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Meeting of the Parliament (Hybrid)

Thursday 11 March 2021

Session 5



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Pàrlamaid na h-Alba

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Scottish Parliament

Thursday 11 March 2021

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

Business Motion

The Presiding Officer (Ken Macintosh): Our first item of business is consideration of business motion S5M-24357, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out changes to today's business.

Motion moved,

That the Parliament agrees to the following revision to the programme of business on Thursday 11 March 2021—

after

12.30 pm First Minister's Questions

insert

followed by Stage 3 Debate: Hate Crime and Public Order (Scotland) Bill—[*Miles Briggs*].

Motion agreed to.

First Minister's Question Time

12:30

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

The First Minister (Nicola Sturgeon): Thank you, Presiding Officer; I will do so.

Yesterday, 591 new cases were reported, which is 2.5 per cent of all the tests that were carried out. That takes the total number of confirmed cases to 207,747. There are 556 people in hospital, which is 26 fewer than yesterday, and 42 people are in intensive care, which is seven fewer than yesterday.

I regret to report that a further 22 deaths have been registered of people who first tested positive for Covid in the previous 28 days, which means that the total number of people who have died, under the daily measurement, is now 7,483. Once again, I send my deepest condolences to everyone who has lost a loved one.

I turn to the vaccination programme. As of 8.30 this morning, 1,825,800 people had received their first dose of the vaccine, which is an increase of 16,642 people since yesterday. In addition, 141,433 people have received their second dose, which is an increase of 8,673 people since yesterday. In total, 25,315 people received a vaccination yesterday.

From tomorrow, Public Health Scotland will make changes to its Covid dashboard to improve the reporting of vaccine uptake among health and care workers and care home residents.

I confirm that virtually all those over 65 have now had their first dose, as have 45 per cent of 60 to 64-year-olds, 38 per cent of 55 to 59-year-olds and 31 per cent of 50 to 54-year-olds. We remain on track to offer first doses to everyone over 50, all unpaid carers and all adults with underlying health conditions by mid-April.

It is exactly a year ago today that the World Health Organization declared Covid-19 to be a pandemic. The past 12 months have been incredibly—indeed, unimaginably—tough for everybody, but, as I indicated on Tuesday, we now have real grounds for optimism, albeit cautious optimism. The numbers of cases, hospitalisations and deaths have all fallen in recent weeks, and when we publish the latest estimate of the R number later today, we expect to show that it remains below 1. The vaccination programme has now given a first dose to 40 per cent of the adult population, and it is set to significantly accelerate over the next few weeks.

Because of that continued progress, I confirm that we will go ahead as planned with the next stage of the reopening of schools on Monday. In addition, changes to the rules on outdoor meetings and activities, which I set out on Tuesday, will come into force tomorrow. Further, as I have indicated, I will provide more information next Tuesday about our plans for the phased reopening of the economy.

Those plans will take account of the positive news that we see at the moment, but they will acknowledge the risks that we still face. Case numbers are still high and the new variant is highly infectious, so we must continue to exercise caution. For that reason, my advice to everyone is to continue to follow the same stay-at-home rule for now: stay at home except for essential purposes and follow the FACTS advice when you are out. That remains the best way for us all to protect the NHS and save lives. I thank everyone for continuing to follow that advice.

Judicial Review (Costs)

1. Ruth Davidson (Edinburgh Central) (Con):

Last week, we asked about legal advice in the Alex Salmond case and the First Minister refused to answer any questions. We were told that every issue had been covered. The next day, after First Minister's question time and two days after her evidence session, John Swinney released another tranche of legal advice that was even more damning than the last. I will ask the questions that the committee could not ask about the evidence that the Government was so reluctant to release.

The new evidence shows that the Government's senior lawyer, Roddy Dunlop QC, warned the First Minister personally not to "plough on regardless" because of

"the large expenses bill that would inevitably arise".

I ask the First Minister how much taxpayers' money the case cost from that moment on.

The First Minister (Nicola Sturgeon): We set out the costs of the judicial review. I do not have that breakdown to hand, but I can look into whether we can provide that breakdown to Parliament. Ruth Davidson, in some respects, makes my point for me. Let me say first that, whether the Opposition wants to believe this or not, I take the matter extremely seriously and I take very seriously the obligation on me and my Government to learn lessons from it.

The point that I think Ruth Davidson is making for me is that she is quoting from the legal advice that has been published. We have published all the substantive legal advice, which sets out very clearly—*[Interruption.]* I can take Parliament through exactly what we have published in response to the request for that advice. We have

set out the substantive legal advice and, although I suspect that most people who are watching right now probably want to hear about vaccination, Covid and when we might come out of lockdown, anybody who wants to read the legal advice can go on to the Scottish Government website and do that.

What that legal advice sets out very clearly, warts and all, is an unvarnished account of what went wrong and the opinions of senior counsel at different stages of the judicial review. It sets out very clearly the error that was made by the Scottish Government and the way in which that error came to be fully realised and understood. It also sets out the view of the law officers—under the ministerial code, that is what matters to ministers—that, well into December and notwithstanding all of that, the Government should continue to defend the case for the wider reasons that have been set out, and then, later in December, the reasons why that was no longer possible.

The impression that I think the Opposition is trying to give is that what we have published is somehow a rosy picture and that there are horrors lurking underneath that are being concealed. Anybody who reads the advice can see very clearly that that is not the case. A serious error was made by the Government in that investigation, and, as the judicial review proceeded, that error became very apparent. That is why, ultimately, the judicial review had to be conceded. Perhaps, instead of chasing phantoms, the Opposition should focus on what is there, because it sets out very clearly the mistake that the Government made, the lessons that it needs to learn from that and the lessons that I am determined that the Government will learn from it.

Ruth Davidson: I asked the First Minister a very specific question. Whatever that was, it was not an answer. We have since learned that, from the moment that Roddy Dunlop wrote that note, on 17 December, to the time when the Government finally conceded, the bill exceeded £100,000—perhaps even £200,000—but we do not know for sure, because the Government will not tell us its side of the bill.

Before the First Minister's committee session, we knew that Queen's counsel had stated that "the 'least worst' option would be to concede the case".

That was on 6 December 2018, a month before the case was finally collapsed. What we did not know last week and found out only on Friday is that the First Minister personally disputed that advice. We know that because Leslie Evans sent a note that said that she and the First Minister were unclear about what had changed since the previous notes and the first ministerial meeting.

Again, I put it to the First Minister that, if she had conceded then, hundreds of thousands of pounds would have been saved. Why did the First Minister think that she was a better lawyer than Roddy Dunlop QC and the advocate Christine O'Neill?

The First Minister: I did not and I most definitely do not. What I do know is that it is my job as First Minister to ask questions, to query things when I do not fully understand what has been put before me and to make sure that I have as full an understanding of the decisions that lie before me as possible. I actually think that it would be more remarkable and more deserving of criticism if I did not ask questions such as the one that Ruth Davidson has just suggested that I asked.

Ruth Davidson talks about advice in the early part of December. One of the things that I was questioned about and talked about extensively before the committee last week was the summary from the law officers on 11 December. That sets out very clearly—people can read it—that the view of the law officers then was that, taking account of everything, they believed that we should continue to defend the case and that there were “credible arguments”—I think that is a quote from the summary note on 11 December—across all of the points of the petition, including the appointment of the investigating officer, which was the key area of difficulty for us. It sets out that that was because, as long as the case was statable, there was a wider interest in getting a judicial determination on the array of challenges that had been made both to the fundamentals of the procedure and the application of the procedure.

Therefore, it is not that those issues were not properly considered. Judgments were made, but everyone can see the views of counsel, the conclusions of the law officers, on which ministers are duty bound to base our decisions, and what happened later in December that led to the decision to concede the judicial review. Of course, we also see a note from counsel—I think that it is dated as late as 17 December—in which they say that they believe that the case is still statable, albeit that they have significant concerns about it.

There are always judgments for ministers to make, taking account of a range of things. The Government made a mistake in the application of the procedure. As that became fully understood during the progress of the judicial review, that ultimately meant that we could not defend the judicial review, but there were wider interests that we were right to take into account and carefully consider at every stage of the process. The point is that people do not have to take my word for it: they can go and look at all the material that has now been published in an unprecedented fashion and draw their own conclusions—as, indeed, can

the committee, and I am sure that it will in due course.

Ruth Davidson: The new evidence that was withheld from the committee until after Nicola Sturgeon appeared shows that Roddy Dunlop QC wrote back when the First Minister challenged his advice, and we now know what he told her in response. He wrote that there were two options and said:

“I doubt either will work.”

Then, a week later, both senior lawyers said that their advice had been “discounted”. Roddy Dunlop is the current dean of the Faculty of Advocates. He is the most senior lawyer in Scotland. As he had previously explained to the First Minister, conceding the case early would “reset” the procedure and allow for a “renewed investigation” that was less open to challenge. In effect, the women’s claims could be looked at again but with the Scottish Government doing it the right way rather than spending all that time and money defending the indefensible in court and letting those women down all over again. Why did the First Minister not listen to that?

The First Minister: We did listen to counsel. Lots has rightly been said about the ministerial code. I will not get into that, because another person is looking at it right now, but anybody who reads the ministerial code will know that, in terms of the obligations on ministers, we are duty bound to ensure that we take into account the views of the law officers. I have just narrated the views of the law officers. Of course, the law officers, in coming to their opinions and judgments, take account of the advice and views of the counsel that Government instructs, but they also take account of the Government’s wider interests and the wider public interest as well. We take account of all of that.

Ruth Davidson is just not correct in saying that, until a very late stage, we were “defending the indefensible”. Yes, counsel had mounting concerns, but the case was considered to be statable even by counsel up until, I think, 17 December, and there were wider interests that the law officers thought it was important to take into account.

A different First Minister might have reached different judgments—that is absolutely undeniable—but any First Minister in the job has to take decisions on the basis of the array of advice that we have and weighing up the right things. It is undeniably the case that the Government made mistakes, which I and we are determined to learn from. Part of that involves looking at why we got into a position in a judicial review whereby it became indefensible and we therefore ceased to defend it. The advice that

Ruth Davidson is quoting from, which is from the latter part of December, is the start of that process of the Government realising that it could no longer defend the judicial review and taking the appropriate steps to concede the judicial review at that point.

There is lots and lots that I and the Government have to reflect on, and I am absolutely determined to do that. However, the public have, if they choose, the ability to read all of it for themselves. They will, I hope, shortly have reports from the committee and from James Hamilton on the issues with the ministerial code, as well as the report that the Government instructed from Laura Dunlop QC into some of the internal issues that we have to reflect on. We are taking the issues really seriously, and in unprecedented fashion—not just for this Government but in the lifetime of the Parliament—we have put into the public domain information that allows the public to draw their own conclusions.

Ruth Davidson: At her committee appearance, the First Minister became very forgetful, and she seems determined to forget that it was her Government that failed the women so badly. According to five people now, including a QC and a civil servant, her Government is responsible for leaking a complainant's name to Salmond's team, yet nobody has been sacked or even reprimanded.

Despite all the First Minister's protests, the flawed procedure that let the women down has never been changed. The First Minister just mentioned, a second ago, that, six months ago, another QC, Laura Dunlop, started a review of the procedure. Our clear understanding is that Ms Dunlop has reported back to the Scottish Government in writing on her work. For the sake of confidence in the procedures, will the First Minister publish that report now? This week has shown again—and I do not say this lightly—that sexual harassment complainants cannot trust the ruling party to deal with a complaint properly.

The First Minister: The first allegation that Ruth Davidson has made is disputed. I disputed it at committee last week. I was not party to the conversation that it is based on, and I am limited in what I can say, for legal reasons. Let us be clear, however, that it is disputed.

On the procedure, what was found to be flawed was the application of the procedure. The procedure itself may well have been found to be flawed had the judicial review proceeded, but it was not. Obviously, we will await the outcomes of the various inquiries before reflecting on changes that we need to make. I have not seen Laura Dunlop's review, but it will be published in early course, once we have seen it.

I want everything about this to be open and transparent, because I want to learn lessons. In recent days, perhaps belatedly, Ruth Davidson has started to talk about the women, and I welcome that, as that is the issue at the heart of this. I will be haunted, probably for the rest of my life, by the way in which the Government, through an error—one that was made in good faith, but an error nonetheless—let those women down. I have apologised for that. I was not involved in the investigation, so I was not aware of the error at the time, but, as the head of the Scottish Government, I take and feel responsibility for that, which is why I think it is important to cast aside the politics in this and focus on the substance. That is what I am determined to do, and that includes a determination to learn any and every lesson that any one of the inquiries tells us that the Scottish Government needs to learn.

Cancer Treatment Services

2. **Anas Sarwar (Glasgow) (Lab):** The first Covid death in Scotland was a year ago this week. Since then, more than 7,000 people have tragically died, and I send my condolences to everyone who has lost a loved one.

Official Government statistics show that 7,000 fewer people had a confirmed cancer diagnosis in the first eight months of the pandemic. That does not mean that cancer has gone away; cancer remains Scotland's biggest killer. We understand why the resources of our national health service were redeployed to deal with the virus, but the knock-on impact has been huge. Thousands of people who have cancer do not know it, so they are not receiving treatment. We know that there is a direct link between early diagnosis and survival rates. What action will the First Minister take right now to fully restart cancer services, begin a catch-up programme and find the missing 7,000?

The First Minister (Nicola Sturgeon): I say this not—and please take this sincerely—as any sort of jibe at Anas Sarwar but so that we recognise the full extent of the Covid tragedy: more than 9,000 people have died from Covid. The number is more than 7,000 under the daily measurement, but the National Records of Scotland figures show that the toll is even higher.

One thing that Anas Sarwar is right to raise—perhaps do not talk about this enough—is the fact that many people have suffered and even died because of the impact and consequences of what we have had to do to deal with Covid. That is why, when we come out of this and look back and reflect on all of this, we will find that the toll was much greater than just the direct toll of the pandemic.

On cancer services, it is important, first, to recognise that the majority of cancer treatments

have continued and will continue throughout the pandemic. Some patients' treatment plans will have changed to minimise the risk that they might have faced from Covid, but the majority of treatments have continued, and it is important to note that.

We are funding health boards right now to support cancer services through this year, in order to start to remobilise those services that Covid has directly impacted. It is important that I take the opportunity to say directly to anybody who has worries about symptoms or changes in their bodies that cause them concern that they should contact their local general practitioner now. The NHS is open, it is there to help people and nobody should sit back worrying about potential cancer symptoms when they can, should and are encouraged to come forward.

This week, somebody in my family needed an assessment for something that was worrying them and they were thankfully able to be reassured. I know from that experience that cancer services are there. We must make clear to people that they should come forward if anything is worrying them.

Anas Sarwar: MacMillan Cancer Support has said:

"Unless Scotland's missing cancer patients are found urgently, the country is likely to face a rapid rise in people being diagnosed with very advanced cancers."

It has also said that progress is

"nowhere near fast enough for those still to be diagnosed."

The truth is that thousands of people do not know or do not suspect that they have cancer. They need to be diagnosed and to have their treatment started to improve their chances of survival.

Urgent cancer referrals have dropped by 22 per cent, but thousands more suspect that they have cancer, have made it on to a waiting list and are waiting for diagnosis. Those individuals and their families feel the anxiety and stress of a potential cancer diagnosis piled on top of the anxiety and isolation that come from Covid. Diagnosis is vital, and early diagnosis even more so. It is what saves lives, not just for cancer but for other conditions too.

Can the First Minister tell the chamber how many people who have been referred for any diagnostic test including cancer are currently waiting more than the six-week target?

The First Minister: I do not have that figure to hand. I might have it in a different folder. However, to ensure that we get it right, I will provide it after today's session of First Minister's questions.

I really agree with all this. The first thing to say is that we should encourage people who have concerns to come forward. Understandably, during

Covid, many people often do not want to put additional pressure on the NHS when it is dealing with a crisis. People might understandably also have concerns about the Covid risk that coming forward and going to their GP would pose. However, people who have symptoms that worry them should come forward.

Secondly, the screening programmes that had to be paused have restarted. I am at the age at which I have had a couple of appointments for those screening programmes in the past three weeks. It is important to detect cancers that people perhaps do not have symptoms of.

We have to get treatment services moving quickly. Under the cancer recovery plan, two new early cancer diagnostic centres are being established within existing NHS infrastructure by the spring of this year. A programme of prehabilitation is in place, which helps patients prepare for their treatment, and there is a new single point of contact for cancer patients to support them through the treatment journey. A resource is dedicated to the national oversight of clinical management guidelines. A range of actions have been taken to ensure that any treatment that has been delayed because of Covid restarts and that we can catch up as quickly as possible.

Let us not lose sight of the fact that many cancer treatments have continued and will continue through the pandemic. That is why the fundamental message with which I started is so important.

Anas Sarwar: I recognise and welcome the steps that the First Minister has outlined, but they will be little comfort for the missing 7,000 when they do get a late cancer diagnosis that will directly impact on their survival rate.

I have the answer on the diagnostic test, which is that 44,516 people are waiting more than six weeks for such a test. The analysis shows that the figure has more than doubled in a year. I recognise that Covid has placed a huge strain on our NHS and even more pressure on an already overstretched NHS workforce. However, Covid did not create this problem; it has made a bad situation worse. This Government has not met the 62-day cancer waiting time target since 2012—nine years. Nicola Sturgeon has failed to meet that target for the entire time that she has been First Minister.

Does that not show that we cannot come through Covid and go back to the old arguments? Instead, we in this Parliament should focus on what unites us as a country, rather than what divides us. Should the focus of this Parliament not be on recovery and a catch-up plan for our NHS,

so that we never again have to choose between treating a virus and treating cancer?

The First Minister: Recovery from Covid, whether in relation to cancer services, health services generally, or the country generally, is, and will continue to be, the focus of this Government, just as dealing with the acute impact of Covid and steering the country as best we can has been my focus and the focus of the Government literally seven days a week, sometimes what has felt like almost 24 hours a day, for the past year. That will be the case for as long as is necessary.

On cancer waiting times, before Covid, the average waiting times between diagnosis and the start of treatment were very short in Scotland. For a long time, we have recognised that there is more to do to meet targets and reduce waiting times further. Undoubtedly, Covid has been a serious difficulty due to the pause in many normal aspects of the NHS that it has necessitated. That is why, through investment and reforms to how treatments are delivered, and through many of the actions that I have set out, we are now focused on getting the NHS back to normal. I hope that none of us ever again has to face the reality that we have faced over the past year. Our NHS has coped admirably with it, but the focus now is on getting the NHS back to the point at which it is dealing with whatever Covid still throws at us but is also recovering and seeing patients whose treatment has been delayed over the past year due to Covid.

GFG Alliance (Lochaber)

3. Willie Rennie (North East Fife) (LD): When the GFG Alliance took over the aluminium smelter and power station in Lochaber in 2016, it received a Scottish Government guarantee that was worth £575 million. The company promised to build an aluminium wheel factory, create 2,000 jobs and add £1 billion to the local economy. It said that the plan was “oven ready”. Five years later, there is no wheel factory.

The company said that it would invest in a new aluminium-bottle plant, but that has not happened either. Since the collapse of its financial partner, Greensill, what update has the First Minister received about the 2,000 promised jobs for Lochaber?

The First Minister (Nicola Sturgeon): The Scottish Government is in regular contact with the GFG Alliance, at Lochaber, at the Dalzell steel plant and at overall group level. The original investment plan for Fort William was impacted by the sharp fall in the United Kingdom’s automotive industry output. The business has put forward new investment plans totalling £94 million, and we continue to liaise closely with it about the challenges that it faces and the steps that it needs

to take to make sure that it delivers on its commitments.

As Parliament would expect, we have taken a series of securities over the assets of GFG Alliance at Lochaber, including the smelter, the Lochaber power station and landholdings, and we have a series of other protections in support of the guarantee.

Serious difficulties have been posed for companies, individuals and the public sector—as we have just reflected on with regard to the national health service—by Covid. We need to work through, recognise and resolve them.

At the starting point, which predates Covid, had the Government not worked to try to facilitate GFG becoming the owners of the aluminium smelter at Lochaber, the smelter would have closed and we would not have been able to protect any jobs there or give any hope for the future. Sometimes, Governments have to be creative and work hard under all the constraints that apply in doing our best to save jobs and provide positive economic outlooks for parts of the country that badly need them. That is what we have tried to do with the smelter and the Dalzell steel works; it is what we will always try to do in such industrial situations.

Willie Rennie: The First Minister went to the smelter, had her photograph taken, and said that it was boom time. To a great fanfare, she went to Burntisland Fabrications, backed by millions of pounds, but that did not work out, either. Five years ago, she signed a deal with the Chinese company SinoFortone, which said that it was worth billions of pounds. The company was not a billionaire; it owned a pub in Oxford. The deal involved lots of selfies and lots of taxpayers’ money, but there are certainly not 2,000 new jobs.

The public and the workers deserve an explanation. How much money has been lost? How can it be right that a company can use a 30-year Government financial guarantee to make profits yet fail to deliver the jobs that it promised?

The First Minister: Those are choices that Governments have to make, because the alternative to trying to work with companies to secure the future of industrial sites or plants and to secure jobs is just to let such places go to the wall there and then, after which there are no jobs, no opportunities and no prospects for the future.

In many cases, because of the action that we have taken—for example with the Dalzell steel works—we have managed to protect jobs when the only alternative would have been complete and utter closure. Similarly, on BiFab: yes, it struggles and we have a long way to go, but the alternative to the work that we did was just to let BiFab there and then go to the wall.

The same is true for Prestwick airport. The investments that we have had to make there have protected jobs. Although the situation remains difficult and challenging, the only alternative is simply to give up on things—to give up on the jobs and on the economic prospects, and to say that there is nothing that the Government can do. We are not that kind of passive “stand back and wash our hands of problems” Government, nor will I ever want that to be the case. We are an activist Government when it comes to trying to protect jobs and economic prospects; that is what we will always be.

Air Passenger Duty

4. Alison Johnstone (Lothian) (Green): Presiding Officer, this Saturday marks the 25th anniversary of the Dunblane shooting—a tragic day that Scotland will never forget. The Scottish Greens, and, I am sure, all members, can take it as an opportunity to remember the lives that were lost that day, and to commit to making sure that such a thing never happens again.

Yesterday, the United Kingdom Government unveiled deeply irresponsible plans to cut air passenger duty on internal flights and to expand roads in Scotland. That is irresponsible because it undermines this Parliament and because it flies in the face of the climate emergency. It is not a one-off. It follows approval for a new coal mine, a freeze on fuel duty, hikes in train and bus fares and a barrage of anti-climate policies as we approach COP26—the 26th United Nations climate change conference of the parties—in Glasgow.

It therefore falls on us to show leadership. However, the only reason why air passenger duty has not already been cut in Scotland is because of the Greens. Will the First Minister take responsibility and ensure that APD is not cut in Scotland, whatever the UK Government does?

The First Minister (Nicola Sturgeon): First, I, too, take the opportunity to reflect on the 25th anniversary on Saturday of the Dunblane atrocity. I am sure that every single one of us, particularly those of us who are old enough to remember that day vividly, will be thinking of the families who lost children that day, the family of the teacher whose life was taken and, of course, all the community in Dunblane. That day is etched on the memories and in the hearts of people across Scotland, and my thoughts are very much with everybody who is associated with that dreadful day in Scotland's history.

We have no plans to cut air passenger duty. I will not rehearse the history of that. Right now, we are focused on trying to work out the best way to recover our economy from the catastrophe of Covid in a way that is consistent with our moral

obligations to meet our net zero targets and to live up to the responsibilities up to, and long after, the COP26 summit that will take place in Glasgow later this year. That offers a range of questions and obligations for Governments everywhere.

Anybody who looks at our budget—including the aspects of it that we were able to agree with the Greens—and at our policy priorities will see the very strong commitment to a green sustainable recovery. That is right, I think, for job creation in Scotland, but it is also absolutely right for the future of the planet.

Alison Johnstone: The fact remains that transport emissions are going up, which is causing Scotland to miss its climate targets. That is why the Scottish Greens have prioritised that area. I am pleased that we have secured free bus travel for everyone aged 21 and under and increased funding for cycling, walking and wheeling, and that we have commitments to take forward key rail projects. However, we need to go further and faster.

This week, the First Minister told business leaders that COP26 is perhaps our only chance to tackle the climate emergency. She said that Scotland

“will do everything we can to play our part”,

yet on the day when the United Kingdom Government released its planet-wrecking plan, Scotland's Cabinet Secretary for Transport, Infrastructure and Connectivity confirmed his plans to expand roads, which is a policy that we know increases emissions and congestion. Is the transport secretary delivering the First Minister's or Boris Johnson's agenda?

The First Minister: I do not think that that is a particularly serious suggestion, or one that many people will take seriously.

We have a balanced transport policy. All our policies must be assessed against our 2045 net zero target and ambition, and against the interim milestones, which are in many respects even more stretching because they are closer, so the ambition that we need in order to meet them kicks in now. That is part of the assessment process that the Government goes through.

We are extremely serious about using COP26 is a catalyst for that, and to make it a pressure point for Governments and an opportunity for us to use whatever influence we have to encourage other countries to do likewise. Because of the urgency of the issue and the need to take the steps now that are necessary if we are to meet the medium-term to long-term targets, COP26 might be the best, if not the only chance we have of getting the whole world behind that agenda.

We will continue to play our part to the full. We are trying to galvanise the efforts of the Under2 Coalition of cities and regions in the world. Scotland is currently the European co-chair of the organisation. I spoke at the end of last week to President Biden's climate envoy, John Kerry, to consider again what steps Scotland can take to work with the wider world.

Alison Johnstone is right, however, to say that it is not just what we say that counts; what we do also counts, therefore our policies in the round must be measured against that. It will always be easy to pick one policy and say that it somehow jars with the ambitions that we have set, but we have to look at our policies in the round and ask whether they are meeting those ambitions.

That is the challenge for the Government and it is absolutely what Opposition members should make sure that they hold us to account on.

Economic Recovery (Overseas Workers)

5. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the First Minister what the Scottish Government's response is to reported concerns expressed by the construction, care and hospitality industries that a lack of overseas workers after the Covid-19 pandemic threatens economic recovery. (S5F-04889)

The First Minister (Nicola Sturgeon): Before I answer the substantive question, I assume—I might be wrong—that this may be Richard Lyle's last question in Parliament before his retirement when Parliament rises for the election. As a long-term colleague and, even more importantly, a long-term friend, I thank Richard Lyle for his contribution over many, many years, first as an elected councillor and latterly as a member of the Scottish Parliament. It has been a sterling contribution and I and colleagues on the Scottish National Party benches will miss him greatly when he departs the Parliament. [*Applause.*]

People born overseas who live in Scotland make an invaluable contribution across our public services and economy. United Kingdom immigration policies will, bluntly, make it much harder for people to come here and make that positive contribution. As we face the biggest economic crisis in decades, the UK Government should urgently rethink its immigration plans to allow for the level and type of migration that Scotland and, I would argue, the rest of the UK's economy and communities need to prosper. Denying access to those uniquely skilled workers will be disastrous for our economy and for our society, and risks acute labour shortages in the sectors that Richard Lyle mentions.

Richard Lyle: I thank the First Minister for that reply and her kind comments. The past 45 years

have been a blast—I say that particularly as a member of the SNP since 1966.

The Office for Budget Responsibility has warned that the UK population in future may be substantially smaller than official estimates suggest, as people leaving Britain causes a scarring impact. Does the First Minister agree that the day is long overdue for Scotland to have the powers to design its own migration system so that we can chart a different course?

The First Minister: I agree. The day when Scotland has full powers to chart our own course, shape our own destiny and play our own positive part in the world is long overdue. I believe that that day is coming.

I very much share concerns about the impact of UK immigration policies on our long-term population levels, particularly in the rural parts of our country. Those impacts will be felt more severely in Scotland, because of our different demographics, than in the rest of the UK. The expert advisory group on migration and population estimates a net migration reduction of 30 to 50 per cent by 2040, which would mean our working-age population declining by up to 5 per cent. Overall, we estimate that immigration changes could result in a reduction in gross domestic product of around £5 billion. There is no doubt that those policies will harm Scotland. I hope that the UK Government thinks again and changes course, but I also hope that the opportunity for Scotland to shape those policies for ourselves is not too far into the future.

Covid-19 Vaccination (Clinically Vulnerable People)

6. Jamie Greene (West Scotland) (Con): To ask the First Minister what percentage of clinically vulnerable people have received at least one dose of a Covid-19 vaccine. (S5F-04882)

The First Minister (Nicola Sturgeon): Clinically extremely vulnerable people are part of Joint Committee on Vaccination and Immunisation priority group 4. As of today, 91 per cent—that is, 163,111 people—of the clinically extremely vulnerable group have received their first dose of the vaccine. By way of context, up to yesterday, the published uptake figure for clinically extremely vulnerable people in Wales was 88 per cent. In England, the latest published statistics go only up to 28 February but, as of that date, the figure was 88.3 per cent.

Jamie Greene: I thank the First Minister for that update. As we have heard, it has been a year since the first tragic Covid death, and, today, we all remember everyone who has suffered and lost as a result of the virus. In the course of that year, science, Governments, academia and pharmaceutical companies have developed,

tested and produced the vaccines that are already in the arms of 23 million people across the United Kingdom. We owe everyone involved in developing, testing and producing the vaccines a huge debt of gratitude, as well as those who volunteered in trials, our health workers and the armed forces, all of whom have played an important part.

Nonetheless, it is the waiting that makes our most vulnerable in society nervous and anxious. Many people watching today are nervous and anxious, waiting on that appointment letter. I ask the First Minister to comment on reports that there may be up to 900,000 doses of the vaccine allocated to Scotland but unused. If that is the case, can she outline how the Government will get any unused vaccines into the arms of our most vulnerable as quickly as we can, irrespective of where they live?

The First Minister: First, I agree with the substantive part of Jamie Greene's question. We owe everybody involved in researching, developing, manufacturing and administering the vaccines an enormous debt of gratitude. The progress that has been made in such a short space of time is quite extraordinary. We have had a lot of tough, negative, difficult things to contend with in the past year, but that should give us all a sense of both pride and real hope about what human ingenuity can achieve. I very much agree with Jamie Greene about that.

On the second part of Jamie Greene's question, I will try not to strike a discordant note, but I had hoped that we were beyond this point. Supplies of the vaccine have been allocated and distributed to Scotland and then within Scotland, and we are vaccinating people as quickly as possible. We have to model the supplies over a period to make sure that we are getting the number of appointments right, not just against the supplies that we have today but against the supplies that we will have next week and the week after that. For the past few weeks, we have also had to reserve a proportion of the supplies for second doses, which have started to fall due, given that it is 12 weeks since people began to get the vaccine in early December.

All of that has to be—and is being—carefully managed. That is true in Scotland, England, Wales and Northern Ireland. We are vaccinating people as quickly as supplies allow, and that will continue to be the case. There has been a dip in supply over the past two to three weeks, which is reflected in our daily figures. If members look at the dashboards that are published across the UK, they will see similar effects there, too. From the middle of this month, which we are getting close to, we expect supplies to increase significantly

again, and we will then see an acceleration in our vaccination programme.

I know about the anxious wait. I am now in one of the age groups that, hopefully, will get the blue envelope in the not-too-distant future. Particularly for those who have an underlying health condition, I absolutely understand the anxiety of waiting for their appointment. We are going as quickly as possible. We have made more progress than I would ever have thought possible at the start of this year, and we will continue to do everything that we can to vaccinate everybody in the adult population as quickly as supplies allow.

Land and Buildings Transaction Tax (Reduction)

7. Pauline McNeill (Glasgow) (Lab): To ask the First Minister for what reason the Scottish Government has chosen not to extend the reduction to land and buildings transaction tax beyond March. (S5F-04894)

The First Minister (Nicola Sturgeon): The Scottish Government was clear from the outset that the measure was temporary. It was intended to support the housing market in this financial year and we always said that it would come to an end on 31 March 2021.

