an increase in that money, to be used at councils' discretion, for businesses that do not fulfil the criteria of any of the other schemes.

We will continue to look at what more we can do, and I will ask the cabinet secretary to respond to the member when she has had an opportunity to look, in particular, at the maritime sector.

A9 and A96 (Dualling Completion)

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I am pleased to hear, from Jamie Halcro Johnston's earlier question, that he is committing the Tories to dualling the A9 and the A96. He might want to tell his colleague Peter Chapman, who is against that—perhaps there is a split in the Tories. Parliament will remember that the Tories previously pledged to add a lane to the M8, which would have stripped funding from projects such as the A9 and the A96. Does the First Minister agree that that is another demonstration of Tory hypocrisy or simply confirmation that they believe that there is a magic money tree from which we can spend cash twice?

The First Minister (Nicola Sturgeon): I certainly agree that looking for any consistency from the Conservatives would be much harder than looking for the proverbial needle in a haystack—it is pretty much non-existent. When you are in a position of having to take such decisions, it is important to do it properly by giving proper consideration and ensuring that the money is there to fund the commitments that you are making.

That is why the new national transport strategy, which was published in February 2020, sets the priorities and outcomes that we seek for transport. The second strategic transport project review is currently identifying the strategic transport interventions that are required to provide us with a network that is fit for the 21st century and for the post-Covid world, which is why it will lock in the positive benefits of travel behaviours of individuals.

We will continue to do that difficult but necessary work and leave the Conservatives to continue to tie themselves in knots, as they so often do.

The Presiding Officer: That concludes First Minister's question time.

13:32

Meeting suspended.

14:30

On resuming—

Crown Office and Procurator Fiscal Service (Malicious Prosecutions)

The Deputy Presiding Officer (Linda Fabiani): Good afternoon, everyone. I give the usual reminder that social distancing measures are in place in the chamber and across the Holyrood campus.

The next item of business is a debate on motion S5M-24095, in name of Murdo Fraser, on the Crown Office. Members who wish to speak in the debate should please press their request-to-speak buttons if they are in the chamber, or press R in the chat box if they are participating remotely.

14:30

Murdo Fraser (Mid Scotland and Fife) (Con): Yesterday, the Lord Advocate made a statement to Parliament in relation to the malicious prosecutions of David Whitehouse and Paul Clark, former administrators of Rangers Football Club plc. Although that statement was welcome—we had been calling for it for some time—more needs to be said on these very serious matters, which is why we have called the debate on my motion.

Before getting into the substance of my remarks, I should make two preliminary comments. First, I should declare my interest as a member of the Law Society of Scotland, although I am not currently practising as a solicitor. Secondly, I am aware that there are currently live proceedings in relation to the cases of five individuals. I do not intend to comment on those; rather, I will concentrate on the cases of Whitehouse and Clark, which were referred to in the Lord Advocate's statement.

David Whitehouse and Paul Clark were partners in the international insolvency firm Duff & Phelps and handled the administration of Rangers Football Club plc. On a Friday morning in November 2014, they were taken from their homes in England and driven to Glasgow, arriving too late in the day to be able to appear in court—timing that they believe was deliberate. They were held in police custody until the Monday morning, left in cells without a mattress to sleep on and with lights burning throughout the night, and were checked on hourly as they were deemed to be on suicide watch. They were, in their words, treated as if they were terrorists.

Yet those individuals had committed no crime, and nor was there a proper evidential basis for them to be indicted. Their detention has been

deemed a breach of article 5 of the European convention on human rights. Their prosecution, it has now been admitted by the Lord Advocate, was malicious. The experience that those innocent individuals suffered was horrific and, understandably, has had a major psychological impact on them both.

In February 2016, all charges against Clark and Whitehouse were dismissed, and they were told in May of that year that no further proceedings would be taken against them. They were both free men.

The issue that we have to understand is how that could possibly happen. What happened to Whitehouse and Clark is simply incredible. It is what we might expect to see in a third-world dictatorship, not in Scotland in the 21st century. Despite the Lord Advocate's statement yesterday, we are still no closer to an explanation as to how and why those individuals became victims of a malicious prosecution; who authorised the action against them; or what the motivations behind that were.

There is more to the case than simply those issues, significant as they are. Whitehouse and Clark initiated civil actions for damages against the Lord Advocate, winning a landmark case and persuading the Court of Session that he did not have immunity from common-law liability. They were fortunate in having the resources to pursue such a case—many others in similar circumstances would not have been so lucky.

Whitehouse and Clark have now each been paid the sum of £10.5 million in damages, together with another £3 million in legal costs. The Lord Advocate confirmed yesterday that those damages have been paid with a tax indemnity, meaning that, should Her Majesty's Revenue and Customs come against them for tax, the additional cost will be met by the Crown Office, potentially doubling the payout.

That £24 million might just be the tip of the iceberg. With another five cases still to be heard, the total sum may well reach £100 million—or perhaps even more. At a time when Police Scotland is crying out for additional resources and every single member is facing daily demands from constituents—individuals and businesses—for more support due to the Covid crisis, it is simply extraordinary and outrageous that such vast sums of public money are being paid out as a result of catastrophic failures in the Crown Office.

There is so much here that has gone wrong and needs to have a light shone on it. The only connection between the seven individuals was their association with Rangers Football Club. What was the motivation for the Crown Office in pursuing them, given the lack of evidence of a crime having been committed? What was the role

of the then Lord Advocate Frank Mulholland, who is now a High Court judge?

In any democracy where the rule of law is respected, it is essential that there is full public confidence in the prosecution system. That is precisely why we need answers to all those questions, and the public need to be reassured that what we have just seen can never happen again.

Yesterday, the Lord Advocate advised that there had been an investigation undertaken by a legal team instructed by him. Although I am sure that that was a valuable exercise, from the outside it looks like the Crown Office is marking its own homework. There will not be public confidence in any inquiry unless it is conducted externally and in public.

The Lord Advocate yesterday said that there was no evidence of criminality, but that statement is directly challenged by David Whitehouse, with whom we spoke yesterday, who states that he holds information about the role of Frank Mulholland in intervening personally to override decisions made in the case by prosecutors in his office. We know already that there are questions of criminality within the Crown Office, and it would be outrageous for those to be investigated internally—the Crown Office cannot prosecute itself.

That is why my motion calls for a full, independent and public inquiry conducted by a member of the judiciary from outside Scotland, from one of the other home nations. That is the only way that the findings of any inquiry will have credibility in the eyes of the legal profession and the Scottish public.

The whole episode is an unprecedented scandal in Scottish legal history. Whether what has happened is down to incompetence or corruption, it has to be exposed. These are not issues that can be brushed under the carpet. To restore public confidence, we need a full independent inquiry, which is the point that is made in my motion. I hope that it will have the support of the chamber.

I move,

That the Parliament notes the Crown Office and Procurator Fiscal Service's admission of malicious prosecutions of David Whitehouse and Paul Clark, formerly administrators of Rangers Football Club PLC; notes that £24,086,250 of taxpayers money was paid out to Mr Whitehouse and Mr Clark for compensation and legal fees in this case; notes reports that suggest the cost to the taxpayer could increase further up to around £100 million; believes that this is an unprecedented scandal in Scottish legal history; further believes that these matters need to be fully investigated in order to restore public confidence in the Crown Office and Procurator Fiscal Service, and calls for a full, independent, public inquiry led by a judge from a jurisdiction outwith Scotland to investigate the malicious

prosecutions of Mr Whitehouse, Mr Clark and any other party connected with Rangers Football Club.

14:38

The Lord Advocate (James Wolffe): As I accepted in my statement yesterday, this case represents a serious failure in the system of criminal prosecution, and no one should doubt that I recognise the legitimate questions that it raises. I have committed the Crown to releasing further information when it is possible to do so and I have committed myself and the Crown to supporting a process of inquiry once related legal proceedings have concluded.

Other civil cases are currently pending and my obligation to the rule of law, both in those cases and otherwise, imposes constraints on what I can say at this time. In one of those cases, there is likely to be the hearing of evidence.

As I explained yesterday, I am putting in place arrangements, including the involvement of external senior counsel with no previous involvement in these matters, to ensure that any allegations of criminal conduct will be considered fairly and objectively. If criminal proceedings ensue, those must take their course before any inquiry could proceed. The timescale for the conclusion of these matters cannot presently be known, but let me be clear: I agree with Mr Fraser that thereafter there should be a process of inquiry, that that inquiry should be transparent and independent, and that it should be led by a judge.

Murdo Fraser: It seems that there is a very minor point of difference between us on where we should go from here. Given the former Lord Advocate's role on the Scottish bench, our request is that the inquiry judge should not be from the Scottish bench, and should be from another jurisdiction in the United Kingdom. Does the Lord Advocate agree?

The Lord Advocate: I entirely agree that the judge appointed would require to be demonstrably independent and to command confidence in that regard, and it may well be appropriate to appoint a judge from outwith Scotland. However, it would be premature at this time to conclude that, when the time comes to establish the inquiry, there is no Scottish judge that could satisfy that requirement.

The inquiry should be rigorous, independent, fully resourced and able to address effectively all the issues that require to be examined. Rhoda Grant, in her amendment, is right to draw attention to the need to consider the investigation and prosecution process in its entirety, including the role of the police, and I invite members to support her amendment.

The only point at which I depart from the substance of Murdo Fraser's motion is that he

seeks to prejudge the model and type of inquiry to be selected. I should be clear that I do not rule out a statutory public inquiry—for aught yet seen, that may be the right way forward—but other models and forms of inquiry are available and, equally, should not be ruled out at this stage.

By way of example, Lord Fraser of Carmyllie's inquiry into the construction of this Parliament building was a non-statutory inquiry commissioned by Scottish ministers. What happened following the acquittal in 2000 of an accused individual in respect of the murder of Surjit Singh Chhokar illustrates the point. The then Lord Advocate Colin Boyd commissioned Sir Anthony Campbell, a Northern Ireland judge, to undertake a non-statutory inquiry into the Crown Office's decision making in that case. He and the then Minister for Justice commissioned Dr Raj Jandoo to undertake a non-statutory inquiry into the liaison arrangements between the police, the Procurator Fiscal Service and the Crown Office and the family of the deceased.

Liam Kerr (North East Scotland) (Con): Will the Lord Advocate take an intervention?

The Lord Advocate: Not at the moment, thank you.

Those inquiries were completed within seven and 10 months respectively. They generated robust and important conclusions, and the reports of the inquiries were laid before and debated in this Parliament.

The time to address the form of the inquiry and the identity of the judge who should undertake it will be when all related matters have concluded. At that time, it is likely that more information will be in the public domain, and, at that time, the matter should and will be brought back to this Parliament with the proposed arrangements for establishing the inquiry.

As I explained yesterday, the case that we are discussing involves significant departures from the standard processes that routinely ensure that High Court cases have a proper basis. The seriousness of the case, its unprecedented nature and the legitimate issues that it raises for inquiry should not obscure the truth that, day in, day out, Scotland's public prosecutors fulfil their responsibilities fairly, independently and with integrity.

For my part, I am proud of the work of Scotland's public prosecutors, which is reported on daily in news reports. They make hard decisions on behalf of us all, and those are tested and scrutinised by defence lawyers and the court. They prosecute cases of every description, including murders, sexual offences, serious organised crime, serious financial crime and

crimes of violence and dishonesty, which cause harm in our communities.

By reason of the work that they do, and the way that they do it, Scotland's public prosecutors have earned and deserve members' continuing confidence. In making that point, I invite members to take seriously that I in no way wish to suggest or diminish the seriousness of the case or, indeed, the legitimate questions and issues that are raised.

Having identified what is perhaps a narrow point of difference in terms the substance of the matter, I move amendment S5M-24095.2, to leave out from "in this case" and insert:

"notes that this situation is unprecedented in Scottish legal history; further notes that the Lord Advocate and COPFS have committed to supporting public and Parliamentary accountability and notes that legal proceedings are ongoing; agrees that there should be a transparent process of inquiry, once all related legal proceedings are completed; and agrees that the precise mechanism of inquiry, which should be led by a judge, should be determined once all related legal proceedings have concluded."

