

# **MEETING OF THE PARLIAMENT**

Thursday 7 October 1999

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## Scottish Parliament

Thursday 7 October 1999

[THE PRESIDING OFFICER *opened the meeting at 09:32*]

### Memorandum of Understanding and Concordats

**The Presiding Officer (Sir David Steel):** Our business this morning is a debate on a motion on the memorandum of understanding and an amendment lodged by the Scottish National party.

**Mr John Swinney (North Tayside) (SNP):** On a point of order, Presiding Officer. This morning, we are being asked to consider a motion lodged by the First Minister that asks the Parliament to endorse

"the Memorandum of Understanding and supplementary agreements concluded between the United Kingdom Government, Scottish Ministers and the National Assembly for Wales".

This morning in Cardiff, the National Assembly for Wales will consider these concordats for the first time. The Assembly will debate a motion in the name of Andrew Davies, the member for Swansea West, which proposes

"that the Assembly takes note of the Memorandum of Understanding and overarching concordats".

I emphasise the phrase "takes note". As a result, the First Minister's motion before us today appears to be technically incompetent as it refers to an agreement reached between three parties: the United Kingdom Government, Scottish ministers and the National Assembly for Wales. Even if the National Assembly for Wales agrees to take note of the memorandum of understanding today, that does not signify the Assembly's agreement to the contents of the memorandum and other documents.

In any case, at this stage in the proceedings, the motion before us is technically not competent for this Parliament's consideration because the three parties mentioned in the motion have not agreed to the contents of the memorandum of understanding.

**The Presiding Officer:** I thank Mr Swinney for the notice, albeit short, that he courteously gave me of this point of order.

Does any member of the Executive wish to respond to Mr Swinney's point of order?

**The First Minister (Donald Dewar):** In fact, I did not get any notice of the point of order. The matter has just been drawn to my attention in the

past two minutes.

Mr Swinney has half a good point, which he is managing to turn into a bad point by expanding enormously on it. It is clear that there has been an omission from the text of the motion. The motion should read, "the Cabinet of the National Assembly for Wales".

However, the purpose of this debate is quite clear. Furthermore, to take up Mr Swinney's point, we are asking the Parliament to "endorse" the memorandum, while the Welsh National Assembly will merely "take note" of the document. As a result, we are giving this Parliament a greater part in proceedings than our Welsh colleagues are apparently intending to do with their Assembly.

In any event, I accept Mr Swinney's point and congratulate him, or whoever it was, for noticing the omission. The text should read,

"the Cabinet of the National Assembly for Wales"

which is the phrase in the first paragraph of the first part of the memorandum. This document is an agreement between Administrations and Whitehall departments. Presiding Officer, would you allow me to submit a manuscript amendment as the matter only involves a textual change? Although I apologise for the omission, I do not think that it substantially alters the purpose of our business.

**Mr Swinney:** On a point of order. I thank the First Minister for his comments and for acknowledging the problems that have been created for the Parliament by this omission from the motion. Presiding Officer, will you clarify whether the status of the change that is proposed by the First Minister constitutes a formal amendment to his motion? Furthermore, will we have to vote separately on such an amendment at decision time?

**The Presiding Officer:** First of all, I want to say that it is a pleasure to deal for a change with a genuine point of order, however difficult. *[Laughter.]*

I think that the commonsense thing to do is to accept written notice of a manuscript amendment. I will then announce the amendment during the debate. However, the amendment will not be required to be voted on; it will simply be an amendment to the motion. *[Interruption.]*

I am advised that we probably will have to vote on the amendment, but I will think about that later. However, for the moment, I would like the necessary written notice of the amendment, which I will then announce during the debate. In the meantime, I suggest that we get the debate going. I call the First Minister to move the motion.

09:37

**The First Minister (Donald Dewar):** I was entertained by that exercise in barrack-room lawyers' skills. I say that as a compliment to Mr Swinney—I have never sneered at able barrack-room lawyers. They are pests and, as far as I am concerned, Mr Swinney aspires to be a pest. He ought to be pleased that I recognise that fact.

The memorandum of understanding is a brief, but important, document. It has been written with both economy of style and great clarity and has not imposed an enormous burden of reading on MSPs.

The document deals with relations involving Whitehall departments, the UK government, the Scottish Executive and the Cabinet of the National Assembly of Wales. We also hope to include the cabinet or executive of the Northern Ireland Assembly when that administration emerges.

The one useful aspect of the exchanges of the past few minutes is that I am able to underline the fact that this document deals with working relationships between the Administrations that are party to it. This is not a legally binding document that can be enforced through litigation or in the courts. It outlines sensible working practice and is the result of a team effort involving Westminster, Holyrood, Cardiff and the people of Northern Ireland.

From the beginning of talks until 1 July, Scottish Office civil servants who now serve the Administration were very involved in bilateral meetings between officials. The document outlines a clear and sensible set of ground rules by which to order our relations with others who have an interest in the devolution settlement and with whom we will have to work in future.

As John Swinney has pointed out, the Executive's motion is deliberately not a take-note motion; we are asking for the Parliament's endorsement of the document. However, I stress again that the document should be seen as a set of administrative ground rules.

The concordats are essentially working documents, which will contribute to the smooth running of relationships under devolution. Some unkind souls have called them road maps for bureaucrats. Perhaps that is unkind, but it is not wholly unfair as it is important for bureaucrats to have road maps to know how the system works.

**Mr Swinney:** The First Minister made a comment on whether the documents are legally binding. I refer him to an exchange in the House of Commons on 12 May 1998 between Mr McLeish, then Minister for Home Affairs and Devolution, and Mr Wallace, who was then a member of the Opposition, in which Mr McLeish said that the

concordats

"will be justiciable to an extent."—[*Official Report, House of Commons*, 12 May 1998, Vol 312, c 193.]

He further said that the Scottish Executive, if it failed to follow, for example, the consultation processes inherent in the documents, may find some legal action taken to bring it to account.

Will the First Minister tell us the circumstances in which he thinks Mr McLeish's advice to Mr Wallace is valid, and the extent to which that puts legal constraints on the Executive to follow the contents of the concordats, despite the fact that the Executive, on instruction from this Parliament, may take the view that the actions that it is taking are in the interests of this Parliament and of the Scottish people?

**The First Minister:** I am not aware of that quotation. I accept, though, from John Swinney, that that was said. I will take advice on this in the course of this morning, but my understanding is that the documents are not legally binding. Clearly, there are situations in which a judicial review of the actions of any Administration can arise. I presume that that is a reflection of the fact that the power to go to court to ask for a judicial review remains if it is thought that an Executive or Administration has acted unreasonably and prejudiced the interests of an individual.

The documents are not legally binding in the sense that a finger can point and say, "I read such-and-such in paragraph X. That has not been carried out and I ask for a declarator that it should be." However, the general power of judicial review, presumably, remains.

**Mr Murray Tosh (South of Scotland) (Con):** To follow on from the previous point, how might this Parliament scrutinise the working of the concordats? It appears that the Public Administration Committee of the House of Commons can do so. In this Parliament, there is no obvious mechanism for us to scrutinise how the Executive discharges those functions. Could the First Minister spell out how the Administration sees that being done?

**The First Minister:** One of the features of this Parliament is a range of committees that are probably more powerful than any parliamentary committees that I have seen. They have a life and responsibilities of their own. It would not be beyond the wit and wisdom of the European Committee, for example, under the convenership of my colleague Hugh Henry, if he suspects that things are going wrong, to call witnesses, to scrutinise and inquire into the record and to call ministers. If there was discontent about the outcome of that, it could come back to the floor of this chamber, which, ultimately, is the place where final decisions have to be taken.

The concordats are working documents, and my contention to this Parliament is that it is very important that they are in place. In the course of time, whatever the good intentions in the opening period, one may find that the proper procedures slip; people may start to omit and to forget. It is extremely useful for ourselves and for our colleagues in Wales and, potentially, in Northern Ireland, to have such a working document. In the Westminster setting, it is a familiar piece of machinery. I think that it is right for it to be extended, in the interests of good order, to our relations with the rest of the Government machinery within the United Kingdom.

I will hurry on, because I am conscious of the time. Members will forgive me if I do not take too many interventions.

There are five documents contained within the paper that we have laid before the Parliament. The memorandum of understanding sets out the main principles of the relationship and deals with communication, consultation between Administrations, exchange of information and confidentiality and the monitoring and management of the devolution settlements.

There is an annexe to the memorandum, which people will no doubt wish to examine closely. It details the terms of reference of the joint ministerial committee, its format and working practices.

The package also contains more detailed concordats dealing with co-ordination of European Union policy issues, international relations, statistics and financial assistance to industry. All those will be of interest to members.

There has been a lengthy gestation period. I accept that. This batch of concordats had to be approved by all the potential partners—I say potential because Northern Ireland was in a slightly different situation—and worked out between all the Whitehall departments with an interest.

The delay has been not only legitimate, but valuable, because it has produced a careful set of working documents, which will of course be followed by bilateral documents involving the Scottish Executive and individual departments. The delay has perhaps provoked a good deal of speculation. It has certainly provoked a substantial mass of parliamentary questions, as members opposite have set off on a determined fishing expedition. I imagine that we will have the normal low-key closure to the debate from Alex Neil, who has been notorious—

**Alex Neil (Central Scotland) (SNP):** Opening.

**Mr Swinney:** Opening: it is just coming.

**The First Minister:** Opening—worse still. Do

not give me all the bad news at once.

I am sorry to see this: I thought that John Swinney was here to substitute for Alex Salmond, but Alex Salmond must be rather stuck if he has had recourse to Alex Neil, but there we are. [MEMBERS: "Aw."] Oh, come on.

I make a serious point. The documents have been misunderstood and, on occasion, misrepresented. There is no cause for that. They come before the Parliament totally and exactly as advertised.

John Swinney has been reading back through *Hansard*. He will remember that, as far back as October 1998, John Sewel stated:

"They will cover a range of matters, such as procedures for the exchange of information, advance notification and joint working."

The concordats deliver that promise. He also said:

"These are, of course, working documents intended to aid the process of efficient administration"—[*Official Report, House of Lords*, 6 October 1998; Vol 593, c 391-92.]

That remains their purpose. My contention is that we have delivered what was promised: sensible, workmanlike documents, based on common sense. There will be those in this chamber who will claim, with various degrees of indignation, and sometimes even insincerity—but normally, I concede, with sincerity—that the documents do not conform to contract.

The nationalists, consistent in this argument, have determinedly imported their own definitions and their own design for the future—a totally separate nation state—as a template against which to judge these concordats. That is a totally unreasonable position to take. No doubt, there will be a continuing argument about whether to go down that road. But what happened is that people voted for the devolution settlement; Parliament passed and endorsed the devolution settlement; even the Conservative party—I congratulate them—at least allege that they are converts to the principles of devolution. The documents, properly and understandably, reflect the requirements of the devolution settlement.

**Mrs Margaret Ewing (Moray) (SNP) rose—**

**The First Minister:** I put it to Margaret Ewing, who rises, that that is proper and is what should be expected. There is therefore no cause for trying to set up a series of false objectives and then complaining that they have not been met.

**Mrs Ewing:** I make no pretence, as Donald Dewar knows, about my strong and long-standing commitment to independence. I am concerned that the documents seem solely to relate to an Administration, not to the Parliament, which represents the views of the Scottish people.

Where is the role of this Parliament in discussions of the concordats and of how they may develop?

**The First Minister:** Where is its role? We are actually discussing the documents at the moment. It seems slightly perverse for Margaret Ewing to ask, "What is our role?" when we are having a debate on the documents. I do not know, but there is likely to be a division later today on my motion. That is a classic example of misinterpreting what the documents are about. They are working documents, laying down a ground rule—a framework—within which Administrations operate. The exchange of statistical information, for example, is perhaps not enormously exciting in a political sense, but the end product is of great importance.

We must be able to get the information that we need; we must have a duty to contribute the information that the Administrations want. To set out rules to govern that seems to be entirely sensible and straightforward.

I say again to Margaret Ewing that she is misinterpreting the essential purpose of the documents and is trying to erect another set of criteria which they were never intended to meet.

**Hugh Henry (Paisley South) (Lab):** Will the First Minister give way?

**Ms Margo MacDonald (Lothians) (SNP):** Will the First Minister give way?

**The First Minister:** I will give way briefly.

**The Presiding Officer:** I call Mr Henry.

**Hugh Henry:** Alex Neil commented that the concordats are defective because they have been drafted in secret in London, and that they are heavily weighted towards London's interest. He has now listened to what the First Minister has said. Will the First Minister confirm that the Scottish Executive and the other partners have been fully involved in the discussions on the concordat?

**The First Minister:** Of course they have. I have made the point that before 1 July, when I was still Scottish secretary, officials from the Scottish Office were involved in the bilateral discussions and that that has continued since 1 July under John Reid. The concordats then came to us for final approval and have now been brought before this Parliament as a courtesy, because I believe that it is right that there should be a debate on them and that they should be endorsed by the Parliament.

**Alex Neil:** Will the First Minister give way?

**The First Minister:** I was asked to speak for only 15 minutes, so I am getting alarmed at the number of interventions. I will let Alex Neil in once, but then I must make some progress.

**Alex Neil:** Are the First Minister and Hugh Henry trying to kid us on that the concordats were reached jointly? In an answer that I received from the First Minister on 1 October, he said that the UK Government had prepared the drafts.

**The First Minister:** That is a tremendously clever point, but it shows a total misunderstanding of the constitutional position. The drafts were prepared, against the backdrop of the arrival of devolution, by the United Kingdom Government, which included the Scottish Office, the relevant partner at the time. We could not consult a Scottish Executive that did not exist. Once the Executive came into existence, the drafts were sent to it for its approval and for continuing adjustment.

The situation is perfectly straightforward. Alex Neil is chasing around looking for problems that are not there and for conspiracies that do not exist, which is not a particularly becoming occupation.

John Swinney must also have been let down by his research assistants, because what Henry McLeish said was that:

"The concordats are not intended to be legally binding contracts, or to substitute for matters properly covered by the Bill. However, it is likely that they will be justiciable to an extent. For example, if the Scottish Executive did not follow the consultation procedure set out in a concordat, it could be judicially challenged on the ground that the concordat had created a legitimate expectation that the procedure would be followed."—[*Official Report, House of Commons*, 12 May 1998; Vol 312, c 193.]

**Mr Swinney:** That is the point that I was making.

**The First Minister:** No. You missed out the fact that the concordats are not intended to be legally binding. Mr McLeish was clearly referring to the possibility of judicial review. We must be clear about that.

**Mr Swinney:** Will the First Minister give way?

**The First Minister:** No. The Presiding Officer will take me to task in his extremely polite, but somewhat damaging, way if I continue a running dialogue with the member.

The documents are not rules for procedure, designed for a nation state that is living uncomfortably with a partner that has recently been relegated to the status of next-door neighbour. As I have stressed, the Scottish people voted for devolution—not independence—and to retain the significant advantages that come from being part of the United Kingdom. That is the basis on which the arrangements described in the document have been constructed and on which the document should be judged. The concordats are about delivering on our promises to the people of Scotland. They are about different



Administrations recognising their responsibilities. That is why they should be welcomed.

I will say a brief word or two about the five concordats that comprise the package. The memorandum of understanding sets out the main principles to be followed: consultation; early warning; joint working; and confidentiality, such as is needed to ensure free and candid discussion.

Detailed arrangements for the joint ministerial committee are set out in an annexe. The committee will bring together ministers from all the United Kingdom's devolved Administrations and from the United Kingdom Government. The committee will consider reserved matters that have an impact on the Executive's responsibilities and devolved matters that have an impact on reserved areas. Meetings can be called by any of the members.

The United Kingdom specifically recognises the need to involve devolved Administrations early in discussions on, for example, European Union negotiations. If bilateral discussions between officials or individual ministers leave unanswered questions, the joint ministerial committee will allow wider discussion of issues. The committee is a sensible and specific piece of machinery that will help to bind together the working relationships that we need.

Foreign policy, including European Union issues, is a reserved matter. However, many devolved areas have a major EU element; for example, agriculture, fishing and the environment. It is, therefore, important to have in place an agreement on how such issues should be handled. The relevant concordat covers how to deal with exchange of information, mechanisms for agreeing a UK line, attendance at EU meetings and less formal contacts with EU institutions. It also details how to proceed on implementation and infraction issues. It would be chaos if we did not have such understandings and agreements.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Will the First Minister give way?

**The First Minister:** I am sorry, but I must press on.

**Dr Ewing:** I have a question on a European matter.

**The First Minister:** I will let Dr Ewing in just this once.

**The Presiding Officer:** Dr Ewing, you must insert your card for your microphone to work.

**Dr Ewing:** I am so sorry.

Is not it the case that, prior to today's debate, it was said, for instance by Mr McLeish when the European Parliament Committee on Legal Affairs and the Internal Market visited Edinburgh, that if

the Scottish interest dominated on a particular issue, for example, on fishing, the Scottish minister attending negotiations would have priority? Has that position changed?

**The First Minister:** Nothing has changed. I will come on to that in a moment, but the position remains that we will be fully involved in the formation of policy, that we will be in attendance at negotiations and that there will be agreement on who should speak on any specific occasion. That has always been the position and it is a sensible one. The system is already in place and is beginning to work well. I hope that people accept that.

The European Union concordat allows for Scottish Executive ministers and officials to have full and continuing involvement in policy formulation, negotiation and implementation. If Dr Ewing looks at paragraph B1.3 of the concordat on co-ordination of EU policy issues, she will see that it states unambiguously that,

"the UK Government wishes to involve the Scottish Executive as directly and fully as possible in decision making on EU matters."

If she has the energy to pursue the matter, Dr Ewing will see that that message is reinforced in paragraph B3.13, which makes it clear that the UK ministers

"will take into account that the devolved administrations should have a role to play in meetings of the Council of Ministers at which substantive discussion is expected of matters likely to have a significant impact on their devolved responsibilities."

Paragraph B3.14 makes provision for

"Ministers from the devolved administrations speaking for the UK in Council".

It goes on to say that such ministers would speak

"with the full weight of the UK behind them, because the policy positions advanced will have been agreed among the UK interests."

I recognise that there is a wish to pursue conspiracy theories, but the European Union is one area of activity where there will be considerable gains for Scotland and for the country's commerce and industry. Next week, I will be in Brussels with a number of my colleagues to open Scotland House. I will hold a series of meetings with commissioners and we intend to keep in close touch with European affairs. The devolution settlement allows us to have a constitutional basis on which we can operate alongside the German Länder and the Spanish autonomous provinces.

It is a matter of political judgment, but I believe that there are considerable advantages in being a player in the big league and in having the weight of the United Kingdom behind us on agreed policy

positions. If we were a new member—presumably after negotiations—we would be on the fringe of events. That matter is up for political discussion, but the decision was taken by people when they voted at the previous election and in the referendum.