The decision takes account of the specific circumstances of the Scottish housing market, which showed record levels of activity under LBTT in the final quarter of 2020. We have seen no evidence of the overall blockages in the market that have been reported in England. From 1 April, the progressive rates and bands will continue to support first-time buyers and others who wish to buy a home. In particular, the first-time buyer relief will mean that an estimated eight out of 10 first-time buyers will pay no LBTT at all. We have taken decisions that we believe to be right for the particular circumstances of the Scottish housing market.

Pauline McNeill: The decision not to extend the reductions to land and buildings transaction tax, similar to the extension of the stamp duty holiday in England and Northern Ireland, is disappointing for Scottish home buyers. Rather than seeing decreased revenues, in December, we saw healthy land and buildings transaction tax revenues, with the highest recorded monthly figure.

That all follows the Scottish Government's recent closure of the help-to-buy scheme and a 70 per cent cut to the first home fund, which remains closed until April. Now that it has ended those key policies, the Government does not have a comprehensive policy to support young and first-time buyers and those who are low earners. I am particularly concerned about young people buying

first homes. Would the First Minister reconsider a more comprehensive approach to ensure that, in making decisions on each of the funds, consideration is given to young buyers and low earners?

The First Minister: We have taken the right decision on LBTT for the Scottish housing market. For example, in the latest three-month period, which was to the end of January 2021, transactions were 28 per cent higher than they were in the previous three months. LBTT transactions have risen in eight of the past nine months and rose to record highs in four of the past five months. The market looks very different now compared to when the temporary change was made, when transactions had fallen by 41 per cent over the three months to May 2020. It would not make sense for us to continue to design LBTT policy based on the housing market a year ago at the start of the crisis, which was very different.

LBTT is structured in a way that is intended to support first-time buyers. As Pauline McNeill says, we have had additional support for first-time buyers. We want to make sure that the resources that are available to us are targeted as effectively as possible. That means targeting first-time buyers and helping people get on to the housing market for the first time.

I appreciate that those decisions are difficult for people who are directly affected by them. I sympathise, but we have to take such decisions in the round. We are striking the best balance overall.

The Presiding Officer: We move on to supplementary questions.

Liberty Steel (Administration of Greensill Capital)

Clare Adamson (Motherwell and Wishaw) (SNP): The administration of Greensill Capital, one of the United Kingdom's largest providers of supply chain finance, is a cause for concern for many manufacturing businesses. One of those impacted is Liberty Steel.

As a constituency MSP and as a member of the steel task force under the stewardship of Fergus Ewing, I note how vital and welcome the Scottish Government interventions were in securing both production and jobs over the intervening five years. What discussions has the Scottish Government had with Liberty Steel to understand the potential impacts of the situation?

The First Minister (Nicola Sturgeon): Clare Adamson is absolutely right. As she is well placed to know, given her productive involvement in the efforts to save what is now Liberty Steel, had we not worked with the company to enable that, those jobs would have been lost there and then. That is

why I will always prefer that activist approach of trying to save jobs and secure the future of such industrial plants.

There is no doubt that the administration of Greensill Capital will impact on a wide range of businesses across the UK that rely on it for supply chain financing. GFG Alliance, which includes Liberty Steel, has acknowledged the challenges posed to its businesses and has indicated that it is seeking alternative long-term funding arrangements. We take some comfort from the public statements of GFG Alliance that it is performing strongly and has access to sufficient resources for its business needs. However, we will continue to monitor the situation closely. As I said to Willie Rennie, we maintain regular dialogue with the business.

Covid-19 Vaccination Programme

Miles Briggs (Lothian) (Con): I have been contacted by a number of constituents who are becoming increasingly concerned about the roll-out of the Covid-19 vaccination programme in Edinburgh and about the inconsistencies relating to people in different age groups being called to be vaccinated. I have raised those concerns with the Cabinet Secretary for Health and Sport. I appreciate that there will be some overlap within age groups, but there seems to be confusion about when those in the 60 to 65-year-old age group will receive their vaccination in Edinburgh.

I am sure that the First Minister agrees that it would be unacceptable for NHS Lothian residents to be behind those in other health board areas. What additional resources will NHS Lothian receive? Will she investigate the situation? Why is the Scottish Government not publishing age-specific vaccination uptake figures for health boards?

The First Minister (Nicola Sturgeon): As I have said, we will continue to break down, as far as we can, the information that is published. Earlier today, I said that, as of tomorrow, Public Health Scotland will improve its reporting, so we continue to try to improve the granularity of the data that is published.

The vaccination programme is going better than we ever anticipated. More people have been vaccinated than we anticipated at the start of the year. That said, I absolutely understand, and identify with, people's anxiety about getting their appointments as quickly as possible.

I can understand the concern if people know somebody in a younger age group who has been vaccinated ahead of them. I will make two points about that. If that is the case, it is likely to be because the person in the younger age group has

an underlying health condition that gives them the same level of priority as the older person.

There is also a practical issue. If we were to work through people in a strictly chronological order and to not start vaccinating, for example, 55 to 59-year-olds until we had completed vaccinating 60 to 64-year-olds, the problem that Jamie Greene put to me—a bit unjustly, if I may say so—would become a real problem, because we would not be using vaccines as quickly as we could. Vaccines would be sitting on the stocks if we took that approach. We are taking the approach that we are taking to get to people as quickly as we possibly can.

Forty-five per cent of 60 to 64-year-olds have been vaccinated already. Others in that group will get their vaccination appointments on an on-going basis. General appointments will start going out to those in the 55 to 59-year-old and 50 to 54-year-old age groups. If people in those age groups have already been vaccinated, it is likely to be because they have an underlying health condition.

I know that the approach that we are taking can create anomalies in people's minds, but it is the best and quickest way to get through people as speedily as possible. That is why I can stand here and say—with a considerable degree of confidence—that, assuming that there is no unexpected interruption to supplies, everybody in the country who is over 50, every unpaid carer and every adult with an underlying health condition will have had the first dose of the vaccine by mid-April, and that, assuming that supplies allow it, the whole adult population will have been offered the first dose by the end of July.

Gupta Family Group Alliance

Daniel Johnson (Edinburgh Southern) (Lab):

I remind members that I am a member of the trade union Community.

In response to Willie Rennie's questions regarding the threats to GFG Alliance, the First Minister outlined a series of securities and guarantees that the Scottish Government has undertaken, but she did not confirm the total liability that the public purse is exposed to because of those guarantees. Will she take the opportunity to set out what the figure is? Will she request that Audit Scotland urgently reviews the deals and how they were put together, given the reports in the press in recent days? Ultimately, workers want Scottish Government interventions to save their jobs for the long term, not just for a few years, which is why we need to know what has gone wrong here, and in other such interventions.

The First Minister (Nicola Sturgeon): On the first part of Daniel Johnson's question, for reasons

of commercial confidentiality, there is a limit to what we are able to disclose. The important point is that a full and detailed process was followed, which culminated in the guarantee being approved by the Parliament's Finance and Constitution Committee, which, of course, includes members from parties across the chamber. That is often how such things are done when there are issues of commercial confidentiality but a need for proper parliamentary scrutiny.

All such matters are taken extremely seriously, because the Government has to satisfy itself on issues relating to legality and use of taxpayers' money. For example, Labour members repeatedly said to me that the Government should nationalise and buy out the train refurb site at Springburn, in Glasgow, and I had to stand here and say that we could not do that because we could not satisfy those tests in that situation. Those are serious issues, and Government takes them seriously and goes through a process with them.

It is not for me to tell Audit Scotland what it can and cannot look at; Audit Scotland is free to look at whatever it thinks appropriate.

Where it is possible—where Government can satisfy the legal and taxpayer money requirements that it has to, and we can satisfy the Finance and Constitution Committee of them—I will not apologise for trying to save jobs and give an economic future to places like Dalzell and the aluminium smelter in Lochaber.

Covid-19 (Pig Farmers)

Gillian Martin (Aberdeenshire East) (SNP):

I have a great many pig farmers in my constituency, and they have been adversely impacted by the aftermath of the temporary closure of the abattoir at Brechin because of a Covid outbreak there. They face severe disruption because of the suspension of certificates to export to China, which is a big market for them, and the backlog in sending pigs to slaughter, which is leading to increased cost and capacity issues. Can the First Minister advise what assistance the Scottish Government can offer those businesses?

The First Minister (Nicola Sturgeon): I am aware of the challenges that Scottish pig farmers face following the temporary closure of the Brechin processing plant due to a Covid outbreak. Fergus Ewing and officials are liaising closely with Quality Meat Scotland, farmers and the abattoir operators to address the problems that have been caused. Active consideration is being given to what, if any, hardship support can be provided to the farmers affected.

It is disappointing that the temporary closure resulted in the suspension of the China export licence. It is key to try and restore that as quick as

possible, and advice has been provided to the operators regarding the steps that are needed to achieve it.

Officials liaise regularly with the Department for Environment, Food and Rural Affairs and Beijing embassy officials to examine all options that can help expedite the relisting process. Although I am sure that he is doing it already, I will ask Fergus Ewing to keep Gillian Martin updated on progress.

Gupta Family Group Alliance (Fort William Plant)

Jamie Halcro Johnston (Highlands and Islands) (Con): Given the seriousness of the situation around GFG Alliance, will the First Minister commit the economy secretary to making a statement to the Parliament next week to update members? The First Minister talked about the securities that the Scottish Government holds. Could she advise whether those securities could lead to the Fort William plant being taken into public ownership?

The First Minister (Nicola Sturgeon): I am happy to come back, within commercial confidentiality and other constraints, on the detail of what exactly the securities allow the Scottish Government to do.

I am sure that the economy minister would be very happy to come and make a statement to the Parliament, but of course it is for the bureau to determine parliamentary business, particularly during the very congested last couple of weeks of business. However, I say openly that if there is a desire for that in the Parliament, then of course the Government will provide such a statement.

Air Traffic Control Centralisation (Island Communities Impact Assessment)

Beatrice Wishart (Shetland Islands) (LD): The Highlands and Islands Airports Limited island communities impact assessment on air traffic control centralisation lists a series of serious negative impacts for Shetland. They range from job losses to side effects for the local economy. No positive impacts were noted, and the same can be seen in Orkney.

The report entirely undermines either the proposals made by HIAL or the credibility of the Islands (Scotland) Act 2018. Which is it?

The First Minister (Nicola Sturgeon): The decision to proceed with the air traffic management system was taken before the islands act was passed, but HIAL undertook to do a retrospective islands impact assessment. That was carried out by an independent consultant and the assessment was published on the HIAL website on 5 March.

We recognise the need to modernise air traffic control to ensure more sustainable and reliable air services in the Highlands and Islands. HIAL has been tasked with taking that process forward to find both the safest and most sustainable solution. HIAL has taken its decisions based on the best available information and analysis of the different options. No alternative has been proposed that addresses the issues that the project aims to resolve, but I know that HIAL will want to continue to liaise closely with staff and key stakeholders as they take forward plans.

The Presiding Officer: I apologise to those members I could not call, but we must move on to the next item of business.

Point of Order

13:30

Elaine Smith (Central Scotland) (Lab): On a point of order, Presiding Officer. I do not make this point of order lightly. I want to ask about parliamentary procedure under our standing orders.

While I have been in the chamber today, I have seen a Tweet. It says:

"It's as if all Ms Smith wanted to do was make an angry comment and get a dig at the cabinet secretary. Some of the language being used by certain contributors was at best shocking and at worst a hate crime. I guess they like the privilege that Parliament provides."

That obviously, as everyone will know, relates to stage 3 of the Hate Crime and Public Order (Scotland) Bill, yesterday. It is a tweet by a man who is a member of a cross-party group in the Parliament, of which I am a co-convener. He is also a deputy chair of a charity.

The hate crime bill that Parliament is considering seems, in its present form, to be unleashing chilling misogyny and hate against women. It is even worse that those comments are being made on a day when we have again been starkly reminded of the violence that is faced by women because of our sex.

Perhaps the Presiding Officer can tell me whether what I suggest is allowed and can be done under the standing orders. I hope that it is not too late to withdraw the bill, to undertake a full and robust consultation and to include women in the legislation. Is that something that the Government could now do under our standing orders?

The Presiding Officer (Ken Macintosh): It is possible, under standing orders, to withdraw a bill at any stage. However, the member has made a political argument rather than a procedural point. We are about to move into the debate on the bill. There will be opportunities for members from all sides to discuss the matter, including a discussion of the general context about which the member made her remarks.

There will be a short pause before we move to the next item of business, as I am conscious that some members need to leave the chamber. I urge all members to clean and wipe down their seats if they are changing desks. I hope that members will stay at the same desks, but members who change should thoroughly wipe down their desks so that others can use them. Members should also wear their masks and observe social distancing, and should follow the one-way system around the building.

Hate Crime and Public Order (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): I will go straight on. There is no time in hand; time is tight. I know that members will understand why.

The next item of business is a debate on motion S5M-24322, in the name of Humza Yousaf, on the Hate Crime and Public Order (Scotland) Bill, at stage 3. Members who wish to speak in the debate should press their request-to-speak buttons or, if they are joining us remotely, type R in the chat box.

13:33

The Cabinet Secretary for Justice (Humza Yousaf): For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Hate Crime and Public Order (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament, for the purposes of the bill.

I have many thanks to give as I start—probably too many for the allotted time. I thank the people in the Scottish Government bill team, who have made a herculean effort with the bill, and I thank my special adviser John McFarlane, who is known to many people here. I also thank the parliamentary clerks, who have made an equally herculean effort.

I thank the many stakeholders with whom we have engaged, many of whom have given their time in evenings and at weekends. I also thank members across the chamber—back-bench SNP colleagues and colleagues in Opposition parties, who have, in the main, worked constructively on the bill.

Our Parliament has been in receipt of some criticism in recent weeks and months, and has been denigrated by some people, but I suggest that the Hate Crime and Public Order (Scotland) Bill has shown how Parliament can work at its best. If we, as legislators, seek consensus—not for its own sake, but to strive for an ideal that is far greater than us as individuals or political parties—we can create truly transformative law that protects the most vulnerable people in our society, as the hate crime bill will do.

Elaine Smith (Central Scotland) (Lab): I wonder what the cabinet secretary has to say about the fact that, in debating the hate crime bill, I am now being accused of hate crime and could expect to have the police at my door.

Humza Yousaf: Ms Smith will not have the police at her door for anything that she has said on the hate crime bill. I am sorry to hear that she has been the victim of hate. I promise her that if she wants to see hatred, she can see it on my timeline on Twitter on any day of the week. I understand how pernicious hate crime can be.

I had a carefully crafted speech that I was going to use for the debate, but I changed it somewhat after the good stage 3 debate that we had yesterday. I want to share a personal anecdote that I hope will illustrate why I think that the hate crime bill is needed. I want to do so not because my experience is unique, but because it is the opposite; it is the experience of hundreds of thousands of our fellow Scots. I apologise in advance, Presiding Officer, because some of the language that I will use will be unparliamentary, but it will illustrate the point that I want to make.

As a young child, I was not aware that the colour of my skin made me different from the majority of Scots. That might seem to be unusual, but anybody who has young kids, nephews, nieces or grandchildren will understand that innocence. The first time I ever became aware of my race was when I was in primary school, in primary 2. My best friend since primary 1 came up to me one day and, completely out of the blue—we had not had a fight or disagreement of any sort—said in a very matter-of-fact voice, “I can’t be your friend any more.” I remember feeling quite stunned. As I said, it came completely out of the blue. Of course, I asked him why and he said to me—I will always remember it—“Because you’re a Paki.” I had no idea what the word meant. I remember skulking around the playground not really having a clue about what had just happened.

I went back home after school and I asked my mum, “Am I a Paki?” I remember my mum being quite visibly upset, and she explained to me how some people—“very rude people”, she said—sometimes made fun of us because of the colour of our skin, but that I had done nothing wrong. From being six years old to the present day, some 30 years later, not a day goes by when I am not conscious of the colour of my skin. I suspect that in the vast and overwhelming majority of my interactions with people, the first thing that they see or notice about me is the colour of my skin, and they probably form a judgment about me in relation to the colour of my skin, sometimes consciously and sometimes—I am sure—unconsciously.

I have told that story for two reasons, one of which is that my six-year-old friend did not just become a racist. I do not believe that we have racist six-year-olds. He undoubtedly learned that racism at home—probably from a parent or older

sibling. I mention that because there are some people here who believe—even if they were to be the person towards whom the hatred was directed—that racism that is intentionally stirred up using threatening or abusive language, at home with a sibling, child or grandchild present, should not be prosecuted.

I contend that the impact is exactly the same, regardless of where—whether it is at home or outwith the home—hatred is intentionally stirred up, or whoever is the target of that stirring up. The outcome could lead to a person of colour, a disabled person, someone who is gay or lesbian, an older person, a trans woman or somebody with variation of sex characteristics being beaten up or threatened with violence or rape. Do we think that they would care whether that hatred was intentionally stirred up or took place at home?

The second reason why I told that story is to illustrate how strong the safeguards in the hate crime bill are. Let us hypothecate about what probably happened in relation to my six-year-old friend. Why did he use the word that he used? The chances are that my friend was at home and, back in the early 90s when it took place, probably heard a parent say, “I’ll go pick up a loaf and milk from the Paki shop.” Let us be honest: that was relatively common parlance in the 1980s and 1990s.

Let us assume that that same phraseology was used today in 2021, after the Hate Crime and Public Order (Scotland) Bill is—I hope—passed at stage 3. Even the use of that language—which, I suspect, we probably all agree is racist—in that scenario, by someone’s grandparent, whether at home or in public, would not be prosecuted under the new legislation and its stirring up of hatred offences or, indeed, under the previous racial stirring up of hatred offence. Why? It is because the threshold for offences is incredibly high.

Some people think that they might somehow accidentally fall foul of the law, even in relation to Elaine Smith’s point, because they believe that sex is immutable. They state that an adult man cannot become a female, they campaign for the rights of Palestinians, as Sandra White mentioned to me yesterday, or they proselytise that same-sex relationships are sinful. None of those people would fall foul of the stirring up of hatred offence for solely stating their belief, even if they were to do so in a robust manner. Why? It is because solely stating a belief, which might be offensive to some people, does not breach the criminal threshold.

Through the legislative process, we have created offences that—rightly—have a high threshold of prosecution.

How much time do I have left, Presiding Officer?

The Deputy Presiding Officer: I will give you an extra minute for taking an intervention.

Humza Yousaf: Thank you.

It is so important to recognise the safeguards in the bill; they are really strong safeguards. A necessary element of the new stirring up of hatred offences is that they will now require an intention to stir up hatred. That provision safeguards freedom of expression. Its being made clear in the bill that there is an objective test safeguards freedom of expression. The availability of a reasonableness defence safeguards freedom of expression. Requiring each element of the stirring up of hatred to be proved beyond reasonable doubt, with corroborated evidence, safeguards freedom of expression. At stage 3, amendments introduced a new freedom of expression provision for all characteristics except race. That safeguards freedom of expression.

In my closing speech, I will certainly address the issues that were raised about non-inclusion of the sex aggravator that Johann Lamont, Elaine Smith and a number of other members have raised, but I am out of time to do that now.

I will say simply that the bill makes it clear that we are listening to the victims of hate crime. We can hear that from any organisations that represent the many victims of hate crime. The bill has shown the very best of Parliament this year, and a number of changes have been made to it.

I am delighted that we have a bill that will strengthen the law to tackle hate crime in a way that protects the right of everyone to live their lives free of harm while, of course, it will also protect their right to freedom of expression.

I move,

That the Parliament agrees that the Hate Crime and Public Order (Scotland) Bill be passed.

The Deputy Presiding Officer: Thank you very much. I am sorry, but I must be very strict with time, because we must go to portfolio questions at half past 2.

13:42

Liam Kerr (North East Scotland) (Con): All noted, Presiding Officer.

Today marks the end of a long and tortuous passage for a bill that was introduced almost a year ago. An unprecedented 2,000-plus individuals and groups felt compelled to respond to the request for evidence. Last autumn, I suggested to Parliament that, in the light of that, and given the responses, the pandemic and the disruption to everyday life, the sensible thing to do would be to take away the bill, rethink it and come back with a draft that definitively protected those

whom it rightly sought to protect, while not attacking freedom of speech.

Only the Scottish Conservatives supported me on that proposition, so the bill progressed. At the stage 1 debate, I flagged that, notwithstanding the cabinet secretary's stated intentions to remove some of the most illiberal and ill-thought-through sections, part 2 of the bill, concerning the stirring up offences, remained fundamentally flawed.

Despite the extensive amendments at stage 2, and at stage 3 yesterday, the bill is still fundamentally flawed. That is not simply my view. In its covering email for its submission, Victim Support Scotland said:

"Victims of hate crime in Scotland are relying on MSPs to pass robust legislation that will offer them the protection they need".

There are many voices saying that the legislation is not robust and does not offer that protection. Indeed, Johann Lamont and others made powerful contributions yesterday, reminding us that there is a whole group of victims of hate crime who are specifically not covered by the bill.

There is inherent ambiguity. That is an issue because, as a Savanta ComRes survey shows, 75 per cent of Scots agree that

"The term 'hatred' means different things to different people."

As Elaine Smith pointed out several times yesterday, so does a judgment about what is reasonable.

Amnesty International reminds us that

"The Scottish Parliament has a duty to ensure that the bill balances protection for freedom of expression with the obligation to prohibit incitement to discrimination, hostility or violence."

The bill before us does not strike that balance. It contains a freedom of expression clause about which many groups with many different perspectives remain unhappy despite the cabinet secretary's reassurances today.

Scott Wortley of the University of Edinburgh suggests that the formulation and structure of the clause could lead to problems with interpretation and precedent. In its briefing note, the Law Society of Scotland says:

"We also have concerns that the freedom of expression provisions will not now be as easily understood. They lack a degree of clarity and send confusing messages."

Earlier this week, Hardeep Singh of the Network of Sikh Organisations said that if the bill is enacted,

"it will make Scotland one of the most hostile places for freedom of expression in Europe."

Wow. Surely so many voices being raised from so many sides of the political spectrum should give us pause for thought.

Scott Wortley also suggests that

“criminalisation of hate speech leaves it open for pressure to be put on people through vexatious complaints which take time and energy to defend.”

Roddy Dunlop QC agrees. Earlier this week, he tweeted that

“concerns will remain about weaponisation.”

Only a few weeks ago, the Scottish Police Federation wrote to the Justice Committee’s convener, saying:

“there is substantial potential for many more people coming to adverse police attention as a consequence of elements of this legislation regardless of potential ... freedom of expression provisions”.

If that is correct, there must be a risk that the bill, as it is currently drafted, could have a chilling effect on freedom of expression.

Furthermore, despite my and Adam Tomkins’s attempts, the bill contains no defence regarding private conversations in people’s own homes. The police could come to someone’s home, having received a report of their having stirred up hate around the dinner table, and could take witness statements from those present, which, presumably, could include their children.

I cannot vote for that, but nor do we need to. The Government’s financial memorandum states that those offences will “more accurately define” hate crime, but it adds that

“the conduct in question would already constitute existing criminal offences such as breach of the peace or threatening or abusive behaviour.”

Indeed, according to Murray Blackburn Mackenzie, it is not clear how

“expanding stirring up offences will fill a legislative gap on paper, or reduce in practice the number of hate-related attacks on individuals in particular groups”.

I remind members of the thoughtful intervention that was made yesterday by Neil Findlay, who said:

“I think that many of us, if we are being honest, believe that there should be a form of hate crime legislation but how it is being done in the bill is not it. Many people—out in the community and in here—would want the Government to withdraw the bill so that whichever party wins the election could come back with properly thought-out legislation that carries not only an overwhelming majority in this place but the confidence of the people who are victims of hate crime.”—[*Official Report*, 10 March 2021; c 90.]

He is right.

I ask members this. Will Labour really vote for a bill about which Lucy Hunter Blackburn has said:

“The people this will get used against are much more likely to be working class”?

Neil Findlay (Lothian) (Lab): Will the member take an intervention?

Liam Kerr: I really cannot, Mr Findlay—I am sorry.

Will James Kelly really vote for a bill that Free to Disagree points out has considerable parallels to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012? Will the Scottish Liberal Democrats really back what many have described as an utterly illiberal bill? Will the Scottish National Party back what Jim Sillars said is

“one of the most pernicious and dangerous pieces of legislation ever produced by any government in modern times”?

I finish with a quote from Hardeep Singh, who said:

“for ordinary people there will be a serious ‘chilling effect’ on free speech. MSPs must therefore put free speech first when making the decisive vote on this ill-conceived legislation. The only way to do that is to vote against it.”

At decision time tonight, the Scottish Conservatives will do just that.

13:48

Neil Bibby (West Scotland) (Lab): I recognise the work of the Parliament’s Justice Committee, and in particular its convener Adam Tomkins and those members who participated in consideration of amendments to the bill yesterday and over the past few months. Whatever their perspective on each of those amendments, how we test arguments is critical to how the Parliament makes good law. When we are considering fundamental principles of equality, human rights and freedom of expression, that process is crucial. I acknowledge that there is concern about aspects of the bill. I also acknowledge the steps that have been taken to address those and make improvements to it.

Scottish Labour believes that hate crime should be dealt with by using the full force of the law. In our manifesto, we made a promise to take a zero-tolerance approach to hate crime. We believe that the law can and should be strengthened, and we have been engaging with stakeholders and other parties to find agreement on how to do that. Crimes that are rooted in prejudice and hatred of another based on any of the protected characteristics should offend and alarm us all. Victims should feel confident that they can come forward and that their doing so will make a difference.

We know that there has been an increase in the number of hate crime charges in recent years and that there is a range of factors behind that. Further analysis is clearly essential, which is why we welcome the new reporting obligations.

Nevertheless, we know from evidence that a lack of clarity around hate crime legislation

disadvantages the victim. It is important to remember what Lord Bracadale's review found, which was that there was confusion about what a hate crime is, language that was difficult to understand and a lack of clarity on what sort of behaviour makes something a hate crime. In that context, it makes sense that we should seek to consolidate, modernise and reform Scotland's hate crime laws.

We need the bill because hate crime has become more widespread, and society has become more polarised and divided. All of us can see how raw and unpleasant some aspects of political debate have become and how easily hate can rear its head. Although social media has given old hatreds a new platform, we must remember that, in truth, prejudice and hatred in this country never went away. Scotland is no different from the rest of the UK or from many other countries in that regard.

At times, it feels as though the more we have advocated tolerance, the less tolerance there has appeared to be. The bill is necessary to ensure that there is accountability and to prevent unacceptable ill will and malice. The corrosive idea that someone needs to be blamed for societal problems has resulted in the most excluded and underrepresented members of society being targeted and becoming victims of crime. That cannot be allowed to continue.

As we debated yesterday, Scottish Labour believes that the protected characteristic of sex should have been included as an aggravator in the bill. It is deeply regrettable that it has not been, because it is clear that women are subjected to hate because of their sex. We believe that the bill is flawed because of that, and we want that gap to be addressed as soon as possible. We note that the enabling legislation, along with a commitment from the cabinet secretary on timescales, will make sex a protected characteristic more quickly than would the introduction of a totally new piece of legislation, so we will follow the work of Baroness Kennedy's working group closely.

The bill's long journey to stage 3 has caused controversy. A bill that aimed to provide clarity has constantly had to be clarified. A bill to consolidate hate crime laws has at times consolidated opposition among the unlikely of partners. When it was originally introduced, the bill was deeply flawed but, as the cabinet secretary said, during its progress, Parliament has tackled many of those problems and strengthened its protections. We believe that there are still flaws in the bill—those flaws are on the Government—but we must recognise that, ultimately, the bill will give important protections to minorities, who will welcome it.

The Government has given assurances that it will make the enacted bill work, and we will hold it to those assurances through post-legislative scrutiny. Scottish Labour will vote for the bill as amended but, before we do, we must reflect on how much more must be done to tackle prejudice and hate in Scotland; they cannot be legislated out of existence. Any action that we take must be accompanied by wider societal change in our communities and our workplaces, and an agenda for inclusion in education that tackles the prejudice that we are united against today.

13:53

Liam McArthur (Orkney Islands) (LD): I start by again commending Parliament for the rigorous and passionate way in which it conducted its scrutiny of the bill at stage 3 last night. It was, as some said, the Parliament at its best.

At times, it was clear that colleagues found some of what was said uncomfortable, unsettling and, on occasion, deeply offensive. As we know, that is in the nature of the debate that we were having, but I do not believe that it could credibly be argued that any of what was said in relation to any of the amendments that we considered last night was either hateful or constituted hate speech.

It is invidious to pick out individuals, but I pay tribute to Johann Lamont for the force and conviction with which she argued her case. Regardless of whether members agree with her, hers is a voice that commands respect, which underlines what will be lost with her departure.

The same is true of Adam Tomkins, whose articulation of the arguments around freedom of expression was one of the best speeches that I have heard in this chamber. Indeed, it was enough for me to forgive him the intellectual contortion that enabled him to declare Johann Lamont's and Joan McAlpine's amendments unnecessary before promptly voting for them.

Last summer, the Scottish Liberal Democrats could not support the bill, but that was not because we believed that modernising and consolidating our hate crime laws was unnecessary. One has only to look at the rise in hate crime across all characteristics to see the need to give our police, prosecutors and courts the tools that they require. We shared the concerns of many, including faith groups, academics, the police, the Law Society of Scotland, actors, journalists and others about the drafting of the bill. A mix of vague language and expanded criminality saw the justice secretary being accused of his own stirring up offence.

To his credit, Mr Yousaf heeded the calls from myself and others to base the stirring up offences on intent only. He also sensibly agreed to a

reasonableness test. Even so, concerns remained about the balance being struck between protecting those at risk of hate speech and safeguarding our fundamental right to freedom of expression.

As our convener was fond of reminding us, rights such as freedom of speech and privacy should be interpreted and applied generously, and restrictions legislated for narrowly and only when necessary in the public interest. Those rights and freedoms are not unfettered, of course, but as the oft-quoted Lord Justice Sedley reminds us:

“Freedom only to speak inoffensively is not worth having.”

It is not easy to strike an appropriate balance. Some will argue that it has not been achieved with the bill, but I disagree. We now have broad and consistent freedom of expression protections across all the new characteristics, with the exception of religion, where faith groups, the Humanist Society Scotland and others were unanimous in calling for more specific protections.

I recognise the rationale for making a distinction between the approach that we take to debate around ideas and beliefs on the one hand, and an individual’s innate identity on the other. Let us be clear, however, that no one—absolutely no one—should be required to hold any particular belief or express views to suggest that they do. However, nor should they be permitted to act in ways that, to any reasonable person, would be considered threatening or abusive and with the intention of stirring up hatred. I therefore welcome the combined change introduced courtesy of the cabinet secretary’s amendment and Adam Tomkins’s specific reference to the European convention on human rights. Together, they broaden and deepen the protections afforded.

Before closing, I want to reflect briefly on the non-inclusion of a sex aggravator in this bill. Looking back at my remarks at stage 1, I am reminded that I found myself largely in agreement with Johann Lamont. It seemed anomalous to leave out the characteristic of sex, especially given Lord Bracadale’s recommendation and the risk of laws being passed later without proper parliamentary scrutiny. I confess that those concerns have not wholly disappeared. Ultimately, though, I was persuaded by the evidence that the committee heard from Scottish Women’s Aid, Rape Crisis Scotland, Engender and Zero Tolerance that the issue would benefit from the expertise of Dame Helena Kennedy’s working group. Time will tell whether that is the right approach.

All the evidence is that societies and economies are stronger when every person can contribute, and that means stopping the discrimination that rules many people out of living their lives to the

full. There should be equal opportunity for everyone, no matter what we look like, who we are or where we come from. On that basis, Scottish Liberal Democrats will support the bill at decision time.