14:44

Rhoda Grant (Highlands and Islands) (Lab): This is an extremely concerning issue not just for the people involved, but for the Scottish justice system. If we set aside the word "malicious" for the moment, this is a shocking case, whether or not malice was involved.

I appreciate that, as the Lord Advocate said in his statement yesterday, he could not be wholly forthcoming while the cases in question had not yet been concluded. In addition, those cases took place before his appointment. However, what he said was worrying. Arresting and then detaining people usually means that sufficient suspicion exists to suggest a level of criminality that could cause public harm. To then discover that there was no evidence against those in these cases to countenance such action is shocking.

In yesterday's statement, we were told that Mr Clark and Mr Whitehouse were initially arrested in November 2014. They then appeared in court on separate charges in September 2015. The Lord Advocate told us yesterday that, at that time,

"Essential investigations were still on-going in respect of the charges that derived from the November 2014 petition, and there was evidence available that was—objectively—obviously inconsistent with the charges against these two accused that derived from the September 2015 petition."—*[Official Report, 9 February 2021; c 31.]*

If there were obvious inconsistencies, why were those cases being pursued at that time?

Despite that, in December 2015, a second indictment was served, which superseded the first. However, in February 2016, Crown counsel

withdrew certain charges and the court dismissed the rest. That was a full five months after it had become obvious that there were inconsistencies between the two lots of charges.

Not only is it clear that those cases were mishandled by the Crown Office and Procurator Fiscal Service, but we now understand that the police are also being pursued for damages. We should be able to trust both of those organisations to be beyond reproach. We should also be able to expect them to question and to challenge each other and to provide each other with checks and balances.

That brings me to Scottish Labour's amendment. We agree with the motion's sentiment that the situation requires an independent public inquiry because it undermines our justice system. However, we cannot do that without also looking at the role of the police. We expect there to be enough tension—enough questioning and scrutiny—between the two organisations that such things could not happen.

The costs of compensating for this mess will come out of the public purse. We do not yet know the full costs, both for compensation and for those accrued in the legal process in dealing with this failure and correcting the processes that have been found wanting. We have also yet to discover the extent of the role of, and compensation being sought from, Police Scotland, which will again fall to the public purse.

Which budgets will those funds come from, and what will have to be cut to pay for them? Let us be clear: services will need to be cut to provide that compensation. I cannot be alone in thinking that the level of compensation that has been determined, which is based on earnings, is obscene and calls into question the values of our society. It is also sickening that front-line workers, who save lives daily, and those who are paid the minimum wage in the gig economy will have to fund it. Sadly, even a modest pay rise for them is grudged, even during a global pandemic. That, if anything, shines a light on what is wrong with our society and what we need to put right. One also wonders whether those two men would have had the means to access justice if they had been paid the minimum wage. That is a debate for another day, but it is one that we must have.

We must have transparency on the whole process. Such legal and policing institutions can work only with the consent of the public. To have such consent they must also have trust that justice will be carried out fairly. These cases damage that trust. We must ensure that our justice system is fit for purpose. The only way to do that will be to have a public inquiry, led by someone whose independence and legitimacy cannot be questioned. That person must consider the roles

of both the Crown Office and Procurator Fiscal Service and Police Scotland.

I move amendment S5M-24095.1, to insert at end:

“; understands that further compensation is also to be paid on behalf of the Chief Constable, and believes that the remit of any inquiry should include examination of the role and involvement of Police Scotland.”

14:49

Liam McArthur (Orkney Islands) (LD): Despite yesterday's statement from the Lord Advocate, I think that it is helpful that Parliament should have a further opportunity to consider in more detail the facts and the implications of this scandal. I therefore thank Murdo Fraser for bringing today's debate to the chamber.

This is a scandal. In financial terms, as I said yesterday, it is up there with BiFab and the Ferguson Marine shipyard; the figure is £24 million so far, with the prospect, as the Lord Advocate acknowledged, of that increasing—potentially, very significantly. It is a colossal waste of taxpayers' money. However the Cabinet Secretary for Finance chooses to plug this deep and expanding hole, it will come at a cost to other areas of public spending, at a time—as others have observed—when there is already no shortage of demands on those resources.

Every day, like other MSP colleagues, I am contacted by constituents who are struggling: business owners crying out for lifeline support to stay afloat and families desperate to know how the Government plans to make up the lost ground in their children's education. Mental health services were in crisis before the pandemic, but they are now under unprecedented strain.

To be clear, the cost is tens—perhaps many tens—of millions of pounds that could have been spent on pandemic business support, education catch-up, or investment in mental health. Instead, it is being used to foot the bill for a malicious prosecution that should never have happened in the first place. We need to understand why that has happened, who was responsible and how such grievous mistakes went unchecked for so long.

With the overturning of the Hester v MacDonald decision leaving the Lord Advocate liable for any other historical errors, we need a clear understanding of what that might mean.

Over and above the crippling financial cost, these blunders come at a reputational cost, too. Although the Lord Advocate deserves credit for his action in seeking to address grave errors that were made prior to him taking up post, these events will inevitably shake public confidence and trust in the

Crown Office. That is why we need a full independent inquiry, led by a judge from outwith Scotland, and why steps to put that in place should be taken now, even if the inquiry itself must await the conclusion of outstanding complaints. It is why we must also recognise the failings in the current arrangements—failings that have been the subject of debate since the establishment of the Parliament.

I have the greatest respect for the current Lord Advocate. However, over recent years, the evidence has been building that the Crown Office is in need of reform. The wholly unacceptable delays in fatal accident inquiries are perhaps the most striking example, but that reflects systemic problems arising from workload pressures and a failure to get the right checks and balances in place.

Ultimately, the Lord Advocate faces uncomfortable tensions, if not outright conflicts. As head of the prosecution service, the Lord Advocate requires to be scrupulously apolitical. At the same time, he is the Scottish Government's own lawyer, attending the vast majority of Cabinet meetings. He is responsible for the investigation of deaths and for calling fatal accident inquiries even when families believe that the actions of Scottish public sector bodies may have contributed to those deaths. The personal integrity of the current Lord Advocate is not in question, but there is a question as to whether any single advocate—however capable and humane—should be asked to carry out so many tasks that involve so many competing interests.

The case for Crown Office reform is now compelling, as is the need for a judge-led inquiry into the shambles of these malicious prosecutions. In the meantime, the SNP Government must now explain how the costs of this shambles are to be met. The public deserve to know which services will be expected to pay the price for the incompetence that lies at the heart of this latest costly fiasco.

The Scottish Liberal Democrats will support the motion and the amendment in Rhoda Grant's name at decision time.

14:53

John Finnie (Highlands and Islands) (Green): At decision time, the Greens will support the amendment in James Wolffe's name and the amendment in Rhoda Grant's name, the totality of which involves more measured language than the motion and a more realistic timeframe.

The word "unprecedented" has been used—that might be seen as reassuring, but I am not in any way reassured by it. We are told that the case was exceptional in its scale and complexity;

nonetheless, the higher standards that we have come to expect from the COPFS—good folk—should have applied. Of course, the COPFS is serviced by the police and I note the claims against the police. That is why it is appropriate to support the Labour amendment.

I must draw a distinction between the postholder and the person; I have no issue with the actions of James Wolffe—indeed, I commend his leadership in confronting the significant shortcomings that he has inherited and accepted responsibility for. He rightly relied on the established legal authority that the Lord Advocate is immune from common-law liability. We know that that was overturned by the inner house of the Court of Session, which allowed the claims to proceed. However, we need to understand the fullest consequences of that decision.

What would have happened if the 1961 *Hester v MacDonald* decision had stood? I presume that we would not have had the financial ramifications, but that would not have negated any of the wrongdoing.

What are the implications beyond the case that we are considering? Deeply worrying facts have emerged. Actions were taken that were "indefensible in law", which goes beyond the argument that it is a big organisation and mistakes happen. We need look no further than south of the border, where malicious prosecution is not rare. The decisions

"proceeded without probable cause—that is, without a proper evidential basis—in circumstances that met the legal test for malicious prosecution."—[*Official Report*, 9 February 2021; c 32.]

Imagine being subjected to that by the state. The gentlemen who were wrongly treated in that way deserve to have a full and frank apology and to be rightly compensated.

I admit to some confusion about the Lord Advocate's statement in relation to the legal test and the term "malice". Even if the acceptance of liability did not depend on any individual being malicious "in the popular sense", as the Lord Advocate put it, nonetheless, it was individual unlawful actions that brought us to this situation, and someone—an individual—should be sanctioned for that. There were "profound departures" from procedure and there was no proper basis for prosecution. It is disturbing to hear our head of prosecution admit breaches of articles 5 and 8 of the ECHR.

The case was in the public domain and was followed in great detail, but most cases do not have that level of public exposure. The two pursuers were very high earning, and the damages reflect that. I wonder what would have happened if the individuals who were wronged in

this way were unemployed labourers. What level of redress or financial compensation might they have received and would there be the same level of outrage in some quarters?

I believe that we need to understand from the Lord Advocate whether the acknowledged shortcomings in the case applied in other perhaps less high-profile cases. We need to know whether professional public insurance indemnity, or perhaps a lack thereof, features in the case, although insurance would not be an excuse for the wrongdoing. We need to know what steps the Lord Advocate will take to ensure public confidence because, just as with policing by consent, the public are pivotal in relation to prosecution. It is something that is done for them rather than to them. Members of the public might reasonably think, "If this can happen in a case with all that publicity, what chance do I have against the system?"

We need an independent and robust judge-led inquiry, which should cover the police. I would not restrict it by saying that the judge must come from the home countries, as the Republic of Ireland has many qualified people. More than anything else, we need public reassurance.

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

14:57

Adam Tomkins (Glasgow) (Con): I will start with a quote from a letter that the Lord Advocate sent to me, as convener of the Justice Committee, on 1 February. He said:

"in Scotland ... all prosecution decisions are made by public prosecutors within the system of criminal prosecution for which the Lord Advocate, acting independently of any other person, is responsible."

He went on:

"It is for the Lord Advocate, as head of the systems of criminal prosecution ... in Scotland ... to put in place the appropriate policies and procedures for decision-making in any particular type of case".

That letter concerned an amendment to the Hate Crime and Public Order (Scotland) Bill that the Lord Advocate is seeking to resist, but the points that he makes in it are correct in law and are of general application. One person and one person only is responsible for the malicious prosecution of David Whitehouse and Paul Clark, and that person is the Lord Advocate.

When Frank Mulholland was Lord Advocate, he went out of his way to see to it that two innocent men were hounded by the state. The High Court in England ruled that the actions that were taken against those men were

"an abuse of state power".

In any normal country, heads would roll. That man, Frank Mulholland, is now a Court of Session judge. Judges are, rightly, not accountable to Parliaments for their decisions, which is why nothing short of a full and open public inquiry, chaired by a judge from another jurisdiction, must be appointed to get to the bottom of this outrage.

The Lord Advocate is, of course, accountable to the Scottish Parliament and, yesterday, James Wolffe gave a statement to the chamber and fielded questions—he fielded questions but did not answer them. I asked him the perfectly simple and straightforward question whether his predecessor's abuse of state power was caused by his incompetence or by corruption, but Mr Wolffe could not—or would not—answer even a question as basic as that.

I believe that, as others have said, Mr Wolffe is an honourable man, but what he said yesterday leaves a great deal to be desired. What we heard was not an account of how on earth it was that the Crown Office was not merely permitted, but encouraged, to indulge in a malicious prosecution of innocent men. Frankly, what we heard was a "Through the Looking-Glass" statement, which culminated in Mr Wolffe's preposterous claim that we have malicious prosecution here but, somehow, no malice. That beggars belief. There can have been no malicious prosecution unless someone acted with spite—with malice—or in bad faith, and there is no mystery as to who, constitutionally, that was. It was the Lord Advocate.