The position is fully and honestly reflected in the concordats, not just the one on European Union matters, but the one that deals with financial assistance to industry. Paragraph C17, for example, states that

“Ministers and officials of the devolved administrations will be fully involved in discussions within the UK Government about the formulation of the UK’s policy position on all issues which touch on financial assistance to industry.”

The concordats are an honest and full response to and implementation of what we promised during the devolution debate and, as such, ought to be welcomed.

If we are ever in the position—although I do not anticipate that we shall be—where a UK Administration is flouting some of the specific provisions that are laid down in the concordats, the wisdom of having them written down and agreed will become apparent. The fact that the nationalists have suspicions about human nature—specifically, about the nature of United Kingdom politics—underlines the need for taking precautions. The provisions fulfil in every sense the agreements reached about co-operation and about ensuring the place of the Scottish Parliament Administration in the UK’s European Councils. The nationalists may continue to argue the nationalist case, but I do not believe that they can do that if they apply honestly the criteria of the political settlement that lies behind these concordats.

On the international concordat—I will be very brief—the white paper made it clear that arrangements would be made for the Executive to play a part in the conduct of international negotiations. Anyone who reads that concordat will see that those arrangements are fully reflected.

I will say a word or two about the concordat on financial assistance. It is in Scotland’s best interests to have this concordat in place. Its intention is to provide a framework that enables fair competition and value for money in our economic development work.

There have always been agreements—bases for understanding—and it is right that we should continue to have those. That sensible proposition is at the heart of this concordat. For example, no one wants one part of the UK to bid for an inward investor against another part of the UK with the consequence that both end up bidding for one firm—one incomer—in a way that may result in

much larger financial commitments being entered into than are necessary. I do not think that that is sensible, or that we want that to happen.

I do not want to use the phrase ripped off, but there could be, for example, an auction house situation, where one could end up bidding for the same piece against a friend who was also there—one might feel silly at the end of that process. While that is a rather homely and simple analogy, I hope that it is one that will help the Opposition parties’ understanding of the concordat.

I stress that there is a clearing house for the exchange of information where there is room for discussion both at official level and at bilateral level between ministers. Ultimately, there will be discussion at a formal ministerial committee. I think that that is a sensible approach. There is no question of dictation or of the imposition of vetoes. To use another lay term which I think is appropriate, if there should be a clash of interests, it is right that that should be exposed, examined and, I hope, settled. Of course, if it is not possible to settle such a clash, no doubt people will make their own way.

It is a sensible provision; it is not a threat or some sort of shackling. Indeed, I was rather entertained to hear the announcement that the European Union provisions were some form of constitutional shackling. That is a heavy description for sensible administrative arrangements and co-ordination. On shackling, I think that the consequences of the policies pursued by the nationalists would be a great deal more damaging and difficult.

This morning, I listened to an interview with Andrew Wilson on the radio. He said that our difficulty is that we were not able just to pour more money into social services. As you may remember, Presiding Officer, he was the gentleman who started the election campaign saying that there was no fiscal deficit. He ended up working it out on the back of an envelope and, 10 minutes later, had to say that he had got it wrong. There are great dangers in national policies, but I do not think that there are dangers in sensible, orderly arrangements made between the parties who have to work together to arrive at the right solutions to Scotland’s problems.

I briefly mentioned statistics earlier and, for completeness, I say that it is sensible that each Administration has the comparative information it needs on a consistent basis. The concordat on statistics will ensure that information at GB and UK levels can be maintained. One of Scotland’s strengths is that we have a statistical base that is particularly strong, set against rural regions of England, for example. We want to supplement and strengthen that, particularly in areas where UK responsibilities impinge upon Scotland. We have a

clear duty to supply relevant information to UK Administrations. Even if I give every allowance to the ingenuity of the nationalists, I cannot believe that anyone could disagree with that.

I hope that I have helped to clarify what these documents are—and, more important, what they are not. Provision is made for all the concordats to evolve and to be amended in the light of experience. However, as a first attempt at mapping out how relationships between the Executive and the UK Government should work, I think that they are comprehensive and, more important, I hope that they are comprehensible. Once this package of multilateral agreements has been endorsed by the Parliament, we can proceed with the publication of the bilateral concordats that will follow.

The documents have been put before the Parliament because we believe that they should be discussed. They provide a valuable and well-reasoned framework for managing our inter-Administration relationships within the UK. They contain soundly reasoned proposals for co-operation and mutual support and they fully meet the purpose for which they were designed—no more, no less.

These documents reflect precisely and honourably the white paper, the contents of the Scotland Act 1998 and the pledges given during the devolution debates by ministers. I hope that the Opposition will accept that we are considering the documents within that context—they are the delivery of the machinery that will make devolution work. As such, they make every possible sense and every proper provision for our future governance. They are working documents, they are aide-mémoires for officials and they reinforce and buttress the firm intent—the determination—of both Holyrood and Westminster to work together for the common good. They are part of the machinery that will allow Scotland's Parliament to work well with the rest of the United Kingdom and to serve Scotland's people. I commend them to the Parliament and I commend the memorandum of understanding and the supplementary agreements that are laid before the chamber by the Scottish Executive.

As a dying fall, Presiding Officer, I move, as amendment to motion S1M-186, after "Scottish Ministers and the", insert "Cabinet of the".

I hope that the amendment is acceptable to the chamber.

**The Presiding Officer:** Please move the motion as well.

**The First Minister:** I move,

That the Parliament endorses the Memorandum of Understanding and supplementary agreements concluded between the United Kingdom Government, Scottish

Ministers and the National Assembly for Wales.

**Mr Tosh:** On a point of order, Presiding Officer.

**The Presiding Officer:** I was going to deal with Mr Swinney's point of order first. Is your point of order on the same issue, Mr Tosh?

**Mr Tosh:** It would be better if you dealt with the previous point, Presiding Officer.

**The Presiding Officer:** Further to Mr Swinney's point of order, under rule 8.5.1 of the standing orders, I propose to accept the amendment in the name of Donald Dewar, which has to be put to the chamber and will be voted on at 5 o'clock. I have accepted that amendment, so the amendment and the motion are in play.

Mr Dewar, with great generosity, did not point out that the same mistake appears in the SNP amendment. I invite Mr Swinney, when he concludes his speech, to move the manuscript amendment that I have received in his and in others' names to insert the same words. *[Interruption.]* I beg your pardon. Alex Neil will move the SNP amendment. The drafting amendment must be moved first, before moving the amendment that is in today's business papers, so that, when we come to decision time at 5 o'clock, we will be in order.

Is that clear, Mr Tosh?

**Mr Tosh:** I am very sorry that I gave way to you, Sir David, as that was precisely the point of order that I was going to raise. *[Laughter.]*

**The Presiding Officer:** I always take note of the convener of the Procedures Committee.

10:08

**Alex Neil (Central Scotland) (SNP):** Thank you, Presiding Officer. I give notice that I shall move the amendment and the amendment to the amendment to take account of the Executive's amendment to its motion. *[Laughter.]* We might be here from 5 pm until 5.30 pm tonight to vote on all these amendments.

I thank the First Minister for the very kind personal remarks that he made at the start of his speech.

**The First Minister:** Any time.

**Alex Neil:** I agree with the First Minister on one point only. A good-neighbour policy is the underlying principle that should govern the relationships between the peoples, the Parliaments and the Governments of the British isles. It is not in anyone's interest in Scotland, England, Ireland or Wales for there to be any rancour or resentment, acrimony or aggro between the peoples of these islands. We must treat one another with respect and dignity and co-

operate where co-operation is essential and beneficial.

One of the reasons why I am in favour of independence is that I believe—and I disagree with the First Minister on this point—that, if Scotland had equal constitutional status with every other nation in Europe, that would enhance and improve our relationship both with London and with the other parts of the British isles. That debate is for another day, however.

**Hugh Henry:** Alex Neil has said that the concordats are heavily weighted towards London's interests—I presume that he means the UK Government's interests. Will he say whether the SNP believes that there are instances where London's interests would coincide with Scotland's, and, if so, will he specify those instances?

**Alex Neil:** We represent Scotland's interests all the time, as I will explain.

**Hugh Henry:** That was not the question. I asked whether Mr Neil could envisage a situation in which the UK Government's interests—which he described as London's interests—coincided with Scotland's interests.

**Alex Neil:** Absolutely. There are many instances of that, not least on international and European affairs. When Scotland becomes an independent member of the European Union, the United Nations and many other international bodies, there will be many times when we will not only vote with each other, but work together to provide a solution that is beneficial to Scotland, England, Wales, Ireland and every other nation in Europe. I am absolutely sure about that.

Today's debate is not about independence or devolution. It is about establishing whether the memorandum of understanding and the concordats achieve the objectives that the First Minister set out in his speech.

My first concern is how the Scottish Executive has treated—or to be more accurate, maltreated—the Parliament in the way in which the concordats have been drawn up. There is no doubt that the concordats have been drafted in London and in secrecy. At no time has the Parliament been given the opportunity to input its ideas on the agreements, nor have we been consulted on their content. Indeed, until last Friday, we had not even been informed about the subject areas that the concordats would cover. That flies in the face of the open-government policy that was supposed to be the foundation stone of the Parliament. As the *Sunday Herald* rightly said last week of the agreements:

"Surely this is a constitutional issue and therefore ought to be debated by all parties to ensure that the rules will endure."

I will not go into the spelling of "en-Dewar".

The concordats were drafted in London and amendments were then submitted by the Scottish Executive. The Scottish Parliament has seen neither the original drafts from London nor the Scottish Executive's proposed amendments. We do not know what those amendments were, or whether they were accepted or rejected; if they were rejected, we do not know why. This Parliament is entitled to know those things. Why has the Scottish Executive refused to answer even the most basic questions raised by members about the negotiations? I have tried to make my questions as simple as possible, but my question from, I think, 14 September—I asked for a list of the subject areas that the concordats would cover—met with what has become the Scottish Executive's usual reply, which is that the minister will reply as soon as possible. The minister has still not replied.

A particular complaint, which is probably shared across the chamber, concerns the way in which the Scottish Executive refused to give any advance copies of the concordats to members of this Parliament before the press conference that the First Minister and his close friend the Secretary of State for Scotland held at 11.30 am last Friday. Such a practice would be totally alien to the spirit, if not the letter, of the Executive's code on access to information; it is certainly contrary to both the spirit and the letter of the all-party agreement on how the Parliament should work that was reached through the constitutional steering group.

**Mr Tosh:** In agreeing with Mr Neil in his criticism of how this matter was introduced into the public domain, I ask him to clarify his position. Does the Scottish National party believe that there should be no concordats, in principle, or does Mr Neil's argument lie with how matters have been handled?

**Alex Neil:** We are quite happy that concordats have to exist, whether the situation is one of devolution or independence. We object to these particular concordats. I will discuss the detail of our criticisms in a moment.

To rub salt into the wound, the Parliament has not been, and will not be, given access to the minutes of the joint ministerial committee and other committees that are to be set up under the terms of the agreements. Earlier, Murray Tosh raised a valid point about the need for this Parliament to scrutinise the work of those committees. How can the Parliament scrutinise that work effectively if we do not have access to it? It is beyond belief that the Bank of England's monetary policy committee can publish its minutes, which concern sensitive issues such as interest and exchange rates, but the Parliament

cannot have access to the minutes of the proposed joint ministerial committee. Parliament should insist on access to those minutes, other than where they deal with matters such as national security—if, indeed, they will deal with such matters.

I will turn to some matters of substance in the agreements. The way in which the joint ministerial committee is to be set up and operated exposes a fundamental flaw at the core of the agreements. UK ministers are to be charged with representing the interests of England as well as those of the UK as a whole, as paragraph 1 of the memorandum of understanding spells out. In other words, the English UK ministers will be expected to wear two hats—an English hat and a UK hat. The clear implication is that the UK's interests will be synonymous with those of England. I suggest that any politician—even one as skilled as the First Minister—who can successfully wear English and UK hats at the same time, and satisfy the demands of each, would make Houdini look positively arthritic.

I will give three examples of where this situation could and would create serious difficulties and unnecessary rancour and resentment, either north or south of the border. This is a two-way process; it is as easy for people in England to feel resentment over some aspects of the agreements as it is for people in Scotland.

The first example relates to something that took place at the stroke of a Westminster pen earlier this year—the transfer of 6,000 square miles of Scottish fishing waters from the jurisdiction of Scotland to that of England. The English interest would be for those waters to be transferred, whereas the Scottish interest would be for them to remain under Scottish jurisdiction. If there had been a ministerial committee, chaired by the English UK minister, and he overruled the majority view—as he would be entitled to do under these agreements, with the final arbiter being that great ex-Scotsman Tony Blair—that would turn what is supposed to be a concordat into a discordat. That would cause enormous resentment—in this case north of the border.

My second example concerns housing benefit reforms that will be announced in an English green paper on housing in the next six months or so. Huge differences exist between Scotland and England in the housing market, so some of the reforms that are proposed for England would be wholly inappropriate for Scotland. If the English UK minister chairing the joint ministerial committee on housing benefit reform forced through an English solution and tried to impose it on Scotland, that would also cause unnecessary rancour and resentment north of the border. It could also have a serious impact on the living standards of those

people in Scotland who rely on housing benefit.

The third example relates to the Cubie committee on the future of student finances in Scotland. We read in last weekend's newspapers, as we have in previous weeks, that David Blunkett—who would be the English UK minister chairing a joint ministerial committee on student finance—is prepared to overrule the recommendations of the Cubie committee and of the Scottish Executive and the Scottish Parliament. In other words, the English minister could unilaterally overrule the express wishes of the Scottish people on this policy area. That situation is totally unacceptable to Scotland.

Of particular concern is the proposed overseas promotion committee, which—as the First Minister outlined—will oversee inward investment projects. It will be totally dominated by English UK ministers who will have the back-up of the Invest in Britain Bureau and the 10 new regional development agencies that will cover the whole of England. What chance does Locate in Scotland have against all those bodies?

**The First Minister:** I was not going to bother to interrupt, but Mr Neil has totally misunderstood the nature of the overseas promotion committee and the nature of the joint ministerial committee. There is no question of the chair overruling a majority—that view indicates a total persecution complex that is based on political prejudice. I suggest that Mr Neil withdraws what he has said.

**Alex Neil:** The First Minister might not have read the document in detail, but it says on almost every page that the UK Government will have the last word on everything. That means that it can overrule anything that this Parliament decides. The document emphasises the fact that the Westminster Parliament can legislate even on devolved matters. I do not have a persecution complex; I think that the jerseys of the people of Scotland have been sold.

**The First Minister rose—**

**Alex Neil:** Allow me to quote from the *Sunday Herald*—which I know will be a favourite newspaper of the First Minister. It says that the final result of those agreements

“has been a triumph for Westminster as having the power to legislate on any issue whether devolved or not, so it is quite clear that the Concordats repeatedly rub the nose of Scotland's devolved Parliament into the ground.”

That comes from a newspaper that believes in devolution and not in independence.

**The First Minister:** Alex Neil is making exactly the mistake that I predicted he would make. He is right that the UK Parliament can, ultimately, legislate. We know that it has passed an act of Parliament that set up a devolved Scottish

Parliament with its own terms of reference and its own areas of responsibility. The UK Parliament will not use its theoretical powers to overrule the decisions that the Scottish Parliament makes in its areas of responsibility.

His interpretation of the joint ministerial committee—and the scrutiny process for exchange of information and for bringing order to inward investment policy—is a pastiche and a distortion. It is a collection of prejudiced statements that bear no relation to the facts. If what he said was true, we would hear strong words from Locate in Scotland, but we have not.

**Alex Neil:** First, Locate in Scotland is not entitled to make political comments and, secondly, this issue is not theoretical. The Westminster Parliament has the power to overrule the Scottish Executive and the Scottish Parliament—that is a matter of law. The First Minister cannot make a commitment that any future Administration in London will not legislate on devolved matters, although he may argue that the current Government would not do that.

**The First Minister** *rose*—

**Alex Neil:** I have given way to the First Minister rather a lot, but I will do so again.

**The First Minister:** Does not Mr Neil realise that the fact that we have a devolution settlement invalidates all that he says? He is entitled to his view, but we in Scotland voted for a devolution settlement. The nature of that settlement is that the United Kingdom Parliament, which contains a full representation of Scottish members, remains sovereign. Mr Neil might not like that, but to say that it constitutes a fatal flaw in the concordats is illogical nonsense.

**Alex Neil:** There is a fatal flaw if there is to be genuine devolution.

Let me make some suggestions about the joint ministerial committee. Why should not we recognise the conflict that could result from asking one minister to represent both English and UK interests? Why do we not insist that, on the ministerial committee, the majority view of the four devolved Administrations rather than the view of the English minister should be the UK view? Why do we not insist that the chairmanship be rotated among the four Administrations? Why do we not insist that the subject committees be chaired by people from the four Administrations?

There is nothing anti-devolutionary in those suggestions. To do those things would give a clear signal that there had been genuine devolution from London, rather than the centralised control freakery represented in these documents. The documents are more akin to diktats than to genuine concordats. They have been drawn up

not jointly, but unilaterally by the UK Government, as Mr Dewar has said.

The agreements are totally unacceptable to the people of Scotland. When the Scottish National party is elected to form the Administration in this Parliament, it will renegotiate the concordats. The concordats do not live up to the needs or aspirations of the Scottish people. Our simple message to Donald Dewar and to Tony Blair is: away home and think again.

**The Presiding Officer:** Mr Neil, will you move your drafting amendment and the amendment?

**Alex Neil:** Thank you, Presiding Officer. I move, as an amendment to amendment S1M-186.1, insert "Cabinet of the" after "Scottish Ministers and the".

I also move the amendment to motion S1M-186, in the name of the First Minister, to leave out from "endorses" to end and insert:

"calls upon the Scottish Executive to re-negotiate the Memorandum of Understanding and supplementary agreements concluded between the United Kingdom Government, Scottish Ministers and the National Assembly of Wales in order to protect the interests of the Scottish people and ensure that no additional constraints are placed on the powers of the Scottish Parliament."

10:25

**Miss Annabel Goldie (West of Scotland) (Con):** You will be relieved to hear, Sir David, that I will not be moving anything—

**Mrs Margaret Ewing:** Not even the voters?

**Miss Goldie:** I am delighted to report to Mrs Ewing that my spies tell me otherwise.

Mr Neil has legitimately made the position of the nationalists transparent, as he had to. That position is based entirely on an independence agenda and so I understand why it is difficult for him to embrace the spirit of the concordats and the memorandum of understanding.

I say to the First Minister that the position of the Conservatives is also transparent: we are a party that is committed to the United Kingdom, but we recognise within the devolved settlement the need for a mechanism to regulate the administrative issues that are bound to arise in the creation of a Parliament such as this.

We welcome the composition and the publication of the memorandum of understanding and the concordats as they are contained in the annexes. However, Mr Dewar, we have concerns and it is right that we should articulate them. The document is, for example, optimistically called a memorandum of understanding. I might suggest, Mr Dewar—

**The Presiding Officer:** Please speak through

the chair, Annabel.