13:57

John Finnie (Highlands and Islands) (Green):

I thank everyone who has got us to this point: Lord Bracadale; the cabinet secretary and his team; the convener of the Justice Committee, Adam Tomkins, whose leadership throughout has been helpful in steering us through important issues such as freedom of speech and the threshold to trigger the offence, which a previous speaker referred to as a safeguard; our committee witnesses; and, as ever, our staff.

In his review, Lord Bracadale stated:

“Hate crime is the term used to describe behaviour which is both criminal and rooted in prejudice.”

We know that hate crime is about people, not about statistics. Sadly, the public scrutiny of the bill has exposed deep-seated prejudice that simply cannot be allowed to prevail. One of the policy objectives of the bill was that it would be user friendly, perhaps not in the precise wording of the legislation but more in the public discourse about the purpose and effect of the bill.

Training is important, and I have confidence in our police and the Crown Office and Procurator Fiscal Service when it comes to that.

We cannot forget that the Tories did not just want to prevent the updating of the statutory response to hate crime; they wanted to turn the clock back and remove existing protections. The Tories wanted Scotland to have weaker laws in respect of stirring up racial hatred than there are in other jurisdictions of the United Kingdom.

We have also seen some shameful misrepresentations suggesting that the bill has zero regard for freedom of expression and that family meals would be ruined by a flurry of arrests by police officers—crass nonsense! We also saw amendments that expressed gross indifference to those who do not conform to narrow prejudices, and not just from the Tories.

There were amendments that would have shamefully airbrushed intersex people from existence and amendments that would have undermined the existing protections for transgender people, which have been in place since 2004. The bill, like others, is about balancing human rights. I think that the balance between freedom of expression and the right to private life has been struck in the bill, and countless organisations agree.

George W Bush Jnr once challenged the world, “You’re either with us or you’re with the terrorists.” That was the approach that was taken by many in this debate. I would like to lay out very clearly where the Scottish Green Party is on these issues. We are with those who respect freedom of expression and understand its limits. We are with those, across the globe, seeking to tackle rising hate crime. We are with those who have no one and who only want to be themselves. We are with those who want their community to be rid of the scourge of hate crime. We are with sound parliamentary scrutiny and making good laws—and we will not be bullied by those with mild-sounding social media names and poisonous agendas.

We will stand with those who are abused because of the colour of their skin or their disability. We will stand with those who are subjected to physical and hateful verbal attacks from whatever quarter. We will stand with lesbian, gay, bisexual and transgender people, knowing that they consider hate crime one of their biggest concerns.

The One Scotland website promotes a Scotland that

“believes in equality for all.”

It goes on to state:

“No one should be denied opportunities because of age, disability, gender, gender identity, race, religion or belief, or sexual orientation.”

It is certainly my belief that the bill will play a part in the delivery of that entirely realistic goal. I hope that, after all that the bill has been through, it receives parliamentary backing. The Scottish Green Party will certainly support the bill at decision time tonight.

The Deputy Presiding Officer: We move to the open debate with speeches of four minutes.

14:01

Rona Mackay (Strathkelvin and Bearsden) (SNP): We have reached the final stage of a bill that has generated more attention from the public and in the media than any other piece of legislation during my time as an elected representative. As deputy convener of the Justice Committee, I also thank the many witnesses who gave expert advice, the bill team and, as ever, our outstanding clerking team and SPICe for working so hard on this monumental task.

During this session of Parliament, we have passed important, groundbreaking legislation on many issues, some of which I was involved in and some of which I was not. However, I am very pleased to have been involved in the Hate Crime and Public Order (Scotland) Bill, despite its high-

profile and often heated nature, because, if it is passed at decision time tonight, this bill will send a message to those who stir up hatred with intent to threaten and abuse minority groups that their behaviour has no place in Scotland.

Johann Lamont (Glasgow) (Lab): Is it a regret to Rona Mackay that, at 5 pm this evening, no signal will be sent out about the hate crime that women face day and daily?

The Deputy Presiding Officer: I am afraid that I cannot give you extra time, Ms Mackay. You will have to absorb that in your four minutes—please continue.

Rona Mackay: I will come to that in my speech, if Johann Lamont lets me proceed.

Who could argue with protecting minority groups? The bill consolidates and modernises existing hate crime legislation following the hate crime review that was undertaken by Lord Bracadale, for which there was cross-party support in June 2018.

The attention that has been given to the bill has brought home the importance of freedom of expression and why it must be protected. I fully understand the concerns in that regard. However, the freedom of expression amendments that were agreed to yesterday—particularly amendment 1, in the name of Adam Tomkins—should reassure people that the bill does not stifle discussion, opinion or challenging views. We witnessed that in the very passionate debate that was held in the chamber last night.

I thank Adam Tomkins for lodging amendment 1 and for the consensual way in which, as convener, he steered the committee through the bill. I also echo his comments from yesterday about the intensive scrutiny that that issue in the bill, and the bill in general, has been under. I am just sorry that the Tories have said that they will not support it tonight.

I also thank the cabinet secretary for his willingness to engage at every level of the bill—*[Interruption.]* I am sorry, but I do not have time to take an intervention. The cabinet secretary engaged not only with the committee but with an extensive range of stakeholders in order to take their advice and listen to their views.

It is crucial to remember that there is a reasonable person defence and a very high bar before conduct is criminalised. All alleged offences have to be proved beyond reasonable doubt in court. Some people will say that the amendments that were agreed to yesterday go too far, and some will say that they do not go far enough. This is a very subjective issue.

We know that hate crimes are on the rise. They threaten community cohesion and are an

extremely distressing and pernicious form of criminality, ruining and endangering lives with their cruelty. The fact that minority ethnic groups experience two thirds of all race-related hate crime shows that we have much more to do to overcome prejudice. The cabinet secretary was persuaded that it was not necessary or appropriate to include race in the freedom of expression provision because, among other unintended consequences, that would leave Scotland with less protection than the rest of the UK. I fully support that decision.

There is a clear need to tackle misogyny and gender-based prejudice in Scotland. I have a lot of sympathy for Johann Lamont's amendments, and I admire the passionate manner in which she has articulated them and in which she has fought for women's rights over many years. However, I disagree with her for all the reasons that were outlined by my colleague Annabelle Ewing yesterday. Systemic misogyny needs more than a sex aggravator. All the measures to tackle misogyny in the past have not worked. The fact that the Government has set up the misogyny and criminal justice in Scotland working group, which is to be led by Helena Kennedy, is testament to the overriding importance that we put on tackling the issue. It is time to tackle misogyny once and for all.

The Deputy Presiding Officer: I am afraid that you must conclude.

Rona Mackay: I firmly believe that we should let that group do that important work and come to its conclusions.

The Deputy Presiding Officer: I am sorry, but you must stop. I take no pleasure in saying that, but the timetable has been set by the Parliamentary Bureau, and I must keep to it. Please accept my apologies. I wish that I could give you more time, but I cannot.

14:06

Murdo Fraser (Mid Scotland and Fife) (Con): One of the most disappointing aspects of the debate about the bill is that the fact that there is much in it with which everyone can agree often gets lost. We would all agree that hate crime should be deplored, that it makes sense to consolidate the existing law around aggravators, and that the blasphemy law is a historical anachronism that should be removed from the statute book. However, the debate about the bill has concentrated on part 2 and the creation of new stirring-up offences.

It is no surprise that we have seen heavily divided opinion on part 2, with a broad coalition of voices being raised against what the Scottish Government is proposing. We have seen faith groups, secularists, human rights campaigners,

writers, comedians and academics all expressing serious concern about the impact on free speech from what is being proposed.

We know that there are people who want to use the law to close down debate. We saw that in the course of the debate yesterday afternoon. There is no more current example of that issue than in the dispute between trans activists and feminists over the definition of what is a woman or the need to protect women's spaces. There is a real concern that the legislation that we will pass today will be weaponised by those who want to close down debate and silence those who simply have a different view.

We heard a flavour of that in the debate yesterday afternoon in a chilling contribution by Patrick Harvie in response to a series of speeches by women MSPs, who raised their legitimate concerns about issues in the bill. He seemed to suggest that they verged on the hateful.

We have to be extremely careful in proceeding with the bill. It is only by debating ideas and robustly challenging each other that society is able to advance and reform is achieved.

I think that Liam McArthur said that there is no need for legislation to defend popular opinions. It is opinions that are unpopular that need to be protected. Substantial concerns remain about the impact that the bill will have on those who express views that are not held to be part of the main stream. It seems extraordinary to me that we have got into the position in which, following the rejection of Johann Lamont's amendments yesterday, the bill now gives more protection to men who dress as women than it does to women themselves.

I recognise that the Cabinet Secretary for Justice has gone to lengths to try to improve the bill. I pay tribute to the excellent work that my good friend Adam Tomkins and his colleagues on the Justice Committee did in the detailed scrutiny of the bill at stage 2. However, within the past few weeks, we have seen the justice secretary running around and convening sessions with stakeholders to try to reach agreement on the terms of free speech amendments to the bill. Amendments were lodged for debate yesterday with just a few days for external consultation and public scrutiny. That is not the way that legislation—particularly legislation that creates new criminal offences—should be introduced.

There is a broader debate about how the Parliament functions and how it can best hold the Executive to account. We have no revising chamber to act as a check on what we might vote for in here. The Justice Committee has done an excellent job with a strong convener, but even its role was limited after the bill passed stage 2.

It seems to me that this is no way to make law. I would have liked to see the Scottish Government withdraw part 2 in its entirety, as Liam Kerr suggested. We would have had unanimity in passing parts 1 and 3 and we would have got good legislation on to the statute book. Then, we could have taken back part 2, in a separate piece of legislation in the next session of Parliament, with time to properly build consensus. Instead we are rushing ahead to publish legislation that might well have deeply damaging unintended consequences, and that is not something that I can support.

The Deputy Presiding Officer: I call Johann Lamont, to be followed by Shona Robison. Ms Robison will be the last speaker in the open debate.

14:10

Johann Lamont (Glasgow) (Lab): Thank you very much, Presiding Officer. I will bow to your discipline, although I am not convinced that my speech will be as disciplined as it should be. If I do not manage to finish it, please believe me when I say that this debate will continue.

I hear people say that this has been a good debate. From where I sit, it might have been interesting, but as I did not win the argument, what is left behind is a sense of grave disappointment that I could not persuade the chamber. I do not think that the people who disagreed with me believe that women should not be protected—I do not make that case—but I think that we made the wrong decision yesterday.

As someone who has been committed to equality all my life, I regret very much that I will not be able to vote for the bill at the end of the day. I hope that nobody, in this chamber or anywhere else, takes that to mean that I want anybody in our community to face hate, disadvantage or abuse, because it is not for that reason that I cannot support the bill; it is because it does not address a fundamental problem. In real time yesterday, as we were debating the legislation, we were hearing on the news of yet another victim of male violence. In real time, women were taking to social media to describe what we do every day to keep ourselves safe, whether we are walking in a park or running or getting a bus. That is the reality of women's lives, and that is the reality that is not being addressed in the bill.

Instead, I was subjected again today to a lecture about how I do not care enough—about how women do not care enough about people who are the victims of abuse. I am told that denying a cross-dresser the protection of the bill is unacceptable. I say this: we know—even Tim

Hopkins has said—that cross-dressing is a lifestyle choice, not a matter of identity.

The problem could have been solved by including women in the legislation. I am not saying that the sex aggravator would solve everything. We are women—we know that signals are not enough—but that would have been a starting point for the work that the working group would do.

We could not even agree on a definition of what “sex” is. That matters, because the truth is that there is now a live debate about whether, in fact, there are two sexes. I respect all sides of that debate, and I have to tell John Finnie that the term “intersex” is offensive to many people in the communities who suffer from difference in sexual characteristics. They do not regard themselves as “intersex”.

The more important point is that, if people believe that there are more than two sexes and they want to change the law, then change the law. Make the arguments. In the world that I inhabit, you do not both argue a position that is at odds with the law—and, I might say, the science—and resist having that debate in public and making a decision, and, without changing the law, denounce those who state what the current law is. That is why the amendment on defining sex mattered so much. Defining that is not a matter for the working group; it is for us to come together and have that debate as a community and a society.

I recognise the deeply held views of the cabinet secretary and his experience. I do not diminish that one bit. I do not diminish anyone who suffers disadvantage because of where they find themselves. I plead with him: if it is reasonable to pause on women, why are we not pausing on these other complex areas? He cannot argue that we can wait a year for women—who we know are experiencing violence and abuse today, precisely because of their sex—but that we cannot wait for others, and that those who will not vote for the bill will be guilty of encouraging racism and disadvantage. It is not possible to argue those two things at the same time.

We are dancing on all sorts of arguments here, but what is behind this is the fact that people in our communities now face discrimination, disadvantage and abuse. Women are part of that and there are other folk who understand what that is like. The bill will fail if we do not go beyond sending signals. I regret very much that it will not even signal support for women, but if we settle for the signal we will not be doing the heavy lifting of what Government is actually about, which is educating, challenging, supporting and working with people in our communities so that they might come together, and making real in law our aspiration to a fairer Scotland.

I regret very much that at the end of the day, when I vote with my absolute conviction that the bill does not address those problems, I have no doubt that I will be characterised as someone full of hate. Please believe me that the women who want the legislation to be changed—those who have highlighted their concerns—aspire to the same as those who will vote for it. We have to wrestle with the fact that, even as a signal, the legislation does not address even the lived experience of the women in this place.

I am sorry for and regret being so forthright, but it is not good enough to tell me that I spoke well. Women have spoken well through the generations and they are speaking now. They are telling us what their lived experience is and Parliament needs to tackle these problems. It needs to tackle the argument that is at dispute and highly contentious, not hide it away and denounce those who are not prepared to go along with that.

I respect everyone in the chamber. I trust that they will respect the women in the chamber and beyond who continue to say that the bill is not good enough. We need to think again, get our heads around the complexities and make legislation that genuinely protects all of those who experience hatred, disadvantage and abuse simply for being who they are.

The Deputy Presiding Officer: Thank you. I know that members will understand why I extended the time for Ms Lamont, but for the rest of you—no. We move to closing speeches.

14:17

Shona Robison (Dundee City East) (SNP): I, for one, will support Johann Lamont's position and I certainly support her right not to vote for the bill for the good reasons that she set out. I would support her if she is attacked in any way for that, because I do not believe for a second that Johann Lamont is against the bill for any other reason. I put that on the record.

The bill has, without a doubt, been on a journey. Those of us on the Justice Committee have spent many hours looking at the bill and trying to work together to improve it, and we have made significant progress on that. As has been said before, the law has protected people for decades from anyone stirring up hatred against them due to their race. The bill now extends that protection to people in relation to other characteristics and it is supported by dozens of organisations that support the victims of hate crime.

The consensus that has brought us to this point has been down to the Government listening to the concerns that have been raised and making changes to address them. Further changes were agreed yesterday. The concerns over freedom of

expression were raised, listened to and acted upon to ensure that any successful prosecution for the new offences must prove that the person intended to stir up hatred. The bill includes the reasonable person test to ensure that an objective test is applied. It is a high threshold and the strengthening of the freedom of expression clauses yesterday by Adam Tomkins strengthens the position further, so that we now have very strong freedom of expression protections. That is right.

In its job of scrutinising the bill, the Justice Committee has taken extensive evidence on all related matters, and the bill now strikes the right balance between protecting groups that are targeted by hate crime and respecting people's right to freedom of speech. Many of us on the committee wrestled with that, as it is not an easy balance to strike. We have got to the best place that we could have.

The debate has been dominated by the debate on whether, at this stage, to include a sex aggravator. I thought that Annabelle Ewing's speech yesterday summed up matters rather well—I agree with her. It is not just that a number of women's organisations raised concerns about the inclusion at this stage of a sex aggravator, for reasons that are well rehearsed. The events of recent days remind us of the deep-rooted misogyny and male violence in our society. I hope that, along with Johann Lamont, we all agree on the changes in our society that we want to happen. We might disagree on some of the processes to get there and we obviously disagree on aspects of the bill. What unites us is that, if we painted pictures of the type of society that we want, they would not differ very much.

The working group—although this is not just about the working group—has a job to look at whether a sex aggravator should be added to the proposed legislation at a later stage, and I would like it to do a root-and-branch investigation of what more can be done to tackle misogyny in our society, whether through legislation, policy, education or cultural and societal change. I like to think that not only the working group but all of us have a job to put that at centre stage in the work of the next Parliament, along with allies outside the Parliament, who I am sure will continue to work hard on the issue. I hope that we can unite on that, if on nothing else.

14:22

James Kelly (Glasgow) (Lab): As Neil Bibby and Liam McArthur have said, hate crime is, unfortunately, on the rise in Scotland. From that point of view, robust laws to tackle it are welcome.

It is important to examine the advent of the bill, the process that it has gone through, and why we have ended up, even at this stage, with people contesting some of its elements.

The Bracadale review was the route to the bill. When that was published, everyone across the parties agreed that there was a need for hate crime legislation that brings together all hate crime law into one place to make it more efficient and operate better, and to give adequate protection to victims of hate crime. However, once the bill was published, we found that the drafting was, at best, clumsy and, at worst, incompetent. That resulted in a host of organisations being critical of part 2 in particular. The provisions on theatre performances had to be withdrawn, and there was a controversy about the use of the phrase

“it is likely that hatred will be stirred up”.

The lack of interpretation around that was widely criticised, and the phrase was taken out.

There have been amendments to withdraw things and improve the bill. However, in reflecting on the debate last night, which was a high-quality debate with strong speeches from around the chamber, I was struck that, in debating a number of the amendments, a lot of members were still unclear about the interpretation of the law, which suggests that issues remain.

When the bill is passed and cases go to court, the test will be whether sheriffs, legal practitioners and the police can adequately interpret the law so that it can be used properly in the courts. The Parliament will have a crucial post-legislative scrutiny role. A lot of the aspects of the bill will have to be looked at closely in operation. If the bill is not operating correctly, it will need to be revisited in the next session of Parliament. I hope that the Government and the cabinet secretary will accept that.

Johann Lamont was right to say, in a speech that was strong on principle and conviction, that legislation on its own is not enough and signals are not enough. A lot needs to be done in education, working in communities and changing culture to ensure that those who are currently the victims of hateful abuse get proper protection not just in law but in society in general. There is a big task there.

Scottish Labour will support the bill at decision time, but let us be clear: it is not perfect, and there is much work to be done not just to make the legislation work but to tackle hate crime robustly.

14:26

Adam Tomkins (Glasgow) (Con): I thank Liam McArthur, John Finnie and Rona Mackay for their kind and generous remarks.

The Hate Crime and Public Order (Scotland) Bill is a much-changed piece of legislation compared with the bill that we first debated in the chamber last September. On that occasion, my Conservative colleagues sought to have part 2—the provisions that concern the stirring-up offences—removed from the bill entirely, on the basis that they constituted an unwarranted and dangerous attack on freedom of expression. Rightly or wrongly, the Conservative motion was heavily defeated and, ever since then, it has been clear that the bill would pass, despite the many criticisms that it has attracted from lawyers, faith groups, campaigners and—especially—women.

In the months since then, all my work on the bill has been designed to try to address those criticisms and to fix the bill. I wanted Parliament to learn the lessons of the named persons legislation and the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, and not to repeat the experience of legislating in a way that breaches and fails to respect our fundamental rights.

So significantly and substantially amended is the bill that it is no longer the grave threat to freedom of speech that it once was. First, the stirring-up offences—other than with regard to race—can now be committed only when the accused intends to stir up hatred. Secondly, offences relating to theatres and public performances and possession of inflammatory material have been entirely removed from the bill. Thirdly, we have clarified in the bill that behaviour or speech is threatening or abusive only when a reasonable person would consider it to be threatening or abusive. Fourthly, we have said, in terms, that mere discussion or criticism of matters relating to the protected characteristics is not to be taken as threatening or abusive. Fifthly, we have emphasised that, just because someone feels offended, shocked or disturbed by what is said, that does not mean that the criminal threshold has been crossed.

Even those changes, welcome though they are, have not quelled the very real fear that continues to stalk this land because of the bill. As we heard yesterday, in terms as passionate, dignified and compelling as anything that I have ever heard in the chamber, people—in particular, women—are afraid. That the bill has induced such fear in the women of this country should make us all pause.

I hope that we have done enough to ensure that women's fears about the bill are not realised in practice, but that will depend not on the words that we are writing into the law, but on the training that we give to our police officers and prosecutors, and on the way that we explain the legislation to the public. In particular, it must be widely understood that, just because one is offended, hurt or upset by

something that someone has said about an aspect of one's identity, that does not mean that a hate crime has been committed.

Even if the bill does not pose the grave risk to free speech that it once did, the same cannot be said for the equally worrying threat that the bill continues to pose for privacy and private and family life. We have tried. Conservative amendments at stage 2 and again yesterday at stage 3 tried to bring the bill into line with the way in which public order offences should respect the right to private and family life, but we have been thwarted and outvoted. I wish that I could say that the bill poses no threat to private and family life but, because I cannot say that, I cannot and will not vote for the bill at decision time today. Even as amended and after all the work that we have done, the bill continues to pose a real risk to our fundamental rights and liberties, and that is a risk that the Parliament should not take.

For me, personally, the situation is a matter of deep regret. I do not want to live in a Scotland where people are free to threaten or abuse one another with the intention of stirring up hatred. However, when legislating in this area, or in any other area, Parliament must ensure that its legislation respects and does not infringe human rights. It is a matter of real regret to me that the bill does not meet that test, but that is why I will vote against it at decision time today.

14:30

Humza Yousaf: I thank members from across the chamber for their thoughtful speeches. I again thank the Justice Committee and its clerks, the Scottish Government team and others who have worked hard on the bill, including, of course, the stakeholders.

I will reuse a maxim that I have often quoted in the chamber. It is one that I think that all legislators should have at the forefront of their minds and that many members have referenced in other ways. It goes, what is about us without us is not for us.

I will come shortly to the point about women, but first I say to Liam Kerr that he should listen to the voices of organisations that represent victims and that believe that the bill is absolutely necessary. Victim Support Scotland, which Liam Kerr quoted, supports the bill. In fact, it says:

"If this Bill is not allowed to proceed through Parliament, it may be years ... before victims of hate crime have another chance to be given the protection they deserve."

Johann Lamont: Will the member give way?

Humza Yousaf: No, I will not. Forgive me, but the member got some extra time and I have only a few minutes to close the debate.

The Equality Network, Stonewall Scotland, the Muslim Council of Scotland, the Scottish Council of Jewish Communities and many other organisations—including Sikhs in Scotland, the organisation that represents Sikhs here—support the bill. Many racial equality organisations support the bill.

On the issues that have been raised by Johann Lamont and many other speakers, I do not doubt Johann Lamont's sincerity. I have said that from the beginning and I put it on the record again. My concern with Johann Lamont's statements is that she does not adequately recognise that a number of other women, ably represented by organisations such as Scottish Women's Aid, Rape Crisis Scotland, Engender Scotland and Zero Tolerance Scotland, say that the addition of a sex aggravator could do harm for women. I completely accept that that is not the view of Johann Lamont, Elaine Smith and Joan McAlpine, but there is an opposing view.

Johann Lamont's view is clearly not the only one that is held by women, because we have heard a different view from Annabelle Ewing and Shona Robison, as well as from the organisations that I mentioned. We have heard from people such as Dr Marsha Scott, Sandy Brindley and Emma Ritch. Like Johann Lamont, they are lifelong feminists, but they have a divergent view. Therefore, the argument that has been proposed and which has been accepted by the Justice Committee is that the right thing to do is to have a working group, led by the lifelong feminist and human rights campaigner Baroness Helena Kennedy, to explore the issues.

I do not have an in-principle objection to a sex aggravator. If the recommendation is to include one, it will be included. I have committed on the public record and written to every MSP to say that a draft order will be published within a month. The acceptance of that divergent view is extraordinarily important.

My concern about the Tories' approach is that, if we had accepted their suggested amendments yesterday to remove the stirring up of hatred offences, we would have by far the weakest protections anywhere in the United Kingdom for those who are vulnerable and targets of hatred. I see someone shaking their head, but that is a fact. We would have the weakest laws to protect minorities.

As for Adam Tomkins, I align myself with the members who have praised his handling of the bill as convener of the Justice Committee. He will not put that on an election leaflet—of course, he will not have to, because he is departing this place. I hope that he can take pride in the role that he has played in, I think, improving the bill.

The trouble that I have with the argument about the right to privacy is that, as I am sure Adam Tomkins accepts, it is not an unfettered right. I have article 8 of the ECHR, on the right to respect for private and family life, in front of me. Paragraph 1 of article 8 says:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

That is correct. Paragraph 2 says:

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

That is crucial. Yes, we respect and must be compatible with all articles, including article 8, of the ECHR, but we must also respect the rights of those who are vulnerable to hate.

We all accept that we in this Parliament have a duty to be a voice for the voiceless—those who, too often, are left in the margins and on the sidelines, and who do not have anybody to speak for them. To every Jewish person who has suffered antisemitism, I say, “This bill is for you, and we are your voice”. To every black person who has been called the N-word, I say, “We are your voice, and the bill protects you”. To every lesbian, gay and bisexual person who has been threatened simply because of who they love, I say, “This bill is for you, and we are your voice”. To every person with a disability who has been mocked when getting on and off public transport, or going about their everyday life, I say, “We are your voice, and the bill is for you”. To every person in the transgender community who has been attacked for simply being who they are, I say, “The bill is for you, and we are that voice”.

I conclude by saying that I only feel disappointment and regret that the Conservatives and some Labour MSPs will not support the bill at stage 3. I know that they all stand unequivocally against hatred and hate crime. A mere nine months ago, we stood in solidarity in the chamber and said collectively that we will do everything that we can to tackle hatred. Therefore, it is a disappointment that the Conservatives will not join the other political parties in sending out that strong message.

To the victims of hate crime, I say, “The bill will protect you”. To wider society, I say, “Your freedom of expression and speech is also protected by the bill”. Today, we have listened and acted. I commend the bill to Parliament.

The Deputy Presiding Officer: I thank members for their contributions in what was, unfortunately, quite a tight debate. That concludes

the debate on the Hate Crime and Public Order (Scotland) Bill. There will be a short pause before we move to the next item of business.

Portfolio Question Time

Transport, Infrastructure and Connectivity

14:39

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is portfolio questions. In order to get in as many members as possible, I ask for short and succinct questions and answers.

Broadband Roll-out (Dumfries and Galloway)

1. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government whether it will provide an update on broadband roll-out in Dumfries and Galloway. (S5O-05106)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): Thinkbroadband reports that superfast coverage in Dumfries and Galloway stands at 87 per cent, up from 17 per cent in January 2014.

Dumfries and Galloway has 8,300 properties in scope for the R100 south lot contract, which delivered its first live connections in Biggar in Lanarkshire in December. Eligible south lot premises will receive a full-fibre solution, which allows gigabit connectivity. R100 contract build is programmed in phases, with build in Dumfries and Galloway across a number of phases. First connections in the area are likely to be delivered next month, with more than 850 properties in the Dumfries exchange area receiving connections by July.

Joan McAlpine: I welcome the progress that will be made in the coming months, which will give more residents and businesses access to broadband.

The minister is aware that mobile connectivity is also a challenge in Dumfries and Galloway. What is the Scottish Government doing to improve that, bearing in mind that both broadband and mobile connectivity, as part of the telecommunications sector, are matters that are reserved to the United Kingdom Government?

Paul Wheelhouse: Joan McAlpine is correct: mobile connectivity is reserved, as is broadband. However, we intervene through our own measures to address market failure. She will be aware that the Scottish 4G infill programme has been important for us. The first mast that we delivered was at New Luce in Galloway, and that site has been operational for more than a year. Four more sites in Dumfries and Galloway will be delivered through the project, at Ae near Dumfries,

Auchenhessnane near Thornhill, Cairngarroch in southern Rhins and Loch Head in the Machars.

Good progress is being made, with all four sites expected to be operational in the coming months into the summer—the one in Ae is due to be operational this spring. All those masts, plus the two that are now live in Ettrick in Selkirkshire and Whitropefoot near Newcastleton in Liddesdale, in Ms McAlpine's region of South Scotland, will help to improve mobile coverage in some of the most remote parts of Scotland. I am delighted that the programme is proving to be so successful. The Scottish Government's website will, I hope, provide further progress updates on other masts across the network. I encourage members in other parts of Scotland to keep themselves posted on progress.

Colin Smyth (South Scotland) (Lab): Only 7 per cent of premises in Dumfries and Galloway have full fibre. Although R100 will boost that number, it covers only 13 per cent of premises. If full fibre is seen as the best solution, does the minister agree that one helpful measure would be for the Scottish Government to consider mandating full fibre in all new-build properties? At present, around 6 per cent of new homes in Scotland continue to miss out on full-fibre connections—they are largely those on the smaller sites that are seen in rural areas such as Dumfries and Galloway.

Paul Wheelhouse: Colin Smyth raises an important point. It is true that the full-fibre needs of new developments must also be addressed. I know that BT provides a package for any development of more than 20 properties—it is largely free full fibre, because of the scale of the development. I know that Mr Stewart, the Minister for Local Government, Housing and Planning, is closely examining the matter in relation to building regulations.

With the pandemic, we have seen digital connectivity become not just a nice thing to have but an absolute necessity for people who work from home or who educate their children at home, so we want to see full fibre extended.

As Joan McAlpine indicated, regulation of and legislation on broadband are reserved to UK ministers, and we continue to press them to invest in the region and fulfil the promises that they have made around gigabit connectivity. I have had constructive discussions with Matt Warman MP about attracting further funding to Scotland. We look forward to seeing the UK Government come up with funding to meet the aspirations that it has expressed.

Liam McArthur (Orkney Islands) (LD): As R100 is taken forward in Dumfries and Galloway as well as in Orkney and Shetland, at the other

end of the country, what assurances can the minister give that Openreach will be encouraged to work with local, suitably trained contractors? That would allow those contractors to benefit from the workstream and minimise the risks that are associated with essential workers moving around the country unnecessarily.

Paul Wheelhouse: Liam McArthur raises a fair question. The commercial decision is for BT in fulfilling the contract, but if Mr McArthur wishes to provide details of any particular companies that are actively seeking to participate in the R100 programme—I know that he has made representations before—we can pass them on to BT and Openreach to ensure that those opportunities are taken up.

Mr McArthur is right to say that we want local jobs to be created around Scotland as a result of the £600 million investment in R100. I would like that to be extended to our island communities as we roll out the programme, with a long-term legacy of building up the supply chain. It would certainly be in our interests to make that happen, and I would be happy to follow that up with Mr McArthur.

Tay Cities Deal

2. Shona Robison (Dundee City East) (SNP): To ask the Scottish Government what impact the Tay cities deal will have on Dundee. (S5O-05107)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The Scottish Government's £150 million commitment to the Tay cities region deal demonstrates our support for the future of the whole region, including Dundee.

Our investment includes £31 million for two projects that will further enhance the city's reputation for innovation. The cyberquarter at Abertay University and the biomedical cluster at the University of Dundee will both foster world-class expertise. They will also generate opportunities for local suppliers and will create more than 700 skilled jobs. We will ensure that those jobs are accessible to local people through our complementary £20 million investment in a regional skills development and employability programme.

Shona Robison: The investment and the related jobs are very welcome. Can the cabinet secretary say more specifically what discussions the Scottish Government has had with Dundee City Council regarding Dundee's 5G test-bed status and public wi-fi network to help further Dundee's ambition to become a smart city, with the highest possible level of digital connectivity through the Tay cities deal?

Michael Matheson: The Scottish Government continues to work with Dundee City Council in

taking forward work around the 5G test bed and public wi-fi network through the Scottish Futures Trust. We believe that that will be critical to Dundee in achieving its vision of becoming a smart city.