We have an accountability crisis in Scotland. We have a Parliament that is so broken that it does not even know when it is being misled any more. We have a committee that is investigating how the Government investigated complaints of sexual misconduct that can neither publish nor even hear evidence that goes to the core of its remit. We have a Government that, uniquely in Europe, sought to use the Covid pandemic to insulate itself from freedom of information laws. In addition, wherever we look, we have taxpayers' money wasted: wasted on coaching civil servants to dissemble to Parliament; wasted on lawyers' fees; wasted on Derek Mackay's salary; and wasted, of course, in compensating two innocent men who were hounded by the state in the most egregious abuse of power.

All this time, the perpetrators sit untouched.

The Deputy Presiding Officer: You have to come to a close.

Adam Tomkins: I will say that again. All this time, the perpetrators sit untouched. Frank Mulholland's judgment, as Scotland's prosecutor, is in the dock, while Frank Mulholland himself sits

in judgment. It stinks, Presiding Officer, and do you know what it stinks of? It stinks of corruption.

The Deputy Presiding Officer: We are rather short of time, so any time that members take over their allocated time will have to be taken off other speeches.

15:02

Rona Mackay (Strathkelvin and Bearsden) (SNP): We know that the debate on the motion, which has been legitimately brought forward by the Conservative Party, really should not have had to take place, but the fact of the matter is that a serious and unprecedented judicial error was made that has indeed been costly to the taxpayer.

It is important to say at the outset that the current Lord Advocate, who is in the chamber again today, was not in his post at that time, but he has acknowledged that it is his responsibility to apologise and answer questions on the issue, which he did in a statement to Parliament yesterday. He confirmed that, once all related legal proceedings have been completed, there should be a transparent process of a judge-led inquiry. Today, he has confirmed that all options are on the table and that the Government does not have an objection to someone outwith Scotland leading that inquiry, although such matters should properly be considered at the time.

The seriousness of what happened in this case should not obscure the truth that, day in and day out, Scotland's public prosecutors and the staff who support them fulfil their responsibilities with professionalism and skill. As a member of the Justice Committee since 2016, I have witnessed that numerous times during their co-operation with the committee. They have a justified reputation for fairness, integrity and independence. Scottish prosecutors, and the Crown Office and Procurator Fiscal Service, have an established reputation for fairness, integrity and independence, and there is no doubt that they have tackled the unprecedented challenges that have been thrown up by Covid-19 in an exemplary manner.

That said, in this case, there was a very serious failure in the system of prosecution. It did not live up to the standards that the public and the Parliament are entitled to expect, and which COPFS expects of itself, as the Lord Advocate acknowledged.

However, we move on and lessons have been learned. The Lord Advocate has stressed that nothing like this should ever happen again. He confirmed in the chamber yesterday that the precognition process has been reinforced, and new arrangements have been established for the management and oversight of large and complex

cases to safeguard against anything like this happening again.

Crucially, arrangements have been made so that the settlements will not affect the service that the Crown Office provides to victims and witnesses. The finance secretary has outlined the budget for 2021-22, including the budget for the Crown Office and Procurator Fiscal Service, and it is now for the Justice Committee to scrutinise that budget. However, the finance secretary has confirmed that the payments will not require to be met from the COPFS resource allocation that was announced as part of the Scottish Government budget last week. That allocation involves an increase in COPFS funding from £124.9 million in 2020-21 to £146.8 million in 2021-22, representing an increased resource allocation of £21.9 million and additional capital funding of £0.5 million.

There is no dispute that the case is a unique and hugely regrettable one that must never be repeated. I am confident that steps are now in place to make sure that it never is.

15:06

Daniel Johnson (Edinburgh Southern) (Lab): Like John Finnie, I find myself using the words "unprecedented" and "extraordinary". Sometimes, using those words can be rhetoric and hyperbole, but in this debate they barely describe the seriousness of what has happened. Despite the Lord Advocate's assertions and what we heard from Rona Mackay, we have not heard why we should have confidence that the matter is resolved or why it could not happen again.

Let us look at the statement that the Lord Advocate made yesterday. For him to conclude that prosecutions proceeded without probable cause or a proper evidential basis is extremely serious in itself and it should worry everyone not just in the Parliament but across Scotland. However, the fact that the result of this extraordinary lapse by this important public body is costing the public between £24 million and £100 million simply underlines what a scandal it is.

In any other times, this would be a national crisis, but this national crisis in our justice system should not be allowed to be obscured because we are facing a global pandemic and other significant issues. In the circumstances, the rhetoric is justified. There are serious questions about the rule of law, our justice system and our democracy.

The Lord Advocate said in his opening remarks that prosecutors deserve our confidence and respect. To put it simply, however, the questions that are raised mean that we cannot currently have confidence in their ability to do their job or confidence that things are happening as they should. We do not have answers on the

circumstances of what happened, the motives or the culpability—to put it simply, the what, the why and the who.

What procedures were in place? Why did they fail? They were apparently a significant departure from what was expected, but why did that happen? How was it allowed to happen? Why did it happen? What was the motivation, rationale and justification for the departure? Who made the decisions? That is critical. All too often, when it comes to institutional failures such as this one, individuals hide behind the collective whole. The simple reality is that, in the prosecution, certain individuals must have made decisions that meant that the prosecution proceeded. We need to know who they are and what those decisions were, and those people need to be held to account for them.

On the “who” question, I acknowledge, as others do, that the current incumbent of the office of Lord Advocate has been forthcoming and has made himself accountable, but he is clearly not responsible for those decisions. We need those who are responsible for them to be held fully to account and they must face the consequences of those decisions.

More fundamentally, there are important principles at stake. We have fundamental safeguards at some of the most fundamental points in our justice system that are there to safeguard individuals from malicious prosecution—from being harassed by the power of the state. That is why people cannot incriminate themselves, and why we have historic principles such as double jeopardy and corroboration—it is so that the state cannot harass the individual, because we recognise the power of the state and the inherent imbalance that exists between the individual and the state.

It so happens that those concerned were individuals of means, who were able to defend themselves. However, we have to ask what would happen in other circumstances, whether such a thing has happened before, and whether other such circumstances have simply not come to light.

More broadly, there are fundamental questions about our justice system—about the police, and about the proximity of the Government, prosecution and police—that only a judge-led independent inquiry can answer.

The Deputy Presiding Officer: The last speaker in the open debate is Shona Robison.

15:10

Shona Robison (Dundee City East) (SNP): It is fair to say that across the chamber there is broad agreement that, in this instance, there was a failure in the system of prosecution, and that

failure has been admitted to by the Lord Advocate. While saying that, it is important to recognise that what happened was, and is, unprecedented in legal history. It is important to recognise that, because it is essential that we reassure the public that, each day, the Scottish legal system works in a robust and transparent manner to ensure that justice is administered fairly and accountably. We should not lose sight of the fact that, each day, all those who are involved in the justice system work with great professionalism and dedication.

As we know, having concluded actions only last week, the Lord Advocate yesterday took the first opportunity to address Parliament on the situation, and, in his words, to

“begin the process of public and parliamentary accountability and to reiterate the commitment that the Crown has given to that process.”—[*Official Report*, 9 February 2021; c 30.]

I welcome that commitment and look forward to further parliamentary and public scrutiny of a transparent inquiry into the situation, as is called for in the motion.

We know that the case was exceptional in its scale and complexity and that certain legal proceedings are on-going. Therefore, in order to fully understand the implications of the situation and provide the opportunity to undertake as wide-reaching and transparent an inquiry as possible, it would be prudent to ensure that all proceedings have finished before establishing the inquiry, as is called for in the Lord Advocate’s amendment. That will also allow the time and opportunity to ensure that any further changes that are required are well established and thorough.

I welcome the fact that the Lord Advocate has already undertaken changes in order to reinforce the precognition process, and that new arrangements for the management and oversight of large and complex cases have been put in place. It is also important to note that assurances have been given that the settlement that is involved in the case will not affect the service that the Crown Office provides to victims and witnesses. However, the case is very serious and should be treated as such.

I welcome the motion and fully support an inquiry into this unprecedented situation. As to the make-up and timing of any such inquiry, I understand that the Government has no objection in principle to someone outwith Scotland leading it; however, I believe that it is prudent to ensure that any proceedings that are on-going in relation to the case are concluded before an inquiry is undertaken, to allow us to learn as much as we can and ensure that the steps that are taken to redress the situation are robust, transparent and effective.

The Deputy Presiding Officer: We move to closing speeches. I call James Kelly to speak for up to four minutes, please.

15:14

James Kelly (Glasgow) (Lab): The Conservatives have called an important debate, because the circumstances surrounding it are a scandal. It is not just that David Whitehouse and Paul Clark have been found to have been maliciously prosecuted; it is about the issues that flow from that.

There are clear questions about the processes and how things operate in the Crown Office. Two individuals have unfairly been taken through the courts, and a vast sum of public money has had to be paid out as a result of that.

Yesterday, the Lord Advocate said in his statement that Clark and Whitehouse were brought before the court in November 2014 on a petition, and he explained that they were subject to the process of precognition. He said that that involved

“a detailed narrative of the evidence and an analysis of whether the evidence is sufficient to support criminal charges.”—[*Official Report*, 9 February 2021; c 30.]

He went on to say that, in this case, there had been a departure from normal practice, including in precognition.

It is clear that, as Daniel Johnson said, there was no firm evidential basis on which to proceed with the case, and it is clear that that poses serious questions for the Crown Office and Procurator Fiscal Service. There was a statement yesterday, and there is a debate today, but we are no further forward on who is responsible. As Murdo Fraser rightly highlighted, we need to know who took the decisions and who is responsible.

The two individuals were high earners and were therefore able to fund a substantial legal case in order to bring it to justice. As John Finnie pointed out, people on a more average wage scale would not have been able to fund that. There is a clear access to justice issue. That leads to further questions about how the Crown Office is operating. Not everyone could have brought a defence in such a case. Are there other such cases? We know that there are issues relating to backlogs of cases. There needs to be a fundamental review of how the Crown Office is operating.

The sums involved are astronomical. At least £24 million has been admitted to so far. The cost could run to as high as £100 million. In the Finance and Constitution Committee meeting this morning, I raised the issue of the reduction in the housing budget. Because of incompetence on the

part of the Crown Office, we are seeing that vast sums of money will have to be spent. We deserve to know where that money is coming from in the budget. Those questions need to be answered.

For the justice system to operate properly, the public and Parliament need to have confidence in it. This case is undermining that confidence. In order to move things forward, we need a judge-led inquiry to proceed promptly, and we need to hear the answers to those serious questions. We need not only proper lessons to be learned but serious reform of the systems and processes at the Crown Office.

15:18

The Minister for Parliamentary Business and Veterans (Graeme Dey): I welcome this debate, as it gives us an opportunity to consider a matter of genuine and legitimate public concern. The significance of the compensation paid in these cases cannot be ignored, nor can the backdrop to all of this. There has been a serious failure in the process of prosecution, as the Lord Advocate has acknowledged. Although there are, quite properly, restrictions on what can be said about the cases because of on-going legal proceedings, neither the Lord Advocate nor—let me confirm this—the Government holds a contrary view to that.

In opening today and, indeed, during his statement on the issue yesterday, the Lord Advocate made clear his commitment to supporting parliamentary and public accountability at the right time once all the related legal proceedings are completed. He has also committed to a transparent process of inquiry that gets to the facts.

I should not need to emphasise that the work of the Crown Office and Procurator Fiscal Service as Scotland’s public prosecution service is the responsibility of the Lord Advocate in his capacity as public prosecutor, and not the responsibility of the Scottish ministers or the Scottish Government. However, the Government’s amendment makes clear our support for the underlying principles of how that must be taken forward, to secure the explanation of how and why the malicious prosecution was proceeded with. Murdo Fraser reasonably called for that.