**Miss Goldie:** I beg your pardon, Sir David.

I suggest to Mr Dewar that if proper regard for parliamentary protocol is not shown, and if there is not reasonable dissemination of information, this document is in grave danger of ending up a memorandum of misunderstanding. It will be a memorandum of misunderstanding because of the genuine paucity of opportunity to consider the content of the document. The Conservatives want the concordats to work—we want them to provide a reliable and stable framework for civilised liaison and a conduit of views. We want them to be a sound structure for determining what the administrative difficulties are.

We have genuine concerns, however. I find myself sharing common ground with Mr Neil—*[Interruption.]*

**The Presiding Officer:** Order. We cannot have muttering in other parts of the chamber during a speech.

**Miss Goldie:** Someone seems to have come to life on the back benches.

I share common ground with Mr Neil in that I feel that the Executive has shown contempt for Parliament in its decision to unveil the concordats at a press conference. If this Parliament is good enough for Mr McLeish to give a ministerial statement on Continental Tyres Ltd to, and if it is good enough for Mr McConnell to present his expenditure statement to, surely it is good enough for the First Minister to come to first to disclose and publicise the memorandum of understanding and the concordats.

**Mr Swinney:** Does Miss Goldie agree that Parliament could have a greater role in the process of arriving at the concordats and does she further agree that the fact that they were announced to the press first was a gross discourtesy to this Parliament? Should not we have been consulted earlier on the issues involved? That would have meant that some of the suggestions that Mr Neil made on the joint ministerial committee and the chairing of that committee could have been incorporated in the dialogue that the First Minister had with the UK Government on that subject.

**Miss Goldie:** I thank Mr Swinney for that comment. I was going to expand on that in my remarks.

The underlying approach of the Conservatives in this Parliament is that we want the Parliament to work. Rather than the covertness, furtiveness and constant shadow of secrecy with which the Executive is tainted, we should have a Parliament that is graced by transparency, visibility and honesty. Time and again we see behaviour that is

redolent of dominance and we see furtive retention of information. That may be uncomfortable for the Executive to acknowledge, Mr Dewar, but that is how many other members view the behaviour of the Executive.

There is a spirit of co-operation in this chamber on this subject and a desire—at least among the parties that believe in the United Kingdom—for the concordats to work. Given that, it is ironic that an opportunity for consideration, discussion or even disclosure of some of what was proposed in the document was denied to us. If that information had been made available, Mr Dewar, the chances are that the memorandum would have been a better document.

**The First Minister:** I am interested to hear that. I understand that line of argument; it is a predictable one. However, can Annabel Goldie tell me of any instance in British politics over the past 20 years when administrative documents of this kind have been formalised in the way that she is suggesting? Does she realise that she is suggesting that every Parliament that is involved in this—except the Northern Ireland one, which would have to come in later to ask for changes—would need to have the right to make their amendments, as the concordats are quadrilateral? That would mean, above all, that the Westminster Parliament would have to debate, amend and insist on changes. Is that really what she is suggesting for what is an administrative document—a working guide between departments? If she is suggesting that there is some sort of deprivation of rights, will she tell me when those rights have ever existed?

**Miss Goldie:** Within the past 20 years, Mr Dewar, I am not aware that we have ever had to consider the regulation of relationships between two Parliaments in the United Kingdom. I thought that that was why this Parliament was an innovation—why it was an historic creation. That is why, Mr Dewar, this is unprecedented.

**The Presiding Officer:** Order. I know that the two members are sitting close together, but we must have a debate through the Presiding Officer. This cosy relationship has got to stop.

**Miss Goldie:** I apologise, Sir David. My natural amity for the First Minister will have to become slightly more obscure.

In the spirit of wanting the memorandum to succeed, I feel that it would have been helpful for us to have had some indication of the draft contents. We accept that there might have been a limit on the efficacy or completeness with which we, as a devolved Parliament, could have regarded these documents, but a little information, and the facility to contribute ideas, would have been both healthy and helpful.

We know that there will be additional concordats; what we have here is just the first batch. I hope that there will be an opportunity—and I urge the Executive to consider this—for some disclosure of what those concordats are likely to govern and embrace. If the subject is relevant to our own parliamentary committees, we might want to make some comment, suggestion or proposal—not to be didactic or binding, or to have legal effect, but simply to be helpful.

I was interested in what both Mr Neil and Mr Swinney said about the assertion that the memorandum is not legally binding. Some play was made of Mr McLeish's contribution to the debate in the House of Commons. I, too, have a slight concern. An authoritative view was expressed in the House of Lords by the English Solicitor-General on second reading of the Government of Wales Bill. Lord Falconer made a good point, saying of the concordats:

"They will not take the form of binding contracts; they will not take the form of statutory documents, but it may well be the case that they will create a legitimate expectation of consultation. For instance, if one party to a concordat suddenly ceased to consult the other in accordance with the concordat, the result might be that its decisions could be challenged by way of judicial review, so it is wrong to say that there will be no legal underpinning to these concordats."—[*Official Report, House of Lords*, 21 April 1998; Vol 588, c 1131.]

My concern is that we are straying on to a potential law-making facility and that we may be doing so through the back door. I do not think that that is healthy. If, in Scotland, a potential investor felt that his or her rights had been ignored or disregarded by the Executive, in relation to the directions within the concordats—it might be a lack of consultation or whatever—that investor might seek judicial review in the Court of Session. His case might be founded on the alleged lack of consultation or some other neglect or failure by the Executive in relation to the concordats. I am concerned that this Parliament has not had an opportunity to examine in detail the text of these documents. I do not want to labour the point; I simply make it and observe that it is one issue over which the Conservatives have concerns.

The joint ministerial committee seems to have been conceived with good intent, but I am not sure just how it will operate. According to the memorandum of understanding, the joint ministerial committee is to carry out various tasks. Its terms of reference are to consider various matters, to keep arrangements for liaison and to consider disputes. I am not quite sure about the committee's status. I am not sure whether it is consultative or executive; perhaps it is meant to be neither. The Executive has a duty to this Parliament to clarify how it regards the status and structure of that committee. It is important for us to know precisely how the committee is meant to

operate.

There is a feeling—unworthy, perhaps—that the committee's status may deliberately have been made vague. It may be a deliberate fudge to deal with Governments of different colours in different parts of the United Kingdom. If the Conservatives were in government in the United Kingdom and in Scotland, those fears would be groundless. However, if there are to be different Administrations in different parts of the United Kingdom, there may be difficulties in the way in which the joint ministerial committee functions.

**Alex Neil:** Will Annabel recommend to her colleagues that, if they ever again form the Administration in London, they rewrite the concordats to ensure that we have that proper and fair representation the lack of which she is criticising?

**Miss Goldie:** Mr Neil tempts me, as he often does. [*Laughter.*] Suffice it to say, I expect that these concordats are meant to be—and have to be—flexible in content and intent. Without a crystal ball, I am unable to say what exactly a Conservative Administration would do, but I shall bear in mind Alex Neil's helpful suggestion. [*Interruption.*] He has now made me lose my bit of paper.

**Hugh Henry:** It is the excitement.

**Miss Goldie:** The word riveting springs to mind.

The Conservative party welcomes the spirit of the memorandum and goes so far as to applaud what has been produced. However, that in no way minimises the reservations and misgivings that I have expressed about the way in which the matter has been handled. We see no reason why this Parliament should not be party to the intended content of future additional concordats. That would be both helpful and healthy.

In conclusion, I thank Mr Dewar for his contribution to this debate. The Executive will be tested on how it behaves and on what it does rather than on what it constantly says about transparency, visibility, honesty and all the rest. That test has not, as yet, been discharged. [*Applause.*]

**The Deputy Presiding Officer (Ms Patricia Ferguson):** I remind members who want to participate in the debate that they should press their request-to-speak buttons now. There will be a four-minute limit on speeches.

10:39

**George Lyon (Argyll and Bute) (LD):** On behalf of the Scottish Liberal Democrats, I welcome the publication of the concordats, which lay out the details of the relationship between the



Parliaments of the United Kingdom, including Northern Ireland. Of course, we hope that at some stage there will be a parliament in Northern Ireland that can take part in that relationship and use the concordats.

The concordats establish once and for all that the relationship in question is between Parliaments—minister to minister and department to department. The document clearly states that there is no role in the relationship for the secretaries of state, except to promote good relations between the UK Government and the respective devolved bodies.

**Mr Swinney:** Mr Lyon said that the document describes a relationship between Parliaments. The motion that we are asked to support today makes absolutely no mention of the involvement of the Scottish Parliament, other than to ask us to endorse a document that empowers Scottish ministers to make particular representations. I am totally confused by his line of argument. Will he explain what he means?

**George Lyon:** As I said, the document concerns the relationship between the Executive in this Parliament and Executives in other Parliaments in the United Kingdom.

Coming back to the role of the Secretary of State for Scotland—

**Mrs Margaret Ewing:** Will Mr Lyon give way?

**George Lyon:** I have already given way once and I have only four minutes in which to make my speech.

The question remains as to whether we still need 130 civil servants to deliver the secretary of state's role of promoting good relations between the Administrations, and members on all sides of the chamber are concerned about that.

Representation in Europe is important for some of our primary industries, such as agriculture and fishing. The key priority is not who sits at the ministerial table; rather, it concerns input into the formulation of UK policy, and the document provides a clearly defined framework for Scottish ministers to play a role in that process.

**Bruce Crawford (Mid Scotland and Fife) (SNP)** *rose—*

**Christine Grahame (South of Scotland) (SNP)** *rose—*

**George Lyon:** I have only four minutes, but I will accept one intervention.

**Bruce Crawford:** How many times have Scottish ministers taken the lead in meetings of the Council of Ministers after agreement with other Whitehall departments in areas of real substance?

**George Lyon:** The key issue is the UK policy position, which must reflect Scottish objectives.

**Mrs Ewing:** Answer the question.

**George Lyon:** That is the answer to the question; the important thing is the way in which UK policy is formulated and developed. Let us not forget that the UK has 10 votes at the table—10 votes out of 87 and 10 votes that go towards a minority blocking position of 26. Compared with the voting power of some of the smaller nations that start with three votes, we have a significant and powerful position at the Council of Ministers.

**Ms MacDonald:** Will Mr Lyon give way?

**George Lyon:** I have only four minutes and have already taken two interceptions.

**Ms MacDonald:** Interceptions? [*Laughter.*]

**George Lyon:** I have one more point about the relationship with Brussels. The UK representative office is the key organisation in Brussels for delivering UK policy, controlling the way in which we engage with the European Commission and with other countries. It is vital that Scotland House officials should be fully integrated into the UK representative office, and I would like the minister to detail how that relationship will work. Those who have been involved in the process believe that the political representation should have been based inside the UK representative office. That office is vital in delivering the views of the Scottish ministers and the UK policy position in Europe.

The Scottish Liberal Democrats agree that it is sensible to set up a ministerial group to exchange information about inward investment. It is vital that, if various parts of the UK are bidding for big, mobile investment projects, there should be regular exchanges of information between them. We do not want a situation in which one part of the UK is played off against the other and we end up in a bidding war. That would benefit no one, least of all the taxpayer.

Who is to decide on the assistance that Locate in Scotland should offer to such a mobile investment project? Once the concordats and the consultation process through the committee structure are working, and when Scottish ministers have full knowledge of which other areas of the UK are involved in bidding for a project, it is up to them to take a decision as to whether it is wise to up the bidding. If the Scottish ministers get it wrong, the Finance Committee and the Audit Committee will scrutinise the matter and call them to account. That is what devolved government is all about—taking decisions based on what is best for Scotland.

10:45

**Des McNulty (Clydebank and Milngavie) (Lab):** Like George Lyon, I welcome the opportunity to discuss the concordats, and I appreciate his comments on particular aspects of them.

Before I go on to do the same, however, I want to mention the contributions from Alex Neil and Annabel Goldie. They could have talked about the specifics of the concordats, but Alex Neil's speech seemed to be based on the premise that we are not partners in the UK. He talked as if the only mechanism through which the interests of Scotland could be represented was through this Parliament. That is not the case. We have 72 Scottish MPs at the UK Parliament at Westminster, and a number of UK ministers are Scottish MPs.

**Mrs Margaret Ewing** *rose—*

**Des McNulty:** Our interests are represented through that process as they are represented by the Scottish Executive. The real issue is how we can manage and co-ordinate that representation effectively.

In response to what Annabel said, it seems to me that, rather than being a secret process, the concordats are a demonstration of transparency. The documents set out the way in which decisions will be arrived at and the administrative arrangements for taking issues forward.

**Miss Goldie:** Mr McNulty is quite right in saying that we now have the concordats and are having a debate about them. That is what Mr Dewar said in his speech, but I still have some concerns. What does Mr McNulty suggest should be done if members were to say that we disagree with most of the content of all the concordats? The concordats are printed, published and agreed. Despite the terms of the motion that is before Parliament today, a vote in favour of the concordats would be very much a cosmetic endorsement.

**Des McNulty:** If there are substantive areas of disagreement, let us identify them. It is my view that, if there were any such problems, we could have an on-going debate about them. However, I understand the concordats to be a mechanism through which issues can be discussed and resolved at an administrative level, so that policy can be progressed effectively in a transparent way that allows people to understand what is going on and what the rights and responsibilities of different agents will be.

**Mr Tosh:** I am sure that we understand that point, but there is a broader question that goes beyond that. In the House of Commons, there is a clear mechanism for on-going scrutiny but, in this

Parliament, there is not. The operation of the concordats might be looked at by committees, but there is no committee with a remit to scrutinise the on-going work of this particular area of government.

**Des McNulty:** Mr Tosh's point is unreasonable. The committees on which I sit would find it difficult to do their work if they were in the position that he describes. Mr Tosh and I are both members of the Transport and the Environment Committee. If a transport issue were raised in the context of a concordat, we would not want it to be remitted to another committee dealing specifically with concordats; we would want to deal with it within our own remit. I suspect that members of other committees would take the same view. We must identify the best way of taking issues forward, whether in relation to inward investment or to any other matters that will come before the Parliament.

**Christine Grahame:** I hear what Mr McNulty says about transparency. He says that there should be accountability and that Parliament should be able to scrutinise the operation of the concordats. How on earth are we to do that? On page 8 of the memorandum of understanding, under the heading "Confidentiality and Public Statements", paragraph A1.11 states:

"The proceedings of each meeting of the JMC will be regarded as confidential by the participants, in order to permit free and candid discussion. However, the holding of the JMC meetings may be made known publicly, and there may be occasions on which the Committee will wish to issue a public statement on the outcome of its discussions."

If only the holding of meetings may be made known publicly, how on earth can such arrangements allow us to scrutinise anything?

**Des McNulty:** The concordats establish a terrain or format on the basis of which different kinds of issues will be handled, whether the co-ordination of European Union policy, investment in industry or other subjects that form the basis of future concordats. They establish the basis on which the four arms of Government within the UK will co-operate.

The document sets out a fundamental set of operating procedures through which Scottish and UK Governments will carry out their business. Issues of policy, if appropriate, will come here, to a committee or to the chamber. The Executive is accountable to the Parliament for how policy matters are handled—that is a clear principle. There is no subterfuge here. It is a clear process whereby issues will be dealt with by the Administration; it will enhance transparency and make clear who has responsibility for what and how the decisions are made. It is open to us to discuss any relevant policy issues in the Parliament.

10:51

**Mrs Margaret Ewing (Moray) (SNP):** I have four minutes to cover 40 pages, when I could spend 40 minutes on each page of the memorandum. Des McNulty clearly has not read or understood the implications of many aspects of it. I address my remarks to all MSPs because it raises issues of democracy and of the responsibilities placed on us by our electorate.

When I first read the document, I was incandescent with rage. That is a favourite word of Tony Blair's—he is always incandescent about something or other. If anyone suffers from insomnia, they should take the Maastricht treaty or the Schengen agreement to read in bed and they will go to sleep, but do not take this document. Anyone who cares about the development of democracy in this Parliament and the nation of Scotland should read every single word of the memorandum of understanding.

I went back to the dictionary: concordat is supposed to mean a pact or an agreement reached in harmony. Like Alex Neil, I cannot see harmony anywhere in the document. Look at paragraph 13 on page 3. It should not have come as a surprise to me, having sat through many hours discussing the Scotland Act 1998, but it says:

"The United Kingdom Parliament retains authority to legislate on any issue, whether devolved or not."

That is a critical sentence. I say to every member of this Parliament: take note of that phrase.

**The First Minister** rose—

**Mr Tosh** rose—

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace)** rose—

**Members:** They are all up.

**Mrs Ewing:** They all get up together—come on. Why did all of us—at least SNP members—go out and campaign for a yes result in the referendum? [MEMBERS: "Give way."] We campaigned to be elected to this Parliament—are we going to be ciphers while another organisation holds the chains?

**The First Minister:** Has Margaret Ewing read the Scotland Act 1998? Could she explain to me what is in the sentence she has read out that is not in that act, which she voted for?

**Mrs Ewing:** If Donald had listened to me, he would have heard me say that it should not have come as a surprise, because the phrase reflects the act. What Des McNulty and others have shown is a failure to realise that chains are being placed on the Parliament. How can we call ourselves a Parliament when there are constant references not to the members of the Scottish Parliament but to

the Administration? How are we a genuine Parliament, when we see constant references to the role of officials and not to elected members? I am concerned that the Parliament is consistently down-banded throughout the memorandum.

I note that the First Minister has left the chamber, but he does that regularly. He and I are old pals from Glasgow University, and we know how we feel about each other's views. How are we a genuine Parliament when we look at the demands in a European context? Section B3.14 states:

"That the role of Ministers and officials from the devolved administrations will be to support and advance the single negotiating line which they will have played a part in developing."

Tell that to our fishermen, to our farmers, to our pensioners. We do not want a bit part in such discussions—the Parliament should have a leading role.

Everyone in the Parliament today has a responsibility when they cast their vote to ask themselves: are we voting for democracy in Scotland or for the chains of Westminster that will bind us? I do not believe that the people of Scotland asked us to come here to be puppets of another organisation. The only consolation that I can find is in paragraph 28 on page 6, where it says,

"there may be a need from time to time for some adjustment to be made".

I give fair notice that adjustments will have to be made. They will be made through the democratic aspirations of the people. That is our responsibility—those who have sought election must repay the voters with the right to develop the democracy of Scotland.

10:57

**Elaine Thomson (Aberdeen North) (Lab):** I welcome the memorandum of understanding, the agreement on the joint ministerial committee and the four multilateral concordats. Margaret Ewing and others have happily quoted from paragraph 13. I refer members to words later in that paragraph, stating that the UK Parliament

"would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature."

It clearly lays out the framework—

**Bruce Crawford:** Will the member provide us with a definition of "normally"?

**Elaine Thomson:** Most people understand "normal" to mean usual practice. The memorandum and the concordats lay the basis for a good working relationship between the UK Government and the Parliament. We are in a new

situation with a Scottish Parliament. For things to continue to work effectively when change happens always requires thought and discussion on the new working processes and how different organisations will communicate. That is laid out in the document, which sets out and underpins how the Parliaments will deal with each other at different levels, including ministers, the Parliament and civil service departments.