Deployment is expected to take place later this year. The initial focus will be around a full-fibre infrastructure programme, which will provide a platform for public wi-fi services and the development of a 5G test bed. That will act as a catalyst for the rest of Dundee to develop a 5G ecosystem capable of creating a wider smart region.

That is supported through the provision of around £2 million from the Tay cities region deal, which is aiding the development of demonstration projects around 5G technology. It is hoped that, by taking that forward, Dundee will be able to ensure its position not just as a leading city for inward investment but as a leading city in the deployment of 5G technology.

Edinburgh Airport (Routes)

3. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government what the impact might be of any reduction in the number of routes served by Edinburgh airport following the lifting of the Covid-19 restrictions. (S5O-05108)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): We expect that the number of routes serving Edinburgh airport will increase following the lifting of Covid-19 restrictions at home and abroad. At this stage, however, it is not possible to predict exact numbers or destinations.

Transport Scotland, working in partnership with VisitScotland and Scottish Development International, has a strong and successful track record of helping Scotland's airports to secure new routes. We are using that well-established process to work with airports on route recovery. Our overall aim is to help Edinburgh airport to return to 2019 levels of connectivity as quickly as possible once travel restrictions can be safely lifted.

Alex Cole-Hamilton: I am very grateful for that answer. Airport managers have confirmed to me that the Administration has conducted no impact analysis as to the long-term effects of the emergency on air travel. There is no route map out of the quarantine hotel requirements, and there has been no assessment of their impact on medium or long-range bookings.

The industry is on its knees, yet the task force established by the Government to offer clarity has not even met yet. When will it meet, and when does the cabinet secretary expect to have a route map to recovery for this important sector?

Michael Matheson: The important point is that the measures that we have had to introduce on managed isolation for international arrivals had to be taken forward urgently because of the risk from new variants. Given the clinical advice that ministers received on the risks that are associated with the introduction of new variants into the country, it would have been reckless not to act—and act quickly—on that advice. To be frank, it would be reckless for anyone, even the airports, to suggest that we should have taken much longer to deal with the situation.

We are already considering a potential route map for moving out of the use of managed isolation and the wider international travel restrictions that we have in place. Importantly, however, that route map needs to be driven by data, not by dates. The danger is that some in the aviation industry think that setting a date simply resolves the issues that the international travel restrictions are in place to deal with. It does not.

The reality is that the data on where we will be in April and May on opening our borders is still uncertain, given not only the domestic situation but the international situation. We know that in Europe, for example, the virus is still out of control. I assure the member that we will use the working group that we have set up and our engagement so far with airlines and airports as a mechanism to ensure that we plan our way through the process.

Road Network Improvements (Funding)

4. Gail Ross (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what funding is being provided to local authorities for improvements to the road network. (S5O-05109)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Responsibility for local road improvements lies with local authorities. The majority of funding to local authorities from the Scottish Government is provided via the block grant. We do not stipulate how authorities should utilise their allocations, but in 2021-22 we are delivering a funding package of £11.6 billion for local authorities, which provides an additional £335.6 million for vital day-to-day services in comparison with the 2020-21 settlement.

Gail Ross: I have been contacted by a new group that was set up in Caithness to try to address the current state of the roads there. I have also written to the cabinet secretary directly about the matter. Will he commit to engaging with that group to help us find solutions before the roads become even more dangerous?

Michael Matheson: I am aware of the concerns that have been raised by an organisation called

the Caithness roads recovery campaign. However, as I mentioned, the concerns that the group has raised are the responsibility of Highland Council, and any actions that need to be taken on the local road network are a matter for the council. The most effective way for the group to have its concerns addressed, therefore, is for it to meet Highland Council to discuss the issues, and for the council to consider what action can be taken, given the issues that the group has raised.

ScotRail Franchise (New Operator)

5. James Kelly (Glasgow) (Lab): To ask the Scottish Government when the process will commence to appoint a new operator for the ScotRail franchise. (S5O-05110)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): We are considering all options for the future operation of ScotRail services after the current contract, which is expected to end in March 2022. In doing so, we have to work within the relevant current legislation, which neither Scottish ministers nor this Parliament has the powers to change. We must also take into account the on-going impact of Covid-19, and we still await the publication of the United Kingdom Government's white paper on rail. I expect to be in a position soon to provide an update to Parliament and to give the assurances that ScotRail staff and passengers would expect.

James Kelly: During the Abellio years of the ScotRail franchise, customers have watched on aghast as the Government has poured hundreds of millions of pounds into the company while they sit on overcrowded trains that often run on a delayed timetable. What action will the Government take to ensure that the next operator is publicly owned, so that we have a service that is up to scratch and which puts passengers before profits?

Michael Matheson: The member may be aware that I am not in favour of franchising and that I do not want to enter into a further franchise. Under the existing rail legislation, our only principal option involves franchising rail services. I would prefer not to be in a position of having another franchise, and I assure the member that the approach that we want to take would not involve the further franchising of the ScotRail contract.

Public Transport Providers (Financial Support)

6. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government what financial support it is providing to public transport providers to ensure that services can continue. (S5O-05111)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael

Matheson): The cost of additional Covid response measures that have been agreed by the Scottish Government to date is £765 million. That can be broken down into £452 million for rail passenger services, £23 million for light rail, £37 million for ferry services and £253 million for bus, which includes a £61.4 million extension of funding that I announced earlier this week to support bus services until 27 June.

Jeremy Balfour: Will the cabinet secretary commit financial support for bus operators such as Lothian Buses in my region to provide positive messaging and campaigns to support the safe use of public transport when distancing measures are no longer required and users are actively encouraged to return to using public transport?

Michael Matheson: Lothian Buses is one of the public transport providers that have benefited from the very significant level of funding that we have provided over the past year.

Although it is important to recognise that people should make use of public transport only for essential journeys, it is also important to recognise that making use of public transport is safe, given the very significant measures that have been put in place by public transport providers. One of the important elements that we have taken forward over recent months is the encouragement of operators to maintain high standards in making sure that mitigation measures are in place. Equally, as we transition out of the pandemic, the transport transition plan will set out details of the actions that we will take with public transport providers to encourage people back to using public transport when that it is appropriate and safe; we will look at introducing the means of encouraging people back on to public transport.

Kenneth Gibson (Cunninghame North) (SNP): I welcome the Scottish Government's above-inflation increase in financial support for bus, rail and ferry services, all of which Mr Balfour voted against on Tuesday. How will the increase in ferry resource of nearly 13 per cent help to improve both the service and its resilience?

Michael Matheson: The funding that we are providing for ferry operators allows them to continue to maintain lifeline services to the Clyde and Hebridean network and to the northern isles. Alongside that, it provides them with the opportunity to plan for the delivery of the summer timetable, so that they can take appropriate measures in the recruitment of staff in order to be able to respond to an easing of travel restrictions should that occur in the weeks and months ahead, which I certainly hope will be the case. It has been important in helping to maintain those critical lifeline links and, at the same time, providing operators with the assurance that is necessary for

planning the uplifting of the timetable once restrictions are lifted.

Road Infrastructure Improvements (North East Scotland)

7. Tom Mason (North East Scotland) (Con): To ask the Scottish Government what discussions it has had with Nestrans and Transport Scotland regarding road infrastructure improvements in the North East Scotland region. (S5O-05112)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Transport Scotland engages regularly and extensively with the north east of Scotland transport partnership, and all regional transport partnerships, on a range of transport matters including planned and proposed road infrastructure improvements. For example, Nestrans and other north-east partners engage with my Transport Scotland officials through the Aberdeen city region deal and the second strategic transport projects review regional transport working groups. In addition, Transport Scotland engages regularly with stakeholders, including Nestrans, as part of the design, development and assessment of existing road infrastructure schemes, including the A96 dualling programme and the A90/A937 Laurencekirk junction improvement scheme.

Tom Mason: I remind colleagues that I am a councillor in the city of Aberdeen.

The cabinet secretary will be aware that Nestrans has submitted its 2040 regional transport strategy to Government for approval. The strategy contains a number of vital improvements for infrastructure in the north-east, including the long overdue dualling of the A90 at the Toll of Birness junction. Will the Government support those proposals? If so, when can my constituents in the north-east expect progress to be made on those ambitious projects?

Michael Matheson: I have not had the opportunity to see the report that has been published or submitted by Nestrans, but I assure Tom Mason that we have a very close constructive engagement programme, which we take forward with Nestrans on a regular basis. The report that it has submitted to Transport Scotland will be given due consideration, and we will respond to the highlighted issues within the normal timeframe.

Infrastructure Investment Plan

8. Annabelle Ewing (Cowdenbeath) (SNP): To ask the Scottish Government whether it will provide an update on its infrastructure investment plan. (S5O-05113)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael

Matheson): Our new five-year infrastructure investment plan, which was published on 4 February 2021, includes a pipeline of projects and programmes worth £26 billion. The first report on the progress of the pipeline of projects and programmes will be published in autumn 2021, and the first full annual progress report of the plan will be published in spring 2022.

Annabelle Ewing: I welcome the Scottish Government's ambitious plans for the next five years. At this stage, can the cabinet secretary provide detail on what sort of projects might be planned for the kingdom of Fife? That is a matter of particular interest to my constituents.

Michael Matheson: Within the kingdom of Fife, a number of very specific projects are being taken forward, which are part of the new infrastructure investment plan. For example, the Levenmouth rail scheme is a £70 million project to reconnect from Thornton junction through to Leven. In the coming weeks, work is due to commence on a £32 million elective orthopaedic centre at the Victoria hospital, which will provide a stand-alone, all-encompassing elective orthopaedic services facility. There is the replacement for Inverkeithing high school, as well as the replacements for Woodmill and St Columba's high schools, which will form part of a new community campus, as part of the £2 billion learning estate investment programme. We are also investing £98 million in the new-build Fife College campus at Dunfermline, which is presently at the planning stage.

Fife will also benefit from the focus on data-driven businesses, through the University of Edinburgh and the £1.3 billion Edinburgh and south-east Scotland city region deal, including the hosting of the University of St Andrews Eden campus, alongside the academic provision that we have made for the hydrogen accelerator.

In addition to those projects, the new infrastructure investment plan outlines a number of national programmes, including £3.4 billion for affordable housing, our £600 million reaching 100 per cent—R100—broadband programme and £550 million for active travel, all of which will benefit the good people of the kingdom of Fife.

The Deputy Presiding Officer: That concludes portfolio question time. I apologise to those members who made late bids for supplementary questions; time did not allow them to be asked.

Business Motion

15:05

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-24355, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a stage 3 timetable for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. I call Miles Briggs to move the motion on behalf of the bureau.

Motion moved,

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

Groups 1 to 4: 40 minutes

Groups 5 and 6: 1 hour 30 minutes

Group 7: 2 hours 30 minutes

Groups 8 and 9: 2 hours 45 minutes—[*Miles Briggs*].

Motion agreed to.

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill: Stage 3

15:06

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. In dealing with the amendments, members should have with them the bill as amended at stage 2, the marshalled list and the groupings of amendments. I remind members that I will sound the division bell and suspend the meeting for five minutes when we have the first vote. All votes will last for one minute. Any members who wish to speak in the debate on a group of amendments should press their request-to-speak buttons as soon as I call that group.

Section 1—Overview of Act

The Presiding Officer: The first group of amendments are minor and technical. Amendment 1, in the name of John Swinney, is grouped with amendments 2 to 4, 6, 11, 13 and 33.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The first group consists of minor and technical amendments in relation to various provisions of the bill. Amendments 1 to 4 and amendment 33 are minor amendments to ensure that the overview section of the bill and the long title properly reflect the substantive content of the bill following amendment at stage 2.

Amendment 6 expands the categories of people who are to be treated with dignity, respect and compassion to align those provisions with changes that were made to section 85 of the bill at stage 2. The categories include people with on-going applications, people who have made applications in the past, people who have decided to make an application and people who are, or may be, considering making an application.

Amendment 11 updates the list of conditions that have to be met under section 22 of the bill for a person to be eligible to apply for a next of kin payment, where the survivor died after making an application for a redress payment. That is simply to reflect the changes that were made at stage 2, which mean that initial determinations will no longer be made. Therefore, subsection (3)(b)(iii), which the amendment will remove from section 22, is redundant.

Finally, amendment 13 ensures that, for consistency, references to what may accompany an application for redress are to “information or evidence”.

I move amendment 1.

Amendment 1 agreed to.

Amendments 2 to 4 moved—[John Swinney]—and agreed to.

After section 8

The Presiding Officer: The second group of amendments is on the provision of and reporting on scheme information and guidance. Amendment 5, in the name of Jamie Greene, is grouped with amendments 5A, 12, 17, 27, 48, 28, 31, 51, 32 and 32A.

Jamie Greene (West Scotland) (Con): This is the first amendment that we will debate, and I want to thank the cabinet secretary and his bill team for assisting my office, and other members from across Parliament, in the preparation and development of many of the amendments. Many of us have been on a difficult but sensitive journey through the passage of the bill. It is an important bill to be working on in our final weeks in Parliament. I thank everyone involved, including members of the Education and Skills Committee, the clerks and our adviser, who have done an excellent job.

I tried to improve the bill at stage 2 and I am trying to do so at stage 3 so that we reach a place where it commands cross-party support and consent. That is important, given the gravity of the bill’s subject matter and approach. There might be issues that we will disagree on this afternoon, but I hope that we can disagree respectfully and debate the issues accordingly.

What I have tried to do with my set of amendments in group 2 is to respond to some of the concerns that I have raised throughout the process around what information will be available to survivors as they go through the journey. The new scheme will be starting from scratch and it will inevitably have teething problems. We should ensure that the bill addresses and pre-empts as many of those as possible.

For example, I have raised concerns about the risk of applicants for redress payments entering fee-paying arrangements with legal advisers that will be neither covered nor funded by the scheme and having to pay the resulting legal fees from any redress payments. Some of those issues have been addressed but, in my view, applicants should be encouraged to make informed decisions and to get independent legal advice on their decision making.

That is important because it will give them the autonomy that they need to make decisions for themselves on all aspects of the redress scheme as they go through the journey. Whether that is achieved through people choosing their own

solicitor or through people accepting an offer of assistance from the Government, there is a balance to be struck between wanting and encouraging applicants to make use of the support of independent advice that is available under the scheme and helping people to make informed choices that are best for them.

I respect the fact that, ultimately, those choices are for individuals to make, but many of them will be in vulnerable situations, with traumatic experiences to recount and recall. The very experience of going through the scheme might be difficult for many.

My amendments in group 2 will place a duty on the Scottish ministers to use their best endeavours to ensure that all individuals who are applying to the scheme or are considering doing so will make informed choices with regard to their applications.

Amendment 5, which is the principal amendment, is fairly lengthy, but it is self-explanatory. It will require ministers to prepare and publish a “summary of options”, or statement, that sets out information on which options are available to individuals in connection with their specific applications; the support and assistance that is available to them, including the funding for legal advice that is available under the scheme; and any alternative routes that are available to them outside the scheme. That approach is similar to the approach in the “Victims’ code for Scotland”, which has proved to be very helpful in our criminal justice system. Further amendments in the group will ensure that the information is available to applicants at each step of the process.

The statement must detail the options and the support and assistance that are available to people, and it must give guidance and advice on making, pausing and withdrawing an application; on accepting an offer of a redress payment, including the timescales for doing so; importantly, on the effect of signing a waiver, which we will come to later; and on requesting a review of a determination by redress Scotland in the event that someone is unhappy with the offer that is made. The statement must go on to state the importance of obtaining independent legal advice, specifically before the applicant accepts the offer of a redress payment or signs a waiver.

I hope that my amendments in the group will improve the information on the choices and support that will be available to applicants.

Amendment 31 will place a duty on the new organisation that will be set up—redress Scotland—to include in its annual report an assessment of whether it believes that applicants have had ample opportunities to make informed choices.

Amendment 32 will create a power for redress Scotland to make specific recommendations in that regard that future Governments must have regard to. The Scottish ministers will be under a duty, when reviewing the summary of options, to have regard to recommendations that redress Scotland has made in its annual report.

Amendment 28 will require the Scottish ministers to have regard to such recommendations when updating or amending the scheme. Amendments that we will discuss later address how we will review the scheme and tidy up as we go.

Taken together, my amendments in group 2 should reduce the risk that applicants will make decisions without obtaining proper independent advice and support that is provided either by the scheme or elsewhere.

I move amendment 5.

The Presiding Officer: I call Daniel Johnson to move amendment 5A and to speak to it and the other amendments in the group.

Daniel Johnson (Edinburgh Southern) (Lab): I associate myself with many of the things that Jamie Greene said. The bill is inherently complex and the subject matter has been difficult for many of us to deal with, but it is hugely important. It has been remarkable that we have had robust and thorough examination and, indeed, criticism of elements of the bill. However, throughout the process, the approach taken by all members and, in particular, the Government has been constructive. That has been welcome, and I have no doubt that the bill is better for it.

15:15

Jamie Greene’s amendments are very important. Given that the waiver is likely to stay in place, it is critical that, in seeking compensation through the scheme, individuals are fully informed. Jamie Greene’s amendments are important for establishing that that will be the case for all applicants.

Likewise, at the bill’s various stages, I had concerns about two key aspects. First, many survivors have been through the ordeal of telling their story many, many times. It has been a long and arduous journey for them, and, wherever possible, we should seek to avoid retraumatising those individuals. My amendment 5A seeks to ensure that individuals who have already provided evidence do not have to do so again. Similarly, it is important that there is clarity regarding the length of time for consideration of applications, which is dealt with by my amendment 48. Lastly, amendment 51 would require redress Scotland to

take account of and make clear the accessibility of evidence that individuals might have.

Overall, one of the key important elements of those amendments is that they provide clarity about the information that individuals will need in order to make an application. In its stage 1 report, the committee raised the issue of evidential requirements and burdens of proof. In many ways, I would have preferred provisions on those matters to have been set out clearly in the bill. However, the improved detail—on the requirements for the guidance and information that redress Scotland will have to provide and on the reporting on those matters—provides the required clarity and represents an important addition to the bill.

I move amendment 5A.

Sandra White (Glasgow Kelvin) (SNP): I am not a member of the Education and Skills Committee, but I thank committee members and the clerks for speaking to me when I was pursuing an issue.

I will speak to amendments 5 and 5A. Daniel Johnson referred to the need for clarification, and I am pleased that Jamie Greene has addressed that by lodging amendment 5, which is really important. I seek clarification. Both amendments refer to evidence, informed choices and options. I will give an example: the case of an older constituent who is in the process of making an application to the advance payments scheme has come to a standstill. He cannot provide the evidence, because the children's home and the health board records no longer exist. Would those amendments cover the case of my constituent and older people generally who are affected in that way when their records are not available?

The Presiding Officer: I invite the cabinet secretary to speak.

John Swinney: I thank Mr Greene for lodging his amendments in group 2 to support informed decision making. I am happy to support them. I share Mr Greene's concerns about survivors having to use their redress payments for legal fees that will not be funded by the scheme. It has always been the intention that survivors should receive and retain the entirety of their redress payments without having to use any of them to cover any costs related to their applications.

Although we cannot take away a survivor's choice to enter any such agreements, we can ensure that survivors have all the information available to them to help them to make informed choices about that and other decisions to be taken in connection with an application to the scheme. That is the fundamental point that Mr Johnson has made in his comments and throughout our debates on the issue. It is crucial that we make survivors aware of their options under the scheme

and of all the support and assistance that the scheme has to offer them, which includes funding for legal advice.

I am grateful to Mr Greene for lodging his amendments, which take all of that into account. Signposting applicants in a tangible way to all the available options in connection with their applications will help survivors to make informed choices without depriving them of the right to make those choices.

Placing a duty on the Scottish ministers to produce and provide that information to applicants, as well as placing a duty on redress Scotland to assess the practical effects of that, will ensure that the information is routinely given at material points in the application process and that the information provided is both relevant and helpful. Moreover, the Scottish ministers will be able to take on board any recommendations that redress Scotland has made when they review the scheme guidance.

The amendments are a practical solution to an important issue. The operation of the scheme will include further means by which we can reinforce those messages to applicants and start conversations where there are concerns. I know that Mr Greene has already spoken to Scottish Government officials to start a discussion on what mechanisms might be appropriate and could be taken forward in the scheme design. I fully support Mr Greene's amendments in the group.

I also thank Mr Johnson for lodging his amendments on guidance for survivors on the types of evidence that might be provided with an application for redress and on assistance with how to obtain that. As I said at stage 2, I want to ensure that the design of the redress scheme incorporates practical measures that will support survivors by helping them to access, as far as is possible, any and all available information and evidence to support their applications.

I am happy to support Mr Johnson's amendments, which will ensure that the guidance on evidential requirements is fully accessible to applicants. The reporting requirement on redress Scotland will help to ensure that it is both relevant and helpful. I am also grateful to Mr Johnson for lodging his amendment 48, on the issuing of guidance that sets out timescales for determinations on redress applications. That will contribute to transparency in the scheme and I am happy to support it.

In relation to the point that Sandra White made, I note that redress Scotland will have the discretion that it needs to account for a challenging evidential landscape. That is one of the issues that the advance payments scheme has wrestled with. We appreciate that there is most

definitely not a perfect evidential context for all of these decisions to be made.

The reassurance that I can give Sandra White is that, to date, the advance payments scheme has not turned down a single application due to a lack of evidence. I hope that that provides assurance that a significant approach of the benefit of the doubt has been taken in relation to applications so far in the advance payments scheme. My expectation is that that flexibility will also exist as redress Scotland pursues applications to the main scheme, assuming that Parliament legislates for it this afternoon.

I hope that that provides the reassurance that Sandra White was looking for. If she wishes to write to me with particular concerns about her constituent's circumstances, I will ensure that the issue is addressed expeditiously.

The Presiding Officer: I invite Jamie Greene to wind up on the group.

Jamie Greene: I thank members for their kind comments on my amendments and I thank the cabinet secretary for his clarification. I should have said earlier that we will support Daniel Johnson's amendments 5A and 51.

One of the comments that the cabinet secretary made goes to the heart of the amendments in the group. The applicant should make informed choices at every stage of an iterative process, but that could be difficult when they are faced with the situation that they are in. No one should be in a position where they feel forced or obliged to accept an offer of payment in a certain band or level, or indeed be unhappy with the result and feel that there is no recourse for them, given what has been offered by the scheme.

Everyone should be guided through the process, irrespective of the band that they are in or the level of payment. When they get to the final point, they should be confident that the Government and the scheme have helped them to make informed choices, whether that help has come from advocacy groups, third sector organisations, family, friends, partners, next of kin or indeed third-party solicitors and external legal counsel.

I do not have a problem in principle with solicitors or legal advisers helping people throughout the process. However, a genuine worry arose during the bill's passage that third parties would approach vulnerable people or encourage them to come forward, and then accept legal fees from their payments. No one should lose any of their payment. The Government has come a long way in the interest of securing that, and I appreciate that it has been technically difficult.

Sandra White shared a valid anecdote. Elderly people will come forward who have no records, no access to records and no idea of where to get information to support their case. However, what lies at the heart of the scheme—we have been keen to stress this as a committee—is the fact that there is no test of the balance of doubt. The concept of putting the victim first must lie at the heart of the redress panel and the awards, so the threshold of evidence that is required throughout the scheme is much lower than many would face in civil litigation proceedings.

That is important, because the scheme is designed to provide redress—financial or otherwise—for those who need it, and to do so in the simplest and least traumatic way. Because that lies at the heart of the scheme, people such as Sandra White's constituent will be met with a sympathetic ear. We have changed the bill to include at section 11A the principles of dignity, respect and compassion, which must lie at the heart of the scheme.

I thank members for supporting my amendments.

The Presiding Officer: I invite Daniel Johnson to wind up on amendment 5A, if he wishes to add anything.

Daniel Johnson: I do not have anything to add.

Amendment 5A agreed to.

Amendment 5, as amended, agreed to.

Section 11A—Principle of dignity, respect and compassion

Amendment 6 moved—[John Swinney]—and agreed to.

Section 12—Scheme contributors

The Presiding Officer: Group 3 is entitled "Scheme contributors: acknowledgment of harm". Amendment 7, in the name of Daniel Johnson, is grouped with amendment 8.

Daniel Johnson: I should probably have said in my comments on previous amendments that I am grateful to the Scottish Government and the bill team, in particular, for their constructive engagement and assistance in drafting a number of my amendments, particularly the two in this group.

It is clear that implicit throughout the scheme is acknowledgment of the real and devastating harm that has been done to individuals in the name of the state and by organisations. That is, fundamentally, what the bill seeks to redress. It seeks to correct or, at the very least, to acknowledge and compensate for those historical wrongs. However, it is not a court process and the

scheme will not find strict legal liability or legal fault with organisations relating to such individuals.

Although I have no doubt that the overwhelming majority of contributors will take part in good faith and will acknowledge the role that they played in historical wrongs, I am concerned about the theoretical possibility of contributors taking part in the scheme and making payments but, because it does not include strict liability, being able to turn around and say that they did nothing wrong.

Amendment 7 seeks to provide a general acknowledgment of the historical wrongs and an acknowledgment that all of us must make of what happened, so that it cannot happen again. I lodged amendments to that effect at stage 2; I recognise that there were difficulties with them, so I am grateful that we have been able to come up with a form of words that will have the effect that I have just set out, which is to acknowledge historical wrongs and make sure that organisations that contribute make that acknowledgment.

I move amendment 7.

15:30

Jamie Greene: I commend Mr Johnson for the approach that he has taken.

I have sympathy with amendment 8 specifically. It would help to clarify ambiguity in amendment 7, but I still believe that amendment 7, in its own right, might inadvertently attribute liability to a contributing organisation.

By default, organisations that choose to contribute financially to the scheme—it should be borne in mind that the scheme is not mandatory—will be invited to take responsibility for their historical actions. We will discuss the matter later. We hope that many organisations will do so, but there are no guarantees that they will. We must therefore make it as easy as we can for them to do so without introducing an element of accepting liability outwith the scheme. Participation in it is clear acceptance of wrongdoing in the past.

I therefore worry about the wording of amendment 7, but would be happy to support amendment 8. I am keen to hear what the cabinet secretary has to say on the matter.

John Swinney: I am grateful to Mr Johnson for lodging amendments 7 and 8 on acknowledgement of harm. Participation in the redress scheme must be about more than money. It is right that those who contribute to the scheme acknowledge the harms of the past, so I am happy to support amendments 7 and 8 today.

During the stage 2 debate, Mr Johnson agreed not to press his amendment on the topic and,

instead, to work with the Government to develop amendments at stage 3 that will provide the appropriate acknowledgement of harm that we seek from contributors, while avoiding the unintended consequence that, in making a contribution to redress, the organisation has, in some way, accepted legal liability. That explanation, which is at the heart of our assessment of amendment 7, addresses the point that Mr Greene raised. He quite rightly wants to avoid the construction of an additional obstacle to participation by a contributor. That is an objective that I share; such an obstacle is not in any way enabled by the terms of amendment 7.

I whole-heartedly accept the need to acknowledge, and to provide tangible recognition of, the significant and enduring harm that was caused to children who were abused in care, and it is only right that that recognition be reinforced at the point at which the contribution or agreement to contribute is made. The scheme offers contributors the opportunity to be part of a national collective endeavour that is built on compassion, integrity, fairness and respect.

Amendments 7 and 8 complement the wider approach to redress. Section 91 of the bill, for example, requires contributors to the scheme to report on the action that they are taking to redress the historical abuse of children, which will further demonstrate the organisation's commitment to the national collective endeavour of redress.

I am pleased to support the amendments that have been lodged by Mr Johnson, which will, along with other provisions of the bill, help to deliver a redress scheme that provides survivors with the acknowledgement that they have fought tirelessly to attain.

The Presiding Officer: Mr Johnson, do you wish to say anything further by way of winding up?

Daniel Johnson: I have nothing to add.

Amendment 7 agreed to.

Amendment 8 moved—[Daniel Johnson]—and agreed to.

Section 13—Statement of principles in relation to contributor list

The Presiding Officer: Group 4 is entitled “Scheme contributors: sustainability”. Amendment 9, in the name of Iain Gray, is grouped with amendment 10.

Iain Gray (East Lothian) (Lab): I have lodged amendments 9 and 10 to the bill to ensure that the sustainability of services that are provided by organisations that are hoping to participate in the redress scheme will be a factor that is taken into consideration when ministers are assessing what

amounts to a fair and meaningful contribution from those organisations.

At stage 2, I lodged an amendment that stated that the making of a financial contribution must not jeopardise the current services of a charity, but I did not press that amendment, and I am grateful to the cabinet secretary for his continued engagement on finding something that will achieve a similar effect. I hope that the amendments that I have lodged today effectively address that issue, with which various different types of potential scheme contributors are grappling.

Amendment 10 seeks to allay a concern that has been raised by potential contributors and by some survivors. The concern is that organisations that want to do the right thing, by participating in the redress scheme, will have to make a choice between contributing to the scheme and being able to continue to deliver the services that they currently provide. There are fears that organisations that make contributions to the scheme might not be able to continue because of the financial implications of that fair and meaningful contribution. Some survivors echoed that view in their evidence at stage 1.

As we will hear later, when we discuss and debate the waiver, securing contributions is crucial in ensuring that the scheme functions as a collective response to the wrongs of the past, but that should not be to the detriment of services that are delivered to children and vulnerable people in society today. Organisations will be more likely to contribute to the scheme if they know that that factor will be taken into consideration by ministers. Amendment 10 requires that the Scottish ministers must take into consideration the “sustainability” of services.

It is important to say that I do not see my amendments as a way of giving organisations a discount on their contribution simply because they deliver services today; rather, the amendments seek to ensure that the payment of contributions is fair, manageable and sustainable. In turn, that will allow organisations that are covered by the circumstances that are set out in the bill’s principles to maintain their current services. That is a proportionate approach.

Amendment 9 is simply consequential to the more important amendment 10.

I ask members to support my amendments.

I move amendment 9.

John Swinney: I thank Mr Gray for lodging his amendments. The substantive issue that he pursued at stage 2 and which he has raised in today’s debate is very important. I am grateful to him for highlighting the issue, which very much

aligns with Mr Greene’s stage 2 amendment on consideration of the affordability of contributions.

Today, as he did at stage 2, Mr Gray has made the point that there must be an assessment of an organisation’s ability to contribute to the scheme while maintaining its current services. That is an important element that should be weighed up by ministers, so I am very happy to support his amendments. The formulation that Mr Gray has advanced through his amendments to section 13 strikes the correct balance in how ministers should make that assessment.

Amendment 10 will require ministers to consider the “sustainability” of an organisation’s services. Ultimately, the Scottish ministers must decide whether a financial contribution is to be considered fair and meaningful.

I have spoken often about the need for a collective national endeavour—indeed, I did so in the debate on the previous group. Amendment 10 supports a collective approach to provision of redress. We have listened to providers’ concerns, and the amendment will help to create the conditions that will allow them to participate in the scheme and to demonstrate their integrity and commitment to survivors. However, it will also add another consideration for ministers so that the correct balance is struck. I agree with Mr Gray that the amendment makes it more likely that organisations will contribute to that collective national endeavour, which is the objective that we are all pursuing.

For those reasons, I support the amendments that have been advanced by Mr Gray.

Amendment 9 agreed to.

Amendment 10 moved—[Iain Gray]—and agreed to.

Section 16—Eligibility to apply for a redress payment

The Presiding Officer: Group 5 is on eligibility. Amendment 34, in the name of Daniel Johnson, is grouped with amendments 14 to 16.

Daniel Johnson: I should say at the outset that I am inclined to treat amendment 34 and my amendments in the next group as probing amendments. I will listen carefully to what the Government says in response to them, given that I understand the issues that might be involved.

Throughout the passage of the bill, there has been concern about the rights that might be set aside through the waiver and the interactions that there may be between accepting compensation through that scheme and a person’s ability to take a case to court.