The Lord Advocate has offered an assurance that Parliament and the public can have confidence in the wider work of the Crown Office and Procurator Fiscal Service, and that lessons have been learned and changes have been made. However, we recognise that there must be full and open reflection and investigation of what occurred, and of the monetary and other consequences of that.

There have been calls today for a judge-led inquiry. The Scottish Government's amendment to the motion for debate makes clear, as did the Lord Advocate in his opening speech, that there would be merit in such an approach. However, the amendment also makes clear that any such inquiry can only appropriately take place once all the relevant legal proceedings have been concluded. That is something that I hope the Conservatives accept, but it is not acknowledged in the motion. The timing of any inquiry is critical. I hope that that is accepted across the chamber, and not just by the Conservatives.

Any inquiry must assess fully the circumstances of what has happened. However, it can effectively discharge that important task only if there are no on-going legal proceedings. Otherwise, there would be a danger that the inquiry process would prejudice those proceedings, and the inquiry would be at risk of not getting to the heart of what occurred. Therefore, the key issue is not the need for a process of inquiry—because that is accepted—but the timing of that process and the precise form that it will take.

The Scottish Government does not have an objection in principle to someone outwith Scotland leading such an inquiry; however, those matters should properly be considered at the right time.

Beyond that commitment, however, it would not be appropriate to say more today about the nature of an inquiry—whether statutory or non-statutory—or its detailed arrangements. That will be for a future date.

However, if anyone, for whatever reason, doubts the Scottish Government's willingness to deliver a transparent examination of the matter, I would point them to the fact that we have statutory inquiries taking place into the Sheku Bayoh case, hospitals and trams. There exists evidence of the Scottish Government's commitment to establishing the truth, even when it can be uncomfortable to do so. Whatever form of inquiry is chosen in respect of these prosecutions, the Scottish Government is committed to it being rigorous, independent, appropriately wide ranging, fully resourced and empowered to get to the bottom of the issues and concerns that have been rightly raised.

As soon as it is practical and possible, at the conclusion of all live legal proceedings, we can return to the matter and the precise specifics of how best it can be taken forward. That surely is the right and proper way to proceed—and it is essential that we proceed in a right and proper way, not throwing around unsubstantiated allegations about individuals, but committing ourselves to obtaining the facts and getting the answers that members have rightly asked for today.

I invite Parliament to support the Government amendment and the amendment from Labour.

The Deputy Presiding Officer: I call Liam Kerr to wind up the debate, for around six minutes.

15:22

Liam Kerr (North East Scotland) (Con): I remind members that I am a practising solicitor and a member of the Law Society of Scotland.

At the outset of the debate, my colleague Murdo Fraser, in speaking to the motion, used the word "incredible". The contents of the subsequent debate and contributions of members from across the chamber have at times been, in the truest sense of the word, "incredible". Let us recap some of the facts that MSPs have described—and facts are what they are, because I shall limit myself to the cases of Whitehouse and Clark. I shall describe nothing that was not accepted by the Lord Advocate in his statement yesterday, and will studiously avoid anything that has yet to be concluded.

Throughout the afternoon, we have heard that a pair of reputable professionals were engaged to do a high-profile and complex job that was wholly within their expertise and competence. However, in November 2014, they were taken from their homes in England, driven to Glasgow too late to appear in court, held in custody—apparently without a mattress and with the lights on all night—and checked hourly. From then until May 2016, the considerable weight of the Scottish criminal justice system was brought to bear on them.

We now know that not only did their treatment breach the European convention on human rights, but there was malicious prosecution. It was not a simple human error, or an obscure legal mistake, or an error of evidence that suggested a need for individuals to be taken through a criminal process to establish their guilt or otherwise. Our system of prosecution is admitting, unequivocally, that there was a malicious move to throw innocent men behind bars and destroy their reputations.

What does "malicious" mean? Adam Tomkins referred to the suggestion that we somehow have a malicious prosecution, but with no malice. As a result, as we heard yesterday, there was "no criminal conduct". Whether or not "malice" means what the people of Scotland might popularly think it means, I muse simply on this, as an aside: malice is a personal act, and an organisation cannot be malicious. To draw his conclusions from the investigation that he instructed, the Lord Advocate must have identified one or more individuals with the requisite mens rea for the offence to conclude that the prosecution was malicious. That, as the Lord Advocate well knows,

is per the dictum of Lord Justice Bayley in the case of *Bromage v Prosser*, which defined it as

“a wrongful act, done intentionally, without just cause or excuse.”

That, according to the case of *Quinn v Leatham*, is “proof of malice”. The Lord Advocate must have identified an individual who, in their duties, acted wrongfully and

“intentionally, without just cause or excuse.”

Misconduct in public office is a crime. The conclusion that there was no criminal conduct surely requires deep exploration by an inquiry, in order to retain public confidence.

In any event, innocent individuals who were carrying out their job lawfully have faced prosecution not because of a suspicion that they had done anything wrong, but because of malicious intent by agents of the state. To the best of my knowledge, there has never been another instance of malicious prosecution in Scots law but, as Murdo Fraser put it,

“we are still no closer to an explanation as to how and why those individuals became victims of a malicious prosecution; who authorised the action against them; or what the motivations behind that were.”

What we do know from the speeches that have been made this afternoon is that the Scottish taxpayer has already paid out about £24 million in damages and legal costs—a figure that I presume does not include the legal costs of the state. We also heard that it is not beyond the realm of possibility that that figure could rise to £100 million or more. Rhoda Grant noted that we do not yet know from which budget that money will be taken. As Liam McArthur stated, that is a “colossal waste” of public money, which, as he also rightly said, could have been spent on education, health or business support. It is truly “incredible”.

In any democracy in which the rule of law is respected, it is essential that there is full public confidence in the prosecution system. The Lord Advocate told me yesterday that

“in this case ... The normal processes that are routinely followed in every High Court case were not followed, but the public should take reassurance”

that

“the prosecution system in Scotland is robust, fair and independent, and is one on which they can rely.”—[*Official Report*, 9 February 2021; c 35.]

In a powerful contribution today, Daniel Johnson said that

“we have not heard why we should have confidence”

that the same thing cannot happen again. As he went on to say, “there are fundamental questions”. Indeed there are.

The Lord Advocate’s reassurance has been given, absent a forensic public inquiry into what went wrong, who went wrong and why. That is why it is necessary—in fact, it is imperative—that a public inquiry be set up to investigate and shine a light on what on earth happened, why it happened and on whose authority, and that it be full and comprehensive.

That is why we are persuaded by the Labour amendment. The inquiry should be judge led, but under a judge from a jurisdiction outwith Scotland. The Lord Advocate suggests that it is premature to conclude that it need not be a Scottish judge. I cannot agree. Public confidence is key and, as Rhoda Grant put it, it is imperative that there are no questions around legitimacy and independence, in order that the public are reassured that what we have seen can never happen again.

That cannot and need not wait, potentially for years, for all matters to be tied up. Shona Robison is not correct that an inquiry should await everything being completed. The extraordinary circumstances and costs of the scandal mean that it simply cannot wait—yet the indications are that the Scottish National Party disagrees. The SNP intends, I think, not to support the proposition that the state’s seeking to criminalise innocent individuals with malicious intent is a reason to conduct the fullest possible inquiry—an

“independent, public inquiry led by a judge from a jurisdiction outwith Scotland”.

The public demand to know why malicious prosecutions were pursued in defiance of evidence, as the Murdo Fraser motion craves.

To vote in any way other than in favour of the Fraser motion tonight would, indeed, be “incredible”.

Covid-19 (Local Newspapers)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-24084, in the name of Graham Simpson, on the Covid-19 response and the role of local newspapers. Members who wish to speak in the debate should press their request-to-speak buttons if they are in the chamber or type R in the chat box if they are participating remotely.

15:30

Graham Simpson (Central Scotland) (Con): I open the debate with a heavy heart. The industry in which I started my career many years ago as a raw teenager is a very different beast now. Then, and for a good while after that, local papers were the lifeblood of a community. They were respected and feared in equal measure, and, if they were doing their job properly, the people fearing them could well be politicians. I have always felt strongly that a vibrant newspaper sector is essential for democracy and a vital part of a system that holds those in power to account. A bad headline in your local paper could be enough to finish a career, and a series of bad headlines would definitely be enough.

I found myself on the other side of the tracks when I was elected as a councillor in 2007. Even then, my local paper carried some weight. The *East Kilbride News* had an office in the town, and you could pop in and have a chat or give them quotes and tip-offs. Reporters knew the town and there were several of them. Then things changed. Newspaper companies were up against falling sales and they started to centralise. The local paper office closed, reporters and sub-editors were sent to Hamilton, and from Hamilton they moved to Glasgow. Sales have continued to fall, advertising revenue has plummeted and staffing numbers have been cut.

Most members will have seen their local paper close, amalgamate or move, and we are all the losers. For democracy to thrive, it needs checks and balances—that debate is very much a live one in Scotland right now. A vibrant press is one of those checks, and we must all be prepared to be subject to the full glare of publicity, both good and bad.

In my view, newspapers do a different, usually better job of exposing things than other forms of media. If they die, so does democracy. According to the industry magazine, *Press Gazette*, the total net loss of local newspapers across the United Kingdom from 2005 until August last year was 265, and 33 local titles had closed since the start of 2019.

The year 2005 was considered by many to be the high-water mark of print newspaper profitability in the UK. The pandemic has made a bad situation worse, but, to be fair, I note that Kate Forbes helped out by approving £3.4 million of public sector advertising in news publishing. Emergency Covid legislation granted business rates relief to tourism, retail and hospitality, but it took an amendment from Murdo Fraser to include news publishers in that scheme. The Scottish National Party was against the move. Why? That relief and the advertising are due to end next month.

John Mason (Glasgow Shettleston) (SNP): Graham Simpson describes the problems that the newspaper sector faces, but does he think the situation is recoverable? The tourism sector is recoverable; can newspapers survive?

Graham Simpson: I certainly hope so, with some help—but they do need help.

Kate Forbes has, so far, rejected calls to extend the relief for this vital sector, which is the reason why we are having this debate when we should not be having it. Here are some facts. Despite Government advertising support, regional news brands lost 35 per cent of their advertising revenue in 2020. The point about advertising is addressed in Labour's helpful amendment, which the Conservatives will support. Revenues are expected to fall by a further 18.7 per cent in the first quarter of this year, and they are expected to recover by only 12 per cent this year even if we get out of lockdown fast.

The Scottish economy relies heavily on retail and hospitality, but those sectors have both been severely affected by lockdown, which has had a knock-on effect on advertising and marketing. Rates exemptions are being extended for those areas but not for news publishing, which relies on them. The advertising package that was agreed with the Scottish Government last April helped to cover that collapse, but the commitment to continue to invest in Scottish news publishers has not been renewed. By contrast, the UK Government's initial package of £35 million has been extended twice, by £15 million and by £22 million, to a total of £77 million.

It is not a one-way street. Analysis has demonstrated the effectiveness of advertising in Scottish news brands, and it is clear that supporting news publishing helps the Scottish Government to reach wide audiences—in particular, the elderly and those who live in areas with poor connectivity. Emergency rates relief has been extended for news publishers in Northern Ireland, and most European countries have some support in place. For example, Denmark has provided €24 million, Lithuania and Estonia have subsidised home delivery and France is putting in €337 million over two years.

Small publishers are being disproportionately affected. The 150-year-old *Nairnshire Telegraph* was forced to stop publishing at Christmas and the *Stranraer & Wigtownshire Free Press* suspended publication, although it has since restarted. A study of Scottish news publishing in May 2016 found that, at that point, the industry directly employed over 3,000 people, many of them highly qualified and creative. It supported over 4,300 Scottish jobs and created £214 million of annual income. However, digital audiences have grown considerably while the numbers of those who read actual papers have fallen off, so revenue is a real issue.

What we are calling for today is something that will buy the industry some time. The Scottish Government has a short-life working group on public-interest journalism. That is great if the Government means it, but its rather churlish amendment suggests otherwise, and we will not be supporting that. Members of the working group support extending non-domestic rates relief for news publishers.