It was always going to be the case that devolved matters would impact on reserved areas and vice versa. A mechanism must be in place to deal with that. UK bodies must have guidelines to help them deal with the new devolved bodies while continuing to work with Westminster.

A number of clear principles underpin the memorandum and concordats: mutual respect, trust and confidence in each other. It is recognised that good communication is essential for effective working, that issues should be discussed in good time, that others' views need to be considered and suitable arrangements for joint working made.

**Ms MacDonald:** I very much agree with the notion of mutual respect in concordats—it is essential. Does the member agree with Alex Neil's suggestion of a rotating chairmanship of the ministerial council, with different lead ministers from the different Administrations within the British Isles?

**Elaine Thomson:** No, I do not.

More can be achieved through co-operation, and the benefits of working together, where appropriate, will be greater.

Also required for effective communication is free and open access to information, which is produced in a coherent, reliable and consistent manner. That must be one of the keys of better policy making. It makes sense that when statistical data, for example, are collected, they are collected once and then made available to everyone.

In the areas that are covered by the concordats, it is vital that there is a clear understanding of how the concordats will operate and of the need for flexibility to operate effectively in fluid situations, for example, in negotiations with the European Union. UK policy objectives are best achieved through having a single, clear UK policy.

These are working documents: they are not set in stone for ever. They are dynamic documents and will continue to change. The working relationship between the Parliaments will continue to change, and the concordats will change with that. The documents that we are discussing today provide a clear basis for working in the immediate future.

11:02

**Mr Murray Tosh (South of Scotland) (Con):** I agree with two points that Alex Neil made. I also feel, as does the Conservative party, that the way in which the concordats were launched was a discourtesy to this Parliament. It was not appropriate to launch those documents at a press conference, especially when that occurred in the context of a number of important announcements having been made to the media rather than to the Parliament during the past couple of months. The Parliament must examine that.

A second concern has bubbled up during the debate, about how the operation of the concordats will be scrutinised in future. The First Minister said that the availability of the concordats is an innovation because documents of that nature have never been in the public domain before. He also said that the level of scrutiny—which in the past would have meant the relevant House of Commons committee scrutinising such work—has not existed before because we are in a wholly new context. That is the point: we are in a wholly new context. The concordats are different from the concordats and agreements between UK ministries: they are concordats between two Executives. How the concordats operate, and how they are seen to operate, is important. With regard to how the concordats will work, much more needs to be thought about, debated and concluded.

I appreciate the spirit of the First Minister's answer, that essentially the committees of this Parliament will be able to scrutinise aspects of the working of the concordats, but I restate my concern that there might not be a procedure that is sufficient for a review of the working of the concordats, and those which are yet to come, in their totality. The remit appears to go beyond that of a single committee, or even a series of disaggregated committees. We will have to address some important procedural points.

Having agreed with the Opposition case on those points, I distance myself and the Scottish Conservatives from much that has been said this morning, because it is clear that a huge miasma of misunderstanding, or misrepresentation, has surrounded the debate. For example, George Lyon, who is no longer here, assured us that these were concordats between Parliaments, when manifestly they are not: they are concordats between Executives. The role of Parliament in that process is how it scrutinises what is, effectively, an Executive relationship. I am afraid that George Lyon did not enhance his ministerial prospects with his offering.

Alex Neil was guilty of much the same mistake. The specific instances that he gave of where the relationship had broken down, and could break down in future, appeared all to relate to legislative,

and not Executive, areas. For example, the order relating to fishing boundaries was dealt with in Westminster by a committee and by members of Parliament in a vote; it was not an Executive action. The reform of the housing benefit regime in the coming year or so will be a matter for legislation. It is an important political issue, and Alex made some telling points about it with regard to the difference between Scotland and the rest of the UK, but any action will not be Executive action, so it will not be covered by the concordats: it will be covered by debate in both Parliaments.

In addition, Alex Neil was wrong on the issue of the Cubie committee, as that matter relates to a legislative rather than Executive area.

**Alex Neil:** Surely the key point is that legislation is usually initiated by the Administrations. Therefore, if the Administrations between them agree on a legislative priority, such as fishing rights, which results in legislation, the process starts with the Administrations.

**Mr Tosh:** Yes, but the concordats are not designed to govern how legislation is handled in either Parliament, or between the two. The concordats exist to handle Executive business, much of which is routine and mundane. The specific examples that Alex Neil gave are all first-rate political issues that are debated in Parliaments. Executives may propose legislation, but Parliaments pass it. It will be the role of this Parliament to take the decisions that he alluded to in concert with the Westminster Parliament, and there might be scope for some form of parliamentary concordat, but it is unlikely that we will be looking to agree on the details of legislation.

A huge amount of emotive rubbish has poured from the SNP this morning. For example, Margaret Ewing clearly did not understand what she supported when she supported the devolution set-up. When she campaigned around the country with as much emotion and passion as she showed this morning, she was campaigning for an act that had in it a statement that the UK legislature retained overall responsibility. How could it be different within a devolved context? I quite understand that the nationalists come from a different direction when they talk about independence, but they campaigned for devolution and that is the logic of devolution.

I regard it as an absurd expectation that at some future date the Westminster Government will start legislating willy-nilly over the Scottish Parliament in every aspect of our affairs. That is a ludicrous spectacle to hold out before the people of Scotland. It is scaremongering. It points to the fundamental reason why the Conservative party was so suspicious of the principle of devolution, which is that we have always seen this as an area

that opened up an avenue to the Scottish nationalists to divide, disrupt, misrepresent and scaremonger in the way that they have done this morning. We have accepted the democratic decision of the people of this country. We support devolution and we are committed to making it work. It has been made clear this morning that the SNP does not have that commitment and that it remains the wrecker still.

11:08

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Now we see the real unholy alliance in the chamber.

The document is grandly entitled memorandum of understanding, but it is more like a memorandum of lack of understanding. The reality is that this document is about the UK Government's paranoia about the devolution settlement.

The First Minister talked about suspicions. Yes, we are suspicious, Donald. We have every right to be: we have learned some hard lessons about the way Labour does its business. We will continue to be suspicious.

The document says much about the internal fears and insecurities of the UK Government machinery, which is fed by Blair's well-documented centralist and control tendencies. It clearly exposes the fact that the current relationship between the Scottish Executive and the UK Government is in considerable difficulty. This is a contract for a marriage that is based on mistrust and the fear that the Scottish Executive might be tempted to play away from home.

Let us examine the lack of understanding on European policy and Scotland's particular needs. Murray, those are areas in which legislation will be produced that affects this Parliament but on which we will have no say.

In January 1997, Robin Cook was recorded as saying:

"Labour's plans for devolution will create a Minister for European affairs in a Scottish Administration".

The reality is different. We have no such minister and it is the intention of this memo to ensure that the Executive is involved only in EU policy matters for which responsibility has been devolved.

Scotland's distinctive voice must be heard on matters outside the confines of the Scotland Act 1998. Scotland's distinctive voice must be heard on issues affecting the Europe of the future, such as enlargement of the Community, the single currency, European defence matters and aid provided to third-world countries. I would argue that all those areas touch on matters that fall within the Executive's remit. I will be grateful if the

First Minister will confirm, during his winding-up, if the document refers to the Executive being able to touch on those matters.

**Mr Tosh:** Is it not clear that this Parliament has the competence to discuss non-devolved matters, including defence and the other areas that Bruce Crawford mentioned? He can hardly be suggesting, in the context of a devolved settlement, that this Parliament will legislate in such areas.

**Bruce Crawford:** Mr Tosh has obviously not read the document, because it is about a contract between two Executives, not between the Parliaments. I am specifically referring to this document.

**Mr Jim Wallace:** I refer Mr Crawford to paragraph 15 of the memorandum of understanding, which states:

"The devolved legislatures will be entitled to debate non-devolved matters, but the devolved executives will encourage each devolved legislature to bear in mind the responsibility of the UK Parliament in these matters."

The document, which Mr Crawford claims to have read, states that this Parliament can debate non-devolved matters.

**Bruce Crawford:** Can the Executive give me an assurance that on the joint ministerial committee, Scottish ministers will raise issues on defence, foreign affairs and aid to third-world countries in any discussions that touch on those matters and press hard on Scotland's behalf?

**The First Minister:** Mr Crawford started talking about European Union policy. I might as well deal with the question he raised. I draw his attention to paragraph B1.3 in the document, which I am sure he has read. It states:

"However, the UK Government wishes to involve the Scottish Executive as directly and fully as possible in decision making on EU matters which touch on devolved areas (including non-devolved matters which impact on devolved areas and non-devolved matters which will have a distinctive impact of importance in Scotland)."

Those are all matters on which we can, if we are so minded, engage in discussion and policy formulation in the European Union context.

**Bruce Crawford:** I will allow the First Minister to give me the assurance that this Parliament will be allowed to be involved in those discussions on the matters that I have outlined.

We do not have to look far in this memo for the gagging orders and the control tendencies that expose the insecurities of the current UK Government. They are perhaps the most polite gagging orders that we will ever see. It says that the role of ministers and

"officials of the devolved administrations will be to support and advance the single UK negotiating line."

Margo made a good point: under the cloak of mutual respect, the document talks of

"the confidentiality of those discussions and the adherence to the resultant UK line,"

That may be polite language, but the message is blunt and clear. When big issues come along and Scotland's needs differ from the rest of the UK, sit down, keep quiet and dae whit ye're telt.

Perhaps the First Minister will tell me, if this is not also ridiculous, the number of occasions on which Scotland has been allowed to take the lead on a substantive issue in the EU Council of Ministers.

Thankfully, this memo has no legal foundation and it is not binding on future Executives. Otherwise, history would show it to be a document infamous in nature and working against the best interests of the Scottish people. Its saving grace is that it can be swept away when the electorate dumps the current Executive.

11:14

**Mr John McAllion (Dundee East) (Lab):** Mr Crawford reminded me of that wonderful phrase from the "Carry On" films: infamy, infamy, they have all got it in for me. That is the spirit in which we should take the debate so far. There has been a great deal of exaggeration, especially from the SNP.

I was genuinely surprised by the flourish with which Alex Neil brought his speech to an end. Let the word go forth from this Mound that if the SNP wins the next general election and forms the Government of Scotland, it will renegotiate the devolution contracts. Not set Scotland free, not declare independence, but renegotiate the devolution concordats.

It appears that the war over the national question, which has divided Scotland for most of the 20<sup>th</sup> century, is over and that home rule has won. I welcome the SNP back to the home rule movement, which it left more than 60 years ago.

**Dorothy-Grace Elder (Glasgow) (SNP):** Will Mr McAllion give way?

**Mr McAllion:** I am not giving way, particularly to people like you.

The second point was that the First Minister, big Donald, warned us against conspiracy theories. Normally I am a great believer in conspiracy theories. After 22 years in the Labour party, I have good reason to be. If I may borrow somebody's phrase, I have scars on my back to prove it. Some are recent—even new.

Conspiracy theories are not justified in this case. If members look at what is proposed in the concordats, they will see that they are working

documents between two Executives working within a devolution context that try to ensure that good government ensues from the relationship between the two Executives.

Alex Neil said that the Scottish Parliament has been badly maltreated because the concordats have been arrived at as part of a secret deal struck in London. He and the rest of the SNP missed the point. Not only was this Parliament not involved, neither was the Westminster Parliament. It has had no involvement in the concordats, because they are not Parliament to Parliament concordats; they are Executive to Executive concordats. There is a time to be Mr Angry from Ayrshire, or Mrs Angry from Moray, but there is also a time to hang loose, be cool and accept things for what they are. These are working documents that are about establishing good relationships between two Executives in a devolution context.

**Ms Sandra White (Glasgow) (SNP):** Will Mr McAllion give way?

**Mr McAllion:** No, I do not have time. I have sat and listened to the SNP all morning; maybe members will sit and listen to me for four minutes.

Alex is very fond of talking about the *Sunday Herald* and its view on these matters, but it makes exactly the same mistake. I have the editorial in front of me. It talks about the Parliaments being bound to a concordat that was struck without their involvement. They are not concordats between the Parliaments; they are concordats between the Executives.

Even the Executives are not under any legal obligation to abide by the decisions of the joint ministerial committee. They may well feel honour-bound to do so, but even if they do, the Scottish Executive is accountable to this Parliament for agreeing to those decisions and this Parliament is under no obligation to be bound by any agreement that has been struck in the joint ministerial committee. That is the way I like it. I do not want to be bound into a concordat that I played no part in bringing about. I am surprised at the SNP.

**Ms White:** Will Mr McAllion give way?

**Mr McAllion:** I do not have time. Ms White can see me outside later on if she wants to deal with the matter.

As for Scotland being shackled by the concordats, that is a laughable suggestion. The SNP is arguing as if the concordats could be regarded as international treaties that are binding on the people of Scotland. They are not like, for example, the Maastricht treaty. If that was implemented in full, it would establish a single currency across Europe. It would establish a European central bank with central control over

interest rates, public spending and increasingly over taxes. It would be right to argue that that kind of agreement would shackle Scotland. However, as I remember, the SNP voted for the Maastricht treaty, have argued consistently for the full implementation of the Maastricht treaty and have never said a whisper about Scotland being shackled by the Maastricht treaty. The arguments that we have heard this morning have been nonsense.

If the SNP is going to direct its attacks against Scotland's independence being undermined, direct it at the right targets, not at the concordats; that is not what they are about.

On the SNP amendment, if the Executive moved a motion that tried to bind this Parliament to an agreement struck in secret in London between the two Executives, I would be suspicious and the SNP would be paranoid, yet that is what its amendment is asking to be done. The SNP must make its mind up.

**The Deputy Presiding Officer:** Wind up, please.

**Mr McAllion:** I listened to the radio this morning. There was a discussion about Greenland and whether it should settle for home rule within Denmark or go for independence. A Greenlander was on, and said, "For me, going for independence is the same as setting fire to your house or running about naked in the ice; it is crazy and it makes no sense."

**The Deputy Presiding Officer:** Wind up, please.

**Mr McAllion:** We know that, and SNP members know it too, in their hearts. It is time that they were honest and told the Scottish people what they mean. They want to be shackled inside the European Union—a different union, but essentially the same kind of union as we are in the UK. We should stop discussing arguments that do not exist between the parties and get down to making devolution work, which is for the good of everybody.

11:20

**Ms Margo MacDonald (Lothians) (SNP):** I will take Mr McAllion's advice and keep cool.

I want to address the part of the memorandum of understanding that covers international and EU relations. The First Minister should not get too worried, as I will not make independence the sole template for judging the memorandum. However, I will take advice from Des McNulty and take note of the fact that underlying the memorandum and the concordats is a fundamental set of principles. I hope, therefore, that I will be excused for addressing some of those principles.

I refer first to the vision of the consultative steering group, set out in its report, "Shaping Scotland's Parliament". It states that the Parliament

"should adopt procedures and practices that people will understand, that will engage their interest, and that will encourage them to obtain information and to exchange views."

I refer also to what appeared to be the First Minister's vision for this Parliament: that it should

"find just the right solutions to Scotland's problems".

I had hoped that we would set our sights a little higher than that.

The CSG report goes on to record the cynicism about and disillusionment with the democratic process—with which all of us are becoming increasingly familiar. It urges that this Parliament

"should set itself the highest standards"

and states that its intention is

"to achieve a Parliament whose elected Members the Scottish people will trust and respect, and a Parliament with which they will want to engage."

Let us consider the matters on which people want to engage with the Parliament. They do not place artificial boundaries on how their humanity should be practised and expressed by this Parliament, or on how their international responsibilities should be enacted.

The objectives of the CSG report are laudable, although I might quibble a wee bit with the narrow nationalism of the implication that this Parliament should seek the trust and respect only of the Scottish people. I want us to have the trust and respect of people outwith Scotland as well. However, it was still quite a good start.

We cannot meet the report's objectives if we adopt the spirit and letter of these concordats. They place an artificial barrier on the views that are expressed and exchanged by Scots outside and through the Parliament about our relationship with the citizens of the EU and our wider citizenship of the world. We have a stake in those issues, and we should not be able only to talk about them—we should be able to act on our conclusions.

In the section dealing with how Scotland will engage with people and their Governments outwith Scotland, it is made perfectly clear that Scots will be able to lobby, as we can at present, but unable to act, even on matters that have direct, day-to-day relevance to affairs in Scotland.

At the next EU intergovernmental conference, for example, which is due to be held in a couple of years' time, the treaties will be reviewed. Further political integration and the expansion of EU membership will be on the table. Under the terms

of the memorandum, this Parliament will be able to discuss with Euskadi—the Basque country—Bavaria and Wallonia what we think about those matters that impact directly on Scotland, such as structural funds, fishing policy and employment policy.

However, when it comes to acting on the thoughts and priorities that we may evolve, either ourselves or with other Governments, we will have to lobby Westminster as usual, albeit through the joint ministerial committee. We will just have to hope that Westminster's thoughts and priorities are in tune with ours. That is not a situation calculated to re-engage the interest and energy of Scots in the democratic process. The principles underlying this document, as outlined by Des McNulty, have been undermined.

I will provide another, more sharply focused, instance of how the constraints of the document militate against engaging Scots with their Parliament. I believe that Pinochet came to Scotland once. Let us imagine that another Pinochet were to come here and the Spanish Government said that it would like him to be extradited. If the Westminster Parliament did not want to comply with that request—which is not unheard of—would the Secretary of State for Foreign and Commonwealth Affairs allow the Lord Advocate, within his internationally recognised jurisdiction, to carry through the express policy of this Parliament and, perhaps, the Executive, if it were of a difficult political persuasion from the Government in London? We all know that that would not be possible.

I want to mention an important marker of how we will exercise our humanity, our priorities as the Scottish nation and our supposed new democracy as the world enters the 21<sup>st</sup> century. Will we be able to act on decisions of the Labour party conference, the Scottish National party conference, the general assembly of the Church of Scotland, the conference of bishops of the Catholic Church, the Scottish Green party and the Scottish Socialist party—and on, I think, a majority of Liberal Democrat decisions—and say no to Trident? We will be able to say it, but will we be able to do it?

These concordats hold us firm inside what Westminster believes to be the United Kingdom position. If the Scottish position is obviously different, we can do nothing about that. If the First Minister will permit me, that is the answer to the taunt—repeated by Murray Tosh—that my colleague Margaret Ewing voted for the Scotland Act 1998. Even if she had said no, we would have been stuck with it. That is the situation that this Parliament was meant to remedy. That is what was claimed throughout the referendum campaign.



This memorandum serves Scotland and her Parliament ill. It means that we cannot be all that we should be and cannot do everything that we should do. We cannot accept the responsibilities of nationhood, which we claim. In short, like this Parliament, it will not do.