What I am keen to make explicit—I believe that it is implied—is that, if an individual has previously taken matters through the civil courts but failed, that would not render them ineligible for an application or, indeed, compensation through the scheme. Amendment 34 simply seeks to make that clear and explicit in the bill. I recognise the legal technicalities, and I therefore feel that a clear statement to that effect in Parliament would most likely satisfy the requirements, given the legal implications that such statements in Parliament have.

I move amendment 34.

John Swinney: Before I speak about amendments 14 to 16, I will talk about the issues with Mr Johnson's amendment 34. I am grateful to Mr Johnson for lodging it, as it provides me with the opportunity to address any concerns regarding the ability of those who have previously tried to hold organisations responsible for their abuse to account in the civil courts to apply to the redress scheme.

Let me stress—and, indeed, state on the record—that survivors who have previously brought a relevant court action in respect of their abuse and who have been unsuccessful in that litigation will be able to apply for redress through this scheme under the bill as it stands, including when the litigation was brought against the Scottish ministers or any scheme contributor.

We recognise that success in a court of law is dependent on a number of factors, many of which are outwith a survivor's control, such as establishing liability, meeting evidential standards and withstanding challenge and cross-examination of their account. The approach of the redress scheme will be entirely different. It will be more compassionate and trauma informed, and it will support survivors to obtain evidence. It therefore does not follow that failure at court should prohibit an application for redress or provide an indication that such an application would be unsuccessful. There is nothing in the bill as it currently stands to suggest that that should be the case.

Although I unreservedly support the principle of amendment 34, as I outlined, I think that it is unnecessary. There are also some technical issues that mean that it could be problematic and not actually provide the assurance that is intended. I therefore ask Mr Johnson not to press the amendment on the basis that he and the other members present are, I hope, reassured by the remarks that I have made in the chamber today. I place them on the record as a source of reference at any stage in the future.

I commit to ensuring that that principle is reflected in other material, such as the explanatory notes that will be published to accompany the act,

so that there can be absolutely no doubt about the issues that have been raised. We will also ensure that it is reflected in any statutory guidance that will be produced for applicants.

Jamie Greene: For the purposes of clarity, if somebody is made an offer under the scheme and chooses not to accept it—specifically in relation to my amendment 5—then pursues a case outside the scheme and fails in that case, will they be eligible to come back to the scheme and benefit from it at a future date if the scheme is still running?

John Swinney: If they are still within the timescale, then yes, they will be able to do so. In the scenario that Mr Greene has painted, there will be no impediment to an individual taking that course of action. They will be free to exercise that judgment about an offer that has been made to them and to pursue a court action, and, if that fails, to come back to the redress scheme—provided that the scheme is still in operation. There are issues and timescales that we will come to.

15:45

Let me turn to the amendments in my name. Amendments 14 to 16 add to the list of circumstances in which more than one redress application may be made. The bill already provides that new evidence might allow redress Scotland to permit a second application. The amendments address the scenario of individuals who have either previously had their redress application rejected or who received a more limited redress payment because a particular institution was not covered at the time of their first application. When, after an individual's original application has been dealt with, regulations are then made under section 18 to bring that institution within the relevant care settings covered by the scheme, a further action may be permitted by virtue of amendments 14 to 16. That is part of my commitment to ensuring that we take account of any relevant changes that might allow an applicant to receive a higher award. I ask members to support the amendments in my name.

Daniel Johnson: I thank the cabinet secretary for his remarks, which clarified the situation on which I sought clarification. More important, his comments regarding the nature of the scheme meaning that it will have compassion at its heart and be a much more straightforward and easy process for survivors to navigate were very welcome. On that basis, and given that those remarks are on the record, I seek agreement to withdraw amendment 34.

Amendment 34, by agreement, withdrawn.

Section 22—Eligibility to apply for a next of kin payment

Amendment 11 moved—[John Swinney]—and agreed to.

Section 27—Application for a redress payment

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

Amendment 13 moved—[John Swinney]—and agreed to.

Section 28—Cases where more than one application permitted

Amendments 14 to 16 moved—[John Swinney]—and agreed to.

Section 29—Application period

The Presiding Officer: Group 6 is on the application period: duration of scheme. Amendment 35, in the name of Daniel Johnson, is grouped with amendments 36 to 38.

Daniel Johnson: My amendments in the group arise from an interaction that I had with the cabinet secretary at stage 2 regarding the duration of the scheme and the reasons why it should be curtailed on any basis. I accept that, for practical reasons, that must be the case. However, the issues that we are dealing with are complex. It takes many people decades to come to terms with the experiences that happened to them, albeit many years ago, and some people never come to terms with them. Therefore, given that the scheme is of a strictly limited nature, I have concerns that it might close before many people have had the opportunity and found the personal ability to deal with the issues.

I acknowledge that the bill has been improved by the amendments that were lodged by the Government at stage 2 and the fact that the scheme will now remain open for five years, or for two years after the closure of the inquiry. That is an important improvement. However, my amendments seek to turn the situation by which the scheme is brought to a close on its head. At the moment, by default, the scheme will close unless the Government brings forward statutory instruments that will prolong the scheme for a further two years. My amendments seek to put that around the other way so that, by default, the scheme would continue, unless instruments are brought forward that would bring it to a conclusion.

I recognise that the situation is complex, so I will listen carefully to what the cabinet secretary says. In particular, I am keen to understand the steps that the Government will take to establish whether

survivors have come forward in sufficient number and as expected.

I am also keen to understand what assessment the Government will make in relation to the scheme and how it will establish that it is satisfied that the scheme will not close prematurely. Moreover, I seek assurance that the Government will have a low threshold for continuing the scheme, if it deems that to be necessary, so that the overwhelming majority of survivors who should be using the scheme for seeking compensation do so.

I move amendment 35.

Jamie Greene: I thank Daniel Johnson for lodging the amendments in this group. I am hugely sympathetic to what he is trying to achieve. The very idea that someone arriving late to the scheme would be unable to participate in it for various reasons is wrong, particularly given the complexity of some of the cases that might come forward, especially those relating to the higher payment band. However, although I know what the amendments seek to do, the question is whether they achieve that, and I am keen to listen to the cabinet secretary's view on that.

We definitely support the concept behind the amendments, but, as drafted, we are probably minded not to support them. However, like Daniel Johnson, I am looking for reassurance from the Government that it has a solution to his valid conundrum.

John Swinney: I thank Mr Johnson for lodging these amendments relating to the duration of the scheme. I agree with him that the duration of the scheme should not be a barrier to survivors accessing redress. However, I believe that the issue was examined comprehensively and addressed by the committee in the amendments that were passed at stage 2.

That said, I want to put more remarks on the record, which I hope can address some of the points of significance that Mr Johnson and Mr Greene have raised.

It is vital that there is sufficient time for survivors to explore fully the options that are available to them. In that respect, Mr Johnson raises a valid point, which will have a bearing on ministers' decisions in due course. None of us can fully understand at what moment an individual finds it in themselves to address the abuse that they have suffered and then do something about it. From my experience of discussions with survivors, many people have harboured the issues that have arisen from that abuse for many years and have been unable to confront them. Therefore, I understand Mr Johnson's substantive point.

Following the committee's recommendation at stage 1, we amended the bill at stage 2 to ensure that the scheme would remain open to applications for five years, or a period of two years after the Scottish child abuse inquiry has concluded and produced its final report, if that is longer. An application does not have to be concluded during that time; it simply must be submitted in that window.

Brian Whittle (South Scotland) (Con): I seek clarification on a matter. As the cabinet secretary knows, I have been working with a constituent who has only recently confronted her trauma from four decades ago and is now taking her case to court. How would the bill aid my constituent in that circumstance?

John Swinney: I think that Mr Whittle's example highlights the point that I was trying to make in addressing Mr Johnson's remarks. There are individuals in our society who have harboured an experience personally and privately for a very long time. As a society, we are now confronting all of that more openly. Mr Whittle's constituent was not living in an environment in which such issues were openly addressed and confronted.

The Scottish child abuse inquiry is shining a very bright spotlight into areas of the country's past. I hope that the transparent process that Lady Smith is leading will assist individuals in seeing that the country—the state—is facing up to the failures of the past, which might prompt individuals to have greater confidence in and assurance about coming forward to address their own experience.

The formulation in the bill has the application process open for a five-year period, or two years after the Scottish child abuse inquiry has concluded its hearings. I will not prescribe when that will be, because I want Lady Smith to properly conduct the investigation that we have asked her to do for as long as it takes to do so. It is important that it is done once and properly. I hope that that will create a sufficient opportunity for individuals to come forward and be able to make their applications.

Brian Whittle: That still creates a question in my mind. I totally accept that the cabinet secretary is saying that we are trying to create an environment in which those who suffered this kind of trauma are confident in their ability to come forward, because they will be given a fair hearing and have a decent chance of redress. However, that still does not answer the question of what we do with those who have carried that trauma for the length of time that my constituent has. How do we help them?

John Swinney: We help them in one way, which is by openly confronting all those issues and

by having the inquiry, which in my view is operating very effectively and is operating on the principle of the experience of survivors. If members look at the case studies that have been published by the Scottish child abuse inquiry, which I know Mr Whittle will have done, they will see the formulation of language in those thorough and detailed papers that, in essence, comes to the conclusion that it is more likely than not that certain abuse has taken place. The inquiry is, in essence, saying to individuals in our society "We believe you." I hope that that is a significant factor in persuading individuals to be able to come forward—the window has been created for that to happen.

However, I suppose that the alternative to that is that we have to have a scheme that is open for ever. I think that Mr Whittle would understand that the Government feels that we have to put some parameters around the application process so that we can try to resolve the issues that are coming forward.

In relation to the committee evidence at stage 1, we introduced amendments at stage 2 to place a statutory duty in the bill requiring the Scottish Government to review whether it should exercise its power to extend the application period unless it had already taken steps to do so, because there is provision in the bill for extensions to be undertaken. Those amendments imposed a requirement to lay the findings of the review before Parliament for its consideration. The 15-month time period for the review is long enough to ensure that the review can be thorough and that regulations can be passed by the Parliament that can take account of the specific outcome of the review.

In my view, what the bill currently provides for is right and will give people sufficient time to explore which option they wish to pursue. It ensures that the scheme will remain open long enough for survivors to pursue a civil action in the first instance, if that is their preference. It also ensures that those who may be encouraged to come forward by the inquiry's findings will have the opportunity to do so; and it guarantees that there will be a thorough consideration of whether the application period should be extended, with appropriate transparency around that process.

In relation to the point raised by Mr Johnson, I also want to be clear that the intention is to set a very low bar when reaching a decision about whether there are—I use this word with care—enough potential applications still to come, so that it is right to extend the application period further. Of course, Parliament will have the final say in approving any proposed exercise of that power. We want to ensure that those entitled to redress have an opportunity to apply, so ministers must

take account of that factor in determining what is the right thing to do in relation to potential extensions to the scheme beyond what is already provided for in the arrangements in statute.

I hope that those assurances will address the points that have been raised by Mr Johnson. I ask members to accept that, as amended at stage 2, the bill achieves what is necessary in this area. On that basis, I invite Mr Johnson not to press his amendments in this group.

16:00

Daniel Johnson: I will be brief. I thank the cabinet secretary for setting that out so clearly. His clarification, both on what is in the bill, as amended at stage 2, regarding the winding up of the scheme and, more important, on the context within which that should be viewed and carried out by ministers at the appropriate time, is helpful and certainly satisfies me at this point.

On that basis, I will withdraw amendment 35.

Amendment 35, by agreement, withdrawn.

Amendments 36 to 38 not moved.

Section 34—Determination of applications

Amendment 17 moved—[Jamie Greene]—and agreed to.

Section 45—Waiver

The Presiding Officer: Group 7 is on the waiver. Amendment 39, in the name of Neil Findlay, is grouped with amendments 40 to 43, 18, 19, 19A to 19C, 20, 44 to 47, 49 and 50.

Neil Findlay (Lothian) (Lab): I will address only the amendments in my name in this group, which are amendments 39 to 41 and 45. I was approached by constituents and campaigners who explained to me their frustrations about the situation with the waiver and sought that I should lodge the amendments.

Over many years, and on an entirely cross-party basis, the Parliament has taken very brave and positive steps to support and protect survivors of historical abuse and to provide a means of securing justice for them—most notably through the Limitation (Childhood Abuse) (Scotland) Act 2017. In doing so, it has built up a degree of trust among the survivor community. The general principle and intention behind the redress scheme represent another positive step forward. We have heard that in the debate from members who have been involved in every stage of the bill's progress, which I have not. It has been reassuring to listen to their contributions.

However, people feel that the bill is undermined by the insistence that the redress scheme should

include a waiver that requires a survivor to make an invidious choice between accepting a redress payment and leaving open the option of pursuing a civil damages claim. I do not think that there should be any waiver at all, and nor do they.

I understand that in its stage 1 report, the committee unanimously asked the Scottish Government to consider alternatives, but there was no movement on that. I also understand that the Government is supported by the Conservatives in its application of the waiver. It is sad to note that, for the first time, the Parliament's approach to supporting survivors might divide members down party lines. That is very regrettable.

The only option left to members is to lodge amendments to ameliorate the worst effects of the waiver, which is the purpose of the amendments that I have lodged. I hope that members will view them for what they are: an attempt to do the right thing by survivors.

If the waiver in its current form remains in the bill, the cross-party work that has been done will be somewhat undermined. The waiver is viewed by a large number of survivors—who, we should never forget, have experienced some of the most heinous abuse—as a form of high-pressure sales tactic, which serves only to save the Government money in the long term. In the eyes of some, it is seen as collusion with the institutions where abuse happened in the first place, to save those institutions and organisations money.

The provisions on the waiver—and others, too—have caused distress to survivors. I have to ask what legacy the Parliament aims and aspires to deliver in relation to survivors of historical abuse in care. If the waiver remains unchanged, its legacy will be that of a Parliament that built up a lot of trust and hope among the survivor community only for that to be dashed at the final step. If the bill is amended, the legacy can be one of progress, empathy and compassion.

The amendments in my name seek to treat the two types of payments differently. The fixed payment is designed to provide the survivor with a quick, simple and efficient way of receiving what is a very modest payment of just £10,000. It should be recognised that that is very different to the process involved in obtaining an individually assessed payment, which could be as much as £100,000. There is no need for a waiver to be signed to receive the fixed payment, given the sums involved. The amendments will allow the survivor to receive a fixed payment and then take the time that they need to fully consider their options in respect of seeking an individually assessed payment or pursuing civil damages. It effectively converts the fixed payment into an

interim payment, which I believe is a fair and reasonable approach.

Amendments 40 and 41 seek to introduce a redress payment as an alternative to a blanket waiver. The policy objective is to provide an applicant with greater flexibility in respect of the choice that they currently require to make between a redress payment or civil damages. The amendments aim to vary the waiver so that the applicant has three choices if they accept a redress payment: abandon an on-going civil damages claim, confirm that they will not bring a civil damages claim in future, or continue with or bring civil proceedings. In the latter circumstances, the applicant would repay the redress payment if the civil damages claim was successful.

That will prevent the survivor being forced to make an invidious choice. It will also allow the Scottish Government, if it approaches the matter fairly, to achieve the purpose that it says that the waiver is there to serve. I think that these are sensible amendments that give victims choice and, most importantly, the respect that they deserve, without undermining trust.

I move amendment 39.

Ross Greer (West Scotland) (Green): I will make quite a substantial contribution, due to the number of amendments that I have in this group and the substantial change that they would represent. I do not intend on making as lengthy a contribution at any other stage in proceedings.

There is no element of the bill and the redress scheme more controversial than the waiver. It has been thoroughly considered at stage 1 and debated at stage 2, so I will not rehearse those fundamental arguments now. I accept, with regret, that the majority of the committee did not support Iain Gray's efforts to remove the waiver entirely. However, it is clear that everyone was concerned—that was the motivation behind the unanimous stage 1 recommendation to remove the waiver that Neil Findlay just mentioned. There was—and I hope that there still is—a clear desire across Parliament, and certainly from survivors, to limit the scope of the waiver to the greatest extent possible. It is with that in mind that I will move amendment 42.

Amendment 42 would remove the waiver requirement for those seeking redress from the state, specifically from either the Scottish ministers or local authorities. Legitimate concerns have been raised by the Scottish Human Rights Commission about the waiver's compatibility with rights of survivors in the European convention on human rights, given that the state is essentially awarding itself immunity.

However, my primary motivation in lodging amendment 42 is that it reduces the scope of a

waiver provision that we are all uncomfortable with while preserving it for the purposes outlined by the Deputy First Minister and Scottish National Party and Conservative colleagues at stage 2: namely, to ensure that organisations that are expected to contribute will in fact do so. We have been told that the waiver provision is essential to secure the contribution of private organisations. That is not an argument that I agreed with, but I accept that it is supported by the majority—that debate has been had. Therefore, I make this constructive proposal, which would maintain the waiver for that purpose but remove it as a requirement when the survivor is seeking redress from ministers or local authorities—that is, from the state.

Given the state's ultimate responsibility to protect children, which it has historically failed to fulfil—that is why we are here—a number of survivors have communicated to me that a proposal such as mine would not only increase the likelihood of their engaging with the scheme but send a powerful signal that Government is not trying to avoid its responsibilities. We are all profoundly uncomfortable with the waiver, but if we are to compromise and accept that it will play a part in the scheme, we should look to ensure that it applies only when it is fulfilling a clear purpose. Amendment 42 is by far the most significant of my amendments and I hope that members will be able to support it.

Amendment 49 is consequential to amendment 42. It provides that the negative procedure should apply to the power to introduce a list of state bodies by statutory instrument. It is not my intention to make the process onerous for the Government.

Amendment 43 adds an additional condition to the waiver: that the survivor must have taken advice from a solicitor. The amendment is designed to ensure that applicants have taken legal advice, enabling them to make an informed decision. Waiving the right to take future legal action is a significant and potentially lifelong decision. It is paramount that survivors are well informed. The key factors that survivors must take into account when weighing up whether to take a redress payment with a waiver or to take civil action is how likely any civil action is to succeed, how much they might be entitled to and how long or difficult the process might be. Those are complex questions that clearly require the advice of a legal professional.

By comparison, under employment law, a settlement agreement that is agreed between an employee and employer that involves a payment and includes the employee signing away their right to take future action is binding on the employee only if they take legal advice on it and it is countersigned by a solicitor. A lower threshold

than that for abuse survivors seems hardly justifiable.

My amendments set out that the Government must, by regulation, specify the information that the solicitor must provide. That is designed to ensure that any legal advice is high quality, as the waiver would not apply if those conditions are not met. Amendment 50 specifies that the regulations would be subject to the negative procedure. It is not my intention to make this process onerous for the Government; I am simply trying to narrow the scope and to strengthen the rights of survivors.

Amendment 19 does not seek any immediate changes to the operation of the scheme. However, I believe that it is critical if we are to reflect as best we can the serious concerns that have been raised about the waiver's effect on survivor participation. Remember that at stage 2, the representatives of the former boys and girls who were abused at Quarriers homes told Parliament that if the waiver remains, they would urge Quarriers not to contribute to the scheme and instead to put its money to other worthy causes. In common with other survivor groups that we heard from, they made it clear that they did so because many of their members simply will not engage with a scheme that requires them to sign such a waiver.

However, as I said, we are where we are with the waiver. Therefore, in amendment 19, I have proposed a review mechanism whereby the Government must assess the impact that the waiver has had on survivor engagement with redress Scotland and present to Parliament any actions that it intends to take as a result of that review's findings. I dearly hope that our concerns are unfounded and that the waiver does not have a significant negative effect on survivors accessing redress payments. However, given what we have been told by survivors, it is the responsibility of Parliament and the Government to, at the very least, check whether that turns out to be the case.

Amendment 19C, which is also in my name, adds that the report should cover instances in which an applicant, had they taken civil action, might have received a higher payment than the redress payment. That reflects concerns that have been raised by Daniel Johnson and others at previous stages of the bill.

Amendments 19A and 19B, from the cabinet secretary, and amendment 20, from Brian Whittle, seek to do the same thing: to mandate an assessment of the waiver's impact on encouraging organisations to become scheme contributors. That is absolutely the right thing to do, given that the likelihood of organisations contributing is the key argument for the inclusion of waivers in the bill at all. Given that those amendments seek the same outcome, we will be supporting amendments

19A and 19B, from the cabinet secretary. Should they be agreed to, I presume that Mr Whittle will withdraw amendment 20. Otherwise, we will end up with a rather comedy requirement to conduct, essentially, the same review twice, but on different and slightly overlapping timescales. If, for whatever reason, amendments 19A and 19B are not agreed to, I would encourage Mr Whittle to press amendment 20.

Returning to my amendments, amendment 44 amends section 47, on the period for which an offer of redress payment is valid. It does so to add that the redress will remain valid for the duration of any civil proceedings that are brought by an applicant. That will ensure that applicants are not timed out of receiving a redress payment due to having launched civil actions. The amendment is designed to ensure that applicants are not put under time pressure to accept a redress payment while a civil claim is on-going. It addresses situations in which survivors have launched civil action and made an application for redress payment. Without the amendment, an organisation that is defending a civil claim could be incentivised to drag out and delay a civil case, knowing that a survivor has a finite period of time in which to accept an alternative redress payment.

16:15

I welcome the other amendments in the group. For reasons of time, I will not go through them all in great detail. Amendment 18, in the name of Alex Neil, is particularly important in addressing the concerns that were raised by me, Oliver Mundell and others at stage 1. In many cases of institutional child abuse, evidence, witnesses or other survivors might only be identified long after the abuse has taken place. It would be deeply wrong for a survivor to sign a waiver on the basis that they did not have a strong enough case for civil action at the time of their redress Scotland application, only for such evidence to later emerge, leaving them in a situation in which civil action would likely succeed were they not prevented from undertaking it by the waiver. If we are to accommodate the waiver, such a provision is essential. It would address the core ethical concern that we have had throughout the process.

Alex Neil (Airdrie and Shotts) (SNP): I will not take too long. The committee was determined to do two things. First, along with the cabinet secretary, we were determined to get to a stage to allow the legislation to pass before we finish up for the election. The survivors have waited long enough for the legislation, and we did not want to do anything that would hamper the timetable for getting the bill through before 25 March.

Secondly, there has been very broad consensus in the committee on a whole range of issues.

There has also been broad consensus between the committee and the Government, in particular the cabinet secretary. The one issue of contention, almost from day 1, has been the waiver. Ross Greer has already made some of the points, but I want to emphasise them. It is fair to say that the majority of the committee were extremely concerned about the principle of the waiver. We would be asking survivors, in return for participating in the redress scheme, to give up their right to civil litigation. That is of concern in principle, and it is of even more concern because the committee got evidence that the waiver provision could contravene human rights legislation. However, that is a matter for the courts to decide at a later date.

The other issue is that the evidence that the committee got was overwhelmingly against the waiver. We got very little evidence that the waiver would incentivise contributors. Even the Government's evidence on the matter was more assertion than hard evidence. That led the committee to its conclusion in the stage 1 report that the Government should consider getting rid of the waiver. For reasons that the cabinet secretary has outlined, the Government was resistant to doing that. Although I do not agree with the Government, I accept its position, and I understand where it is coming from. Therefore, at stage 2, we did our best to accommodate the Government's position by mitigating potential ill effects or unintended consequences of applying the waiver. Much to his credit, the cabinet secretary lodged substantial amendments at stage 2 that mitigated a number of impacts of the waiver. The amendments were very welcome, and they were all passed easily by the committee.

The purpose of amendment 18 is to further mitigate the potential impact of the waiver, particularly for people who sign the waiver in good faith but who at a later date—sometimes years later—get hold of or become aware of evidence and proof of their abuse that is strong enough for them to undertake civil litigation and win damages that are much greater than even the maximum award under the redress scheme. We had witnesses from other jurisdictions who said that that has happened in other countries.

I am not claiming for a minute that there would be many such cases—the evidence showed that those occurrences were rare. However, it is the duty of the Parliament to accommodate rare occurrences, particularly with something as fundamental as compensation for abuse. There is never compensation for abuse in that sense, but where financial compensation at least might be available, I believe that we owe it to the survivors to include a provision in the bill under which they can go to court and argue their case in those rare circumstances. If they win, the court can then

decide whether to offset the redress amount or whatever—it does not need to be laid down in law. The key point is that, in those circumstances, the survivor would have the right to go to court.

To take away that right is a mistake. Finding new evidence is a very particular but very important circumstance. Given the evidence that the committee got and given that we have compromised with the Government in retaining the principle of the waiver in the bill, I believe that we should accommodate that point and ensure that the impact of the waiver is mitigated in such circumstances. That is what amendment 18 does. The other amendments in my name are all entirely consequential and would come into play only if the chamber passed amendment 18.

I thank the other members of the committee, the cabinet secretary and everybody who has co-operated on the bill. It is not an easy subject to deal with and nobody has a silver bullet for getting everything right but, in this case, we should try to ensure as far as we can that the people who find themselves in these terrible circumstances have an opportunity for a successful civil litigation, should they have the ability to pursue it.

John Swinney: Forgive me, Presiding Officer—I suspect that you probably know what is coming. I will have a lot to say on this section, and I would be grateful if I could be given the appropriate opportunity to do so.

I acknowledge at the outset of this group that the issue of the waiver is by a great distance the most sensitive one in the bill. It is the issue on which I have spent the largest amount of time as I have tried to address the points that the committee has raised at different stages and to get to the best possible position. I know that all members, regardless of their politics, share a desire to get the bill, and the scheme that it will deliver, correct for survivors.

The waiver issue is central to the bill and it is right that Parliament debates it today. Unfortunately, different views exist around the question of the waiver. I have tried to navigate a course that puts in place a scheme that will be fundamentally correct for survivors. One of the points that survivors have made to me, which is fundamental to the nature and composition of any redress scheme, is that organisations that have been responsible for the unacceptable behaviour and conduct that survivors experienced must make a contribution. I want to ensure that we deliver the contributions that survivors seek, and that the nature of those contributions holds organisations accountable to address the failures of the past. Those that are responsible must contribute fairly and at scale. As I have tried to address this issue, which is at the heart of the bill,

I have concluded that waiver is the only way in which that approach can happen.

The scheme is designed to secure collective participation and to say to survivors that a range of organisations are facing up to the past. Although I acknowledge the seriousness of the issues that have motivated members to submit them, all the amendments in this group, which come from a number of different perspectives, would—in my view—dilute the collective endeavour that is being put together to secure contributions at a meaningful scale from organisations to address the suffering that has been experienced by survivors. My concern is that a number of the different propositions that have come forward, which I will go through in detail, could lead to a situation that would disadvantage survivors by discouraging the contributions from organisations.

Waiver encourages those that are responsible for the past to actively play their part now for all survivors who apply to the redress scheme. Diminishing the value of the waiver removes that encouragement and might return us to a place where those who are responsible for care in the past fold their arms, sit back and wait to see how many survivors take them to court.

I know that it has been a difficult topic for everyone to deal with, but if we are to gather contributions now, at the level that survivors rightly seek and deserve, in order to deliver a national collective redress scheme, my view is that the waiver needs to be part of that scheme.

A number of key amendments in the group fundamentally undermine the waiver provision, and I will deal with them in turn, but my principal objection is that, if one or all amendments are successful today, it means that redress is not an alternative to court; that endangers contributions and profoundly changes the nature of the redress scheme. That point is crucial because, in the way in which it is designed, redress is an alternative to court. If we make these changes to the waiver, I believe that it is undermined. We are trying to provide a scheme that is relevant to all survivors, and they are free to exercise a judgment about whether it works for them or whether they wish to pursue court action.

First, I address Mr Findlay's amendments. Amendment 39 would mean that the waiver applies only to individually assessed redress payments and, under amendments 40, 41 and 45, only where a survivor chooses for it to apply. Doing even one of those things would severely restrict the level of contributions that we can secure, because providers would continue to face litigation and would need to keep reserves to pay for it.

Amendments 40, 41 and 45 amount to the same as having no waiver in the scheme at all, because providers will have no way of knowing how many survivors will choose waiver rather than repayment. Those amendments create a complex hybrid model that, while potentially offering more choice to those who are already able and willing to go to civil court, does nothing for survivors who are unwilling or unable to pursue that path. I consider that it diminishes the effectiveness of the only option that is available to them.

Waiver maximises contributions from organisations, charities, trusts and local government, because it allows them to plan their financial affairs and contribute to payments for survivors now rather than waiting for litigation.

Neil Findlay: If the cabinet secretary is right, why do survivors, campaigners and the people who work with them advocate such a scheme?

John Swinney: The point that I make to Mr Findlay, which is a point of reflection on the debate, is that different views about that are held within the survivor community. Mr Findlay properly started his contribution by saying that he has had representations from constituents who are survivors and who act on behalf of survivors. I acknowledge that but, equally, Mr Findlay will appreciate that there are different views on those questions within the survivor community. Some of the survivor community have taken a pragmatic view of the waiver. I do not think that any survivor is saying that it is their first and greatest choice to see in a bill, but they accept the pragmatic argument for it being there in order to elicit contributions from organisations. That is the best way I can respond to the point that Mr Findlay fairly makes to me.

As we have heard, the decision-making bodies of organisations have duties to consider on the responsible use of their funds and the protection of their current services, which is the point that Iain Gray has fairly made. What I am trying to say is that the waiver plays a part in providing some quantification of the degree of financial risk to which organisations are exposed and, therefore, provides greater certainty while enabling those organisations to acknowledge the failures of the past. It may be almost impossible for those bodies to responsibly use charitable or public funds to make a contribution to redress when they have no duty to do so without the assurance that doing so would reduce their risk of future litigation. Our model of waiver, which extends to all payments that will be made under the scheme and which makes the scheme an automatic alternative to litigation, provides that reassurance.

Introducing an option to forgo the waiver in favour of a commitment from a survivor to make a repayment to the redress scheme offers no

protection from litigation nor indeed from the costs that come with that. Providers would be more inclined to pay nothing now and wait until they were compelled to pay by a court. For survivors, that would mean that only those who had successful outcomes in court would be able to receive a financial contribution from those organisations that were responsible for them at the time of the abuse. I do not believe that that is fair or is what a redress scheme should seek to do.

As with all the key amendments in group 7, the loss of contributions would unquestionably impact most significantly on those who cannot—for example the pre-1964 cases—or those who do not want to go to court.

I move on to the amendments that Ross Greer has lodged, beginning with amendment 42, which seeks to remove the effect of the waiver for the Scottish Government and local government. The Scottish Government and our colleagues in local government recognise the need to contribute to the scheme. The Scottish Government has committed to funding all set-up and running costs of the scheme. That includes establishing and staffing redress Scotland—the division of the Government that is required to support the scheme—fees for applicants to obtain independent legal advice, and the cost of practical, emotional and therapeutic support to survivors. We will also pay a contribution to every redress payment and, where the relevant provider has not contributed, we will pay the costs of the redress payments in full. That is a significant financial commitment from the Government on behalf of the people of Scotland. Sadly, it reflects the nature and the scale of the abuse that has taken place.

As with third-party organisations, it is appropriate that the waiver applies to the Scottish Government, in order to provide assurance on the financial probity of and accountability for, in this case, public finances. Waiver is the mechanism that delivers the responsible use of public money, allowing for recognition and acknowledgement of the harms of the past while appropriately reducing the risk of future litigation against the Government.

Local government has been a major provider of care for children in Scotland, whether through the direct provision of care or through a role in the placing and safeguarding of children. In the interests of transparency, Presiding Officer, I advise members that the Convention of Scottish Local Authorities has written to me to make an offer on behalf of Scotland's local authorities of a collective contribution of £100 million to the redress scheme. However, it has been clear that that offer is made on the basis of the proposals that are contained in the bill, which include the waiver. Naturally, any change to the waiver would therefore necessitate a review of that offer, with

the implication that that would involve a substantial reduction in the commitment that is made. The removal of the waiver for local government would directly jeopardise that substantial offer, which I unreservedly welcome, from local government.