Scotland has produced some of the finest journalists in the world, and most of them started on local papers. Let us do what we can to maintain that tradition.

I move,

That the Parliament recognises the vital role that local newspapers have played in keeping people informed during the COVID-19 pandemic; believes that a vibrant newspaper sector is essential for democracy, and calls on the Scottish Government to extend business rates relief to newspapers during 2021-22.

15:37

The Minister for Trade, Innovation and Public Finance (Ivan McKee): The debate demonstrates the continuing importance of Scotland's newspapers. Across the country, newspapers report, record and reflect life in Scotland. An independent media is central to a strong democracy, informing readers and holding those in power to account. Local newspapers, in particular, are important. They report news that might affect us more directly than national events, and they champion issues and causes, including local democracy, that are not necessarily covered by national newspapers. They are especially valuable just now in informing communities about local restrictions.

The Scottish Government recognised the impact of the pandemic on the newspaper industry and acted swiftly. In May 2020, we invested £3 million in an advertising press partnership to make sure that vital information about the pandemic was available. That was focused heavily on local newspapers, reflecting their relevance to people who continue to rely on them for exactly that kind

of information. The importance of community and of place is central to the Scottish Government's agenda, and the importance of local press serving local communities is a key aspect of that.

We see advertising support as being the most effective way to direct resources into the sector. It enables support to be targeted more effectively at where it is needed most, particularly those local newspapers that are the main focus of this debate. Since the pandemic began, ministers and officials have had an on-going dialogue with the Scottish Newspaper Society, which has helped us to ensure that our advertising investment is targeted where it can be most effective. We have not yet made any decisions about our approach to press advertising in the next financial year, but we will continue to engage with the SNS and with others including the National Union of Journalists, which has recently made known its perspective on the issue.

However, we must recognise that print newspapers are no longer the primary source of news for many people, particularly younger people. The newspaper industry has faced severe challenges for a number of years. In particular, the availability—often free—of online content means that many people now turn to the internet as their first source of news and information. The trend towards digitisation is prevalent across society and has accelerated as a consequence of the pandemic. In this aspect of our lives, as in many others, digitisation offers great opportunities as well as challenges. Newspapers seek to take advantage of the opportunities by publishing online in addition to producing printed copy and by seeking new ways to engage with their readers through digital means.

Those factors have led to declines in newspaper circulation and advertising revenue. It is difficult to monetise online content, especially when people have come to expect to access content without paying for it. We can access information on any topic from virtually any source at the click of a mouse. There is also a trend towards hyperlocal online news platforms that reflect the interests of local communities in a way that is not always possible through local newspapers. Those long-term trends have been accelerated by the pandemic, both directly and indirectly. In the past few years, several newspapers, including a number of local titles, have closed permanently and jobs have been lost.

Broader issues must be considered if the newspaper industry is to reverse recent downward trends. The impact of tech giants such as Google and Facebook must be considered, particularly in how they use content that is produced by newspapers. We must think about how we can support people, especially young people, to be

informed and critical readers, so that they can weigh up and evaluate the quality of information that they get from various sources.

One way to address those challenges is to support public interest journalism, however it is delivered. Therefore, the Cabinet Secretary for Economy, Fair Work and Culture has established a short-life working group to consider the future of public-interest journalism. It is expected to make recommendations by the end of the summer, and I hope that those will form the basis of sustainable public-interest journalism in Scotland.

This is an important debate, but it must not mask the long-term issues that the newspaper industry faces. It is by addressing those challenges that we can build a thriving and sustainable newspaper sector.

The Scottish Government did not support the introduction of non-domestic rates relief for the newspaper industry, as we believe that such relief is a blunt tool that does not provide targeted support to those that need it most, including local newspapers, and that it might provide the biggest benefit to those that need it least. I note that the NUJ has called for support to go only to employers that are investing in their productions and not to those that are making redundancies, cutting pay, curtailing front-line journalistic roles, paying executive bonuses or blocking trade union organisation. Blanket rates relief would not meet the NUJ's criteria for protecting journalism.

We are in the middle of our annual Scottish budget process, which offers Opposition parties and all members across the chamber the opportunity to engage with the Cabinet Secretary for Finance and bring forward proposals for revenue and spend. They can identify where best to allocate public funds and where the priorities should lie in providing support or reliefs from taxation for particular sectors. The budget process enables us to make those decisions, taking into account all competing factors and assessing priorities across the full range of Scottish Government expenditure and revenue-raising priorities. I encourage Opposition parties to make use of that process by bringing forward their priorities, including those that have been discussed in this debate, so that they can be considered as part of that process.

I move amendment S5M-24084.1, to leave out from "the Scottish Government" to end and insert:

"all parties to bring forward their tax and spending proposals as part of the ongoing negotiations on the Scottish Budget."

Graham Simpson: On a point of order, Presiding Officer. Minister Ivan McKee has just made a contribution remotely, as he is entitled to do, but that means that members in the

chamber—and, indeed, members taking part remotely—are not able to intervene on him and question him on what he is saying. I urge the parliamentary authorities to tackle that issue, because we cannot have proper debates if we are unable to actually debate with people.

The Deputy Presiding Officer: That was also the case when Mr Tomkins made his speech in the previous debate. It is the same situation no matter who is speaking, from whichever party; that is just the way the technology is just now. You are nodding in agreement with me, Mr Simpson, which is nice—we are on good terms.

Members should raise the issue with their business manager, and then the Parliamentary Bureau can discuss it. I think that Mr Simpson would agree that we have moved a long way with the technology during this time. If we can make improvements so that members can intervene or— heaven forfend—make points of order remotely, we will go down that route. I wish that I had not said that.

I call Claire Baker to speak to and move amendment S5M-24084.2—*[Interruption.]* I am sorry, Ms Baker. I think that I may have misspoken. We will find out. *[Interruption.]*

Of course members can make point of order online—people do that all the time. Sorry, Ms Baker—have a cup of tea. Mr McKee wants to make a point of order now.

Ivan McKee: For the record, Presiding Officer, I would be delighted to take interventions—technology permitting.

The Deputy Presiding Officer: Yes, but you cannot, so that is that.

Ms Baker, I hope that you are finished with your cup of tea. I call Claire Baker, again, to speak to and move amendment S5M-24084.2.

15:45

Claire Baker (Mid Scotland and Fife) (Lab): A free press is vital to democracy, and a private newspaper sector is an important part of that. It has a role in holding Government and all those in public office to account as well as in providing information and opinion to its readership.

Recent decades have seen huge changes in how the press operates as sales of physical newspapers have fallen and use of online news has increased vastly. The fall in printed publications has meant that advertising spend has reduced, alongside circulation figures. We have also seen the proliferation of fake news, misinformation and propaganda. Now, more than ever, people are looking to trusted news sources for information that they can rely on.

Local newspapers are also part of our communities and our culture. Many are historically part of their communities and provide local employment. News publishers help local businesses market their goods and services and they advertise many local jobs. Our local press is among the most trusted of the news and information sources that we have. We must support it in continuing to deliver for our communities, not undermine it by removing support and relief at this critical point.

During the pandemic, the role of our press has become even more important as people have sought accurate and timely local information that is relevant to their community. The regional basis of restrictions has meant that, for many people, the local press is the obvious place to find up-to-date advice and information, whether online or in print.

However, we have also seen local media outlets in precarious financial positions as a result of coronavirus. Falling revenues and a reliance on limited financial reserves, ineligibility for Government support and changes to staffing and operations have all had an impact, putting local newspapers in economically vulnerable places. In both the short term and the long term, the newspaper industry faces challenges, but it cannot meet those challenges without support.

Labour supports the continuation of business rates relief for newspapers. The case for support was made last year, and the argument was won when the Scottish Government agreed to provide relief in the same way that it has provided relief to other sectors. It now needs to extend that relief, in the same way that it has done so for those other sectors.

The Labour amendment seeks to highlight the importance of regional and local news and innovative journalism, and the benefit of supporting the sector, including through the investment of the Scottish Government's advertising budget.

I asked the Scottish Government about its advertising spend in papers last year and welcomed the increase in spend as a consequence of coronavirus, including through the public health information partnership. The question now is how that will be sustained throughout the remainder of the pandemic and beyond, so that we can provide our newspaper sector with a level of consistent and predictable support.

We have seen the negative impact of moving recruitment advertising out of local press and solely on to dedicated online platforms, which resulted in huge losses in revenue for papers across the country. Amid the wider drop in advertising, the Scottish Government has a responsibility to ensure that it continues to support

such an important industry, and that it uses the full range of means of communication with the public available. Continuing advertising support will help to protect the free press as well as jobs in the industry. The online presence of many newspapers has increased dramatically since the shift in resources, and they can meet the needs of both audiences.

In June last year, the NUJ provided a helpful briefing on the impact of Covid-19 on the Scottish media, including in it a recovery plan for the sector. The plan highlights the challenges that are faced by our news sector in both the short term and the long term, and proposes steps to take in order to secure an improved future for the industry.

Although the debate focuses on the immediate action that the Scottish Government can and should take on business rates, we need a longer-term commitment to support and diversify the newspaper sector. The current crisis has demonstrated how important the provision of news continues to be and the role that trusted, independent and accurate news sources play in supporting and informing our communities. We need to continue measures to support them through this difficult period.

I turn to the Scottish Government's amendment. I note that the Government alone has taken the decision to end business rates relief for newspapers, and it is responsible for explaining why. Last year, following pressure from Opposition parties, the Government accepted the argument and applied business rates relief to newspapers in the same way that it had applied that relief to a number of other sectors. The recent budget statement confirmed that relief would continue for those sectors—the retail, aviation, hospitality and leisure sectors—but not for newspapers.

Instead of calling on other parties to balance the budget for which it is responsible, the Scottish Government needs to explain why it has decided to remove only the relief for newspapers. Given the scale of the budget and the nature of support in the current crisis, the savings from that cut are counterproductive and are putting our valued newspaper sector at risk.

I move amendment S5M-24084.2, to insert after "Scottish Government":

"to ensure that its advertising budget spend is invested in a way that supports innovative journalism and regional and local news, and".

The Deputy Presiding Officer: I am a bit concerned, as I do not know whether I heard you move your amendment. Did you move it in the kerfuffle that preceded your speech?

Claire Baker: I just moved it.

The Deputy Presiding Officer: You did. [Interruption.] It is good that I have a top team. I am getting help from members on the Conservative benches—that is what I need this afternoon. You are always helpful, Mr Fraser.

15:51

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful to the Conservative Party for securing time for this incredibly important debate. I pay tribute to the local press in our nation for its invaluable contribution not just during the Covid-19 emergency, but for generations beforehand.

During the past year, local news outlets have proved critical. Not only do they keep people informed about what is going on locally and give an important local perspective on national issues, but they give our communities a much-needed link at a time when tens of thousands of us have never felt so isolated and alone.

I will give one example of the critical work that local newspapers are doing. The *Edinburgh Evening News* has a coronavirus tab that is immediately obvious to people as soon as they open the website and load the page. On clicking the link, people have access to countless articles that include vital information on things such as infection rates in the Lothians, how to access vaccines locally, and even the different types of vaccines that people might be offered and what to expect.

In addition to providing such key public service information, local newspapers have been vital in increasing access to community projects. That has allowed thousands of vulnerable people to receive help from within their local communities in a range of ways, whether that is receiving a hot meal or groceries or even just having a friendly chat.

Like the rest of us, the local news sector has had to adapt to a new way of working—a new reality. It has managed to do so while continuing to fully embrace its role in providing important information to the communities that it serves. It is in part because of its importance to local communities that the newspaper sector plays such an important role in our democracy. A free and vibrant press is one of the most widely acknowledged hallmarks of a functioning democracy.

By refusing to extend the business rates relief to newspapers for 2021-22, the Scottish Government is at severe risk of hindering the ability of Scotland's press sector to do its job and adapt to these constrained times. To suggest that any subsequent plans for support will not be confirmed or finalised until August 2021 is just no good to the sector whatsoever. It needs certainty on which to plan.