11:26

**Hugh Henry (Paisley South) (Lab):** Murray Tosh and John McAllion were quite right to try to bring this debate back to what is before us this morning. It is unfortunate that the SNP has missed an opportunity to discuss and debate what is in the concordats. Instead, SNP members have tried to take the debate on to its wish list for independence.

Murray Tosh was right to remind Margaret Ewing of the bizarre situation in which she finds herself—fulminating at great length about some of the comments in the document, even though she campaigned for the Scotland Act 1998 and for this Parliament. If she did not like the devolution proposals, it would have been more honourable to reject them at the time, instead of coming back now and using the concordats as a pretext for her opposition.

**Mrs Margaret Ewing** *rose*—

**Hugh Henry:** Alex Neil started off by saying that he was going to talk about the concordats and not about other issues. Very quickly, however, his mask slipped, along with that of others. Today we have heard a rant against the English, against Westminster and against everybody who does not share the Scottish National party's narrow perspective. It would have been more honourable for the SNP to propose a debate on independence, to take place in its allotted time. Let us have that debate on our differences, rather than use the concordats as an excuse for it.

**Dorothy-Grace Elder** *rose*—

**Mrs Ewing:** Will the member give way?

**Hugh Henry:** I will give way to Dorothy-Grace Elder.

**Dorothy-Grace Elder:** Does the member agree with what Tony Blair had the impertinence to state more than a year ago—that sovereignty rests with him, as an English MP? Is that what Hugh Henry believes?

**Hugh Henry:** No, it is not what I, the Labour group in this Parliament or the Labour party believe.

**Dorothy-Grace Elder:** It is what Tony Blair said.

**The Deputy Presiding Officer:** Please sit down, Ms Elder.

**Hugh Henry:** Tony Blair does not believe that.

If Alex Neil had something constructive to say, why this morning did he join the rant against the UK Government and the English, and why have we been subjected to paranoia and abuse that has nothing to do with this debate? Alex Neil talked dismissively of these concordats being prepared—

**Richard Lochhead (North-East Scotland) (SNP):** Will the member give way?

**Ms White** *rose*—

**Mrs Ewing** *rose*—

**Hugh Henry:** I will give way to Sandra White.

**Ms White:** Hugh Henry mentioned Tony Blair and the UK Government. We cannot get away from the fact that, when a written question on this matter was put to Mr Dewar, he answered:

"The UK Government has prepared drafts, which have now been received by the Scottish Executive."—[*Official Report, Written Answers*, 24 August 1999; Vol 1, p 232.]

Does the First Minister think that the fact that the UK Government prepared and put forward the drafts is fair and democratic? I do not.

**Hugh Henry:** I find Sandra White's comments bizarre. All morning, the point has been made to members of the SNP that the Scottish people rejected independence and indicated that they wanted to remain part of the UK.

We have an Executive that is charged with taking forward government and, whether Sandra likes it or not, we are part of the United Kingdom and we have a United Kingdom Government. This is an agreement between the United Kingdom Government and the devolved Administrations.

In a sense, we have something that the English do not have: we have the United Kingdom Government negotiating with the devolved Administrations. That is an advantage that we have over our compatriots in England.

**Mrs Ewing** *rose*—

**Hugh Henry:** I will not take an intervention because I have already taken two.

The concordat is an agreement between the Administrations. This Parliament will hold the Executive to account and will scrutinise closely the work of Jack McConnell, Donald Dewar and others.

**Mr Swinney** *rose*—

**Hugh Henry:** No, John. I have taken two interventions and I hope I get some credit for that.

We will hold ministers to account. The concordat says that the role of ministers and officials from the devolved Administrations will be to support and advance the single UK negotiating line. The emphasis in negotiations has to be on working as

a UK team. That is what the SNP does not like. It does not like the fact that we are still part of the United Kingdom. [Applause.]

I am glad that the SNP has acknowledged that. This morning, Alex Neil said that he was not going to concentrate on that and that he would concentrate on the concordats, but the SNP has gone back to its fundamental argument about divorce from the UK.

Someone had to prepare the document. The UK Government prepared it and passed it to the Administrations to allow comments to be made. The Parliament now has the opportunity to comment on it. The proper process has been followed but the SNP does not like the fundamental premise on which the document is based.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** On a point of order. Mr Henry said that the SNP had spent this morning attacking the English people. Is it in order for him to say that when the SNP has not done that this morning or at any time? I believe that a ruling should be made on this matter as it goes to the heart of this issue and many others.

**The Deputy Presiding Officer:** We will check the *Official Report* to find out whether a ruling has to be made and we will get back to you.

11:33

**Christine Grahame (South of Scotland) (SNP):** Fergus took the words out of my mouth. I am half English and I have never ranted against my mother or any members of my family and the SNP has never ranted against the English people. I look forward to an apology from Hugh Henry.

I want to comment on what Murray Tosh said. I did not vote for devolution—I make no secret of that—but I am not here to destroy the Parliament; I am here to see it succeed and grow.

The concordats constrain the Parliament. We had no opportunity to discuss them before they were presented to us and, as Miss Goldie said, the document was presented first to the press—another insult to the democratic process of the Parliament.

Donald Dewar described the drafting of the document as a team effort. From what we have heard, though, team A handed it down to team B.

John McAllion said that this was not an agreement between Parliaments. That is right: the agreement is between the Labour party in the south and the Labour party in Scotland. It has bypassed the parliamentary process.

I want to go to the heart of the document. Earlier, I raised a point about the joint ministerial

committee. There are great difficulties for us on that matter. We will not know what it discusses, when it discuss it, how it discusses it or what the results of those discussions are. How can we hold the committee to account? We might read leaks in the press, but we will not know whether the leaks come from the Executive or are soft leaks. That is very wrong in a country where transparency is the order of the day.

I accept Mr Tosh's point about the Parliament's committees having the ability to scrutinise what the joint ministerial committee does, but we cannot do that without access to minutes or other information.

Page 7 of the memorandum outlines the joint ministerial committee's terms of reference, one of which is

"to consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities".

We know that law is always hard where it is grey. Who makes the distinction to which the terms of reference refer? How will we ever know what distinctions have been made? If we do not have the information, we cannot know who has decided what was devolved and what was not.

Another matter that concerns me is the giving of information. Page 3 tells us that it is for the Administration that is providing information to state what restrictions, if any, should be placed on that information's use. That means that if this Administration asks Westminster for information, Westminster can put restrictions on its use.

For example, I might be bold enough to ask the Scottish Executive what inquiries it has made of Westminster about policy guidelines for regional selective assistance for, say, an electronics company in north Tyneside whose activities have impacted on employment in the Borders. If the principle that is outlined in the document is applied, the Executive might be gagged. I might not have access to information that would impinge on devolved matters.

**The First Minister:** I think that the member would be the first to say that the Scottish Parliament should have a right to a different freedom of information act from one in England. Each Administration would expect its freedom of information rules to be observed if information was exchanged. That seems to be a reasonable safeguard.

**Christine Grahame:** Donald Dewar has not taken my point. I have found it extremely difficult to get the information I referred to. The problem is that if I sought information from Westminster, restrictions could be placed on its use. That would be done at the joint ministerial committee.

I am concerned about the witch hunt that the press is conducting against the Parliament. I read a nonsense of a headline in *The Scotsman* today:

"Secrecy for the sake of secrecy".

The editorial comment tries to tell committees whether they can hold meetings in private. There is a lot of nonsense in that paper today but what concerns me about the joint ministerial committee is that the Parliament does not even have access to what is being discussed. I hope that Andrew Neil—that great advocate of the union—will chase up the joint ministerial committee when it gets up and running.

Mr Dewar said that the agreement was honourable. It is not honourable because we have not had the opportunity to discuss it until it is presented to us. We know that the Parliaments must operate together. It is not in the interests of Scotland or England to be disharmonious; it is in the interest of this Parliament to be democratic. The document was not presented to us democratically and the process has not been transparent. The operation of the concordats will not be transparent either.

I think that the document is designed to lock doors in the Parliament. I have news for the Executive: I am a bit of a lock picker.

11:40

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Presiding Officer, thank you for the opportunity to speak in today's debate. Much of what I wanted to say about the concordats has been covered by my Labour colleagues. However, I should have my say on a significant debate for the people of Scotland and the United Kingdom as a whole. The people of Scotland voted for a Scottish Parliament with powers to take decisions on issues that affect their everyday lives. They voted for a Parliament that would bring power closer to them. The majority of them voted in the Scottish elections for parties who would deliver them power as part of the United Kingdom.

The memorandum of understanding establishes the principles that will ensure that relations with the UK Government and the other devolved Administrations give strength to our country. As has been stated this morning, the nationalists did not want the Parliament that the people of Scotland voted for. At the election, they even tried to hide their real identity and purposes from the people of Scotland. They tried—and still are trying—to put their nationalist views on the back burner. However, the people of Scotland know what the Scottish National party is about and rejected its argument. I remind Parliament—and particularly our nationalist friends in the Opposition—that the electorate rejected the

nationalists' hallucinations of independence.

Like nationalist movements that we have seen before, the SNP finds it hard to accept democratic decisions and is now trying to undermine the first democratically elected Scottish Parliament that this country has had. In his opening statement, the First Minister said that the nationalists appear to misunderstand the memorandum of understanding. I will be less kind than he was and, like many others today, suggest that they are deliberately trying to mislead the public, creating an argument to suggest that the memorandum of understanding is something that it is not. It is designed to ensure that the devolution settlement works, that the UK and devolved governments work in partnership and that the constitutional changes work for the people of Scotland. As Margaret Ewing said, it is a matter of democracy. I remind her that at the referendum—for which most of us campaigned—the people who voted knew that they were voting for a devolved Parliament as part of the United Kingdom.

**Mrs Ewing rose—**

**Cathie Craigie:** Margaret has bobbed up and down all day—she has had her opportunity.

When the electorate came out in great numbers, they knew that they had voted to remain part of the United Kingdom. People voted overwhelmingly for parties that supported Scotland within the United Kingdom. It is a matter of democracy; the people of Scotland have had the democratic opportunity—through the ballot box—to say that they want to see Scotland as part of the United Kingdom. The nationalists were criticising the Labour Administration for not operating in a democratic manner. Many of them would not even be sitting here if the Labour Government had not extended the democratic process and allowed them to have seats in the Parliament.

**Ms White:** Will you take an intervention?

**Cathie Craigie:** No, I will not—I am about to finish.

The new Labour Government and Donald Dewar, through the Scotland Act and the devolution settlement, have extended the democratic process to the people of Scotland. One of the beneficiaries has been the Scottish National party.

11:44

**Mr Adam Ingram (South of Scotland) (SNP):** I will focus my remarks on the concordat on financial assistance to industry, and on inward investment in particular.

Members will be aware that Scotland continues to attract a higher share of inward investment than

would be expected for its relative share of UK gross domestic product. During the 1990s, the Scottish share of foreign inward investment projects coming into the UK has typically averaged between 15 and 20 per cent of the national total. There is little doubt that overseas multinationals have played a considerable role in modernising our industrial structure, most notably establishing and sustaining the major electronics sector. Together, overseas-owned manufacturing companies directly employ some 80,000 people in Scotland.

Scotland owes its success not only to the fact that it was the first part of the UK to plan to attract inward investment in a systematic way, but to the excellent performance of Locate in Scotland over the past two decades. It is vital that that agency is allowed to continue its work in an unfettered way, operating as it does in a fiercely competitive marketplace. Scotland needs to work hard to stand still.

Scotland's relative success with inward investment has been a constant source of irritation in Whitehall. There have been repeated attempts to clip Scottish wings and to submerge Locate in Scotland in the Department of Trade and Industry's Invest in Britain Bureau. Back in 1996, it was Michael Heseltine who had to be beaten off, but not before he had intervened to redirect a £450 million project by Samsung from Scotland to the north of England.

The advent of new Labour reinvigorated the bureaucratic, centralist tendency—or was it mere empire building? Margaret Beckett launched a fierce bid to bring Locate in Scotland under control. Not only did Mrs Beckett want to establish a concordat to that effect, she even demanded a veto on regional selective assistance packages and the reduction of Scotland's grant allocation to a per capita basis. While that was going on, Donald Dewar's devolution white paper was being published. It stated:

"Devolved matters over which the Scottish Parliament will have legislative power include . . . inward investment including the functions of Locate in Scotland".

No wonder Jim Wallace, in *The Scotsman* on 5 November 1997, was moved to attack the DTI's threats in the following terms:

"At a time when every move should be directed towards the decentralisation of decision making, we seem to have a clear case of the centre wanting greater control. That is inconsistent with the Government's whole approach."

That was a principled position to take, but I suspect that today we will witness—and not for the first time—the leader of the Scottish Liberal Democrats having to eat his words in order to hold on to his newly found ministerial status.

Let there be no mistake about this: the

concordat hands over control of Scottish inward investment to London. The document states categorically that the UK Government will be responsible for promotion of the UK as a whole to foreign investors. When there is competition between two or more parts of the UK for large mobile investments, discussions will be held in an overseas promotion committee, consisting of four UK ministers and only one minister from each of the three devolved Administrations. Failing consensus, the final arbiter will be the Cabinet Office—a dead giveaway, if there ever was one, that Whitehall has won.

We now face the ludicrous situation—complained about by Jim Wallace when in opposition—that Locate in Scotland will be facing more restrictions on its operation after devolution than it did before. For Scotland's economy, that will prove to be a real tragedy.

11:49

**Mr Keith Raffan (Mid Scotland and Fife) (LD):**

Alex Neil opened the debate by saying that it was not about independence versus devolution, and then he proceeded to attack the memorandum of understanding and the concordats from an independence—or separatist—perspective. He is entitled to do that, but while his first sentence was measured, he degenerated rapidly into a rant.

Sadly, every single member of the Scottish National party has followed in his wake for the rest of the debate. [*Interruption.*] The SNP has to learn to listen to other speeches. I have sat through this debate for two hours, listening to them. I have not heckled them. It is only fair that we all have a right to say what we want to say. SNP members must not bring to the chamber their habit of shouting down people who disagree with them. They have got to learn to listen. We take a different view, and they came to the chamber today to fight again an election that was fought only a few months ago and which they lost. They did not just lose the election marginally; they lost overwhelmingly. Today almost the whole of the chamber is against the SNP: nearly 100 members against just 35. We have a different perspective.

**Mr Ingram:** Will the member give way?

**Mr Raffan:** I will not give way. I will say what I want to say—I have listened to an awful lot today. Like John and Hugh and other Labour members, I think that it is time we had a measured and sensible perspective on this.

The Scottish Liberal Democrats look at the concordats from a devolutionary and federalist point of view. The concordats represent a commonsense approach. We have heard about a commonsense revolution in Blackpool. Perhaps Miss Goldie will be delighted to hear that, among

Labour and Liberal Democrat members, common sense is not a revolution—it comes naturally.

As the First Minister rightly said, these are working documents. They are not legally binding. I am glad that Alex Neil has dropped his argument about amending them. If they are not legally binding, how can they be amended? The memorandum makes it clear that the agreements can be updated and adjusted.

It is important to note that the agreements also represent a flexible approach. For example, they allow bilateral arrangements to be developed between the Scottish Executive and the Welsh and Northern Irish ministers. That, too, is very useful. If such arrangements are made, they will no doubt come before this Parliament.

The last comment that I want to make is on Adam Ingram's point about inward investment. When I was a member of another place for another part of the country [MEMBERS: "For another party."] I was on the Welsh Affairs Select Committee when it examined inward investment. Competition between different parts of the UK is healthy. Learning from each other's best practice is healthy. A bidding war is unhealthy.

**The Deputy Presiding Officer:** Please wind up.

**Mr Raffan:** Competition for large mobile inward investment projects will not be controlled from the south. Adam used words that are not in the concordats. The secretariat will co-ordinate and the council for overseas promotion will oversee, not control.

**Mr Ingram:** Will the member give way?

**Mr Raffan:** I will not give way as I have been asked to wind up. It is crucial that different parts of the country should not be played off against each other by inward investors, who are only too well aware that as well as Locate in Scotland and the inward investment arm of the Welsh Development Agency, there are 10 English regional development agencies.

**Mr Ingram:** Will the member give way?

**Mr Raffan:** I will not give way. I have said that already. Can I finish?

The crucial thing is that such negotiations are overseen so that we do not degenerate into a bidding war. That is in nobody's interest. It is not in the interests of Scotland, Northern Ireland, Wales or England, and it is certainly not in the taxpayers' interests.

**The Deputy Presiding Officer:** Please wind up.

**Mr Raffan:** It is exactly right that the committee for overseas promotion should play a co-ordinating role. For inward investment as for other matters, the concordats represent a commonsense

approach.

11:53

**Lord James Douglas-Hamilton (Lothians) (Con):** I have considerable sympathy with the points made by Adam Ingram on inward investment. It is well known that both the First Minister, when he was secretary of state, and previous secretaries of state had to fight off attempts by the Department of Trade and Industry to take on much greater powers and control over inward investment.

**Mr Ingram:** Is it not the case that both Lord James and Mr Raffan have served in another place? The question of bidding wars was raised in the report of the Trade and Industry Select Committee in December 1997. The committee concluded that claims about bidding wars were based on

"a great deal of hype and exaggeration based on figures of questionable validity."

Does Lord James agree with that conclusion?

**Lord James Douglas-Hamilton:** It is my conviction that we won so many inward investment projects because Locate in Scotland was extremely good at its job and was very effective. There was a perception in the House of Commons that both Scotland and Wales had done extremely well. Frankly, there was an element of jealousy. It is important that Scotland retains its fair share of inward investment resources. In the interests of equity and fairness it is essential that the concordat should operate on a level playing field. It is vital that the ministerial group should make decisions in an open way that is accountable to Parliaments and Assemblies.

It is regrettable that the statement was not made first to Parliament, as it could have been. It is important that significant developments be announced in this Parliament. We should not be marginalised by the Executive. It is legitimate for MSPs to ask questions at the time of announcements. For example, I understand that concordats between individual departments have still to be published and are still not accessible to members. In due course, we need to know their contents to establish whether the principal agreement will stand the test of time.

A major issue that is raised by these concordats is that they could lead to legal action. On 12 May 1998, Mr Henry McLeish replied to Mr Jim Wallace—Mr Wallace was asking the questions then, and Mr McLeish was doing the answering—saying,

"it is likely that they will be justiciable to an extent. For example, if the Scottish Executive did not follow the consultation procedure set out in a concordat, it could be judicially challenged on the ground that it had created a

legitimate expectation that the procedure would be followed.”—[*Official Report, House of Commons*, 12 May 1998; Vol 312, c 193.]

Similar words were uttered by the Solicitor General in the House of Lords.

It appears that the expectation of being consulted can be treated as the equivalent of a legal right. If the Executive accepts that concordats will have legal implications in judicial proceedings, why are we not being given the opportunity to amend the details of the concordats? I ask the Deputy First Minister whether Parliament will be given that power in future. I understand that the Executive will have the power to make amendments.