Finally on this point, I remind members of the other steps that the Government has taken to respond to survivors of historical abuse. Those include the establishment of the Scottish child abuse inquiry, the passing of the Limitation (Childhood Abuse) (Scotland) Act 2017, and the setting up of Future Pathways. We are absolutely confronting our responsibilities to survivors. The redress scheme is an example of that commitment.

Moving on to amendment 43, on legal advice, I appreciate what I believe may be the intention behind the amendment, which is to encourage applicants to obtain independent legal advice before signing the waiver. Indeed, in developing the bill, we considered whether we should make it mandatory for survivors to do so. Ultimately, however, we were not persuaded that compelling survivors in that way was appropriate or trauma informed. Survivor choice must be empowered and respected, and we cannot force survivors to engage and disclose deeply personal and sensitive matters to a solicitor as a prerequisite for redress.

In practice, amendment 43 would mean that a waiver signed by a survivor would have no effect if legal advice had not been taken by that survivor. Far from ensuring that survivors have had meaningful legal advice before signing the waiver and accepting payment, the amendment provides a strong disincentive to their doing so. Survivors may decide that it is in their best interests not to seek legal advice, so as to keep the option of civil litigation open, and those who do not obtain advice might end up receiving less from the redress scheme than they ought to because they have not had the benefit of legal advice throughout the process.

Jamie Greene: Who will be the ultimate arbiter of whether consideration has been given to whether a survivor has had sufficient independent advice or is in the best position to make an informed choice and decision at the time? Will it be the panel that makes the award, or will there be some other process? Ultimately, that protection must lie somewhere, otherwise there might be individuals who feel that they have done the right thing but who have not.

John Swinney: The best way that I can answer that question is by saying that, ultimately, the decision must rest with the individuals themselves as to the course of action that they take, because they must satisfy themselves either that pursuing a redress claim and exercising the waiver is the right

thing for them or, alternatively, that they should pursue a civil action. The Government will undertake to ensure that every option is available for those individuals to take the necessary advice or to have access to the support that enables them to take the necessary advice, to ensure that they are making the wisest decision in their circumstances. We would, of course, encourage people to take legal advice, because that would help them to formulate a judgment about whether whatever course of action they were proposing to take was, in fact, the right course.

Amendment 43 would create an inequality between those who took legal advice—as they would be bound by the waiver and unable to pursue legal damages—and those who did not. Ross Greer's amendments might also risk survivors being encouraged by others not to seek legal advice. Instead, they could make an application for a redress payment as an initial step before seeking damages in a civil court. That raises the possibility of creating an industry of people without legal training offering to assist survivors with their applications in return for a percentage of their redress payment. The amendments and the uncertainty that they would bring over which waivers could be relied on would significantly undermine the effectiveness of the waiver for organisations that were considering making a contribution. I therefore cannot support those amendments.

I believe whole-heartedly in the importance of funded legal advice for applicants. Indeed, the amendments that Jamie Greene has lodged, which set out a requirement for the scheme to provide accessible information on that to applicants at material points, provide the correct approach, in my view.

I move on to the amendments concerning reporting on the effectiveness of the waiver, including the amendments lodged by Brian Whittle. I have lodged my own amendments to Ross Greer's amendment 19, to incorporate the crucial element of Brian Whittle's important proposal, so that we can create one consolidated reporting requirement. I am grateful to Mr Whittle for the points that he has made, but I want to create a consolidated provision that enables us to strengthen the reporting requirements.

It is important that we consider the effectiveness of the waiver in relation to the impact that it has had on securing contributions from organisations, as that is the key driver for including the waiver as an element of the scheme. I am very appreciative of Mr Whittle's consideration of the issue, and it is fundamental that his proposal is included in any report on the effect of the waiver. However, it makes sense for there to be one report rather than two, considering the factors that have been

advanced in amendments 19 and 20, and I feel that the shorter timescale in amendment 19 might be preferred by Parliament. As I have sought to incorporate that aspect of Mr Whittle's amendment into Ross Greer's amendment 19, I ask Mr Whittle not to press his amendment, but instead to support amendments 19A and 19B.

I support Mr Greer's amendment 19, but I do not support amendment 19C, which seeks to include in the report whether there is evidence to suggest that applicants would have been awarded a higher amount of damages or compensation by a court had they pursued relevant civil proceedings, as that could not reasonably be accomplished. We cannot make assumptions about damages that might have been awarded. Such assumptions would always be inaccurate due to the individual consideration of the facts and circumstances in a court process, as well as the fact that many cases are settled out of court, and the information would be subject to non-disclosure agreements. We have said many times that we know that the payments that are offered under the redress scheme might, in some cases, be lower than some of those that are offered in successful civil court cases. As I have said, the redress scheme seeks to offer a distinct non-adversarial and trauma-informed alternative to the court process, as well as offering funded legal advice and access to non-financial redress. Therefore, it is not necessary, appropriate or workable to include that requirement in amendment 19.

Amendment 44, which was also lodged by Ross Greer, seeks to ensure that, when an applicant has commenced civil proceedings, offers of redress should remain open until those proceedings have concluded. Following stage 1 recommendations, at stage 2, I lodged amendments to increase the standard period of acceptance from 12 weeks to six months, and I stress that the decision-making panel already has the power under section 47(3)(b) to extend that standard period of six months when it considers that there is good reason to do so. That power could be used in circumstances in which there was an on-going court action. I therefore regret that I cannot support amendment 44.

Although I whole-heartedly agree that applicants should have the time that they need to decide whether to accept an offer, I believe that section 47 combined with the duration of the scheme already achieves that. Further, amendment 44 could create several difficulties for the scheme. Court proceedings are not clearly defined in the amendment, so it could potentially apply to matters wholly irrelevant to redress. Moreover, proceedings can last for long periods, especially if they are sisted. If offers had to remain open throughout, it could make it impossible to wind up redress Scotland at the end of its natural life. In

addition, contributors might not know for many years whether an offer was going to be accepted and what the extent of their liability would be under the commitment to pay a fair and meaningful contribution to the redress scheme. There is no similar extension offered to those who have had their offer reviewed, in which case it is section 56 rather than section 47 that determines for how long the offer is open. I would not wish to do anything to deter applicants from seeking a review. For those reasons, I cannot support amendment 44.

I turn to the amendments lodged by Alex Neil. Amendment 18 seeks to provide that, when there has been a change in circumstances or when new information has been obtained, an applicant may apply to have the waiver that they signed disapplied. The issue was raised at stage 2 by Mr Neil, and the Government has considered it very carefully. I have met Mr Neil to discuss the issue. I have looked at it in great detail and I am not without sympathy for the position that Mr Neil takes. However, the thorough exploration of the issues that I have undertaken has led me to the conclusion that there is no way to introduce the amendment as lodged by Mr Neil without acutely jeopardising the financial contributions to the scheme that survivors want. Although I understand Mr Neil's intention in lodging the amendments, there is no doubt that being able to seek to set aside the waiver in such a way would significantly undermine its effectiveness.

Amendment 18 is drawn very widely and would apply such subjective grounds that it would generate significant uncertainty and would likely be unworkable. It would also fundamentally alter the functions of redress Scotland, which is intended to focus primarily on the determination of applications in a non-adversarial way, in contrast to alternative civil remedies that might be open to applicants outwith the scheme. The introduction of a new process, which could lead to the reopening of civil remedies, could impact on organisations that, in good faith, have agreed, made and continue to make fair and meaningful contributions to the scheme in reliance on the waiver.

We want survivors to choose redress only if they are satisfied that they have fully explored the option of civil court actions and have decided that redress is right for them.

Daniel Johnson: I am grateful to the cabinet secretary for his explanations. However, he said at the beginning of his remarks that some of the amendments in the group would fundamentally undermine the waiver provision. Will he clarify on what basis that is? Is it a legal basis, or has he had direct communication with potential participants who have said that, if the provisions were to be included in the bill, they would not or

could not take part? Or is that a speculative conclusion at which the Government has arrived? On what basis does the cabinet secretary think that the amendments will undermine the waiver more generally? When new evidence comes to light that was not available to an individual at the time, I think that we should be open to reopening the process, because, intuitively, that seems to be the fair thing to do.

John Swinney: I will make two points in response to Mr Johnson's fair question. The first is on the general design and purpose of the waiver, which is to provide certainty to providers and contributors. In making a contribution on the basis of a waiver having been signed—I rehearsed all the arguments around that earlier in my contribution—a provider organisation has financial certainty of the exposure to risk that it faces. That is one point in the assessment.

The second point relates to the scope of Mr Neil's amendment 18, which casts the net rather widely regarding the circumstances that might change. The wording of the amendment is subjective and broad, and I do not think it would provide the narrowness that would result in even a small number of cases presenting in that fashion. As a consequence of that, the financial certainty that comes with the waiver—which was my first consideration—would be undermined.

Mr Johnson asks on what basis I make those observations. My team of officials is doing good work in dialogue with contributors. I have been very open with the Education and Skills Committee about that dialogue, and it is after listening to that dialogue that I have formed my judgment. Can I say to Mr Johnson that I have absolute certainty on that point? In the interests of the transparency of this debate, I cannot say that. It is my judgment, and it is based on the dialogue that we have had with the contributors.

The scheme is designed to ensure that, when a survivor signs a waiver, they have been supported to obtain evidence and legal advice, they are clear on the consequences and they are content with their decision to pursue redress rather than litigation. Therefore, we do not expect circumstances to change often in a way that requires matters to be revisited. The bill was amended at stage 2 to ensure that, if new material evidence is found, any applicant who has received a redress payment below the maximum can apply to have it reconsidered and a higher amount awarded if appropriate.

On balance, my view is that, in trying to find a solution to a problem that might affect only a small number of survivors, Alex Neil's amendments could mean the loss of financial contributions from organisations, which would be to the detriment of all survivors.

Iain Gray: The cabinet secretary has just argued that the circumstance of new information coming forward would affect very few survivors or cases. However, he is simultaneously arguing that the proposal would completely undermine the operation of the waiver. How can that be true?

John Swinney: I cannot be certain that only a small number of cases would be affected, so it would undermine the certainty of the entire scheme. That is the point that I am making.

I have detained Parliament for a long time on this group, for which I apologise.

The Presiding Officer: Cabinet secretary, I am going to interrupt you for a second. Members will not like this, but I am afraid that the BlueJeans connection has been lost in the past few minutes. We are sitting in a hybrid meeting, so, in essence, we have lost half the chamber. We are making an effort to restore the connection. We can see all the members, but they cannot see or hear us. I will therefore suspend the meeting for a few moments. I am sorry to prolong matters, but I hope that the suspension will be for only five minutes.

Clare Adamson (Motherwell and Wishaw) (SNP): On a point of order, Presiding Officer. Given that we have gone right through since 12 o'clock today, it would be helpful if you could say whether the suspension will be for five minutes or whatever.

The Presiding Officer: That is a very good idea. We will suspend until 5 o'clock, which is a 10-minute suspension.

16:49

Meeting suspended.

17:15

On resuming—

The Presiding Officer: Colleagues, we are back in session. Apologies for the technical break.

I ask the cabinet secretary to finish his peroration.

John Swinney: Parliament will be encouraged to hear that the next words that I will utter are to conclude on this group.

Although I understand the concerns that have been raised, I believe that the waiver is an essential provision at the heart of the bill. I believe that it is the only means of securing contribution at scale, while providing a credible alternative to court that is non-adversarial and is trauma informed.

The design of the scheme will ensure that survivors will have all the information and advice

that they need to make an informed choice between the redress scheme and civil court. Those decisions can and should be respected and upheld once they have been made.

Parliament, and the Education and Skills Committee in particular, has contributed a great deal to the bill, not least a number of survivor-focused amendments that strengthen safeguards and improve the waiver for survivors.

I ask that members support amendments 19, 19A and 19B on reporting on the waiver to ensure that its effectiveness is monitored once the scheme is open but to resist the amendments that seek to alter the basic function of the waiver.

The redress scheme is designed as an alternative to justice and accountability for survivors. We must deliver for those who cannot and do not want the ordeal of a court case. They must not feel that their provider has escaped facing up to their responsibilities.

The Presiding Officer: I call Brian Whittle to speak to amendment 20. Four other members still wish to contribute on this group.

Brian Whittle: As we have recognised over the past 45 minutes to an hour, the Government's insistence, throughout the bill's passage, to retain the waiver has caused much debate and concern, not least among some of the survivor communities.

We know that the waiver is included to try to assure public authorities, voluntary organisations and other persons who might contribute to the redress scheme that a victim will not be able to take their case against them to the civil court should they accept a redress payment.

However, the current system allows for a payment to be made by the Criminal Injuries Compensation Authority under a situation similar to the redress scheme, but the law allows the victim to take their case to the civil court at a later date should they so wish, with any compensation awarded in civil court requiring the CICA compensation to be deducted.

Having listened to Alex Neil, I want to be able to support his amendment, and, having listened to Neil Findlay, I want to be able to speak up against the waiver. However, given that I and other members have been unsuccessful in persuading the Scottish Government to remove the waiver, my amendment would require it to assess whether the bill has had the intended result of getting a voluntary contribution from those organisations and individuals who it wants to encourage to participate, which I think is entirely reasonable.

I think that the next Parliament will have to look again at the bill and amend it accordingly. Therefore, it is reasonable to allow for an

evaluation of a contentious part of it, which would allow the Parliament to consider amending it accordingly, should that be required.

I do not think that that ask should be contentious. I hope that members will consider that and accept the opportunity for a future Parliament to scrutinise the effectiveness of the bill.

I was pleased to hear the cabinet secretary say that he will support Ross Greer's amendment. It is fair to say that, if his amendment is agreed to, I will not move amendment 20 in my name.

I will stop there, Presiding Officer, given the length of time that the discussion on this group is taking.

The Presiding Officer: Thank you very much, Mr Whittle—that is appreciated.

Iain Gray: I start by agreeing with the cabinet secretary; it is certainly true that survivors want contributions to be made to the scheme by the organisations that are responsible for the abuse that they suffered. That was very clear in the evidence that the committee took.

The problem is that the method of doing that—the waiver—is seen by many survivors as an abrogation of their rights, because they are required to give up their right to civil justice in order to benefit from the redress scheme. Therefore, the danger is that in trying to achieve one thing that survivors want, the cabinet secretary undermines their trust in the scheme itself. That has always been the core of the problem.

The cabinet secretary's argument—which he has marshalled again today—is that potential contributions will not be made by those providers unless the waiver is in place. The problem is that during the whole course of consideration of the bill he has been unable to provide evidence from potential contributors, with the exception of COSLA, which I will come to, who are willing to say that that is the red line—the critical factor in whether they will be willing to make a contribution. Indeed, they have said—

John Swinney: I understand the point that Mr Gray makes, but I invite him to reflect on all the evidence that the committee heard. In written evidence, a number of organisations made the point, which I have made during the debate, that the waiver gives them financial certainty about the risk that they have to manage.

Iain Gray: That is true of the written evidence that was given to the committee. However, when a number of those organisations gave oral evidence to the committee they said that if the waiver was there they were happy to have it, but that it was

not the thing that they needed to ensure that they made a contribution.

That is why I lodged amendments to remove the waiver at stage 2. Those amendments were not supported by the committee; that is certainly the case. As Ross Greer said, we are where we are, and where we are is with a group of amendments, all of which, in different ways, mitigate the effect of the waiver. For that reason, they are all supportable and would improve the bill.

The cabinet secretary made the fair point that by providing an additional choice to those accessing the redress scheme, Neil Findlay's amendments essentially remove the waiver. They would also ensure that if a person were successful in a civil case they would have to pay back what they had received from the redress scheme. Therefore, although we will support Neil Findlay's amendments for the sake of consistency, I have to accept that, given what happened at stage 2, those are not likely to succeed.

Ross Greer's amendments remove the waiver in the particular circumstance when the claim is against the state—either the Scottish Government or local government. It seems that if anybody should be persuaded by the moral imperative to participate in this contribution scheme in response to their responsibility for what happened to survivors, without the financial incentive of the waiver, surely it is the state. The state should not need a financial incentive to see out its obligation to contribute to the scheme.

I say to the cabinet secretary that if I were a survivor watching this debate and I heard him say that COSLA has offered £100 million but that it is contingent on the waiver, I would hear an argument that the waiver is required to save money and reduce the cost of the contribution of the public purse. I have to tell him that if I were a survivor, I would be very angry.

Ross Greer's amendments would remove the injustice of the waiver in respect of a provider that should not need that financial incentive to participate in the scheme. In my view, where it is the public purse that is going to pay redress, survivors do not mind which bit of the public purse—whether it is local authorities or the Scottish Government—it comes from. They want other providers to make a contribution—that is absolutely true.

Ross Greer's amendments would accept the cabinet secretary's core argument with regard to non-state providers, but they would remove the waiver for state providers. That would be an improvement to the bill.

However, if the waiver remains, that brings us to Alex Neil's amendments, the key one being amendment 18. We started our consideration of

the bill today by all agreeing with each other—in relation to Jamie Greene’s amendment, I think—that those who are accessing the redress scheme must be able to take decisions with all the important and relevant information available to them. However, under the scheme, where they make a decision with all the information available to them and then, at a later date, new information, which they could not have known would appear, appears, they will be stuck with the decision that they took in the first instance. That is simply unfair.

As the cabinet secretary said, there will not be numerous cases in which new information comes forward that casts doubt on the decision to sign the waiver in the first instance. The argument that the amendments would somehow fundamentally undermine the waiver does not, therefore, hold much water.

The truth is that, with regard to the bill, the most important thing is that we sustain the trust and support of survivors in the scheme that we are setting up. We have in the bill a measure that threatens to jeopardise that, and we have before us a series of amendments that would mitigate that circumstance and rebuild the trust of survivors in what we are trying to do, which would be to the benefit of all. For those reasons, I argue that we should support the amendments in the names of Neil Findlay, Ross Greer and Alex Neil.

Jamie Greene: I will cover much of what I want to say on this topic in the debate on the bill, after we have finished our consideration of amendments, but I feel that it is important to talk about the matter in the context of the debate that we are having now. I hope that members will forgive me for that.

I commend all members—including Neil Findlay, Ross Greer and, from the Government side of the chamber, Alex Neil—who have lodged amendments in group 7. From the outset of the bill process—to go back to a point that was made earlier—although we may sometimes have disagreed along party-political lines, none of the positions that anyone has taken have been political decisions. That is important. The committee approached the bill collectively and respectfully, and there was no politics in it whatsoever.

Members have lodged the amendments in group 7—rightly—in response to the many valid concerns that have been raised. I am no flag waver for the waiver. I have no ideological attachment or opposition to it, and I have approached the bill, and the amendments today, on the basis of the scheme’s merits, the technical application of it as drafted and, accordingly, the amendments themselves.

However, the concept of the waiver remains in the scheme as it is presented to us in the bill at stage 3. Disaggregating the moral and ethical arguments around the waiver—which are valid—from the technical aspects is a challenge that the committee faced. I feel that the cabinet secretary has given technical responses to an emotional issue.

17:30

I am sympathetic to some of the amendments in the group, but I want to make a few important points. The amendments that have been lodged by Brian Whittle and Ross Greer would introduce provision for an important review of the efficacy of the waiver. That is a new concept that we have come up with, as a Parliament, at stage 3, and I am glad that the Government has taken that on board. That is important because, if the proposed waiver, which the Government has argued is needed, is not working, we will see and know that very quickly.

I have also had conversations with COSLA, with individual local authorities and with potential contributors, directly about the waiver. They have not all said that their contribution is entirely dependent on there being a waiver. In fact, many have been forthcoming in saying that, if the waiver were to be removed, they would still participate, so it is not a given that removal of the waiver would detract from contributions. However, they are sure that none of their insurers would cover the cost of participation in the scheme, and they were all concerned about potential liability in relation to their sustainability as organisations.

Iain Gray: The argument that organisations’ insurance companies would not cover the contribution to the scheme and that, therefore, the waiver is required, does not really make sense, because if their insurance companies would cover liability in civil actions, that is an argument for not participating and for waiting to see survivors in court.

Jamie Greene: As I said, I am not defending the concept of the waiver. I agree. I can say only what I have heard from my conversations. The insurers have been clear that there is a risk of liability in any civil proceedings. That risk will not go away even if organisations participate in the scheme. Participation in the scheme will not provide immediate protection against civil litigation. Many organisations will still be sued by individuals. Blanket protection will not be afforded by contributing to the scheme, because those who choose not to go down the redress-scheme route will, of course, have the option of pursuing a civil case anyway. I am making the point that people to whom I have spoken have said that there is a perception that insurers will cover their backs

financially, but that that is not the reality. That is an important point.

Another important point is that, as I said earlier, participation in the scheme is not mandatory. I want the scheme to work and to go ahead. I do not want us to pass a bill that is full of legal holes. I want contributors to participate in the scheme. I fear that if they do not, we will lose not only their financial contributions, but that symbolic participation. The reality is that, even if not one local authority, faith organisation, charity or care home contributes a single penny to the scheme, three things will still be true. First, the scheme will still be launched. Secondly, it will still make awards. Thirdly, the amount that is paid through the awards will not be altered, differ or disappear in any way depending on the contributions that are made and who makes them.

I want to make another point about some of the amendments that are before us. With respect, I say to the cabinet secretary that, if they had been lodged at stage 2, I would probably have supported them. I would have created an almighty headache for him and his team, because the members who have lodged them make valid points.

If the waiver remains part of the scheme in a bill that the Government has created, disapplication of the waiver is a completely valid concept. Again, I say that I would have preferred to have had that debate at stage 2. There are scenarios that are not covered by the bill, but which would lead to the very scenario that Alex Neil talked about. I have no answer to the question what would happen if someone signed a waiver, but substantial evidence was brought forward down the line that made them feel that they had made the wrong decision. I do not know what the cabinet secretary or redress Scotland would say to those people. I do not know how to fix that conundrum, but nor do I think that the approach that Alex Neil proposes, through the specific technical wording of his amendments, would enable the problem to be resolved. Those who are most at risk of falling into that category are perhaps those who should not be signing a waiver or, indeed, accepting payment at all. That underlines the importance of my amendments, which will ensure that we maximise choice and options, and that people can take informed decisions.

I have never thought that the waiver is in the bill for the fun of it. The good people in the bill team who have designed the scheme have nothing to gain from keeping the waiver without good reason, so it is with huge reluctance that I accept their informed judgment on the matter. However, if we are happy to remove the waiver and to have no contributions from anywhere other than the public

purse, I am fine with that, too, but that also goes against the grain of the scheme.

I regret that I will not support a number of amendments in the group.

Daniel Johnson: I had not initially intended to speak on the group, but I feel that Alex Neil's amendment 18 is critical to the bill. Let me explain why.

Like Iain Gray, I completely agree with the cabinet secretary that we have to maximise participation of contributors to the scheme, because it is not simply a case of financial contribution or imperative. It is about moral imperative, because, frankly, in order for the scheme to be successful, it has to maximise inclusion of the people who are ultimately responsible for perpetrating abuse of the individuals who will be seeking redress through it. Without that participation, and regardless of what financial compensation individuals manage to obtain from it, if those organisations do not participate, there will be many applicants who, despite being given compensation, will feel that justice has not been done because of lack of acknowledgment and participation by those organisations.

I understand that and it is hugely important. Everything that we do must ensure that we maximise that participation. That is why I understand why the waiver is in place. I have never misunderstood why it is there. I have simply questioned two key things: whether in practical terms it will deliver what has been claimed—that is an argument and a discussion for another time—and, critically, whether the balance is right in terms of securing that moral requirement of maximising participation, as set against people having to give up their rights.

This is fundamentally about a balance between those two moral considerations and it is a point of principle. That is where I have to disagree with Mr Greene—it is not an emotional point, although emotional things connect to it and there are undoubtedly emotional consequences. It is a point of principle—a series of principles that are quite easy to understand.

Let us be clear: this is about maximising access to justice. Again, we can agree on that point and with the cabinet secretary. The scheme will provide a route to justice for many people who have no other route, because it is difficult for those people to obtain evidence and it is traumatic for them to relive their circumstances. Those two points alone will, for many people, mean that the civil courts are unavailable to them.

What happens if those things change? What happens if the circumstances arise in which the person can face court and face those issues?

What happens if the evidence is available and could be pursued but the person has already taken payment and has therefore set aside those rights and so is unable to pursue things?

There is not simply that point of principle in relation to changes of circumstances, because this is a scheme that is limited in scope in two fundamental and very important ways. It is limited in terms of what the compensation payments will compensate for, because it will not cover all aspects of injury and will not cover aspects that might be covered in a civil court. The scheme will compensate only for the seriousness of the actions that were perpetrated on the individual and will not take account of their impact or consequences. Critically, it will not compensate people for loss of earnings, which would occur if they pursued a case through the civil courts. Compensation is therefore limited to £100,000—that is the maximum payment that can be obtained.

It stands to reason that there will be circumstances in which an individual will discover new evidence—an archive box is discovered or a book is found on a bookshelf that establishes beyond doubt that something happened that somebody would have struggled to establish in a court of law previously.

There can be circumstances that will affect an individual for the rest of their life, impacting on their earnings and harming them to a far greater degree than £100,000 of compensation could acknowledge or make up for.

It is not hard to imagine that a person might have close family members who believe so strongly in the institution that perpetrated the harm upon them that they would feel unable to pursue a claim against that organisation through redress Scotland. When that person's relatives have passed away, their circumstances would change and they might feel able to pursue a claim. Their injuries might be such that they could gain far more than £100,000.

A person's trauma might be such that its full consequences might become clear only later in life, after they had obtained compensation through redress Scotland, at a time when they were unaware of what that later impact would be and did not know they would have received far more than £100,000 if they had pursued their claim through the civil courts.

Those reasons about changes of circumstance, or new evidence or a person's ability to take their claim through the civil courts, mean that the scheme, as it is currently constituted with the waiver in place, threatens not to provide easier access to justice. It is not a scheme by which someone can more easily obtain compensation.

Instead, it might perpetrate further injustice against individuals who have already been badly harmed by the institutions that were meant to look after them.

Alex Neil's proposal is not unrealistic; it is not outrageous or too broadly framed. It is a modest proposal that simply seeks, when someone's situation changes, to allow them to apply, through ministers, to have the waiver disappplied. It is important to note that that is what his amendment requires. It is not a random process. People would have to apply through ministers and the course of action would have to be approved by redress Scotland. As the cabinet secretary has already acknowledged, there will be a limited number of people who go through such changes in circumstances.

I understand the cabinet secretary's point about certainty. It is important that, if we are to seek contributions, we provide contributors with as much certainty as possible. However, that certainty will never be cast iron or absolute. Even within the terms of the scheme, it is not possible to predict the level of individually assessed payment that an applicant will get. We do not know how many people will apply or how many of them might be able to reapply. That certainty is not there; it does not exist in the way that the cabinet secretary asserts it exists.

At the moment, the bill has the potential to seriously disadvantage a person when new circumstances arise or new information comes to light. In so doing, it runs the risk of meting out new harm to that individual, which is the last thing any of us would want. That is my real concern.

Brian Whittle alluded to this. If such circumstances do obtain, and if even a handful of people find themselves with new evidence or information and know that they would have made a different decision if their circumstances had been different, Parliament will have to revisit its decision. It will have to pass new legislation to remove that waiver for those individuals. That is why I think that we should pass amendment 18 today. We should be improving access to justice, not meting out new injustices to people who have already been so badly harmed.

Clare Adamson: I would have intervned on two earlier speakers instead of making a speech, but it was not possible to intervne as those were remote contributions.

I apologise to Ross Greer if I misheard him, but I think that he said that the committee was unanimous at stage 1 in asking for the waiver be removed. I want to clarify that. We had a lot of discussion about the waiver, but at no point did the committee in its stage 1 report recommend that it be removed. We sought further clarification from

the cabinet secretary as to how the mechanism was intended to work.

The extensive work that has been done on the waiver at stage 2 and now at stage 3 is very important. It comes down to the principle of whether the waiver should be there. I look to the international comparators and see that, with one exception, in Western Australia, every other redress system that has been put in place by a legislature has had a waiver.

In relation to the point at which someone makes the informed decision whether to take the redress payment that is on offer or to pursue the issue in the civil courts, and in relation to the duty on providers and the state to help people to find the evidence that they need for their case at that point, I believe that the work that has been done and the amendments that have been made today will absolutely make the choice an informed one for survivors.

17:45

The Presiding Officer: I ask Neil Findlay to wind up and to say whether he wishes to press or withdraw amendment 39.

Neil Findlay: It should not be me who is winding up on this group, Presiding Officer, because I have not been invested in the issue in the same way as other members have, so it would be more appropriate if they wound up. However, I understand the protocol.

There have been excellent contributions on the issue—those from Daniel Johnson and Iain Gray were outstanding. They completely understand the impact of the waiver on people who are the victims of historical abuse.

I listened to the contributions from Brian Whittle and Jamie Greene, and they sounded remorseful. I think that they do not believe the position that their party has taken. If they were true to themselves, they would vote for all the amendments in the group—I hope that they will consider that when we come to vote on them.

If the waiver is to remain, we have to ensure that it works in the interests of victims and not the institutional abusers. To me, the waiver looks as though it puts the corporate or institutional entity at the centre, rather than the abused.

In debates, we all sometimes argue that those on our side of the debate who agree with us are the people who speak for everyone involved—in this case, the victims—and that everyone who does not agree with our case is on the other side of the argument and is wrong. That is what the cabinet secretary has done. However, if we asked those who have been victims, “Do you want a waiver to be in place?” my perception is that,

overwhelmingly, they would say no and that we should take it away. That would put the victims at the centre. It would put them in control. It would give them options as to what they do next.

John Swinney: In my response to Mr Findlay’s intervention earlier, I was not in any way casting aspersions or doubting points of view that are different from mine; I was simply saying that there is a diversity of opinion.

The point that I want to make in this intervention—forgive me for advancing this detail—is the fundamental one that this is an incredibly difficult part of the bill. I acknowledge that. It is about trying to create the right balances that address the interests of survivors in as wide a respect as we can.

A lot of survivors—and definitely those whose abuse took place pre-1964—have no court option available to them, and the redress scheme opens up a route for them to get redress. For others, evidential requirements, other barriers and the fact that they would find it difficult to confront the issues make it impossible for them to go to court. Therefore, we are providing a route for them. For those who have the evidence and the ability and capacity to face a court action, that option is still available. We are also trying to address the fact that we want a contribution from providers. Survivors tell us that they want providers to be in the frame to make a contribution.

What I am trying to say in this rather lengthy intervention on Mr Findlay—as he correctly says, he is closing on this group, but I am trying to respond to some of the issues that have been raised—is that there is an agonised balance to be struck to try to create a route for as many survivors as possible. Is it perfect? I am not going to suggest that it is; nothing in all of this is perfect. This is about trying to create as reliable a route as possible for as many people who currently do not have that route as possible. However, it is also about leaving open the choice for those who wish to pursue civil action, having been properly informed with advice about what the scheme can offer. I hope that that helps to capture some of the dilemmas.

Neil Findlay: That was a lengthy intervention, and I think that it was helpful.

However, the amendments in the group that have been lodged by various people from different parties seek to make the scheme even better. That is the intention: no one put forward any of those amendments to make the situation for victims worse. They were all lodged with the absolute best of motivations and intentions and in consultation with those who have been wronged, with the aim of making the situation better for them.

John Swinney: I am grateful once again to Mr Findlay for giving way. I unreservedly accept the point that he has just made—that members have lodged amendments in a difficult area to try to, as they see it, enhance the scheme. Equally, the Government is trying—as it tried at stage 2—to do exactly the same thing, but in different ways to those put forward by those members.

Neil Findlay: I do not question the cabinet secretary's sincerity or motivations; I just disagree, and others who lodged these amendments disagree. I believe that if, in a quiet moment, all members reflected on what is on offer, many of them would disagree with it.