Although the Scottish Government might not always like what the press has to say—as parliamentarians, we can all relate to that from time to time—I cannot believe that it would want to reduce the role of the press as a source of information and scrutiny. The consequences of the press facing ruin include the undermining of our democracy and the hurting of individual communities. The ramifications for communities and our constituents if local press outlets are forced to close due to financial difficulty will be dire, so the Scottish Government must rethink its strategy.

Throughout the pandemic, local news sources have been some of the most valuable and trusted sources of information in our communities. In a world of fake news and misinformation, the local press stands true.

Whether it is *The Galloway Gazette* or *The Orcadian*, which turns 150 this year, local press organisations have proved themselves to be an integral part of community spirit and community life and a critical source of information. I understand that the UK and Scottish Governments face a momentous task in rebuilding our economy and that difficult choices must be made. However, the pandemic has taken so much from our society already, so let us not allow it to threaten one of the tenets of our national democracy and local communities. I gladly offer my party's support for the motion.

15:55

Patrick Harvie (Glasgow) (Green): I share the irritation that was in Graham Simpson's voice at the fact that this issue has had to come back to the chamber. Some interesting points have been made about the longer-term trends in relation to newspapers, and Ivan McKee made some interesting and insightful points that were entirely irrelevant to the motion that we are debating. The motion deals with an issue that the Parliament decided in May 2020, when amending the Coronavirus (Scotland) (No 2) Bill. It was clear then that there was complete cross-party support among the Opposition and I think that we were all aware that some on the SNP back benches were sympathetic. There was broad support for the amendment to ensure that newspapers were not excluded from rates relief. I see no evidence that the Scottish Government has conducted any kind of reaching out or consensus building in preparation for its decision to remove newspapers from that rates relief.

Ivan McKee made various points about targeting, which was part of Michael Russell's argument in asking the Parliament to reject Murdo Fraser's amendment back in May. Michael Russell talked about the danger that local newspapers

would not gain so much and that larger organisations would stand to gain more. He said that in England the rates relief package

“applies only to local newspapers. Larger and more national organisations would do better out of the proposed scheme than local newspapers would.”—[*Official Report*, 20 May 2020; c 108.]

I find that interesting, because it is frustrating that the Scottish Government, in its wider approach on domestic rates and the relief packages that are available during the pandemic, has not chosen to target very much; it could take a much more targeted approach to the business support packages that it is making available, but it is not. It seems to be using that argument only in relation to this specific issue, which strikes me as odd, because last May’s amendment is exactly the kind of amendment that an SNP member would have moved if they were in Opposition and another party was in Government saying, “No, no, this can’t be done.”

The motion does not in fact call for a blanket, untargeted approach. It does not demand 100 per cent rates relief for all newspapers. It calls on the Scottish Government to

“extend business rates relief to newspapers”.

If the Scottish Government came forward with a targeted approach that specifically made sure that smaller independent titles, for example, gained the benefit that they need, that would be entirely consistent with the motion.

We are in a bit of strange situation here, because it is the kind of issue that any Opposition would advocate regardless of party politics. I will support both Claire Baker’s amendment and the motion, but I will not support Ivan McKee’s amendment.

15:59

Annabelle Ewing (Cowdenbeath) (SNP): At the outset of my brief intervention on the debate, I commend local newspapers in general for the important role that they play in communities across Scotland. In particular, I commend the local newspapers in my constituency of Cowdenbeath, being principally the *Central Fife Times and Advertiser*, the *Dunfermline Press and West of Fife Advertiser* and—[*Inaudible.*]—group.

In these very difficult times, I know from constituents that the local newspaper is an important source of information about the pandemic and the local impacts of it. As the MSP for Cowdenbeath, I certainly recognise that and seek to ensure that important information is copied to my new local newspapers regularly.

However, it is important to highlight at the same time that there are many other important sources

of information about the pandemic in my constituency: the Scottish Government website; the Scottish Government daily briefings; NHS Fife; Fife Council, the Fife Chamber of Commerce; and local third sector and voluntary groups. Those go-to information sites now form part of the panoply of people’s daily lives. I believe that that is a good thing, because surely we want people to be as informed as possible about Covid-19 and the impacts of the pandemic.

In that regard, a key focal point over the past weeks has been the roll-out of the vaccination programme. I am sure that today’s news that, as of 8.30, 985,569 people have received their first dose of the vaccine will be welcomed by all.

Turning from the role of local newspapers and helping with information dissemination during the pandemic to the issue of funding support, I am, indeed, pleased to note the range of business support that the Scottish Government has provided to the Scottish newspaper industry during the pandemic. That includes the £3 million investment through increased advertising, which has been mentioned, with an additional £400,000 having been made available to 79 local titles across the country. As has also been mentioned, the support includes 100 per cent rates relief and the establishment of a short-life working group to consider how best to support public interest journalism, which, I understand, will report in the summer.

As far as the next financial year is concerned, there are, of course, several issues to bear in mind. First, there is currently a budget process under way. I would have thought that it might have been more appropriate for Opposition parties to engage in that process by negotiating on their tax-and-spend proposals.

Secondly, the United Kingdom Tory Government’s decision to delay the UK budget has, of course, made the setting of the 2021-22 Scottish budget much more difficult, as that has resulted in the Scottish Government having to proceed without crucial information on tax rates and funding.

Thirdly, as far as the UK budget is concerned, the Scottish Government Cabinet Secretary for Finance has already called on the UK Chancellor of the Exchequer to guarantee further support for business impacted by the pandemic.

Fourthly, the Cabinet Secretary for Finance has also called for additional flexibility for the Scottish Government, so that we in Scotland can mobilise funding when it is most urgently needed.

If the other parties are serious about calls for more funding to be made available for any particular matter, they surely must have regard to the other side of the balance sheet. Surely, they

must also have regard to what they would take out from the spending proposals in order to insert whatever their particular ask is.

16:03

Liz Smith (Mid Scotland and Fife) (Con): I pay tribute to the local newspapers not only in my region, but across Scotland, because they have been doing the most wonderful job in keeping the public informed during the pandemic.

It has been said a couple times during the debate that local newspapers are an important part of democracy. That is true, but they are also a very important part of the information service provided to the public, especially for our elderly citizens who, in many cases, are much less likely to use the internet and social media for their news.

I think that, during the pandemic, many people have found their local newspapers, as well as their television, to be the only source of news that they have been receiving about what they can safely do, what is going on in their community and, importantly, what messages Government and health authorities are telling them. That, of course, is also true for the local newspapers that can be accessed online.

Graham Simpson rightly pointed out that local newspapers have been suffering for some time. They have been downsizing; they have had drops in income, including from advertising; and there have been the pressures of greater centralised control and in relation to finding staff who are willing to work in the industry in such uncertain times. Circulation is considerably down, as is advertising, which is not surprising, given that many of the businesses that would normally advertise in their local papers, such as hotels, restaurants and retailers, are not operating. These are therefore extremely difficult times in the world of local newspapers. Indeed, some famous titles have stopped publishing altogether, at least in the physical format. We should be very worried about that.

Of course, local newspapers are also important to members here. We heavily rely on them to publish details of our surgeries and our press releases, and to take photographs of the many events that we attend in normal times, such as visits to schools or agricultural shows. They are now asking for our support, which I feel we are duty bound to provide. Last week, the Scottish Government announced a package of assistance for newspapers. Although that is welcome, it certainly will not go far enough to support them when it is spread so thinly across every title in Scotland.

Back in May 2020, during the debate on the Coronavirus (Scotland) (No 2) Bill, my colleague Murdo Fraser pointed out that

“Some would ask why we should single out newspapers for support in this fashion.”—[*Official Report*, 20 May 2020; c 103.]

The answer is fairly evident, particularly as we are asking for an extension for a period of a year on business rates relief. Such newspapers are absolutely vital, particularly at this time. Although providing such relief might not be a long-term solution, it is something that we should be charged with. I do not really understand why the SNP is reluctant to do so, because it is so important. As Patrick Harvie rightly pointed out, we agreed on it some time ago. Further, we are not talking about spending a huge amount of money for the period in question. I think that it is less than £4 million, which I think that we could do for that short period of time.

I believe that it is important that we support our local papers. I very much support the motion in the name of Graham Simpson.

16:06

Colin Smyth (South Scotland) (Lab): I often begin speeches by welcoming the opportunity to debate a particular issue. However, on this occasion, as others have said, I feel that that we should not be having this debate because, frankly, it should not have been necessary.

By announcing a three-month extension of rates relief for sectors such as retail and hospitality, the Scottish Government has acknowledged that those sectors are struggling. However, in withdrawing the same relief from newspapers, it has failed to grasp the interdependence between those sectors. Newspapers are struggling partly because retail and hospitality are also struggling. Lockdown means that our shops, hotels, restaurants and pubs currently have little to advertise in our newspapers. The fact that fewer people are visiting our high streets due to lockdown means that fewer of them are picking up a paper.

Therefore, if the extension of rates relief is needed for retail and hospitality, it is also absolutely needed for our newspapers. The same can be said for a continuation of the advertising support that has been so critical to supporting newspapers over the past year and so important in helping to get across our key public health messages. That is why Scottish Labour has highlighted the issue in its amendment.

However, that issue runs even deeper than the financial viability of our newspapers. It has been almost a year since the Cabinet Secretary for Economy, Fair Work and Culture hailed our

journalists and declared them key workers. She said that,

“in these challenging circumstances, having access to reliable information is a key part of a functioning society and public confidence”

and she agreed that

“the news publishing sector plays a vital role in this.”

Yet, almost 12 months on, the decisions of the Scottish Government risk turning many of those key workers into non-workers. In fact, the research group Enders Analysis estimates that the revenue crunch that is facing newspapers puts a third of UK journalism jobs at risk.

Our newspapers were already facing challenging times before the pandemic. In the words of the National Union of Journalists,

“the Covid-19 crisis has hit an industry with underlying health conditions.”

The Cairncross review reported that the number of full-time front-line journalists working in the UK had fallen from 23,000 in 2007 to 17,000 in 2019. Newspaper annual advertising spend had already dropped by 69 per cent, or £3.2 billion, and annual circulation revenue had declined by 23 per cent, or £500 million. Even before the pandemic, that led to drastic cost cutting. Few of our local titles are now printed locally and, given the shedding of jobs, the small teams left at many of our local papers are performing miracles to keep stories flowing week in, week out.

However, sadly, many titles have not been able to keep going in recent years. Others have been on the brink of printing their final edition altogether, such as the *Eskdale & Liddesdale Advertiser* in my region, which, just a few years ago, was saved from closure by the local community, who stepped in to keep the printing presses running—not just because of the paper’s 168-year history but because of its important role in serving the community, which it continues to do right now

As we have already heard, during the pandemic some titles, such as the *Stranraer and Wigtownshire Free Press*, stopped printing for a period during the first lockdown but have been able to fight back and are now up and running again, delivering for the local community.

The pandemic has brought home to us all how important the role of local newspapers is, not just in keeping readers up to date with stories affecting their lives in their community but in providing a reliable and trusted source of information. At a time when verified and factual public health advice has never been more essential and in the face of the plague of misinformation that we see every day on social media, the trusted journalism from our local newspapers is crucial.

The decision by the Scottish Government to extend rates relief for other sectors into the next financial year but to axe that relief for newspapers and pull back on advertising really is a case of trying to undermine that role and kicking a sector when it is down. We cannot wait for working groups to report. That decision will mean job losses in weeks and ultimately a loss of unbiased local news, fuelling the rise and rise of online fake news.

I know that the Government opposed the extension of rates relief to newspapers last year, but the Parliament voted to amend the Coronavirus (Scotland) (No 2) Bill to deliver that relief. If Parliament votes for the motion and Labour’s amendment today, I hope that the Government will respect that decision and the will of Parliament and continue that rates relief to give our newspaper sector the support that it needs in these difficult times.