I will suggest just one very small amendment. I notice that the concordat on international relations does not even deal with aid. That is an unfortunate omission. Many aid-giving agencies have bases in Scotland. The Government has indicated that it intends to involve the devolved bodies. I hope that the minister will take this point on board.

The concordats are designed for a situation in which the Scottish and British Administrations are of the same political inclination. On 1 July 1998, Mr Henry McLeish said to the Scottish Affairs Select Committee that he hoped that good will would prevail. I hope that, even though there may be a change of administration, as undoubtedly there will be over the next 30, 40 or 50 years, the procedures will take care of it. It should be noted that the time scale of 30, 40 or 50 years is very much shorter than that suggested by the Prime Minister, but some in the Parliament believe that a change may come well within 30 years.

Whatever reservations we have about the document, Mr McLeish made it clear that the proposal is to enable a commonsense working dialogue to take place within a framework. We believe that that is reasonable. It seems, in Mr McLeish's words,

“that in the changing face of the constitution of the Government of the UK, Scotland will be involved in change. Let us have a working relationship that will be the basis for dialogue”.

I will raise one matter that could lead to the concordats being substantially changed. It is the passage in the memorandum on European policy. On page 17, at B3.14, the memorandum says:

“The role of Ministers and officials from the devolved administrations will be to support and advance the single UK negotiating line which they will have played a part in developing.”

It may well be that Scottish fishermen off Peterhead will call for different solutions from those for which fishermen off Devon and Cornwall will call. It is not easy to see how that would be readily resolved. The suggestion that officials in

the Scottish Administration would support the single UK negotiating line when the First Minister might be arguing for something very different could create a situation in which civil servants are faced with a conflict of loyalties. I believe that this document should give a much fuller role to Scotland's First Minister, who should be involved in all matters relating to devolved responsibilities.

**Richard Lochhead:** I thank Lord James for giving way. In light of his comments in connection with the fishing industry, will he join me in condemning the recent comments made by the House of Commons Agriculture Committee in its report on sea fishing? The report says that concordats should be used to curb any advantage that devolution might give to Scotland's fishermen.

**Lord James Douglas-Hamilton:** I would have to study the terms of the report before coming to a conclusion on that point.

I believe that the First Minister should be given a fuller role in the drafting of the concordat, because there could be a conflict between the line taken by the UK minister and that taken by the Scottish Executive. It is somewhat naive to assume that Scottish Executive officials would automatically owe their loyalty to the United Kingdom minister, because, quite frankly, in the event of such a dispute, I think that they would want last-minute changes to benefit Scotland.

We have covered the issue of sovereignty; Margaret Ewing spoke about it. Before the establishment of the Scottish Parliament, the argument about devolution in Westminster was that the United Kingdom Parliament would be able to intervene at any time on any issue. To give an example, oil and gas are reserved matters, but uranium is not. If uranium and nuclear fuel were dealt with on a large scale in Scotland, matters relating to that would come under the Scottish Parliament. I suggest that it would be resented if the UK were to try to intervene in that. Concordats recognise the fact that the UK Government cannot readily intervene and should be reluctant to do so.

We do not intend to vote against the motion, whatever our irritation that the concordats were not announced to Parliament, or our reservations about the wording. We think that the wording needs considerable improvement. Overall, concordats represent a sensible measure. We want to ensure that they work, in order to maintain fair and adequate relationships between Scotland and Whitehall under devolution. Concordats should receive full scrutiny, be changed where necessary and be reviewed periodically.

12:02

**Mr John Swinney (North Tayside) (SNP):** The debate has been interesting and I compliment

everyone who has taken part. We got off to a rather shaky start, with the Executive's careless preparation of the motion. That is symptomatic of the careless way in which the whole matter has been handled. The issue of concordats is not exactly a surprise, nor is it something that has been thrown up recently; it has been around not only in the current debate, but during the whole passage of the Scotland Bill through the House of Commons.

Why did the First Minister and the Secretary of State for Scotland feel the need to hold a press conference to explain the contents of the document before it came to the Parliament? We followed the same format as we did yesterday, with the First Minister giving a statement and then opening up the matter for debate. The Executive has been discourteous in its handling of this matter and I hope that it has learned some lessons.

**Mr Tosh:** Does Mr Swinney agree that the discourtesy was double in that the matter should have been the subject of a simultaneous statement in the House of Commons?

**Mr Swinney:** I am sure that the Speaker of the House of Commons will have something to say about that when Westminster resumes in a couple of weeks. The Executive will soon know the severity of the Speaker's wrath in such matters.

If we consider the way in which parliamentary questions are dealt with, a host of other issues are revealed. Alex Neil has asked a number of questions about the preparation of the concordats. I will not go through them, but there is an extensive selection on the subject in *Written Answers* of 13 September to 17 September. In every case, the Deputy First Minister, Mr Wallace, went to the trouble of saying that he would reply to the member as soon as possible. That was 13 September and we are now in early October. Surely the Executive could have released some information about the preparation and the process that it was going through in the dialogue on concordats.

Another issue at the heart of the debate is how the Parliament should consider the issues that arise from the concordats. John McAllion, Hugh Henry and Des McNulty—who is not here for the summing up, despite the strictures that the Presiding Officer made yesterday—made the point that the concordats are agreements between Executives. I acknowledge that. However, we need to know our ability as a Parliament to hold the Executive to account for the action that it takes under those agreements.

John McAllion cannot accuse me of being paranoid when he considers the number of answers that Jim Wallace gave to Alex Neil saying

that he would reply as soon as possible. Those answers give absolutely zero information. The issues at the heart of the memorandum of understanding will be handled by the joint ministerial committee in secret. The minutes will be confidential and unavailable to the Parliament. How can our committees hold the Executive to account if the minutes are private and ministers can hide behind answers such as "I will reply as soon as possible" and "That document is confidential"?

**Hugh Henry:** Surely the product of ministerial deliberations is evident in the legislation and policies that are put before the Parliament. Our committees can scrutinise those deliberations in a way in which elements of the UK Administration cannot. I would argue that we are in advance of other parts of the United Kingdom.

**Mr Swinney:** Is it not fair for us to know whether the Scottish Executive has fought valiantly in Scotland's interests at a particular stage in the deliberations? Perhaps the Executive has been pushed into compromising on some issues. Are we not entitled to be told how hard our Executive has fought on behalf of the Scottish Parliament? We have a legitimate right to know.

George Lyon said that the Scottish Liberal Democrats agreed on the need for a mechanism to ensure that outbidding for inward investment does not take place. Great. The Scottish Liberal Democrats have again shifted their ground. On 20 November 1997, before the election, Jim Wallace said:

"I find it extraordinary that after devolution there will be more restrictions on the freedom of operation of Locate in Scotland than there is pre-devolution."

On 16 October 1997, he said:

"It will be resented in Scotland if initiatives of the Scottish Parliament in a devolved subject have got to be cleared with the DTI first."

However, that is implicit in the memorandum of understanding, which, in the section dealing with consultation on particular cases, says that, before making offers of financial assistance, the Scottish Executive and its agents, Locate in Scotland, are obliged to take information

"in adequate detail and to a reasonable timescale"

to a ministerial committee. While all the agencies in the United Kingdom are in committee, the Republic of Ireland and the rest of the global market will be winning inward investment. That is the real competitive disadvantage that is faced by the Scottish Parliament, the Scottish Executive and our leading and highly commendable agency, Locate in Scotland, whose competitiveness is being strangled by the agreement.

When Mr Wallace sums up, he had better

explain how he can square the comments that have been reported by me and Adam Ingram with the stance that he, George Lyon and Keith Raffan have taken in the Parliament today.

There has been some confusion about the legal status of the concordats. I challenged the First Minister on that—I notice that he, too, is going against the Presiding Officer's strictures; he still has not returned for the summing up. He said that the documents were not legally binding, but that, if the UK Government was not delivering on its side of the bargain, the Executive would have something to say about it. If it is possible to apply discretion as to the ability of the different partners to act in the spirit of the agreements, but nothing is enforceable, there is a debate about the legal status of the documents and the obligations that they place on the different partners. That has not been resolved by today's debate.

The SNP has made some suggestions on how to improve the concordats. My colleague Mr Neil suggested a rotating chair for the joint ministerial committee and the publication of the committee's minutes as an addition to the democratic parliamentary scrutiny of the Executive's actions. Those are reasonable requests. We can do absolutely nothing about the concordats because they have been presented to us on a take-it-or-leave-it basis. There has been no consultation or dialogue; the Executive has simply to turn up, go through the motions and allow a debate for two and a half hours. That is not effective parliamentary scrutiny.

I get very concerned when ministers begin to hide behind the details of documents, behind the claim that an issue is confidential because it cropped up in the joint ministerial committee and behind answers such as, "I shall reply to the member as soon as possible". This Parliament has had its ability properly to scrutinise the Executive constrained by the way in which the Executive has signed up to work in partnership with the Executives of other institutions in the United Kingdom.

The fundamental question put by my colleague Mr Neil at the start of this debate has not been answered—how do we structure good neighbourly relations between the component parts of the UK? That is the question at the heart of the issues that the Scottish National party has raised; I hope that Mr Wallace will answer it in his summing up.

12:10

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I am pleased to wind up this debate, which has, on the whole, been useful, although many of the predicted misapprehensions have been well aired, not least

by SNP members. I will try to offer some reassurance and some explanations, although I am always conscious that there are none so deaf as those who do not want to hear.

I will start by picking up a point about the announcement of the concordats. Much has been made about the press conference that the First Minister and the Secretary of State for Scotland gave on Friday morning. Much has also been made by Mr Swinney about parliamentary answers. Mr Swinney has no doubt read the parliamentary answer given to his colleague Richard Lochhead last Thursday. In question S1W-1772, Mr Lochhead asked the Executive whether it would publish any minutes taken during discussions on the memorandum of understanding and the concordats. The answer from Mr Dewar was:

"No, but the texts themselves will be made public tomorrow and will be subject to debate in the Parliament before they come into effect. Copies will be available for Members in the Document Supply Centre."—[*Official Report, Written Answers*, 30 September 1999; Vol 2, p 158.]

That parliamentary answer intimated that the documents were to be published, and I am advised that the documents were available in the Parliament's information centre shortly before the press conference in Glasgow—indeed, they were available on the website by midday.

**Miss Goldie:** Is the Deputy First Minister seriously suggesting that that is an effective way for the Government to transmit information to members of this Parliament? Is that the best that we can expect? [*Applause*.]

**Mr Wallace:** I note that—as happened when she sat down after her speech—Miss Goldie gets more applause from the SNP benches than she does from her own.

**Miss Goldie** *rose*—

**Mr Wallace:** I hope that Miss Goldie will give me a chance to answer the question. The assertion has been made that there was no intimation to Parliament. That assertion is simply not true. I am sure that, as someone who reveres the Westminster Parliament, she will agree with the point that Mr Tosh made in an intervention, but I do not think that she is suggesting that we should have delayed all those announcements until Westminster reconvened. The agreements were tripartite. They involved not only this Executive but the Cabinets of the National Assembly for Wales and Westminster. The date was agreed between those parties and, as I said, the documents were available to MSPs last Friday.

**Mr Swinney:** I have observed Mr Wallace's career in Scottish politics for many years. He has made a distinguished contribution to the pursuit of



greater information for the benefit of the public. Is he seriously trying to tell us that a couple of lines given in an answer to Richard Lochhead the day before publication of the concordats is adequate consultation with the Scottish Parliament? What has happened to Mr Wallace's view of democracy?

**Mr Wallace:** The point that was made referred to publication, and I indicated what the publication arrangements were. Mr Swinney—who has made so much of parliamentary questions—seems to be very dismissive of parliamentary answers, suggesting that because they give part information, they are to be dismissed as just two or three lines of writing.

**Mrs Margaret Ewing** *rose*—

**Mr Wallace:** I will give way to Mrs Ewing in a moment.

One of the most substantive issues raised in the debate concerned the legal position of the documents. There have been some helpful references to questions that I asked Mr McLeish in 1998. It was clear from the response that was given and from the very useful briefing from the Scottish Parliament information centre that the documents do not give any legal justiciable rights to people. However, it is not unheard of for documents that are essentially administrative to give rise to issues of judicial review. The documents that we are discussing, however, do not give any new legal rights.

In speaking to the SNP amendment, Mr Alex Neil said that we were talking about being good neighbours. If that was good neighbourliness, heaven help us if we had bad neighbours. He quickly lost the plot as to the distinction between a devolution and an independence settlement. Almost without exception, every SNP member who spoke made precisely the same mistake.

Mr Neil clung to a quote from the *Sunday Herald*. It reminded me of when I used to appear before the second division of the Court of Session; Lord Wheatley would lean over and say, "And is that your best authority, Mr Wallace?" It appears that Mr Neil's best authority is the *Sunday Herald*. He proceeded to reel off points on things such as housing benefit. If there are to be changes to housing benefit—a social security matter that is reserved to Westminster—which could, because of the different arrangements, impact on Scotland differently to the way in which they would impact on England and Wales, that is a good example of precisely why we want to have working arrangements, so that such information can be exchanged.

**Alex Neil** *rose*—

**Mr Wallace:** I will give way to Mr Neil in a

minute. He also said that the joint ministerial committee that is being set up could have a veto on any proposals made by the Cubie committee. That is arrant nonsense, and I think that in his heart of heart he knows it.

Over many years in Parliament, I have had considerable respect for Mrs Margaret Ewing, but I am afraid that she lost the plot today. She told Parliament that she had sat through hours of debate on the Scotland Bill. She must have slept through them, because I can remember debates specifically about whether Westminster could continue to legislate on matters that were devolved. I opposed that, as it was not consistent with federalism.

**Richard Lochhead:** Can Mr Wallace reconcile the answer that he gave me on 21 September—that the Scottish Parliament would not be party to any concordats—with his words on 2 December 1997 in the House of Commons, when he sought assurance from the then minister that the concordats would indeed come before the Scottish Parliament?

**Mr Wallace:** I can readily reconcile those two statements. The concordats are coming before the Scottish Parliament—that is what we have been discussing for the past two and three quarter hours.

Mrs Ewing misses the point. These are working arrangements for a devolution settlement; they are not a treaty negotiated between two nation states.

**Mrs Ewing:** I was making an important point about the responsibility of this Parliament to develop democracy. How does Mr Wallace believe democracy can develop and this Parliament's powers can extend to improve the lives of our people unless he changes some of the concordats that we have debated this morning?

**Mr Wallace:** The very fact that we have a Parliament greatly enhances democracy in Scotland. One hears complaints that somehow or other the Executive had suddenly been imposed from above on an unwilling public. Unlike the Government in Westminster, this Executive has been elected by Parliament; it has legitimacy because it was elected by a democratic body that was elected by the people of Scotland. We as an Executive will be answerable to this Parliament, and in turn the Parliament will be answerable to the people of Scotland. That is how it should be.

Mr John McAllion made a very clear point on the question of accountability. If—in the very unlikely event of a common line being adopted for a European fisheries policy—this Parliament was not happy with that common line, I do not imagine that Mr Richard Lochhead would be sitting on his hands when Mr John Home Robertson came back to report from the Council of Ministers. The way in

which we discharge our responsibilities over a whole range of issues will be thoroughly scrutinised.

Mr Bruce Crawford asked why there was no separate minister for European affairs. It is because Europe pervades all our actions. When Sarah Boyack goes to meetings of transport ministers or environment ministers, she is negotiating and taking a Scottish line within a common UK position. The Scottish Executive does not need a European minister. Ministers will come back to this Parliament and be accountable to it.

**Mr Swinney:** Mr Wallace has been very gracious in giving way several times; I appreciate that. If the Parliament wants to debate an issue that arises in the joint ministerial committee, will he be prepared to release the minutes of that committee so that Parliament can undertake close scrutiny of the ministers whom we have elected?

**Mr Wallace:** There has been much misinformation about the joint ministerial committee being some overarching executive committee. It is not an executive committee; it is a consultative committee. Even the code of guidance for access to official information makes it perfectly clear that frank and candid discussions should not be seriously prejudiced by access.

Such a stipulation applies to the Cabinet of the European Parliament as well as to the Scottish Executive. I honestly do not believe that the chamber thinks that it would be in the interests of Scotland for the joint ministerial committee to release details of, for example, discussions about the commercial considerations of an inward investment. It would also not be in our interests to make the public aware of our bottom-line position in negotiations with our European partners about issues such as fisheries or the common agricultural policy. On occasions, it is in the best interests of serving Scotland that such candid and frank discussions take place without access.

**Miss Goldie** *rose—*

**Mr Wallace:** I really ought to make progress as there is a business motion to follow. The Presiding Officer is nodding—I think that I might already be straying over time.

A couple of members raised points about Scotland House. I can confirm to Mr Lyon that there will be a hot-desk facility at UKRep in Brussels and that Scotland House will be fully plugged into information flows that come through UKRep. At the same time, Scotland House will have the opportunity to provide a specifically Scottish focus for Scottish interests in Brussels. In that way, we get the best of both worlds. As Mr Lyon said, we will have 10 votes when we negotiate in the European Union, instead of the three that we would be left with if we were in the

hands of the SNP.

I well remember SNP MPs pleading with the previous Conservative Government to take effective action against the dumping of farmed salmon on the European market, because they knew that the Irish Government—which was prepared to take action—was incapable of delivering results on its own. We have the benefit of being part of the UK as well as having our own Parliament to deal with a range of domestic Scottish issues. The people of Scotland voted for that settlement once in a referendum and overwhelmingly voted for it again in the Scottish Parliament elections. That settlement is reflected and made workable in these documents, which recognise that this is a Parliament within a United Kingdom, where it is in all our interests for us all to co-operate. I ask the Parliament to support these concordats.

## Business Motion

**The Deputy Presiding Officer (Ms Patricia Ferguson):** We now move to the next item of business. I call Mr Tom McCabe to move business motion S1M-196.

12:23

**The Minister for Parliament (Mr Tom McCabe):** The motion sets out the business for the first week following our recess, which is the week commencing 25 October.

On the afternoon of Wednesday 27 October, the meeting will start at 2.30 pm with our first time for reflection, which will be followed by a debate on an Executive motion on domestic violence. Decision time will take place at 5 pm, after which there will be a members' business debate on motion S1M-187, in the name of Mr Nick Johnston, on telecommunications infrastructure.

On Thursday 28 October, the first item of business at 9.30 am will be a debate on an Executive motion on the structural funds programme. Immediately before lunch, I will move a further business motion in respect of future business.

The afternoon will begin with question time at 2.30 pm. At 3.15 pm, there will be a debate on an Executive motion on the Scottish University for Industry. After decision time at 5 pm, there will be a members' business debate on motion S1M-128, in the name of Mr Allan Wilson, on regional selective assistance.

The motion also sets out the date—19 November—by which the Finance Committee and Audit Committee must complete their stage 2 consideration of the Public Finance and Accountability (Scotland) Bill.