Brian Whittle: This is an unbelievably difficult concept to get around, in a bill that is unbelievably difficult to understand. We are talking about a redress scheme for financial compensation in which there is a waiver that would prevent people from pursuing a civil action. We are talking about that in terms of finance, but I wonder whether Neil Findlay agrees that it is not just about financial compensation. For the person who suffered the abuse, receiving financial compensation might not satisfy the emotional redress that is required and, to do that, they might, at a later date, need to seek some sort of civil court case, so it is not just about finance.

Neil Findlay: Absolutely. Much of my time in the Parliament has been spent dealing with campaigners who seek justice in different campaigns. Money has no relevance to them. For the overwhelming majority, it is about getting recognition for their lives being wronged, wasted and destroyed, whether by corporations, Government or other institutions. It is first about justice; financial elements come much later.

To the cabinet secretary, I say lightly that he was in his weakest territory when he started to talk about the Government having to be careful with public money—particularly today, when we have just poured another £4.5 million down the drain on further delays to the ferries contract. I make that only as a small barb, because we look at the amount of public money that is being wasted on a whole range of policy areas, whether on delayed discharge in hospitals—

The Presiding Officer: I wonder whether the member could draw his remarks to a conclusion.

Neil Findlay: The cabinet secretary is on shaky territory there. When members come to make decisions, I hope that they think carefully about that issue, because it is fundamental. I hope, too, that they will make the right decision and vote the amendments through.

The Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. We will suspend for five minutes to allow members to be called to the chamber or to access the voting app.

17:54

Meeting suspended.

18:02

On resuming—

The Presiding Officer: We go straight to the vote on amendment 39.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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

Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 39 disagreed to.

Amendment 40 moved—[Neil Findlay].

The Presiding Officer: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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

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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 40 disagreed to.

Amendment 41 moved—[Neil Findlay].

The Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 41 disagreed to.

After section 45

Amendment 42 moved—[Ross Greer].

The Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

The Minister for Local Government, Housing and Planning (Kevin Stewart): On a point of order, Presiding Officer. I could not connect. I would have voted no.

The Presiding Officer: Thank you, Mr Stewart. You would have voted no. I will make sure that that vote is added to the list.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 28, Against 88, Abstentions 0.

Amendment 42 disagreed to.

Amendment 43 moved—[Ross Greer].

The Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)

Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)

Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 43 disagreed to.

Amendment 18 moved—[Alex Neil].

The Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were unable to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)

Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)

Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 87, Abstentions 0.

Amendment 18 disagreed to.

After section 46

Amendment 19 moved—[Ross Greer].

Amendments 19A and 19B moved—[John Swinney]—and agreed to.

Amendment 19C moved—[Ross Greer].

The Presiding Officer: The question is, that amendment 19C be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were unable to vote.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): On a point of order, Presiding Officer. I did not hear you. I think that you said amendment 19C, but it did not come up on my voting app. I would have voted no.

The Presiding Officer: Thank you, Ms Hamilton. You would have voted no. I will make sure that your vote is added.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. No vote appeared on my device. I would have voted no.

The Presiding Officer: Thank you. You would have voted no to amendment 19C. That will be added.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)

McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 28, Against 89, Abstentions 0.

Amendment 19C disagreed to.

The Presiding Officer: I ask Ross Greer to press or withdraw amendment 19, as amended.

Ross Greer: I will press the amendment.

Amendment 19, as amended, agreed to.

Amendment 20 not moved.

Section 47—Period for which offer valid

Amendment 44 moved—[Ross Greer].

The Presiding Officer: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)

Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 44 disagreed to.

After section 51

Amendment 45 moved—[Neil Findlay].

The Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you were not able to vote.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)

Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Ind)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 45 disagreed to.

Section 52—Right to a review

Amendments 46 and 47 not moved.

After section 64

The Presiding Officer: Group 8 is on information: access by applicant. Amendment 21, in the name of Daniel Johnson, is grouped with amendments 22 to 25.

Daniel Johnson: I will attempt to be brief, which I am sure will be welcomed by members. The amendments in this group relate to a simple and understandable idea, which is that many survivors simply do not know what happened to them, why it happened or even by whom it happened. My amendments seek to ensure that, where information is obtained by redress Scotland, it is

made available to applicants so that they know as much as they can and no information is held by redress Scotland that is not available to the individual applicant. That has come from situations that survivors have reported to me in which useful information has been obtained by the inquiry. My amendments seek to ensure that any such information that is obtained by redress Scotland is provided to survivors. That will obviously be subject to the information laws that exist; none of what is proposed will supersede any of that pre-existing legislation. However, what is proposed is a simple but important idea. I thank the Government and the bill team for their co-operation and help in drafting the amendments.

I move amendment 21.

John Swinney: I thank Mr Johnson for lodging these amendments and for his constructive engagement with the Government, following stage 2, in connection with this issue. The amendments will enhance the survivor focus of the scheme by providing proactive reassurance that those who apply to the scheme will have the right to access information and evidence that is held by redress Scotland or the Scottish ministers as part of that person's application. The amendments reinforce transparency, which is such a critical aspect of the scheme, in order to command the trust and confidence of survivors. I echo Mr Johnson's comments and I ask members to support the amendments in this group.

Amendment 21 agreed to.

Section 78A—Applicant access to evidence

Amendments 22 to 24 moved—[Daniel Johnson]—and agreed to.

Section 83—Confidentiality of information

Amendment 25 moved—[Daniel Johnson]—and agreed to.

Section 93A—The Survivors Forum

The Presiding Officer: The final group is group 9, which is on a survivor forum. Amendment 26, in the name of Daniel Johnson, is grouped with amendments 29 and 30.

Daniel Johnson: Again, I will attempt to be brief. It is important that redress Scotland does its work in conjunction with survivors, mindful of their perspective and experience, and that it does so in a trauma-informed way. The survivor forum will provide important insight to redress Scotland. It will provide survivors with the ability to oversee, comment on and provide input into the working of redress Scotland. It is important that that is placed in the bill; I note that it was always the Government's intention to establish a forum, but

giving it the strength of statute will strengthen its work and underline its importance.

I add an important note that that oversight and assistance is very much in general terms. There is a specific exception in the bill that the survivor forum will not oversee individual cases; it will involve the broad and general working of redress Scotland. Again, I thank the Scottish Government bill team and the cabinet secretary for their co-operation and assistance in drafting amendments 26, 29 and 30.

I move amendment 26.

Jamie Greene: Briefly, I welcome Daniel Johnson's amendments 26, 29 and 30. I am very pleased that he has lodged them and, more so, that the Government will support them.

Many elements of the bill have been contentious and we have had quite a robust debate. The creation of a survivor forum is, I think, a fundamental part of redress Scotland as it launches and starts to accept applications, and it is important that the voices of survivors lie at the heart of any future changes and alterations that the next Parliament has to make to the scheme, if required. In conjunction with some of the review clauses that have been added, the amendments are welcome. Those are important reviews of the scheme and I thank Daniel Johnson for putting them into the bill rather than relying on their taking place down the line. I will be pleased to support them.

John Swinney: I thank Daniel Johnson for lodging his further amendments on the survivor forum, and I am happy to support them. I share his intention that survivors should play a key role in improving and enhancing the delivery of the scheme throughout its lifetime.

We have long been committed to the establishment of the forum but had chosen not to provide for it in legislation, so as to ensure maximum flexibility as to its functions and how it would operate. A fundamental principle of the forum is that it will be survivor led, and we wish to give survivors as much choice as possible in what the forum does and how it does it. We have begun a process of engagement on the forum with survivors and others. What we provide for in the bill needs to be capable of adapting in the light of that on-going engagement. I am satisfied that the revised version of section 93A will allow for that development.

There are issues around the confidentiality of information that is supplied by applicants, which should not be passed to the forum. I am confident that the provision that is already in the bill at section 83 provides adequate protection and reassurance to survivors. I will, however, make

sure that that point is reflected in the explanatory notes that will be produced.

I am pleased to support amendments 26, 29 and 30.

Amendment 26 agreed to.

Section 96—Interpretation

Amendment 27 moved—[Jamie Greene]—and agreed to.

Section 97—Guidance

Amendment 48 moved—[Daniel Johnson]—and agreed to.

Amendment 28 moved—[Jamie Greene]—and agreed to.

Section 98—Regulation-making powers

Amendment 29 moved—[Daniel Johnson]—and agreed to.

Amendments 49 and 50 not moved.

Amendment 30 moved—[Daniel Johnson]—and agreed to.

Schedule 1—Redress Scotland

Amendment 31 moved—[Jamie Greene]—and agreed to.

Amendment 51 moved—[Daniel Johnson]—and agreed to.

Amendment 32 moved—[Jamie Greene].

Amendment 32A moved—[Daniel Johnson]—and agreed to.

Amendment 32, as amended, agreed to.

Long Title

Amendment 33 moved—[John Swinney]—and agreed to.

18:30

The Presiding Officer: That concludes the consideration of amendments.

As members might be aware, at this point in the proceedings, I am required under the standing orders to decide whether, in my view, any provision in the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill relates to a protected subject matter—that is, whether the bill modifies the franchise or electoral system for Scottish Parliament elections. In my view, the bill does not, and therefore it does not require a supermajority to be passed at stage 3.

Motion Without Notice

18:31

The Presiding Officer (Ken Macintosh): I am minded to accept a motion without notice under rule 11.2.4 to move decision time to 7.30.

Motion moved,

That, under Rule 11.2.4, Decision Time be moved to 7.30 pm.—[Miles Briggs]

Motion agreed to.

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

The Deputy Presiding Officer (Linda Fabiani): The next item is a debate on motion S5M-24338, in the name of John Swinney, on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill.

18:32

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): It is my privilege to open the debate on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. It has been a very challenging bill on an immensely painful and difficult subject for all of us in Scotland and particularly for the survivors of historical child abuse, whose courage, tenacity and determination to see justice have brought us to our national Parliament today.

I thank the Education and Skills Committee and its members for the careful and thoughtful scrutiny that the bill has received, and I thank all those who gave evidence to the committee to inform and improve the content of the bill. The scrutiny by all members has undoubtedly strengthened the bill that I introduced to Parliament. The principal group who gave evidence are survivors and I address them directly at the outset of my remarks.

When I became education secretary in 2016, I promised survivors that I would listen with care to all that they said to me. As I listened, I began to understand the depth of pain and hurt that they had endured. I use the word “began” because I doubt that I will ever be truly able to comprehend their anguish. What I can do is fulfil the commitment that I made to survivors the day that I met them in the summer of 2016. I promised them that the Government would establish an effective inquiry, with judicial leadership, that would forensically investigate the awful experiences of children in the care of the state. That is now happening. I promised that the Government would legislate for a redress scheme, and we now find ourselves at the moment when that scheme will pass into law. It will be a redress scheme enhanced and improved by the engagement of members of Parliament from across the political spectrum. I am immensely proud that we have reached this moment and I thank survivors for their tenacious efforts, which have made this moment possible.

Across the political spectrum—members of Parliament know that I am a combative member of Parliament in every respect—we have seen constructive engagement on a number of intensely

complex and sensitive issues. The process has given us a better bill and will give us a better redress scheme, of which Scotland can be proud.

The bill is for survivors. It is for Scotland's children of the past, who suffered such cruel abuse and torment, and for the adults who they are today.

As a society, we are still coming to terms with the scale of the horror of abuse and the impact that it had—childhoods devastated, innocence stolen, trust betrayed and lives made heavy with burdens that no one should ever have to bear. We are also coming to terms with our inaction as a society, which exacerbated, perpetuated and prolonged that abuse. Children were neither heard nor believed. The structures and systems that we all rely on to protect us, promote our wellbeing and help us to thrive failed some of our fellow citizens when they were vulnerable children and needed our protection the most. For that, we are sorry. The Government is sorry, and I say to survivors that this should not have happened to them, and it was not their fault.

We will not let inaction characterise what we, as a nation, do now in respect of this acutely painful chapter in our past. Although we know that we cannot make up for what happened, we do not accept that it is a historical fact on which nothing can be done. We endeavour to record, investigate and learn from what happened, and the Scottish child abuse inquiry continues its crucial work.

We are supporting survivors to achieve their potential through future pathways and the survivors of childhood abuse support fund. Today, we will pass Scotland's redress scheme into law and add it to that response.

We have developed a bill that will establish a survivor-focused route to redress. Survivors will now have a choice that did not previously exist to apply to the redress scheme for payments of up to £100,000. For survivors who were abused before 1964, that will, in fact, be their only option. They have no avenue for seeking payment through the courts. Redress applications, assessments and reviews will be swifter, more trauma-informed and more transparent than existing routes. The scheme offers a non-adversarial alternative to court. Liability will not have to be established, and survivors will be given practical support to obtain evidence and emotional support throughout the process, should they need it.

Funding for independent legal advice will be made available to all applicants throughout the entirety of the process. Under the scheme, survivors will be entitled to keep 100 per cent of their redress payment. They will not have to worry about having to pay hefty legal fees or other costs from their redress payment.

Crucially, our aim is to deliver redress not only as a Government scheme, but in a way that recognises the historical care landscape and the involvement of myriad public, religious and charitable bodies. Survivors have told us that that is important, and I consider that all those who have a responsibility for the feelings of the past have a responsibility to do the right thing today. The scheme sets out to be a national collective endeavour. Redress payments will reflect fair and meaningful financial contributions from organisations that were responsible for the care of children at the time when they were abused.

We know that, sadly, some survivors are no longer with us to apply for redress. They and their families have not been forgotten. The scheme makes provision for applications from next of kin when the survivor died on or after 1 December 2004.

Iain Gray (East Lothian) (Lab): The cabinet secretary has just commented on some survivors who are now elderly. The Government has already introduced the advance payment scheme, and at stage 2, we had some discussion about that and whether it could be improved in the short time before the introduction of the new scheme that will replace it. The cabinet secretary said that he would come back to me on that.

John Swinney: To date, the advance payment scheme has made 560 payments to elderly and terminally ill survivors. It will remain open until the statutory scheme can accept applications. I am pursuing an aggressive timetable for the establishment of the statutory scheme, which I hope will address the issue that Mr Gray is legitimately concerned about. We will open the scheme for applications as soon as possible before the end of this calendar year. We will begin the public appointments process and we will advertise for a chair of redress Scotland before the end of this month, and we will advertise for a chief executive in April.

The advance payment scheme was set up on the grounds of urgency in the public interest under common-law powers, which limits the scope of any changes that we can make to it. I will provide an update about that, and about progress towards the statutory scheme opening, before the summer recess if this Government is re-elected, but I will take steps immediately, before royal assent, to begin the preparations, assuming that Parliament will support the bill later this evening. I hope that that provides reassurance to Mr Gray.

I said at the time when the bill was introduced that there was no doubt in my mind that it was one of the most important pieces of legislation that the Scottish Parliament would consider in its lifetime. Since then, as the bill has progressed and as we

have heard powerful and moving evidence, that belief has only strengthened.

Today is about actions, not words; it is about deeds, not promises. Today, we must fulfil our duty to our fellow citizens who have suffered. We must vote to pass this seminal piece of legislation into law.

Today, as individuals, as a Parliament and as a nation, we have the opportunity to stand with survivors, to see them, to hear them and to walk alongside them in a way that no one did during their childhood. Today, without compulsion and without agenda, I do that to fulfil the commitment that I made to survivors when I was appointed to my role in 2016. I know that that determination is shared by all members in the chamber, across the political spectrum.

We now have the chance to do something historic. Today, I hope that we will agree together, as a united Parliament, to take our next step in facing up to this dark chapter of Scotland's history, to show survivors that we are now building on our words of sorrow with action. I suggest that we vote unanimously to do exactly that.

I move,

That the Parliament agrees that the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill be passed.

18:42

Jamie Greene (West Scotland) (Con): I pay tribute to members of the Education and Skills Committee, which I joined only last year, to its convener and to our clerks and our adviser, for their help. I also pay tribute to the Deputy First Minister and his officials for their work in drawing together what is an immensely difficult and sensitive piece of legislation. I acknowledge the respectful and constructive way in which we are concluding that journey together.

I also put on record my thanks to the many organisations that gave evidence to us throughout the passage of the bill, and, more important, to the survivors of historical abuse: those who are already known to us and those who are unknown and are yet to come forward, who will, I hope, benefit from the scheme—they are those whom the scheme is aimed to assist.

To be honest, I have always had concerns about many aspects of the redress scheme, but I believe that the bill has come on a long journey. Is the bill that is before us, having been amended after today's debate, now perfect? I do not believe so. Is that a reason not to support it? I do not believe so.

Mr Swinney and I have had some very robust exchanges in this place, and we might spar on

many issues, but I respect the fact that he has spearheaded the bill throughout the process and has kept his commitment to the survivors. I am thankful for that.

I pay tribute to Mr Iain Gray, a member of the Education and Skills Committee who, I believe, may be making one of his last contributions in the chamber today. He has given many years of service to his Parliament, to his party and to politics. He entered this place when I was only 19—I hope that that does not make Mr Gray feel old—but I have sat here in the Parliament and in committee and listened in awe to his forensic analysis and his fair and effortless contributions, which we can all learn from and aspire to. I wish Mr Gray all the best in the future.

We have heard today that there are aspects of the bill that people are unhappy with. Whatever product we have come out with today—and it has been a difficult journey—I believe that we have been able to legislate for a scheme that will provide some victims, although not all, with both financial compensation and meaningful redress that, I hope, will go some way towards righting the wrongs of the past.

Back in the stage 1 debate, I said that the stark and very sad reality is that there is little that we can do to fully compensate those people. We cannot ever bury the memories of abuse that continue to haunt people—the people we deal with in our case work and the people we heard from throughout the bill process. No amount of money will ever undo that horror. For many people, this has never been about financial redress, although that might be welcome for some. It is about the symbolic step that Parliament has taken to right those wrongs, or to help right those wrongs. This is an important first step for many, but it will not be the end of that journey.

We should also be honest with each other. This scheme will not be for everyone, and it will not benefit everyone. I say that because, at the heart of the scheme and by its very nature, there are those organisations that participate in it, and that participation is required to validate it.

That takes me to the controversial points in today's debate, which include the waiver, although that is not the only one. I believe that the scheme is not just about delivering financial compensation, although many pages in the bill are precisely about how money is paid, the circumstances for its being paid, the evidence threshold for that, and so on. It is not only about the money but about where the money comes from. It is about the fact that the contributions are meaningful, voluntary and forthcoming. Of course, the Government will have to underwrite much of it. I understand that the Government is funding the operational costs and the first tranche of payments up to £10,000. I

understand that it is not a mandatory participation scheme. However, we needed a scheme that allowed individuals, authorities and organisations to come forward and make a meaningful contribution as their acknowledgment of their role in past abuse.

I also believe that, on the whole, organisations have approached the bill with enthusiasm, although not all of them have. As controversial as it might be, some have been more readily accepting of their role in historical abuse than others. I will not name and shame any of them, because we probably all know who they are. What is important is that we have a robust, reliable, fair and compassionate scheme. We cannot ignore the fact that organisations would be hesitant to come forward if it meant a blanket acceptance of liability, nor the fact that many of them are still going concerns that do great work in our communities.

I have had many sleepless nights over many of the issues with the bill. I sought to amend it in any way that I could to strengthen the rights of survivors as well as the responsibilities of the scheme to offer options and transparency to those survivors. I also tried to ensure, for the contributors, that we would never legislate for something that would undermine or affect their sustainability and that we would legislate in a way that ensures that their contributions are fair and meaningful.

Those are the terms that we have heard throughout—“fair and meaningful”, as well as “terribly difficult”. I will never forget the words of a survivor who gave evidence to us:

“Abuse never leaves a person. It is like a human shadow”.—[*Official Report, Education and Skills Committee*, 28 October 2020; c 29.]

It was a devastating response.

Let everyone who has contributed to the scheme's formation, whatever we have agreed or disagreed on in this journey, hold our heads up high, because we have tried our best. We now pass the baton to those who will operate the scheme. We pass the product of that to those who will benefit from it. We offer them redress, and I hope that we offer them closure. If nothing else, we should hold our heads high, knowing that, whatever the petty or party politics that await all of us in the coming weeks, we never forget that the people who form the shapes around us on the walls of this chamber are the people we are here to protect, to support, to make amends to and to say sorry to.

The Deputy Presiding Officer: I call Iain Gray. I understand that this is, indeed, likely to be his last speech in the chamber.

18:49

Iain Gray (East Lothian) (Lab): Thank you, Presiding Officer. I speak in support of the bill, which finally promises some redress for people whom we collectively let down so badly for so long. As children, they looked to us for care and we delivered them up to hurt, terror and torture, sometimes for years. Then, as the cabinet secretary said, for decades we refused to listen to them, but, in their courage, they would not be silenced.

The bill has taken too long to achieve, and it could have been better. I wish that we had removed the waiver on rights to civil justice, but the bill is a substantive acknowledgement—at last—of survivors' suffering and our responsibility for it.

As Jamie Greene indicated, this is my final speech. He will be too young to know that it is actually not the first time that I have made a final speech in the Parliament. The difference is that, the last time, I did not know that it was my final one. [*Laughter.*] It is better to make that decision ourselves than to have the electorate make it for us.

I am glad that my final speech is about righting a wrong of the past. I am privileged to be one of the class of '99, as I believe that, over 22 years, we have put right many such wrongs. I helped to take through the very first act of this Parliament—the Adults with Incapacity (Scotland) Act 2000—which supported families who had been stymied in their care for loved ones by cruel incapacity laws, some of which were 400 years old. We abolished a feudal system that, for 1,000 years, had excluded the people of this country from vast swathes of their own land, and we opened it up to all. We closed down the long-stay hospitals in which our brothers and sisters with learning disabilities had been imprisoned for generations. It has been a privilege to be just a small part of all of that and of so much more that the Parliament has done when it has been at its best.

On that unforgettable opening day in 1999, Donald Dewar said that the Scottish Parliament is about "how we carry ourselves". I do not believe that he meant how we strut on the world stage or swagger along the corridors of power. He meant how closely we are willing to walk alongside those who need us most and how willing we are to stand with those who are hungry, who are hurting or who have no hope—not craving the limelight, but rather braving the darkness that it is our duty to try to dispel.

We have not always succeeded, of course. There are plenty of present-day wrongs that I will be looking to those members who come back in May to put right. After all, we opened up access to

our land, but it is still owned by a tiny, wealthy, powerful elite. We liberated people with learning disabilities from long-stay hospitals, but into a social care system that fails them again and again. There were precious few food banks back in 1999. What were we doing that so many came to depend on them? Child poverty is rising. Drug deaths are Scotland's shame. The Parliament's best days are the days when we refuse to accept that we cannot change those things and we believe in our power to do that.

The Parliament that I leave is not the one that I entered 20 years ago. Following the Smith commission, on which I had the privilege of serving, it is one of the most powerful devolved legislatures anywhere. I know that many members will continue to argue for its sovereignty, and that is their right. However, I sincerely believe that the pandemic has demonstrated the power of devolution, taking our own decisions here—some of which I agree with, others which I do not—about public health measures, schools, the national health service and how we support business. However, we do so while we are underpinned by being part of a bigger economy with a broader tax base, more borrowing power, greater research funding and greater purchasing power for vaccines and personal protective equipment. In any case—pandemic or not—our daily obligation is to use every power that we have, with all the urgency that we can muster, to right those wrongs of poverty and injustice.

I turn to that Donald Dewar speech again:

"A Scottish Parliament. Not an end: a means to greater ends."

A noble end—like today: a measure of justice at last for survivors of abuse. It has been a privilege to be part of that.

It has been an especial privilege to represent East Lothian for the past 14 years, so let me place on record for the last time that East Lothian is the best constituency, the best county and the best part of Scotland in which to live or work. [*Laughter.*]

I could not have been part of any of that without the support of so many staff in Parliament, the Labour researchers and the staff in my local office—currently Chris, Ryan and John, but many others over the years, not least Pat and Simon, whom we miss.

Above all, my thanks go to my family, especially to my wife, Gil. I would never have been here without her encouragement nor have survived without her holding my hand through the ups and downs.

This bill is an up. It is a good bill—some light in a terrible darkness. We will support it this evening, and that will be me loused. Thank you. [*Applause.*]

The Deputy Presiding Officer: I call Beatrice Wishart.

18:56

Beatrice Wishart (Shetland Islands) (LD): I am not quite ready, Presiding Officer—I was quite taken by Iain Gray’s speech.

The bill has been a long time coming. The journey so far has been long and slow, and I am grateful for the perseverance of all those involved in working hard to reach this point.

As I said at stage 1, the responsibility to get the bill right weighs heavily on us all. The bill deals with a range of sensitive and complex subjects. We heard from witnesses at committee and from people who contacted us individually, and I hope that those who engaged with us during the process feel that their voices and their concerns have been heard. I and other members of the Education and Skills Committee care deeply that applicants are treated and considered with respect and dignity.

Daniel Johnson made the key point that it is important that survivors are not retraumatised by the redress Scotland process, and I very much share that view.

As we look ahead to the processes that will now begin, it is vital that we ensure that all who engage with the non-adversarial redress scheme are able to make informed choices, to make sure that their voices can stay strong.

In evidence to the committee, Helen Holland from In Care Abuse Survivors said:

“Survivors have waited a long time for this coming and—quite frankly—many have already made that choice for themselves. We have members who are going down the civil court route; equally, we have members who are patiently waiting for the redress scheme to open. It will never suit everybody”.—[*Official Report, Education and Skills Committee, 27 January 2021; c 12.*]

Therefore, this afternoon I was happy to support Jamie Greene’s amendments that strengthen the duty on the Scottish ministers to ensure that survivors have the opportunity to make full and informed choices.

During the bill process, the issue of the waiver was one of the most difficult to reconcile—this afternoon’s debate has highlighted that, too. As others have pointed out, based on the evidence that we heard, there are fundamental difficulties with the waiver. However, I appreciate that many have thought hard about how to square the circle, and I very much recognise the work of the Deputy

First Minister and his team, who continued to engage with the committee about it.

Although I have listened carefully to all the views expressed, I continue to have reservations about the waiver. However, I believe that the scheme as it now stands, with its ability to ensure that survivors can reach a full and informed position ahead of any decision about a waiver, will help.

At stage 1, I noted that organisations cannot and should not be expected to provide an open cheque book for payments. That would not be productive or practical. This week, providers sent a briefing to members in which they sought assurances from ministers about sustainability and that there would be no detriment to their financial viability and present-day care services.

Organisations that are doing good work now should have a way to continue that work, and Iain Gray’s amendments offer protection to participating organisations for the sustainability of their services when they make fair and meaningful contributions. However, it is imperative to properly and honestly acknowledge the past. Financial redress will play a critical part in that but, as we heard repeatedly in evidence, a full, proper and sincere apology might be more valuable.

At the centre of the work on the bill are people—people whose lives were shattered during their childhoods. That experience has shaped their lives and life opportunities and, in many cases, has affected the lives of their families, too.

Victims/survivors have waited a very long time for this historic redress bill and I know that many will find great relief in its passing, so I am very pleased to confirm the Scottish Liberal Democrats’ support for it.

19:00

Ross Greer (West Scotland) (Green): I will not tell Iain Gray how old I was when he was first elected to Parliament, but I thank him for how much I have learned from him, particularly on the Education and Skills Committee over recent years.

I turn to the bill. At stage 1, I said that the bill was always going to be a painful experience for many survivors, even if they—rightly—wanted it, and that has proven to be the case.

I pay tribute to the survivors—groups and individuals—who fought so hard and for so long to bring us to this point, and to those who shared their experiences and relived their trauma in the process of explaining why redress is so necessary. Their bravery and dignity have been astonishing, and their contribution to the process has had a profound impact on the bill. I know that the scheme is not exactly one that survivors would

have chosen—it is not what I would have chosen either—but it is far better for their engagement over recent months and years.

We all support the bill's principles, but I will be honest: I seriously considered whether I could vote for it in its final form. I was never going to vote against it, but I struggled with the question of proactively approving a bill that contains a waiver scheme that I know causes so much anguish. I spent our unplanned technical break on the phone with colleagues and those we have worked with throughout the process, weighing up what the right choice would be.

It is not so much a question of effective public policy making as it is a question of ethics. At every stage of the process, I have argued for the principle that the scheme should not restrict survivors' right to pursue justice through civil proceedings, and I am bitterly disappointed that the amendments that would have addressed that were rejected. However, for the sake of avoiding doubt being cast on the scheme, the Green MSPs will all vote for the bill at decision time tonight.

I am not angry at colleagues in Parliament or Government for how the bill has turned out. I am deeply frustrated, but I appreciate that it was never going to be easy, and I thank the Government in particular for the sincere effort that it has made to work with us to explore alternatives and for the collaborative approach that it took to the bill as a whole.

I reserve my anger for some, however. Although a number of potential contributors, such as Quarriers, engaged consistently and constructively with Parliament throughout the process, others chose not to. Parliament is supposed to take decisions on the basis of the evidence that is submitted to us, but the process has been accompanied by the strong implication that the organisations that might end up being significant contributors to the scheme are the most insistent on the inclusion of a waiver, without those organisations being willing to go on the record and make that case. That is cowardly behaviour and, if it is by those that I suspect it is, it is absolutely no surprise. If it becomes known that those organisations decide not to contribute to the scheme, despite the waiver's inclusion, I intend to use the privilege that this Parliament affords—and which I hope still to have—to name them. For now, I am content to trust the Government and its sincere efforts to ensure that fair and meaningful contributions are made.

Nothing that we ever do can right the wrongs of child abuse. No effort of Parliament or Government today can reverse the failings of our predecessors, but, as the cabinet secretary said, we can and should do all that we can to bring some modicum of justice to survivors.

The scheme represents one avenue through which we will do that. The parliamentary process has made the redress scheme more trauma informed, more supportive of the needs of survivors and more accessible, including to survivors' next of kin. I am proud to have played a small role in that.

I finish as I started, with my profound thanks to the survivors and their supporters, who have worked with us to make the bill, at the end of the process, better than it was at the start.

The Deputy Presiding Officer: We move to the open debate, with speeches of up to four minutes, please.

19:04

Clare Adamson (Motherwell and Wishaw) (SNP): I, too, pay tribute to Iain Gray. He and I share convenership of the cross-party group on science and technology, and one of the highlights of that was a visit to CERN a few years ago. That appealed to the geek in me, but I know how much Iain enjoyed the experience, as a former physics teacher and physicist. I wish him many more adventures of that type in future.

At stage 2, I moved amendments to put the principle of dignity, respect and compassion in the bill. I thank all committee members for the dignity, respect and compassion that they have shown in their approach to the bill process, which has been evident in the debates that we have had today.

The burden of responsibility as a committee convener has rarely weighed as heavily on my shoulders as it has done in our deliberations on the bill, and rightly so. As MSPs, committee members and citizens, the duty to do right by those who have been affected by childhood abuse at the hands of those who should have been their protectors, nurturers and the ones to care for them is of paramount importance. That applies not just to the Government and the Parliament but to our whole country.

Nothing that we do today can take away the pain that has been endured over decades, but I hope that the victims/survivors can reflect that, today, their voice was heard, listened to and acted on. As members have said, the bill has been a long time coming, from the acknowledgement and apology by the then First Minister Jack McConnell to the establishment of the Scottish child abuse inquiry, which was set up by Angela Constance with the involvement of the cabinet secretary.

As the convener of the Education and Skills Committee, I extend my thanks to the victims/survivors who, as individuals and as victim/survivor groups, engaged with the committee. Their submissions and evidence were

incredibly brave and compelling and were vital to our consideration of the bill. I also thank Professor Andy Kendrick, whose experience in the area was insightful. He was direct and informative in our deliberations throughout the process and we really appreciate his involvement.