16:11

John Mason (Glasgow Shettleston) (SNP): I will start by saying that I agree with Graham Simpson that we should be able to have interventions during these hybrid debates.

Newspapers have been facing a challenging time for a number of years, with circulation falling and more people getting their news in other ways. I confess that I have been quite traditional when it comes to newspapers and persisted in buying printed copies of *The Herald* and the *Evening Times* right up until Covid started. I like the fact that we get a summary of the day’s news in one place, and one advantage of a newspaper is that we get to decide what we are reading and what we are skipping, whereas with television and radio, it is the broadcaster who decides how long we spend on each topic.

With Covid and the encouragement to stay at home and only to shop when necessary, I switched to subscribing to *The Herald* and to the *Glasgow Times*, as it is now called, online, and I have to say that that has been working well for me. [Interruption.] I am being slightly put off by my party whip and the Deputy Presiding Officer talking behind me.

As has been said, newspapers have been struggling for quite some time and that has been made worse by Covid, with people being discouraged from a daily visit to the shops to get a paper.

If we assume that *The Herald* is a national newspaper and the *Glasgow Times* is regional, perhaps serving some 15 constituencies in and around Glasgow, my constituency has no local newspaper. We used to have a couple, but they died out some years ago. Why did that happen?

Presumably because, in a less affluent area, there has not been sufficient advertising revenue to go around. I am not arguing that only richer areas have local newspapers. The neighbouring constituency to mine is Rutherglen, where I grew up. It is quite a mixed area and it still has the *Rutherglen Reformer*. I would dearly love to see a paper like that in the east end of Glasgow.

Because we do not have a local paper in the Glasgow Shettleston constituency, we do not get news of local schools, churches, scouts or guides, or even local politicians, which is what I was used to when I was younger and which, clearly, some other areas still get. We need to go looking for such local news on websites or social media and I think that it is a real loss for the community when we do not have a local newspaper.

However, the economics have shifted over time and, just as so much shopping has shifted online, so has the availability of local information. I certainly would not oppose support for local newspapers if the money can be found and I would rather see them expanding than contracting. However, let us remember that any such support will not help the people in a less well-off constituency such as mine who have no local newspapers.

I would like to make some general points about the budget. If the Conservatives are looking for specific changes to the draft budget, I am certain that Kate Forbes will be happy to discuss those changes with them. However, it would be useful to know whether they are serious about negotiating for funding for local newspapers. If that was agreed to, would they then support an amended Scottish Government budget or would they produce a long list of contradictory requests, as normally happens, and then still oppose the budget, no matter what? Their usual mantra is that they want taxes cut and spending raised—sorry, but that does not add up. Are we going to see more realistic and financially literate proposals from the Conservatives this year?

The 2021-22 budget has clearly been made complex because of Covid, which was unavoidable. It has also been made more difficult for all of us in the Parliament by the totally avoidable delay in the Westminster budget. It did not need to be delayed until 3 March but, because it has been, Kate Forbes, the Finance and Constitution Committee and all the rest of us have been left very much in the dark as to what we have to spend on non-Covid-related and Covid-related matters.

I want to be supportive of local newspapers, but let us have a more realistic approach to the budget from the Conservatives.

16:15

Iain Gray (East Lothian) (Lab): The debate has been short but interesting. Graham Simpson opened it by saying that he remembers when local newspapers were the lifeblood of the local community, and he painted quite a bleak picture of the current circumstances. In fact, it was so bleak that John Mason was provoked to intervene and to ask whether local newspapers are recoverable, in a rather apocalyptic intervention.

I want to say that, in many parts of Scotland, local papers still are the lifeblood of our communities. In East Lothian, as we have been since 1859, we continue to be served every week by the award-winning *East Lothian Courier*—it comes out tomorrow. Colin Smyth told us about another local paper that is close to my heart, the *Stranraer and Wigtownshire Free Press*, which fought back from going digital only and is now publishing again.

Alex Cole-Hamilton talked about the important role that the *Edinburgh Evening News* has played during the Covid pandemic. That is an important point. Local papers are important at any time in our communities, but they have been absolutely critical during the pandemic. A year or so ago, when the first lockdown happened, we spent a lot of time in the Parliament praising the local resilience groups, community support groups and other volunteer groups that had sprung up in our towns and villages. In East Lothian, the local paper—the *East Lothian Courier*—was critical in allowing those groups to do their work. Every week, the paper gave over one or two pages to report on what the groups were doing, the services that they operated and how they could be contacted. Of course, that was particularly useful for older citizens who perhaps are not online.

It was not just those special things that were so important at that time. The *East Lothian Courier* and other local papers continued to do what they do, week in week out, yet more so. Sadly, local death notices became important in letting people know what was happening when, tragically, many of our fellow citizens were losing their lives to Covid.

Local papers covered and promoted local fundraising efforts, many of which sprang up to support work such as the purchase and even the manufacturing of personal protective equipment. Of course, as the papers do every week, they continued to support local businesses in what for many of those businesses were the darkest of times. For example, the papers told people about which restaurants were continuing to do takeaway and which shops were doing click and collect. Local papers have been critical.

The minister's contribution was pretty disingenuous. It was just fatuous for Ivan McKee to talk about the importance of local papers and then to reduce that to a party-political challenge to Opposition parties' call to save those papers by changing the Government's budget. I have to say that it was equally fatuous for Annabelle Ewing to point to the Scottish Government's working group on the press, because the members of that group have today publicly called for a reversal of the decision on rates relief.

Patrick Harvie wondered, with some justification, what the Scottish Government has got against local papers and why it singles them out for a lack of support. The Government has form on the issue. In 2010, it tried to take away the requirement to place public notices in local papers and the Opposition had to get it to change its mind. A year ago, the Government excluded papers from rates relief and the Opposition had to make it change its mind. The Government had to think again 10 years ago and one year ago, and it needs to think again tonight.

16:19

The Minister for Business, Fair Work and Skills (Jamie Hepburn): I, too, thank Graham Simpson for bringing forward the debate. The local newspaper sector is one that is worth the chamber focusing on.

I take issue with the point that Iain Gray has just made. The Scottish Government does not have anything against the sector. I concur entirely with the sentiment that has been expressed by various members that the foundation of any free society must be a free press, and the idea that the Government has something against newspapers in this country is, I am afraid to say, fatuous.

Iain Gray: Does the minister understand that, if we look at local newspapers simply as local businesses, the fact that they have been specifically excluded from support that has been extended to other businesses must make them feel as though the Government has something against them?

Jamie Hepburn: I observe that there are many sectors that have not had such support extended to them because, frankly, we cannot extend that form of support to every business in the country.

During the debate, much has been made of the fact that, as part of its consideration of the Coronavirus (Scotland) (No 2) Bill, Parliament voted for an amendment to extend rates relief to the newspaper sector. I accept that, and the Government has adhered to that vote, which put in place such relief for this financial year. We have adhered to that, but unless members are going to say that that vote stands for time immemorial,

surely we must look at the process that we are presently engaged in. It should not come as a surprise to any member of the chamber that we go through the budget process on an annual basis. This might just be me being cynical, but there could be a question about how genuinely others engage in the process of dialogue around the Scottish budget. We have an annual process of setting the budget and, frankly, we are not doing anything inconsistent here.

When other members made their point during consideration of the bill to which I referred, the Government articulated its position in respect of non-domestic rates relief for the newspaper sector, and we continue to hold to that position. I understand the argument, and it is entirely legitimate for it to be advanced and articulated by Opposition members, but we must think about how we use public finances most effectively and get best value for that investment.

Graham Simpson: I am grateful to the minister for giving way. The Government has agreed to extend business rates relief for other sectors, but not the newspaper sector, when the Parliament voted for relief for that sector. Why is that? It looks as though the Government has something against the sector.

Jamie Hepburn: I hope that Mr Simpson appreciates my giving him the opportunity to intervene. I know that he thinks that that is particularly important, and I was glad to facilitate such an opportunity.

I return to the point that we do not have anything against the newspaper sector, but that was our position at the time. We accepted that the perspective of Parliament in relation to the Coronavirus (Scotland) (No 2) Bill was that the newspaper sector should have had the support in question extended to it for this financial year, but our position is consistent as we approach the budget.

It is not "fatuous", as Mr Gray put it, to say that consideration of the issue of relief for the newspaper sector should be part of the process of budget dialogue. Of course it should be part of that process. [*Interruption.*] Mr Gray says that there is no dialogue. Every year, the Government seeks to facilitate dialogue with other parties— [*Interruption.*]

The Deputy Presiding Officer: Excuse me—sit down, minister. There is a dialogue going on that should not be going on. You have to speak through the chair, Mr Gray—you know that.

Jamie Hepburn: I hope that it is accepted that I was speaking through the chair, but I could hear the utterances—

The Deputy Presiding Officer: I beg your pardon—it was Mr Gray who was not speaking through the chair. There was a dialogue between the two of you as if the rest of us were on another planet. That is not appropriate.

Jamie Hepburn: I apologise, Presiding Officer. I said that Mr Gray had uttered from the sidelines. I could not help but hear him suggest that there is no dialogue on the budget. There is the opportunity for dialogue each and every year, and if the issue of rates relief for newspapers is a priority for other parties, they are welcome to advance that perspective as part of that discourse.

We take the need to support our newspaper sector seriously, and I regret that Patrick Harvie felt that the points that Ivan McKee advanced around long-term sustainability for the sector were somehow irrelevant to today's debate. Mr Simpson accepts their relevance; he talked about—and I agreed with him on—the long-term challenges that the sector has faced. It is appropriate for that to be raised today, because we know that the pandemic has had an impact.

We have sought to respond. We have sought to leverage our advertising budget to support the sector. We have done that over the past period and it was appropriate for us to do it. However, we have to consider the sector in the round. The trends that we have seen in newspapers have been in place for some time, although Covid-19 has of course exacerbated them.

We have stepped up to support newspapers, but we need to consider how we support the sector in the longer term. Rates relief is not a long-term solution in itself, which is why I believe that the work of the working group on public interest journalism should not be dismissed. It is important and, as members have mentioned, the group contains the relevant people to take that discourse forward.

We are serious in our intent to support newspapers, but we have concerns that non-domestic rates relief is not the most efficient or cost-effective way to respond to the long-term challenges that are facing the newspaper industry.

I urge members to support our amendment. I think that it is entirely legitimate and appropriate that we urge others to come forward with their propositions as part of a coherent response to the budget process. I see that I am getting a thumbs down from members on the Conservative benches. That might indicate once again just how seriously they take the budget process this year.

The Deputy Presiding Officer: I call Maurice Golden to close for the Conservatives.

16:26

Maurice Golden (West Scotland) (Con): Graham Simpson remarked in a wonderful speech that, if newspapers die, democracy dies, and Alex Cole-Hamilton followed up that theme and talked of a free and vibrant press being the hallmark of a functioning democracy. Ivan McKee spoke about the importance of local communities and highlighted the advertising support that is provided by the Scottish Government, which is very welcome along with that of the UK Government. Claire Baker spoke of trusted, independent and accurate news being absolutely essential, and I whole-heartedly agree.

There have been a lot of numbers flying around in this debate, but one number in particular stands out: 3,000. That is the number of people who are directly employed by the newspaper industry in Scotland. It is the number of people who face a direct threat to their jobs and will be worried about how they will support themselves and their families, and all because this SNP Government plans to cut off support when it is needed the most. That could be the death knell for the sector, and it is being done regardless of the value that the papers—especially the local ones—provide to their communities. My colleague Liz Smith highlighted that point.

Notable examples of journalism excellence include *The Press and Journal* and *The Courier*. My school playground was overlooked by DC Thomson's offices, although I am glad to say that the Bash Street kids pre-date me. I am not sure which character I would have been. The *Clydebank Post* is at the forefront of providing cutting-edge local news. The *Largs and Millport Weekly News* holds the record for having Britain's longest-serving editor, and *The Arran Banner* once achieved a Guinness world record by reaching 97 per cent of Arran's population.