I move,

That the Parliament agrees:

(a) the following programme of business -

Wednesday 27 October 1999

2.30 pm	Time for Reflection
<i>followed by</i>	Debate on an Executive Motion on Domestic Violence
<i>followed by</i>	Parliamentary Bureau motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business Debate on the subject of S1M-187, Mr Nick Johnston: Telecommunications

Thursday 28 October 1999

9.30 am	Debate on an Executive Motion on Structural Funds Programmes
12.20 pm	Business Motion

2.30 pm Question Time

3.00 pm Open Question Time

*followed by, no later than 3.15 pm* Debate on an Executive Motion on the Scottish University for Industry

*followed by* Parliamentary Bureau motions

5.00 pm Decision Time

*followed by* Members' Business Debate on the subject of S1M-128, Allan Wilson: Regional Selective Assistance

and (b), that the Finance Committee and Audit Committee shall complete Stage 2 consideration of the Public Finance and Accountability (Scotland) Bill by 19 November 1999.

**The Deputy Presiding Officer:** As I have no indication that anyone wishes to speak against the motion, I will put the question to the chamber. The question is, that business motion S1M-196 be agreed to.

*Motion agreed to.*

*Question, That the meeting be now adjourned until 2.30 pm, put and agreed to.—[Mr McCabe.]*

*Meeting adjourned at 12:25.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** The first item of business this afternoon is question time. As usual, I urge members to bear in mind the requirement for supplementary questions to be brief and to relate properly to the same matter as the original question.

#### Free School Transport

**1. Colin Campbell (West of Scotland) (SNP):** To ask the Scottish Executive whether any children have ceased to benefit from free school transport in Kilbarchan, Bridge of Weir and Erskine due to recent redefinition of routes to schools by Renfrewshire Council and, if so, how many. (S10-433)

**The Deputy Minister for Children and Education (Peter Peacock):** The matters referred to are within the jurisdiction of the local council. Mr Campbell may wish to approach Renfrewshire Council.

**Colin Campbell:** That was a totally predictable answer. Does the minister realise that this is the second year running that this has happened and that it is alienating parents? Does he agree that the matter is driven more by a need to make economies—caused by lack of adequate financial resources—than by anything else?

**Peter Peacock:** Whatever the issue is about, it is certainly not money. Renfrewshire Council's expenditure on education has risen by more than 9 per cent in this year, moving from last year. I happen to know that Renfrewshire Council gives a high priority to children's safety, and there is no question but that if any child was travelling on an unsafe route, transport would be provided.

I know from Trish Godman, who has been speaking to the council, that that is the proper place for the matter to be dealt with. We have to be careful not to usurp the council's powers through this Parliament.

#### Immunisation

**2. Mr Lloyd Quinan (West of Scotland) (SNP):** To ask the Scottish Executive what percentage of children due to enter primary school next year will not receive the diphtheria and anti-tetanus injections they would normally receive in the next two months. (S10-419)

#### The Minister for Health and Community Care

**(Susan Deacon):** I assure Mr Quinan that the UK health department is making every effort to overcome the difficulties that are being experienced by the two manufacturers of UK-licensed vaccine. Supplies should resume in November, but it is not yet clear whether there will be enough vaccine to meet requirements. It is expected that vaccination will be available before children enter primary school next autumn.

**Mr Quinan:** I ask again: what number of children who will enter primary school next year does the Executive expect will not receive the injections they would normally receive? Please answer the question.

**Susan Deacon:** Mr Quinan has more experience of forecasting than I have, and he will know the dangers of trying to be precise on such matters. It is impossible for us to be precise. The important assurance I can give is that the Scottish health department—working in co-operation with the UK health department—is doing everything possible to resolve operational manufacturing problems, to ensure that our children are best protected through the vaccination programme.

**Mr Quinan:** Has the minister had any meetings with Pasteur Mérieux or Medeva plc, as Frank Dobson has had? Those companies have stated publicly that they cannot speed up the process, as it is biological, and that there will be a shortage in Britain.

I will ask again. How many children entering primary school next year will not receive the vaccine that they should receive in the next two months?

**Susan Deacon:** I happily repeat that no precise answer can be given. I am pleased that Mr Quinan has done his research; he is absolutely right that Frank Dobson has met those manufacturers. We are in constant liaison with the UK health department, which is leading on the matter, and the fact that the meetings have taken place is evidence of the active involvement of ministers north and south of the border. I hope he will accept that assurance.

#### Secure Accommodation

**3. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive what plans it has to review the number of secure accommodation places available in Scotland. (S10-422)

**The Minister for Children and Education (Mr Sam Galbraith):** We are continuing the review process that began with the work of the national planning group on care and education services for young people with behavioural problems. I expect to make a statement before the end of the year about the use of secure accommodation and its alternatives.

**Scott Barrie:** I thank the minister for that answer, and I will welcome the statement when it comes. Does the minister agree that we need to end the scandal of under-16-year-olds being held in an adult prison system, when better use might be made of the current secure accommodation?

**Mr Galbraith:** I agree that we do not want anyone inappropriately held in the prison system.

There are 86 secure places in Scotland, which is double the number per head of population in England and Wales. A review group has been examining the matter and reporting to councils. We take the view that we need to develop alternatives to secure accommodation rather than increase the number of places. We are currently considering the alternatives, and I will make a statement on that towards the end of the year.

### Health Boards and Trusts

**4. Irene McGugan (North-East Scotland) (SNP):** To ask the Scottish Executive what plans it has to ensure that meetings of health boards and health trusts are open to the press and public. (S10-435)

**The Minister for Health and Community Care (Susan Deacon):** All health boards and NHS trusts are already required to open their board meetings to the press and to the public.

**Irene McGugan:** I thank the minister for that answer.

There is considerable public concern about the future of Stracathro hospital, and the situation is so serious that it will now be considered by the Health and Community Care Committee. In view of that, is the minister satisfied with the fact that no meetings of Tayside University Hospitals NHS Trust were open to the public in the past four months—during which the controversial decisions on the hospital were made?

**Susan Deacon:** I stress that I am always at pains to ensure that effective local engagement takes place throughout the country. I have said in answer to a previous question on Stracathro hospital that I have asked health department officials to meet local board and trust representatives to ensure that effective engagement takes place at local level during the on-going consultation that must take place as part of the local acute services review.

### Police

**5. Phil Gallie (South of Scotland) (Con):** To ask the Scottish Executive how it intends to address the rising level of police ill health retirements as a consequence of injury on duty and stress-related illness. (S10-434)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The situation is kept under review and is covered in HM chief inspector of constabulary's annual report. The information available from forces suggests that the number of police officers retiring on the ground of ill health, as a consequence of injury on duty and stress-related illness, has remained virtually unchanged over the past five years. I will arrange for a table giving the relevant information to be made available in the Scottish Parliament information centre.

**Phil Gallie:** I thank the minister for his comments, but I must say to him—

**The Presiding Officer:** Order. You must not say anything to him—you must ask a question.

**Phil Gallie:** I ask the minister: if that is the case, why did his answer to a previous question indicate an increase in ill health retirements from 14 per cent to 20 per cent between 1995 and 1999? Similarly, why did he present figures that show an increase from 10 per cent to 19 per cent since 1994 in ill health retirements as a result of injuries sustained while on duty?

**Mr Wallace:** The number of injuries on duty was 19 in 1994-95 and 33 in 1998-99—that was a fall from 38 the previous year.

The proportion of the force retiring because of stress and mental illness was 0.2 per cent in each of those years. However, the proportion of those retiring through stress or mental illness in relation to total retirement through ill health would be higher, given the fact that the total number of retirements through ill health has fallen. There has been an almost constant percentage of retirements because of stress and mental illness, but the total number of ill health retirements has declined, so the proportion of stress-related retirements is greater.

**Phil Gallie:** It is not surprising that the proportion has fallen, given that the number of police officers has fallen. Last week the junior justice minister boasted of civilianisation.

**The Presiding Officer:** We must have another question.

**Phil Gallie:** What is the effect of civilianisation on the retiral of police officers as a result of ill health, given that in the past many police officers in such circumstances were offered desk jobs?

**Mr Wallace:** No research has been done on the precise effect of civilianisation on retirements through ill health.

I can say to Mr Galloway—[*Laughter.*] I do not mean the honourable member for Hillhead.

The effect of civilianisation is to free up more of police officers' time for front-line duties. Members

in all parts of the chamber will welcome that.

### **Roads (Dumfries and Galloway)**

**6. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** To ask the Scottish Executive what discussion it has had with Dumfries and Galloway Council concerning trunk roads in that area and whether it will make a statement on the upgrading of trunk roads in the area. (S1O-426)

**The Minister for Transport and the Environment (Sarah Boyack):** I discussed the issue of trunk roads with the council in August, and I have suggested that there should be a fuller discussion later this year. The route action plans that have been agreed, or which are in preparation for most of the trunk roads in the area, will provide the framework for that discussion and for any future investment.

**Alasdair Morgan:** Is it not the case that the route action plans are simply tinkering at the edges? Considering the vast private investment by ferry companies at Loch Ryan, the fact that the A75 is a strategic route of European importance, and the high casualty rate on the A76, should not those roads be a priority for investment?

**Sarah Boyack:** Priorities have been attached to the roads that Alasdair Morgan mentioned. The A75, for example, was the subject of a £7 million investment to the west of Dumfries, at the glen. It is one of the two routes that has been exempted from the moratorium on road building since the Government came to office in 1997. I would argue that there has been substantial investment in the area, and that the route action plans represent a tangible way of progressing.

### **European Funding**

**7. Ms Sandra White (Glasgow) (SNP):** To ask the Scottish Executive how it intends to address the potential loss of European regional funding to Glasgow City Council of up to £500,000. (S1O-424)

**The Minister for Finance (Mr Jack McConnell):** Glasgow City Council's and other bodies' approvals for current programmes have been finalised, and decisions for the future will follow agreement with the European Commission on eligibility in Scotland.

**Ms White:** I thank Mr McConnell. We know that the west of Scotland programme is not likely to be approved by 2000. That means that the current interpretation of the guidelines on Sound and Efficient Financial Management 2000 seems to be the problem. At what level was the decision taken to reinterpret the SEM 2000 guidelines—at the Scottish level, the UK level, or the European level—and what action will the Scottish Executive take to prevent the loss of those vital funds to

Glasgow and the west of Scotland?

**Mr McConnell:** The purpose of those guidelines is to avoid any loss to Glasgow City Council or any other body. If those bodies were to use up money that had to be repaid, they would lose that money in due course. Ms White may be mixing up two separate issues—the new programme and the old one—and I would be happy to send her a copy of my letter to the leader of Glasgow City Council, which was signed this morning, and which will explain the matter in some detail.

### **Social Inclusion**

**8. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what proposals it has for improving the stability of funding for voluntary organisations working in the field of social inclusion. (S1O-416)

**The Deputy Minister for Communities (Jackie Baillie):** The Scottish Executive values the significant role that is played by the voluntary sector in tackling social exclusion. That is one reason why we provide £283 million of support to the voluntary sector each year. As part of the Scottish compact, we are proposing good practice guidance on three-year grants and funding core costs to improve stability.

**Mr McAllion:** Does the minister accept that the problem with urban programme-type funding is that it is time-limited and usually runs out after three years, leaving many community-based organisations faced with a choice between going out of business and putting together a package of different types of funding that will keep them going for at most six months or another year?

Given that those organisations are providing exactly the range of services that the Government says it supports, does the minister agree with the Scottish Council for Voluntary Organisations that three-year funding is no basis on which to provide those vital services, if we are to tackle poverty and social exclusion in Scotland?

**Jackie Baillie:** It is for social inclusion partnerships, which include representatives of local government, the voluntary sector and the community, to determine on-going needs. In an ideal situation, we would support continuity of funding. However, we also need to reflect local needs and circumstances, and social inclusion partnerships are the best way to do so.

**9. Tommy Sheridan (Glasgow) (SSP):** To ask the Scottish Executive whether it considers the Prime Minister's statement in his speech on 29 September regarding class to be relevant to its social inclusion strategy and, if so, in what way. (S1O-443)

**The Minister for Communities (Ms Wendy**

**Alexander):** I presume that Mr Sheridan is not referring to class sizes. Let me quote the Prime Minister. He said:

"The class war is over".

I think that means that he remains to be persuaded by the merits of Mr Leon Trotsky or Mr Tommy Sheridan on that one. He continued:

"but the struggle for true equality has only just begun."

There is no better weapon, in conquering social exclusion in Scotland, than the commitment that Labour gave at its conference last week—to strive for full employment in the next century.

**Tommy Sheridan:** Given that the message about the termination of the class war has obviously not reached the front-line troops yet, will the Executive join me in applauding the actions of the Communication Workers Union members in the east of Scotland, who have had to walk out today in support of a sacked colleague against the macho management in the mail service?

**Ms Alexander:** As representatives of the Scottish Labour party—a party that grew out of the roots of working-class struggle—members of the Executive understand the need for industrial action in some circumstances, but let us be clear that it is the Labour party that has been the greatest civilising force in the lives of working people during this century.

**Members:** Hear, hear.

**Tommy Sheridan:** I thank the minister for the Executive's support for the unofficial action taken by the CWU members today. [*Laughter.*] I am sure that they will be glad to hear about it. However, given that Britain is now the most unequal society in the whole of Europe, and given that we have the most shameful levels of poverty among our pensioners and children, will the minister—[*Interruption.*] I am sorry if my comments embarrass some members. Can the minister inform the chamber, if the class war is over, who won?

**Members:** You.

**Ms Alexander:** Tommy always has difficulty in distinguishing between political struggle and industrial struggle. On his wider point about poverty, however, I remind him that this is the week in which 140,000 Scottish families will begin to benefit from the working families tax credit, which means that any family with an adult in full-time work will be guaranteed an income of £200 a week.

**Tommy Sheridan:** Then they will lose their housing benefit.

**Ms Alexander:** That effectively represents a minimum wage for such a family in excess of £5

an hour, which is more than he campaigned for for many years.

### Telecommunications Masts

**10. Mr Nick Johnston (Mid Scotland and Fife) (Con):** To ask the Scottish Executive whether it will introduce a ban on the erection of telecommunication masts in conservation areas. (S1O-440)

**The Minister for Transport and the Environment (Sarah Boyack):** No. We are, however, proposing to introduce soon measures to give planning authorities greater influence over the siting and design of telecommunications masts and related developments.

**Mr Johnston:** What specific measures does the minister intend to pursue to ensure that, where possible, environmental impacts are minimised? Will the Executive introduce measures to insist that the four network companies, and Government bodies, co-operate to stop the proliferation of unnecessary masts?

**Sarah Boyack:** There will be a 28-day prior notification period, which will give local authorities greater control over the process. We also intend to issue a practice advice note to encourage telecommunications companies to work together on the siting of masts. I believe that, by giving local authorities more influence, we will be able to tackle the issue that Mr Johnston raised.

### Street Lighting

**11. Mr Gil Paterson (Central Scotland) (SNP):** To ask the Scottish Executive what arrangements will be made for the provision of street lighting in the village of Longriggend following the proposed closure of Longriggend remand centre. (S1O-429)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I understand that the street lighting that serves the former Prison Service quarters is a private system owned by the residents, who are responsible for maintenance. However, on a good-will basis, the remand centre has maintained the system and paid the electricity costs. The residents will collectively resume responsibility for those matters on the closure of the establishment.

**Mr Paterson:** Is the minister telling members that the community at Longriggend, which relies on the supply and maintenance of the street lighting, will have those facilities taken away? Will Longriggend be the only village in Scotland where the lights are turned out?

**Mr Wallace:** As Mr Paterson knows, the former Prison Service staff quarters adjacent to the establishment at Longriggend were sold and are now privately owned. Together with the quarters,

the purchasers were also conveyed shares, including maintenance responsibility for the private roads, surface water drainage and the street lighting system. As I said, the Prison Service paid for the maintenance and running costs associated with those facilities on a good-will basis. The legal responsibility was taken on by the residents when they bought the establishment.

**Mr Paterson:** Does the minister agree that when he was MP for the area, the late John Smith was very concerned that the roads in Longriggend were not adopted, and no help was given on that? Now the people of Longriggend will get a double whammy because street lighting will not be provided—it is ridiculous.

**Mr Wallace:** As I said, the obligation was taken on at the time of purchase and people would find it odd for the Prison Service, when it no longer has any connection with Longriggend, to be responsible for its street lighting.

#### **Foresterhill Laboratories**

**12. Brian Adam (North-East Scotland) (SNP):** To ask the Scottish Executive whether the meeting between the reference laboratories working group and director of reference laboratories at Foresterhill, referred to by the Minister for Health and Community Care in the food standards debate on 15 September 1999, has taken place and what the outcome was. (S10-447)

**The Minister for Health and Community Care (Susan Deacon):** The meeting will take place at the beginning of next month. That was the earliest date that could be arranged which suited the key people in Aberdeen.

**The Presiding Officer:** If you can find a supplementary to that—

**Brian Adam:** Is the minister aware of the correspondence on campylobacter—which is the subject here—between a number of national and international experts, particularly those who attended the recent conference in Baltimore, and the laboratory, and will she comment on the concerns that they raised about the closure of the laboratory? Will she reconsider her earlier decision to close it?

**Susan Deacon:** I applaud Mr Adam's creativity in questioning. I am aware of the matter that he raised, and I assure him that my primary concern is the quality of work done through all contracts with the Scottish Executive. I hope that the meeting to which his original question referred will provide an opportunity for discussions on how improvements in the labs concerned can take place.

#### **Urban Foxes**

**13. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive what plans it has to deal with the growing problem of foxes in the urban environment in Scotland. (S10-445)

**The Deputy Minister for Community Care (Iain Gray):** I think I get to answer because I live in and represent Currie and Balerno, where rural and urban Lothian meet in a particularly pleasing synthesis.

We have no such plans. Pest control is a matter for the local authorities and property owners concerned.

**Alex Johnstone:** Does the minister agree that, with the fox population in Scotland at a record level, and when some 3,000 foxes have made the shift from a rural to an urban environment, it would be a strange time for the Parliament to take the opportunity that may be presented to it to ban certain traditional methods of fox control in Scotland?

**Iain Gray:** It is for the local authorities to deal with foxes moving to the urban environment. As far as I am aware, no local authority has made representations to the Scottish Executive for help, although I believe that one authority has asked its officials to make a report on the problem.

With regard to what I think Mr Johnstone was really asking, as I believe he knows, the Scottish Executive has no plans to introduce the legislation to which his question alluded.

#### **Secretary of State for Scotland (Meeting)**

**14. Dennis Canavan (Falkirk West):** To ask the Scottish Executive what is on the agenda for the next meeting between the First Minister and the Secretary of State for Scotland. (S10-414)

**The First Minister (Donald Dewar):** Mr Canavan asked me the same question last week. I am always anxious to be helpful. Last week we discussed matters of mutual interest. Next week it will be matters of common concern.

**Dennis Canavan:** Will the First Minister support the representations that I have made for Bonnybridge to be included in the assisted areas map? Is he aware that I wrote to the Secretary of State for Scotland about the matter on 12 August, 20 September and 29 September, but I have not had even the courtesy of an acknowledgement, never mind a reply? Possibly that is because he seems to be preoccupied these days with making life difficult for my good friend Donald.