I know that not everyone will be content with all the elements of the bill. It gives the only redress that is available to victims/survivors for whom the abuse happened before 1964; it gives compensation without the need for court proceedings; and it will offer a new choice for many victims/survivors for whom the court is not an available option or is not one that they wish to pursue. Victims/survivors are at the heart of the bill, and their tenacity, perseverance and resilience are admirable and incredible, given their experience of being disbelieved and having doors shut in their faces as they pursued recognition of their life experience and what they had endured, and the data and evidence to support that. They are to be commended.

I will finish with the voice of one contributor. It is the person who Jamie Greene quoted earlier, so they obviously had the same profound effect on him as they had on me. They said:

“Abuse never leaves a person. It is like a human shadow: sometimes it is behind you, and you can forget that it is there for a little while and get on, but then it moves to the side, at eye level, and you are conscious that it is there, so it starts to have an impact. However, there are other times when that shadow is right in front of you and, no matter how strong a survivor you are, you cannot ignore it and you have to deal with it.”—[*Official Report, Education and Skills Committee*, 28 October 2020; c 29.]

Nothing that we do today will change that for survivors, but I hope—and they trust—that it is a great marker for Scotland that we pass the bill today.

The Deputy Presiding Officer: Johann Lamont is next. This will be Ms Lamont’s final speech in the chamber.

19:09

Johann Lamont (Glasgow) (Lab): Thank you, Presiding Officer—just when you have heard from one former Labour leader, another one pops up to say goodbye. We would have quite a lot of them if we put them all in a row, I guess. It has been a great privilege for me to work with Iain Gray and to see his commitment and passion in every moment of public service that he has given. I do not aspire to a speech of the quality of the one that he has just made, but I recognise that we should all aspire to that scale of commitment to tackling injustice in our communities.

The bill is an important piece of legislation. I have to say that I am very disappointed that it falls short of what it might have been, but some

progress has been made, and that should be welcomed. I note John Swinney’s commitment. I am not like John Swinney—I am not combative—but I recognise that, in this area, he has tried as hard as he can to work with people across the Parliament who want to make a difference.

In this debate, we should remember the suffering, abuse, neglect and fear that lie behind it. The bill represents historic failure—failure to understand the vulnerability of young people who were put into care; failure to understand the predatory nature of some adults; failure to understand the lengths to which predatory adults would go, and still go, to access vulnerable children; and failure over many years to listen and understand.

The bill also represents hope, because it reflects another stage in the journey of this Parliament and our country towards understanding the nature of abuse, its prevalence, its impact and its lifelong consequences. The bill represents a challenge to us, as a country, to be alert, to be determined, to do all that we can to protect young people and to expose those who would do them harm.

Although the bill focuses on the horrors of in-care abuse—the state delivered into the hands of abusers young vulnerable people who were unable to challenge those who stole their childhood from them, and then it refused to listen to those who dared to speak up—we must also understand the scale of abuse that is visited upon young people in their own homes and communities. We must remember the adults who live with the consequences right now, and we must remember that the support that they need is still under pressure.

If this Parliament is about anything—if politics is about anything—it must be about giving a voice to those who are denied it. It must be about understanding the truth and the reality of the barriers placed in front of people that deny them their potential. It is about understanding inequality in all its forms. Seeing that is the main purpose and focus of politics.

In considering the bill, we see that process in action. It was in 2000 that Anne McDonald, on behalf of Kingdom Abuse Survivors Project, lodged a petition in Parliament that asked that we understand the psychological and health needs of adult survivors of child sexual abuse, and that there be a national strategy for survivors that recognised the importance of raising awareness and ensured that services were provided. That was followed by the establishment of a cross-party group on adult survivors, and my friend Marilyn Livingstone, who was an MSP at the time, showed great passion in driving that work forward, along with Anne McDonald and others.

In 2002, a petition was lodged by Chris Daly that sought a public inquiry in order to raise the issues of survivors in care. That revealed the horror of how poorly served and poorly understood in-care survivors were. Progress in legislative terms, in policy terms and in investment terms followed on from that—not least the public inquiry, the testimony from which is still shocking.

Progress has been made, and that should be celebrated, but none of it would have happened without survivors finding their voices and without the Parliament having a route, through the Public Petitions Committee, for real access. We owe a debt of thanks to survivors and to those who have made it their life's work to support them. We should celebrate the work of the Public Petitions Committee, and it has been my privilege to be its convener during this parliamentary session. The people of this country determine the committee's agenda—no one else. The work that has been done through that committee has been powerful, and I know that that will continue to be the case.

Critically, those voices were challenging and difficult. Those who had direct experience demanded more from all of us. That is a lesson for us, too. We should celebrate the difficult voices rather than circumvent and silence them, even if that would make life easier.

As I face the final period in my time as a politician, I recall the aims that the Labour Party, my party, had for this place: to bring power closer to people, to protect people, to see a real sharing of power and to ensure that the priorities of people in our communities were reflected in the work of Parliament. I speak as a Glaswegian and as a Glasgow islander in saying that I recognise that the centralisation of power, which we have seen over the last period, is not our friend, and that needs to change.

This will be my last speech here, unless something winds me up before 23 March—*[Laughter.]*—and it feels fitting to be in a debate, regardless of my reservations, that reflects what I feel is at the very root of good politics and at the very heart of the purpose of politics. Politics should be about the heavy lifting of understanding problems and then addressing them. I was so proud of my party in legislating for this Parliament and for being strong on women's representation, which allowed me to be a candidate. I would not have been here otherwise. I am proud beyond measure, as a Labour and Co-operative member, to represent Pollok and my city and to play my part in speaking up for my constituents, Labour values and co-operative solutions. I am proud of the work of my staff, particularly Celine Lauter, who has worked with me from the very beginning, and of all that they have done to connect our politics directly

to what is happening to constituents in our communities.

I thank my party, my colleagues, my staff and my friends, including colleagues across the chamber—those with whom I agree and those with whom I disagree. Please believe that I do not reserve my argumentative nature for the opposition. I thank my husband for all his support, despite his continued belief, as a councillor, that all of us in here are equally culpable for the decisions that have seen councils stripped of the funding that they need to deliver the services that people need and must have.

I thank my children, who I think feel more than a little duped by my persuading them as children that attending surgeries at the Labour rooms in Cardonald was actually a treat. I am grateful to all my family members, who have kept my feet on the ground.

However, it is different now. We are now in terrible times and fearful for the future, and the consequences of these times, although largely unknown, will, I am sure, amplify the inequality that people in our communities already suffer. Survivors and others who seek support are often told that we cannot afford it. These people will often say that there is always money for some things. My plea is that, in the next Parliament, those with the privilege to make decisions understand that and meet the exhortation of the American politician who said:

“Don't tell me what you value, show me your budget, and I'll tell you what you value.”

Now, more than ever, politicians must not settle for signals. This Parliament must be the place to test all the good choices. It must not settle for the ones that look best on a leaflet but make choices that will match in people's lives the aspirations that brought me and my fellow 99ers to this place. That would be wonderful. It has been a privilege. Thank you. *[Applause.]*

The Deputy Presiding Officer: The last contribution in the open debate is from Rona Mackay.

19:18

Rona Mackay (Strathkelvin and Bearsden) (SNP): I congratulate Johann Lamont and Iain Gray on their very moving speeches. It is not an exaggeration to call them titans of the Labour movement. I wish them very well.

The bill that we are debating today is life changing for people who were abused in childhood. Those of us who have not experienced vile abuse will probably never understand what the bill means to those who have.

The bill is not just about money; it is about much more than that to survivors of abuse. It is recognition that the institutions in which they were abused owe them a debt, and that many had their childhood innocence taken from them violently and their future prospects and relationships ruined: their lives were ruined.

The bill is the result of the brave and tireless advocacy of survivors of historical child abuse in care, and is a reflection of the Government's and the cabinet secretary's absolute commitment to address properly what they experienced.

As a member of the Education and Skills Committee, I can say that the evidence that we heard was harrowing and emotional. Every brave survivor who spoke out somehow found the strength to speak up for themselves and for those who could not, in order to ensure that what happened to them will not happen to anyone else.

Of course, as we have heard, there were contentious issues—in particular, the waiver. There was a good debate on that today, which I will not attempt to rehearse, other than to say that I was sceptical about the waiver at first but now associate myself with comments that were made by Jamie Greene and the cabinet secretary on it.

I will cut my speech short, because it has been a long day.

Amendments that were lodged by my colleagues and which we have passed today are helpful and add considerably to the bill. My amendment at stage 2 has ensured that anyone who suffered corporal punishment, albeit that it was legal at the time, will be eligible if excessive force was used, as it often was, and that each case will be judged individually.

The Scottish Government committed to introducing legislation that would be passed by the end of the parliamentary session. With the support of Parliament at decision time, that is what we will do. As others have said, redress is not a magic bullet, but if it gives survivors some comfort by way of an apology and recognition from the institutions that violated them, we should all be pleased to vote for the bill.

The Deputy Presiding Officer: We now move to closing speeches.

19:20

Daniel Johnson (Edinburgh Southern) (Lab): In summing up the debate, we can all start from the position that was well outlined by the cabinet secretary, Jamie Greene, Iain Gray, Johann Lamont and others, which is that the bill is motivated and driven by a profound sense of the need for justice, and by an extreme emotional

connection to the very real harm and abuse that was done to so many people.

I will broadly repeat remarks that I made when I spoke in the stage 1 debate. We are dealing with a situation in which there were children who needed care and families who needed help. The state had to step in, but rather than delivering that help and care, the state delivered children into the hands of abusers who tortured them. In many cases, those children were delivered into the hands of the state by parents who did so willingly because they felt that the state could do a better job than they could, which only makes that horrific set of circumstances worse.

The state let them down, so we, as a Parliament, have a duty to provide some form of justice—albeit that it can never be a truly adequate form—for the people who suffered in that horrific way. The bill is undoubtedly an important step towards that. I associate myself with the cabinet secretary's remarks and with the aim, which is largely being delivered by the bill, of providing people with a straightforward and flexible route to gaining the justice that they would not otherwise have. For many people, that justice would otherwise be unobtainable.

That is not to say that the bill is perfect. A number of issues have continued, but it has undoubtedly been improved by the work of the Parliament. I note the remarks of many members, including Iain Gray and Ross Greer.

However, I am not entirely convinced that the waiver will achieve what it sets out to achieve. In previous stages of the bill, we debated whether it will provide the financial certainty and assurances that might be required because of how insurance works for many organisations.

I also believe that the caveats in the reporting mechanisms that have been added improve the bill. The clarity that is provided for applicants and the requirements to inform applicants of the nature of what they are undertaking make the bill better. Ultimately, improved oversight and accountability, in relation to separation of the chief executive and the chair, and the survivors' forum being put on a statutory footing, undoubtedly improve the bill.

However, we cannot treat this as finished business. We must continue to listen to survivors and respond to their needs as and when they identify them, and we must recognise that there is limited scope for the bill; it merely deals with the state. There are many situations in which other institutions encouraged or coerced children into care, then abuse was done. Those situations are not covered.

Likewise, there are situations in which parents voluntarily offered their children to institutions, such as mental institutions, when today those

children would be considered as simply having additional support needs, and they suffered for years. I speak—I wish that I could go into more detail—informed by the experiences of a close family member. That is an injustice that the bill cannot address, but I hope that future Parliaments will.

Ultimately, this has been a case of Parliament doing its job as it should. There has been robust scrutiny, the Government has responded and we have done our job well. However, I question whether that will always be the case. We are about to have a new Parliament; elections will bring a new composition to the chamber and we must question whether Parliament is well enough structured to provide the robust scrutiny that is needed to make better legislation.

I realise that I am slightly over my time, but I must acknowledge the contributions of my colleagues Iain Gray and Johann Lamont, both of whom spoke very well for themselves, and both of whom I have known for a long time. I came to know them as a young Labour activist. Iain Gray was my MSP when I was the youth and student officer for Edinburgh Pentlands constituency Labour party, and I got to know Johann Lamont subsequently.

There are a great many things that make becoming an MSP fulfilling and a great thing, but something that I did not expect was that one comes to know as colleagues and friends people whom one had previously regarded only as political figures. That is undoubtedly the case with Iain and Johann. Despite the fact that we will no longer be colleagues with offices on the same corridor—I hope to be re-elected, but this will hold even if I am not—I hope that they will continue to offer their good guidance and counsel. I thank them both, not only on my own behalf but, I hope, on behalf of all Labour members, for their years of service and their contributions, both to the Labour Party and to the Scottish Parliament. We all owe them a great deal of thanks.

The Deputy Presiding Officer: I have been very lax with the timings tonight. Please do not take advantage, Mr Whittle. You have up to five minutes.

19:26

Brian Whittle (South Scotland) (Con): I am pleased to have the opportunity to speak in the debate on what is a very important bill. We have tackled some extremely difficult topics in the lifetime of the Parliament. Over the past couple of days, we have considered the Hate Crime and Public Order (Scotland) Bill. Another recent one was the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, in which we

looked at the medical examination of people suffering from sexual abuse and now we are looking at the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. This is not to say that I think that the bills are without flaws, but it is a credit to the Parliament that we have not shied away from debating and tackling such issues very passionately.

I say at the outset, for the record, that I struggled with some of the votes today. It struck me that we were debating financial redress and not paying enough attention to emotional redress that might require a civil action after accepting a redress payment. We get marshalled lists and I was sometimes uneasy with the way in which we were considering voting. Today's debate was not political. I recognise the desire of everyone in the chamber to get this incredibly important bill absolutely right. I do not think that we have done that and the bill will need to be changed again in the next parliamentary session.

Sexual abuse, specifically child sexual abuse, has been swept under the carpet for far too long, leaving victims without the support that they so desperately need. As many of my colleagues are aware, I have been working on the issue with a constituent over a number of years. It is fair to say that my understanding of the trauma suffered by my constituent over a prolonged period of time as she seeks justice and redress means that my discomfort and disquiet about the way that victims are retraumatised and open to suffering secondary abuse continues to rise.

Organisations that have been brought into question include local government, the education authorities, the police, the church, support services and the Scottish Government. We should not shy away from scrutinising any of the actions that those organisations were involved in. I have asked the Cabinet Secretary for Justice for a meeting on that topic and he has agreed. I hope that we will get the opportunity to have that meeting prior to the dissolution of the Parliament, so that at least we can have some notes to take forward into the next parliamentary session.

The Criminal Injuries Compensation Authority already has a redress scheme in which the decision is based on the balance of probability. That is different from a criminal court, which decides on the basis of something being beyond reasonable doubt, and means that victims do not need to wait for the outcome of a criminal trial if there is already enough information with which to make a decision on the case. The bill requires that the victim waive their right to future civil action. Any payment from a civil action taken after the CICA award, however, requires that the CICA payment be reimbursed. I contend that the bill is flawed in that respect and that it should not have

imposed a ban on future civil action. Why would a victim not just approach the CICA? That will be a matter for future Parliaments to address.

Furthermore, I contend that many of the support organisations for survivors are too close to the Government in that they receive their funding directly from central Government, potentially impacting their ability to be autonomous. As I have said before, record keeping is woefully inadequate, especially in local authorities—there does not seem to be any requirement for them to record potential cases of abuse in local authority-run facilities.

However, in conclusion, the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, along with the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, is welcome and long overdue. We are trying to ensure that it is the best that it can be for all those who have been victims of such a horrendous crime and have to carry that burden throughout their lives, but I fear that the bill will need to be amended. Financial redress will not heal the wounds but will perhaps give them the comfort that their voices have been heard and that there is an acceptance that they have been victims.

I finish by recognising Iain Gray's contribution to the Parliament. I have always enjoyed his speeches in the chamber. I have not always agreed with him, but he has always been thoughtful and I know that he will be missed, as will Johann Lamont, who also gave her final speech. It has been a privilege to serve on the Public Petitions Committee under her stewardship. I really enjoyed the occasions when we managed to be a tag team on certain petitions, especially in challenging the Scottish Football Association—that was particularly fun. She leaves here having delivered a passionate speech with as much fire as she ever has had. Both Iain Gray and Johann Lamont will be sadly missed.

19:32

John Swinney: I am grateful to colleagues for their engagement on the bill and for the recognition that the Government has tried to engage constructively on all the issues. Much credit goes to the bill team who have supported me superbly during the passage of the bill. It is an immensely complex bill with difficult issues and I have been fantastically well served by the civil servants who have acted on my behalf and engaged in a great deal of dialogue with members.

Members have commented on the fact that the bill has been improved since its introduction. Daniel Johnson commented that Parliament has exercised properly and fully its effective functions in the scrutiny of the bill. I accept that point: the bill

is stronger as a consequence of the challenge of the committee's stage 1 report, the robust scrutiny at stage 2 and the decisions that we have made today.

If I were to select one part of the bill that has been strengthened, I would pick section 11A, which was introduced at stage 2 by a proposal from the convener of the Education and Skills Committee. The bill was drafted and we did not include some important words on the face of the bill, because we thought that it probably did not need to be said. Section 11A is entitled "Principle of dignity, respect and compassion". The convener asked us to include those words in the bill, recognising that any individual who comes into contact with redress Scotland—I do not know why it is restricted to redress Scotland—

"should be treated with dignity, respect and compassion".

We can all sign up to that. I am grateful to the convener for that enhancement to the bill.

I am also grateful to Ross Greer, Beatrice Wishart and Jamie Greene for their remarks in the debate. They have acknowledged that the bill does not contain all the provisions that they would have liked to see in it but, despite that, they will support the bill because of what it does to address the issues and concerns of survivors. I acknowledge that that might be particularly challenging and difficult for Ross Greer, and I am grateful that he has signalled his support for the bill this evening. That will matter, because it will ensure that the bill commands confidence within the survivor community.

I have thought long and hard about the issues that are involved in the bill. I have been prompted to do so on many occasions, but I was particularly prompted as I prepared to give evidence on behalf of the Government to the Scottish child abuse inquiry, which is chaired by Lady Smith. That forced me to look back at the history of the Parliament and its actions in the past 22 years. The moment that we reach tonight started with one important contribution, which was a product of the Parliament's arrangements that were legislated for in the Scotland Act 1998 and the work of the consultative steering group—the public petitions process. That is where it all started and it is incredibly fitting that Johann Lamont makes her final speech tonight as convener of the Public Petitions Committee, which she has led, as she has led everything that she has done, with tenacity.

The public petitions process sums up for me one of the biggest differences between the two Parliaments in which I have served. At 10.30 at night in the House of Commons, if a member of Parliament wanted to present a petition, they stood up, presented it and read it out, then walked

down to behind the Speaker's chair and dropped it in a bag behind the Speaker's chair. Nothing more was ever heard about it. Here, we bring petitions in the front door, people such as Johann Lamont get unleashed on them and what happens? Over the course of 20 years, people whose voices were never heard have been heard. I pay tribute to Johann Lamont for that. She mentioned Marilyn Livingstone, who was an equally tenacious champion of the survivors of historical abuse. Frankly, they believed the people concerned and made sure that their voices were heard.

When people criticise this Parliament and say all the things that they do about the place, they have to remember that it has embraced the petitions process, which started with an early petition on this subject, which not many people had been willing to encounter or engage with, and we have made big progress.

Former First Minister Jack McConnell stood where I stand now and gave a remarkable apology on behalf of the people of Scotland to recognise the suffering of individuals. It was not perfect; Lord McConnell would accept that it was not perfect, but members of Parliament of all persuasions over the past 22 years have made sure that these historical injustices were addressed.

Iain Gray made his concluding speech tonight. I am feeling slightly off the hook, but there are education and skills questions on the final day of term if he feels like having an extra finale—I would not like him to pass up any opportunity to challenge me on any of the issues. Iain Gray said that all this could have been done sooner, and he is right. That was one of my other reflections when I was preparing to give evidence to Lady Smith. I have served in government for 14 years, and I look back and think that this could all have been done sooner. I regret that it was not done sooner.

What Parliament has heard tonight in the contributions of Iain Gray and Johann Lamont are two quite exceptional speeches, not surprisingly. It is not surprising because of their contributions to Parliament and because they are both long-serving, experienced and distinguished members of Parliament, who have served the people they represent with distinction. It is a particular pleasure for me, as a member who was elected with them in those heady young days of 1999, to pay tribute to them this evening for their service and to commend them for all that they have done in their long and distinguished service in this Parliament.

As I draw my remarks to a close, I am struck by something that we may have become accustomed to by now in the parliamentary chamber, a year into Covid. Something is missing—there are no members of the public in the gallery. Jamie Greene made reference to the symbols of the people that are around us. Tonight, the gallery

should have been full of members of the public who have suffered. They should have been here tonight to hear and see the Parliament doing what it is about to do: putting into law a scheme that, in the terms of Brian Whittle's argument, addresses some financial issues but is also part of what, I would contend, the Parliament has done for more than 22 years, which is to face up honestly to the darkest bit of the history of our country. Members of all political persuasions have faced up to it honestly and have said that we have to rectify that wrong.

Tonight is a landmark moment in that process. There have been many others, such as Lord McConnell's apology; the first time the Public Petitions Committee heard from the petitioners on the subject; the moment when we passed the Limitation (Childhood Abuse) (Scotland) Act 2017; and Angela Constance's announcement of the Scottish child abuse inquiry. Those are all landmark moments, but they happened because this Parliament, for all its critics, was prepared to face the darkness of our country's past.

Members of the Scottish Parliament—those who are planning to come back after the election and those who have given distinguished service to make these events possible—should be rightly proud of what has been achieved. However, the people who should be proudest, I hope, are watching online—survivors, in their homes, understanding that this moment has happened only because of their bravery, their courage, their tenacity and their determination to say to their democratic Parliament, "We need you to shine a light into the darkness of this country's past and to confront it." I am so proud that our national Parliament has done that.

The Presiding Officer (Ken Macintosh): That concludes our debate on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. There are a few items before we turn to decision time.

Scottish Biometrics Commissioner (Appointment)

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-24333, in the name of Margaret Mitchell, on the appointment of the Scottish Biometrics Commissioner.

19:42

Margaret Mitchell (Central Scotland) (Con): As a member of the cross-party selection panel that was established by the Presiding Officer under the standing orders, I am delighted to speak to motion S5M-24333, which invites members of the Parliament to agree to nominate Dr Brian Plastow to Her Majesty the Queen for appointment as the first Scottish Biometrics Commissioner. The Presiding Officer chaired the selection panel. The other members were John Finnie, Emma Harper, James Kelly and Rona Mackay.

The Scottish Biometrics Commissioner is a new independent office holder whose role will be to support and promote the adoption of lawful, effective and ethical practices in relation to biometric data in the context of policing and criminal justice. The commissioner will keep under review the law, policy and practice relating to the acquisition, retention, use and destruction of biometric data by Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner. The commissioner will also play a significant role in education and engagement, to ensure that the public are provided with clear information to help them understand the powers of Police Scotland and the SPA in relation to biometric data and how those powers can be challenged.

It is expected that the commissioner will

“foster close working relationships with other relevant bodies and office holders in Scotland”

and beyond

“whose function might offer insights into biometric data use”.

Those would include, for example, the Information Commissioner, the Children and Young People’s Commissioner Scotland and the Commissioner for the Retention and Use of Biometric Material.

The Scottish Biometrics Commissioner must also prepare a code of practice and monitor and report to the Parliament on compliance with it; establish a procedure for individuals to complain if one of the specified bodies has not complied with the code of practice; and lay a strategic plan before the Parliament by 1 December 2021, setting out how he proposes to fulfil his general

duty. As the first such commissioner, he will also have to establish his office.

The panel’s nominee, Dr Brian Plastow, has significant leadership experience in the policing and criminal justice sector. He was formerly a police chief superintendent, retiring in 2013 after a 30-year career with Lothian and Borders Police, Fife Constabulary and Police Scotland. Between 2013 and 2016, Dr Plastow was employed by the Scottish Government as lead inspector with Her Majesty’s Inspectorate of Constabulary in Scotland, providing inspection, scrutiny and assurance reports to the Scottish Parliament on various topics including roads policing, armed-response policing, missing persons investigations and the use of the facial search functionality within the United Kingdom police national database.

The commissioner’s role is an important one in a fast-evolving field in which advancements in biometrics technologies that are used in a policing and criminal justice context need to be balanced with the privacy rights of individuals. The panel believes that Dr Plastow has an outstanding blend of the necessary skills, experience and knowledge to enable him to carry out this important role efficiently and effectively. I am sure that the Parliament will want to wish him every success in this new role.

I move,

That the Parliament nominates Dr Brian Plastow to Her Majesty The Queen, for appointment as the Scottish Biometrics Commissioner.

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

Parliamentary Bureau Motion

19:47

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-24340, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft] be approved.—[*Miles Briggs.*]

The Presiding Officer: Liam Kerr wishes to speak against the motion.

Liam Kerr (North East Scotland) (Con): I rise to speak against the draft Community Orders (Coronavirus) (Scotland) Regulations 2021.

The regulations will reduce, by 35 per cent, the unpaid work requirements in all community payback orders that were imposed prior to the regulations coming into force. Let me make that real: the latest data suggests that there are roughly 800,000 such hours outstanding, so about 300,000 hours will be written off. In other words, a crime has been committed, a suspect has gone through the court system and has been found guilty, and the judge has seen fit to hand down a community payback order, which includes an unpaid work requirement—a third of which will be written off.

I simply ask what message such a write-off sends, particularly in the context of the Scottish National Party's presumption against short-term sentences, which seeks to keep people out of prison and to use more community orders. What message will we be sending to criminals—who, it must be remembered, include those who have committed really serious crimes, such as the 363 violent criminals who were handed CPOs in 2018-19—if we suggest that they need not serve their full punishment? What message does that send to society and to the victims of such crimes?

The cabinet secretary told the Justice Committee that if the cut does not happen,

“That could lead not only to the system being completely overwhelmed, but to sheriffs and the public losing confidence that CPOs can deliver justice at all.”—[*Official Report, Justice Committee, 23 February 2021; c 49.*]

I think that such a loss of confidence will be precisely the impact of the cabinet secretary's move today. I cannot see how victims of crime can retain full confidence when more than a third of the punishment set by a court order is written off. I cannot see how, in making a borderline decision, a sheriff will not at least hesitate when deciding which judgment will be the most appropriate, because of that write-off.

Nobody disputes that the criminal justice social work teams' third sector partners and others have done their absolute all to continue to deliver community justice services and related support in the context of necessary public health restrictions. However, it is clear that the cabinet secretary has failed to plan for the expected rise in outstanding unpaid work hours following the public health restrictions, which begs the further question: why on earth, despite the huge increase in the number of outstanding unpaid work hours, has the SNP frozen the budget allocation for criminal justice social work?

The SSI is an extraordinary proposition that I fear could have considerable negative consequences for victims and our justice system. It has not been properly thought through, and I shall vote against it tonight.

The Presiding Officer: Thank you, Mr Kerr. I call the Cabinet Secretary for Justice, Humza Yousaf.

19:50

The Cabinet Secretary for Justice (Humza Yousaf): Presiding Officer, thank you for the opportunity to briefly explain why the proposals in the draft Community Orders (Coronavirus) (Scotland) Regulations 2021 are necessary as part of our response to the coronavirus pandemic.

The regulations propose to vary all unpaid work requirements in existing community payback orders by reducing the hours that are imposed in each order by 35 per cent. There are some exceptions for CPOs that are imposed either entirely or partially for domestic abuse, sexual offences or stalking.

The action is necessary to ease pressure on local authorities as the coronavirus pandemic continues. Liam Kerr asks why we did not plan for it. Local authorities have told us that they have not been able to carry out the unpaid work hours simply because the restrictions make it impossible to do so. They cannot put 10 people into a minibus and take them to paint a community centre, clear up allotments or do whatever the unpaid work may be because coronavirus restrictions simply would not allow that to happen.

In fact, Social Work Scotland, Community Justice Scotland, local authorities, the Convention of Scottish Local Authorities, and the Scottish Association of Social Work all tell us that if we did not implement the regulations, the system would be completely overwhelmed. Due to the coronavirus restrictions being in place, 800,000 hours have built up. If we did nothing, come the summer, the number would be more than 1 million.

On 23 February, I gave evidence to the Justice Committee, which voted by seven votes to two in support of approval of the regulations. The two members who voted against were the two Conservative members. I acknowledge that the regulations contain extraordinary powers—Liam Kerr is right: we would not plan to do this in normal times. However, these are not normal times.

Liam Kerr talks about judicial confidence. I have spoken to members of the judiciary—I do not know whether he has—who tell us that if the system was to collapse, they would have no choice but to send people to prison. Maybe that is what the Conservatives would like to happen.

The draft regulations focus specifically on unpaid work or other activity requirements, with all other requirements remaining in place. I assure victims of crime and others that the justice system continues to hold those who commit offences to account and to keep our communities safe.

I am disappointed, although not surprised, that the Tories contest the regulations. If we took their position, the entire community justice system would collapse. The throw-them-in-jail-and-chuck-away-the-key approach would make us less safe, increase reoffending and increase the number of victims.

We will follow the evidence and make the hard, but right, decisions. I am proud to follow the smart justice approach, as opposed to a populist and arcane justice policy that would make us less safe as a country.

I encourage all members to support the regulations, which strike an appropriate balance between removing enough hours to assist local criminal justice social work services and ensuring that individuals complete the majority of their unpaid work requirements, as imposed by the court.

The Presiding Officer: Thank you, cabinet secretary. The question on the motion will be put at decision time.

Decision Time

19:54

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-24322, in the name of Humza Yousaf, on the Hate Crime and Public Order (Scotland) Bill, be agreed to.

I do not want to suspend Parliament, as most members will already have voted today, but I urge members to refresh their voting apps, to ensure that we are ready to vote. I will just pause for a moment, to make sure.

Some members who are online are looking for the PIN. I was going to read it out, but I was not sure how high security that would be. It is now online, in any case. For members joining us online, the PIN for the voting app is in the BlueJeans chat box. Any member who is not able to access the voting app should let me know, please.

We are mostly on board, so we will go straight to the vote, as it is for legislation.

I repeat: the question is, that motion S5M-24322, in the name of Humza Yousaf, on the Hate Crime and Public Order (Scotland) Bill, be agreed to. Members should cast their votes now.

The vote is now closed. Please let me know if you were unable to vote.

Gil Paterson (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. I was unable to vote; I would have voted yes.

The Presiding Officer: Thank you, Mr Paterson. I will ensure that your yes vote 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)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 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)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, 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)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)

Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Findlay, Neil (Lothian) (Lab)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Neil, Alex (Airdrie and Shotts) (SNP)

The Presiding Officer: The result of the vote on motion S5M-24322, in the name of Humza Yousaf, on the Hate Crime and Public Order (Scotland) Bill, is: For 82, Against 32, Abstentions 4.

Motion agreed to,

That the Parliament agrees that the Hate Crime and Public Order (Scotland) Bill be passed.

The Presiding Officer: As the motion is agreed to, the Hate Crime and Public Order (Scotland) Bill is passed. [*Applause.*]

The next question is, that motion S5M-24338, in the name of John Swinney, on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, be agreed to. Members should cast their vote now.

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)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Reform)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Graham, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the vote on motion S5M-24338, in the name of John Swinney, on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill, is: For 118, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill be passed.

The Presiding Officer: As the motion is agreed to, the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill is passed. [Applause.]

The next question is, that motion S5M-24333, in the name of Margaret Mitchell, on the Scottish Biometrics Commissioner appointment, be agreed to.

Motion agreed to,

That the Parliament nominates Dr Brian Plastow to Her Majesty The Queen, for appointment as the Scottish Biometrics Commissioner.

The Presiding Officer: I congratulate Dr Brian Plastow on his appointment.

The next question is, that motion S5M-24340, in the name of Graeme Dey, on approval of a Scottish statutory instrument—the Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft]—be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

The Presiding Officer: The result of the division on motion S5M-24340, in the name of Graeme Dey, on approval of an SSI, is: For 88, Against 30, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft] be approved.

Meeting closed at 20:03.

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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