However, those and Scotland's other local papers do more than support jobs. They are also a vital part of our society because they inform the public, hold power to account and support their communities. It should be a priority for this SNP Government to help to bring those papers back from the brink before they are lost forever. That is why the Scottish Conservatives are here today to ask the SNP to do the right thing and extend business rates relief to newspapers for another year.

I fully appreciate that that is not the SNP's position. In fact, it extended rates relief to newspapers at the start of the pandemic only because it was forced to do so. That point was well made—I do not say this often—by Patrick Harvie. The Scottish Government's short-life working group on public-interest journalism has called for rates relief to be extended to Scottish

newspapers, as Iain Gray highlighted. There is still time to act, and an extension would have a minimal impact on the overall budget, costing around £4 million for the whole year.

However, newspapers are just the tip of the iceberg. Across Scotland, a great many individuals and businesses are receiving little or no support, including in the hospitality, tourism and leisure sectors. The Scottish hospitality group has warned that the strategic framework business fund is not serving licensed premises well, and it is sensibly calling for support to be focused on the premises that are suffering the greatest impacts, regardless of the tier level that they eventually return to.

Deficiencies in strategic framework support have also been highlighted by the Federation of Small Businesses, which warned that small specialist retailers—such as drinks, hardware and animal specialists—are not able to apply for grant and that few, if any, will get discretionary funding.

Others are also slipping through the cracks. Bingo halls, for example, have not seen dedicated support in the same way that other leisure activities have. Another example is the animal boarding sector, which is obviously reeling from the massive downturn in tourism and has no dedicated support. Again, they are at the mercy of discretionary council funding. They did not even receive the same business rates extension as the rest of the hospitality, tourism and leisure sector—the very support that is currently being withdrawn from the newspaper industry.

The director of the Scottish Newspaper Society could not have been clearer about the SNP's plan to withdraw support, by saying:

“There is no doubt this creates an immediate crisis for Scottish journalism”.

“Crisis” is the right word, because the newspaper industry in Scotland is on its knees. Advertising revenue crashed by 35 per cent last year—a catastrophe for an industry that is so heavily reliant on advertising for its income. The situation has not been helped by the fact that much of that advertising comes from hospitality and retail businesses. I welcome the Labour amendment, and we will support it at decision time.

The debate is not about party politics; it is about saving jobs and protecting a vital part of our democracy. I am simply asking the SNP to do the right thing.

The Deputy Presiding Officer: Thank you very much, Mr Golden. That concludes the debate on Covid-19 response and the role of local newspapers. After a short pause, we will move on to the next item of business.

Business Motions

16:32

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24102, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 16 February 2021

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions

followed by Ministerial Statement: COVID-19

followed by Scottish Government Debate: Independent Review of Adult Social Care

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.05 pm Decision Time

Wednesday 17 February 2021

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Liberal Democrat Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

4.30 pm Decision Time

Thursday 18 February 2021

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Transport, Infrastructure and Connectivity;
Justice and the Law Officers;
Constitution, Europe and External Affairs

followed by Scottish Government Debate: Doing Politics Differently – The Report of the Citizens' Assembly of Scotland

5.05 pm Decision Time

followed by Members' Business

followed by Members' Business

Tuesday 23 February 2021

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions

followed by Ministerial Statement: COVID-19

followed by Stage 3 Proceedings: Heat Networks (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

6.00 pm Decision Time

Wednesday 24 February 2021

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Economy, Fair Work and Culture;
Education and Skills

followed by Scottish Conservative and Unionist Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

4.50 pm Decision Time

followed by Members' Business

Thursday 25 February 2021

12.30 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Health and Sport

followed by Stage 1 Debate: Budget (Scotland) (No.5) Bill

followed by Scottish Government Debate: Scottish Rate Resolution

6.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 15 February 2021, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: The next item is consideration of business motion S5M-24103, also in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on a stage 2 timetable.

Motion moved,

That the Parliament agrees that consideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill at stage 2 be completed by 26 February 2021.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

16:33

The Presiding Officer (Ken Macintosh): The next item of business is consideration of four Parliamentary Bureau motions—motion S5M-24106 and motion S5M-24107 on approval of Scottish statutory instruments, motion S5M-24108 on a suspension of standing orders and motion S5M-24109 on a variation of standing orders.

Motions moved,

That the Parliament agrees that the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 [draft] be approved.

That the Parliament agrees that, for the purposes of consideration of the Scottish Budget 2021-22, Rule 5.8.1(a) of Standing Orders be suspended.

That the Parliament agrees that, subject to its agreement to the general principles of the Budget (Scotland) (No.5) Bill, for the purposes of consideration of the Bill at stage 3, in Rule 9.16.6 of Standing Orders—

(a) the words "or 3" be omitted;

(b) the words "Notice of any amendment at stage 3 shall be given by lodging it with the Clerk no later than 4.30 pm on Monday 8 March 2021." be inserted at the end.—[*Graeme Dey*]

The Presiding Officer: The question on those motions will be put at decision time.

Point of Order

16:33

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. I wish to raise a point of order about the actions of special advisers.

At an off-camera, on-the-record briefing, special adviser Stuart Nicolson was asked to clarify the First Minister's comments on compelling the attendance of Alex Salmond at the Committee on the Scottish Government Handling of Harassment Complaints, and he said:

"Yeah, yeah. I mean yes. You surmise correctly. I mean, bluntly why wouldn't they? If the committee and all its members are serious about getting to the facts and getting to the truth, as they claim to be, then why on earth wouldn't they use the powers at their disposal to compel witnesses to attend? They've previously talked about using those powers in respect of other witnesses. So, you know, it would seem to make sense that they would want to do it in this case."

I am not sure that the committee has done so, Presiding Officer, but whatever we decide in relation to using those powers with Alex Salmond—or with other special advisers—is a matter for the committee and not the Scottish Government.

Why have special advisers also briefed the press about the substance of WhatsApp messages obtained from the Crown Office before committee members were provided with numbered copies in a reading room, which were then handed back?

There may indeed be a breach of the special adviser code of conduct but, frankly, it is disrespectful and entirely unacceptable for the Government and special advisers in particular to dictate to committees of the Parliament.

The Presiding Officer (Ken Macintosh): I got some advance notice—it was short notice—of the point of order, for which I thank Ms Baillie.

Although I can understand why Ms Baillie is concerned, it strikes me that that is a matter for the committee. It is not a procedural matter for me to rule on in the chamber. I advise Ms Baillie to bring it up at the committee, of which she is a member.

Decision Time

16:35

The Presiding Officer (Ken Macintosh): We come to decision time. The first question is, that amendment S5M-24095.2, in the name of the Lord Advocate, which seeks to amend motion S5M-24095, in the name of Murdo Fraser, on the Crown Office, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. I will suspend the meeting for a few minutes to allow members to access the voting app.

16:36

Meeting suspended.

16:40

On resuming—

The Presiding Officer: We are back in session and go straight to the vote. The question is, that amendment S5M-24095.2, in the name of the Lord Advocate, which seeks to amend motion S5M-24095, in the name of Murdo Fraser, on the Crown Office, be agreed to. This will be a one-minute division.

The vote is now closed. If members were not able to exercise their vote or had difficulty in voting, they should let me know by raising a point of order.

Margaret Mitchell (Central Scotland) (Con): On a point of order, Presiding Officer. I was not able to vote. I would have voted no.

The Presiding Officer: Thank you. I note that you would have voted no to the amendment in the name of the Lord Advocate. I will make sure that your vote is added.

Finlay Carson (Galloway and West Dumfries) (Con): On a point of order, Presiding Officer. I was unable to access the app. I would have voted no.

The Presiding Officer: Thank you. I will make sure that your vote is added. You would have voted no to the amendment.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. I apologise—I do not know what is happening with my device. I would have noted no.

The Presiding Officer: Thank you. I will make sure that your vote is added. You would have voted no to the amendment.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order, Presiding officer. I would have voted no.

The Presiding Officer: Thank you. I will make sure that your vote is added to the register.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on amendment S5M-24095.2, in the name

of the Lord Advocate, which seeks to amend motion S5M-24095, in the name of Murdo Fraser, on the Crown Office, is: For 66, Against 59, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-24095.1, in the name of Rhoda Grant, which seeks to amend motion S5M-24095, in the name of Murdo Fraser, on the Crown Office, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-24095, in the name of Murdo Fraser, on the Crown Office, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament notes the Crown Office and Procurator Fiscal Service's admission of malicious prosecutions of David Whitehouse and Paul Clark, formerly administrators of Rangers Football Club PLC; notes that £24,086,250 of taxpayers money was paid out to Mr Whitehouse and Mr Clark for compensation and legal fees; notes that this situation is unprecedented in Scottish legal history; further notes that the Lord Advocate and COPFS have committed to supporting public and Parliamentary accountability and notes that legal proceedings are ongoing; agrees that there should be a transparent process of inquiry, once all related legal proceedings are completed; agrees that the precise mechanism of inquiry, which should be led by a judge, should be determined once all related legal proceedings have concluded; understands that further compensation is also to be paid on behalf of the Chief Constable, and believes that the remit of any inquiry should include examination of the role and involvement of Police Scotland.

The Presiding Officer: Before putting the next question, I remind members that, if the amendment in the name of Ivan McKee is agreed to, the amendment in the name of Claire Baker will fall.

The next question is, that amendment S5M-24084.1, in the name of Ivan McKee, which seeks to amend motion S5M-24084, in the name of Graham Simpson, on the Covid-19 response and the role of local newspapers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members have one minute.

The vote is now closed. I encourage any member who was not able to vote to let me know.

Liam McArthur (Orkney Islands) (LD): On a point of order, Presiding Officer. I was unable to log in, for some reason. I wished to vote no.

The Presiding Officer: Thank you, Mr McArthur. I will ensure that your vote is added to the register.

Finlay Carson: On a point of order, Presiding Officer. I was unable to vote. I would have voted no to the amendment.

The Presiding Officer: Thank you, Mr Carson. I will ensure that your vote—a second vote against the amendment in the name of Ivan McKee—is added.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)

Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on amendment S5M-24084.1, in the name of Ivan McKee, which seeks to amend motion S5M-24084, in the name of Graham Simpson, on the Covid-19 response and the role of local newspapers, is: For 62, Against 63, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-24084.2, in the name of Claire Baker, which seeks to amend motion S5M-24084, in the name of Graham Simpson, on the Covid-19 response and the role of local newspapers, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-24084, in the name of Graham Simpson, on the Covid-19 response and the role of local newspapers, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament recognises the vital role that local newspapers have played in keeping people informed during the COVID-19 pandemic; believes that a vibrant newspaper sector is essential for democracy, and calls on the Scottish Government to ensure that its advertising budget spend is invested in a way that supports innovative journalism and regional and local news, and to extend business rates relief to newspapers during 2021-22.

The Presiding Officer: I propose to ask a single question on four Parliamentary Bureau motions. Does any member object?

As no member objects, the final question is, that motions S5M-24106 and S5M-24107, on approval of Scottish statutory instruments; motion S5M-24108, on suspension of the standing orders; and motion S5M-24109, on the variation of standing orders, all in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to.

That the Parliament agrees that the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 [draft] be approved.

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 [draft] be approved.

That the Parliament agrees that, for the purposes of consideration of the Scottish Budget 2021-22, Rule 5.8.1(a) of Standing Orders be suspended.

That the Parliament agrees that, subject to its agreement to the general principles of the Budget (Scotland) (No.5) Bill, for the purposes of consideration of the Bill at stage 3, in Rule 9.16.6 of Standing Orders—

(a) the words “or 3” be omitted;

(b) the words “Notice of any amendment at stage 3 shall be given by lodging it with the Clerk no later than 4.30 pm on Monday 8 March 2021.” be inserted at the end.

The Presiding Officer: That concludes decision time. Before we go, I remind members to wear their masks, to follow the one-way system and to observe social distancing.

Meeting closed at 16:50.

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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