**The First Minister:** Politicians should never make confident assumptions.

I will draw the Secretary of State for Scotland's



attention to Mr Canavan's complaint.

### Fishing Industry

**15. Richard Lochhead (North-East Scotland) (SNP):** To ask the Scottish Executive whether it has conveyed to the Secretary of State for Scotland the fishing industry's concerns relating to the Scottish Adjacent Waters Boundaries Order (SI 1999/1126) as resolved by the Parliament on 3 June 1999 under motion S1M-19 as amended and, if so, whether it intends to inform the fishing industry and the Parliament of the Secretary of State's response. (S1O-427)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** The Minister for Rural Affairs wrote to the Secretary of State for Scotland on 20 June, and the secretary of state met representatives of the fisheries industry on 24 June to discuss the issue. The secretary of state wrote to the Scottish Fishermen's Federation on 13 July. My department has reported on that correspondence to the Rural Affairs Committee, and copies of the correspondence are available in the Scottish Parliament information centre.

**Richard Lochhead:** Given that it has been four months since the issue was raised in Parliament and Ross Finnie was requested to make representations to the Secretary of State for Scotland on behalf of the fishing industry, and it is six weeks since I lodged a parliamentary question—which remains unanswered—asking for some feedback on how the minister got on with the secretary of state, does not John Home Robertson feel that he should take the matter a little more seriously and help the fishermen whom he is supposed to represent?

**Mr Home Robertson:** Ross Finnie has done exactly what he undertook to do in his response to the chamber on 3 June. If there were any significant concern in the fishing industry on the issue, as a constituency member of Parliament representing the south-east of Scotland and people living on the south-east coast, I would know about it. The fundamental point is that there must be a boundary line, because this Parliament has assumed responsibility for the waters adjacent to the Scottish coast—127,000 square miles.

As we are not nationalists, we are working with our neighbours to ensure continuing access for Scottish fishermen to waters around the coasts of the United Kingdom. That is what matters to Scottish fishermen. I realise that Mr Lochhead thinks that he is on to a big issue, but he is following a dead fish.

**Richard Lochhead:** Is the minister aware that fishermen in East Lothian are united behind the rest of the industry's campaign to get Scotland's stolen waters returned to Scottish jurisdiction and

that their campaign is on-going? They are ploughing resources into their campaign to get the waters back and they are looking for action from their fisheries minister to support their case.

**Mr Home Robertson:** If that is the case, it is strange that they have not spoken to their local member of Parliament about it: I am sure that they would have. The new boundary is a properly calculated median line, and if Mr Lochhead has difficulty in grasping that fact, I am grateful to be able to tell him that an East Lothian branch of the SNP wrote to me to confirm that the new line corresponds to what an equidistant boundary line should be. That branch is right, and he is wrong.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** On a point of order.

**The Presiding Officer:** We will take it at the end of questions.

### Popular Music

**16. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive what initiatives it is planning to promote the Scottish popular music industry, and whether it will include popular music in the national cultural strategy. (S1O-418)

**The Deputy Minister for Culture and Sport (Rhona Brankin):** The national cultural strategy will cover popular music. In planning how best to develop the industry, we will also be able to build on the study of rock and other popular music that the Scottish Arts Council has in progress.

**Pauline McNeill:** Does the minister agree that widening the definition of music in the national cultural strategy to include popular music will be good for the industry and the involvement of young people? Will she agree to meet me and other interested MSPs?

**Rhona Brankin:** I would be happy to have a meeting. We recognise the importance of the rock and pop industry to Scotland and we will examine Scottish Enterprise's work in that sector.

### Oban Hospital

**17. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what steps it is taking to resolve the current situation at Oban hospital, where Argyll and Clyde Acute Hospital Trust is unable to accept the North British Hotel Group's offer of a computed axial tomography scanner because the trust does not have the funding to meet staffing and running costs. (S1O-423)

**The Minister for Health and Community Care (Susan Deacon):** It is for local health boards and NHS trusts to decide on the services and facilities to be provided to meet the needs of local populations. The Scottish Executive has no plans

to become involved in this matter.

## Open Question Time

### SCOTTISH EXECUTIVE

#### Scottish Assigned Budget

**1. Bruce Crawford (Mid Scotland and Fife) (SNP):** To ask the Scottish Executive what increases or decreases have been applied to the Scottish assigned budget since 1994 as a result of European structural funds allocated to Scotland. (S1O-430)

**The First Minister (Donald Dewar):** None.

**Bruce Crawford:** Can the First Minister confirm that if the payment to the structural fund grant increases or decreases from one year to the next, the resources available for other purposes change accordingly? Will he confirm that the Executive will adjust its other programmes, up or down, to reflect the expected call on the assigned budget from the structural funds payment in any one year? In other words, is it correct to say that structural funds are non-additional to Scotland's overall bottom-line position?

**The First Minister:** That is broadly correct. Budget provision is made for European structural funds within the Scottish assigned budget each year. That is based on the total for the funds agreed by the Commission for each seven-year programme—for example, the present one is 1994 to 1999—and the likely pattern of expenditure. Although it is true that there can be differences in the amount paid each year—it may fluctuate—the total funds committed over the seven-year programme do not change. Any increases or decreases, which occur for a variety of reasons each year, must be accommodated within the same total. We are conscious of the importance of the structural funds and there will shortly be announcements about objective 2. We look forward to a good settlement.

**Bruce Crawford:** To clarify what the First Minister is saying, is he confirming that the much trumpeted, so-called special deal by Blair for the Highlands and Islands, and the soon to be announced structural funds, which I am sure will be trumpeted in the same way, will have no beneficial effect on overall spending levels in Scotland?

**The First Minister:** Those do not affect overall spending levels. I am surprised that that comes as a surprise to the SNP. They affect what is spent in the areas that have status of eligibility. The deal that was done for the Highlands and Islands, which secured the financial equivalent of objective 1, was important to the Highlands and Islands and was widely welcomed.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Does the Scottish Executive accept that its loss of objective 1 status for the Highlands and Islands, which was so hard fought for by previous Administrations, was somewhat careless? It will cost the region about £40 million over the next five years, despite the temporary alternative funding.

**The First Minister:** I do not recognise that figure. The fact that, through the influence of some hard arguing by the United Kingdom at Berlin, we got the financial equivalent of objective 1 status, was widely welcomed. The Highlands and Islands narrowly failed to qualify both in terms of gross domestic product per head and on the ground of sparsity. It was important to obtain support for them, and that was achieved.

It is interesting to note that if we examine the GDP comparisons for Scotland as against the rest of the United Kingdom, we are outscored by London and the south-east but if we consider the other nine areas of the United Kingdom, the Scottish GDP per head is above all the rest.

**Hugh Henry (Paisley South) (Lab):** Will the First Minister confirm what he alluded to, which continued the point that Jack McConnell made to the European Committee: irrespective of any cut in objective 2 funding, there will be no reduction in overall expenditure in Scotland?

Can he also confirm, for our friends in the SNP, that that has always been the case with European funding and the block budget?

**The First Minister:** Yes. That has been the case for as long as I can remember. Those who have been involved in these matters appreciate that. If the SNP position is—I got a hint that it is from the facial expressions and the noises—that this is a new scandal, either SNP members have failed to understand the system or I am surprised that they campaigned so hard for eligibility status for the Highlands or Islands or other parts of Scotland.

**Andrew Wilson (Central Scotland) (SNP):** Will the First Minister confirm that, since they began in 1974, 25 per cent of UK structural funds have been allocated to Scotland but that it has received the Barnett formula share of those funds—8.8 per cent? From the First Minister's answer to Mr Crawford today, it is clear that we have lost out on hundreds of millions of pounds of structural funds because of the London link.

**The First Minister:** I do not accept that for a moment. I should remind Mr Wilson that on the assisted areas map—an important parallel objective—Scotland has 49 per cent coverage compared with something like 26 per cent for England. That is a good settlement for Scotland, given the GDP figures that I have just mentioned. We will shortly have the objective 2 settlement.

At the moment, these are just plans that must be submitted to the European Commission. If they hold, we will lose coverage, but the same applies to every country in the European Union and every part of the United Kingdom. We ought to welcome and glory in our economic performance, rather than seeing it is a cause for sorrow. The fact that we have improved our comparative performance does not take away from the fact that we still do surprisingly well out of the final settlement.

## Drugs

**2. Miss Annabel Goldie (West of Scotland) (Con):** Sir David, my question refers to Mr Angus MacKay. With your permission, I wish to inform members that I believe Mr MacKay is getting married tomorrow. I am sure that the chamber will want to express its very good wishes for the future to him and his fiancée.

To ask the Scottish Executive, further to the answer to question S1W-101 by Angus MacKay on 30 June, what progress the ministerial group has made in tackling the drugs problem in Scotland. (S1O-420)

**The Deputy Minister for Justice (Angus MacKay) rose—**

[Applause.]

**Angus MacKay:** Presiding Officer, I will have to resort to this ploy more often. Miss Goldie's remarks are a particularly fiendish Tory ploy to distract me from answering the question.

The ministerial committee on tackling drug misuse, which I chair, met for the first time on 17 August and agreed a programme of action to take forward the Executive's commitment to tackling the drugs problem in Scotland. That action included the adoption of "Tackling Drugs in Scotland: Action in Partnership" as a strategy document.

In addition, the committee agreed to carry out an audit of all drugs-related expenditure in Scotland, with a particular view to providing additional facilities for rehabilitation. It also considered adding alcohol abuse to its remit and noted the progress that is being made in setting up the new drugs enforcement agency.

**Miss Goldie:** I thank the minister for that full response. Conservative members welcome those initiatives, which represent a significant step towards addressing the problem of drug misuse.

Does the minister agree that it might send out a useful message to the audience beyond this chamber if the Executive considered appointing a minister with sole responsibility for dealing with drug abuse in Scotland? I make that suggestion in the belief that something rare might happen in this chamber. I suspect that there is total cross-party

consensus about the fact that we as a Parliament want to be seen to be tackling what is probably one of the greatest threats to society in Scotland. Will the minister offer a visible and demonstrable sign of the Executive's resolve to provide a global strategy for addressing the problem?

**Angus MacKay:** Miss Goldie may or may not be aware that I have responsibility for the Scottish Executive's drugs policy across all departments. I work in tandem with colleagues responsible for communities, health and education.

However, I would not want to intrude on the First Minister's responsibility for the number and remit of ministers in Scotland. I do not wish to be partisan, but some may find it rather unlikely that a Conservative member is suggesting that we appoint an additional minister.

We should recognise that the approach that is being taken at the moment is comprehensive and seeks to tackle the problem through the provision of adequate facilities for rehabilitation and proper preventive education for future generations of young Scots, as well as through effective enforcement.

The ministerial committee, which is a Cabinet sub-committee, has a broad remit and the agencies with which it is working are examining every issue that affects the drugs problem in Scotland.

**Miss Goldie:** In no way do I wish to diminish what the minister has said. I do not want to create additional ministers—good heavens, they are breeding like chickens as far as I can see. I want to make improvements in the ministerial structure.

**The First Minister:** Rabbits.

**Miss Goldie:** Rabbits. They are breeding like rabbits. Perhaps even foxes.

The ministerial structure is sensible—none of us doubts that. The minister's answer is significant. He said that he occupies a position that neither I nor, I suspect, the public were clear about. I suggest that, were that position to be more public, a positive message would be sent to the people of Scotland.

**The Presiding Officer:** I think that Mr McLetchie's views are becoming infectious on that bench.

**Angus MacKay:** I will refrain from commenting on the breeding habits of my ministerial colleagues—foxes, chickens or otherwise—despite Miss Goldie's invitation.

I repeat that a genuinely cross-cutting approach is being taken, particularly in relation to the issue of drugs in Scotland. We are cutting across departmental lines in a way that has not happened before. We are also going out of our way to cut

across agency lines in the public and private sectors to bring all the available resources to bear on the drugs problem: the Scottish advisory committee on drug misuse is meeting more frequently than it did previously; ministers are visiting all the drug action teams in Scotland to check up on the progress that is being made on implementing drug action strategies; and we are visiting agencies in the field.

Matters of profile can be addressed in the process of implementing policy, but it is for the First Minister to decide how ministerial portfolios are allocated.

### Housing

**3. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive whether it intends to introduce proposals to allow local authorities to ring-fence housing stock suitable for older people from right-to-buy legislation. (S1O-444)

**The Minister for Communities (Ms Wendy Alexander):** Under existing legislation, houses which have been specifically designed or adapted for the needs of elderly people may be exempted from the right to buy, but in the context of next year's housing bill I am willing to consider proposals for further legislation in this area.

**Bristow Muldoon:** Does the minister agree that a move towards greater flexibility for local authorities would add to their ability to ensure that elderly people can live independent lives in the community for longer? Does she agree with the Government's plans on community care in general?

**Ms Alexander:** I believe that specially adapted housing to meet all the needs of care in the community should remain in the socially rented sector and should be protected.

**David Mundell (South of Scotland) (Con):** I would like to draw the minister's attention to the Greenbank proposal for a day care centre and supported housing for the elderly in Langholm in Dumfriesshire. As the project includes many partners, including Scottish Homes, will the minister encourage partnership working to produce a development that will support the strategy that she has set out many times for social inclusion and communities?

**Ms Alexander:** I hope that Mr Mundell will understand that, as one of the ministers who are responsible for local government, I am anxious not to encroach on that which is the responsibility of the local authority. I understand that Dumfries and Galloway Council are closely involved in examining the funding of the Greenbank project in collaboration with Scottish Homes.

**Mary Scanlon (Highlands and Islands) (Con):**

When the right-to-buy legislation was dramatically changed this year, councils were notified on 21 March—10 days before the change.

Is 10 days sufficient time for councils to notify tenants of the huge losses of discount when buying council houses?

**Ms Alexander:** What Mary Scanlon is referring to is the change in the cost floor rules. There is a balance of interest to be struck between tenants' aspirations and returning investment to the community; the new cost floor rules do that.

**The Presiding Officer:** Before we move to the statement, Dr Ewing wishes to make a point of order.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Will the Presiding Officer give this Parliament any protection when a minister—the Deputy Minister for Rural Affairs—makes a misstatement of fact that is easily verifiable by all of us—

**The Presiding Officer:** No.

**Dr Ewing:** He cannot give us any protection? The median line has not settled the majority of water boundary cases.

**The Presiding Officer:** Dr Ewing, ministerial answers are the responsibility of the minister, not the Presiding Officer. We come to the statement that is—

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order.

**The Presiding Officer:** Another point of order? I hope that it is a different one.

**Ms MacDonald:** Is it in order for a minister or any member of the Parliament to cast aspersions on the democratic legitimacy of any of the members here? Twice in the past three weeks, the Deputy Minister for Rural Affairs has questioned the status of members elected from the lists rather than the constituencies.

**The Presiding Officer:** I did not hear any such reference. I can say only that ministers, like every other member, are responsible for their own utterances. That is not a point of order for the chair.

## Railways

**The Presiding Officer (Sir David Steel):** We come now to the ministerial statement from Sarah Boyack. The minister will take questions at the end of the statement. There should, therefore, be no interventions during it.

15:16

**The Minister for Transport and the Environment (Sarah Boyack):** With permission, Sir David, I will make a statement about the devolution of executive functions for railways to the Scottish ministers, for which provision has been made in the UK Railways Bill.

Before I turn to the main purpose of my statement, I wish to register my own shock and horror regarding the appalling events outside Paddington on Tuesday. Yesterday, as a Parliament, we passed on our condolences to the families and friends of the people who were killed or injured in that terrible accident. As transport minister, I wish to take this opportunity to reiterate that the safety of everyone who travels on public transport is a primary concern of the Scottish Executive.

Rail safety is an issue on which we need consistent standards across the whole UK. The Scottish Executive is, therefore, in regular contact with the Department of the Environment, Transport and the Regions, the Health and Safety Executive, Her Majesty's railway inspectorate, the Rail Regulator and the British Transport Police on matters relating to rail safety in Scotland.

Earlier today, Gus Macdonald gave me clear assurances that any lessons learned from the public inquiry into Tuesday's accident will be applied in Scotland as uniformly as they will be throughout the rest of Britain. The rail industry in Scotland has already committed itself to investing in improved safety across the network, aimed at further reducing the chances of accidents. Although Scotland's recent rail safety record has been comparatively good, that should in no way be grounds for complacency. We will work with the industry in Scotland and UK transport safety agencies to ensure that rail safety standards continue to improve and passenger confidence in rail travel is restored.

On 7 July, I wrote to all members of the Scottish Parliament outlining arrangements for transferring a number of executive functions to Scottish ministers through provisions made in the Railways Bill introduced at Westminster the same day. When the bill was introduced, the Scottish Parliament was in recess, so I made a commitment to make a statement on these matters to members once they reconvened this

autumn. Today, I am honouring that commitment.

Members will recall that on 31 March last year—during the passage of the Scotland Bill—Henry McLeish announced in the House of Commons that a significant and extensive range of legislative competence and executive functions dealing with railways would be transferred to the Scottish Parliament and Executive.

At the time, there was considerable debate about the future of the railways across Britain. The UK Government had already committed itself to reforming the structures that regulated and managed the privatised rail industry. It had stated that legislation would be introduced to give statutory weight to its commitment to secure a better deal for rail passengers.

Our priorities are to ensure that the railways are operated safely, securely, efficiently and in the public interest. We believe that core standards need to be common in all parts of the UK. I also believe that a number of key functions that affect the type of service that is delivered to rail passengers in Scotland should be held by the Scottish ministers.

Provision for those functions has been made in the UK Railways Bill. The bill is intended to deliver the devolution of executive powers over the issuing of directions and guidance to the strategic rail authority in relation to passenger rail services that start and end in Scotland and are provided under a franchise agreement; and over the issuing of directions and guidance to the SRA in relation to passenger rail sleeper services that start or end in Scotland and are provided under a franchise agreement by an operator who also provides passenger rail services that start and end in Scotland.

Those functions are to be exercised within a Great Britain strategic policy framework for the railways. That will ensure that standards of performance management, operation, safety and security are applied consistently across the rail industry.

In addition to directions and guidance to the SRA, the bill also reaffirms the authority of the Scottish ministers to make freight facilities grants and track access grants in Scotland within the new statutory arrangements and overall GB policy.

In my letter to MSPs on 7 July, I explained why it had been decided to transfer those functions by making provision for them in the UK Railways Bill. Usually, the transfer of executive functions would be achieved through the use of orders under section 63 of the Scotland Act 1998. Such orders require the approval of both Parliaments. Indeed, a number of railway functions have already been transferred to the Scottish ministers in that way.

However, in the case of the executive functions dealing with directions and guidance and freight grants, Scottish ministers agreed with the UK Government that, in this instance, it would be more straightforward and transparent to provide in the bill for the transfer to the Scottish ministers. The normal route for transferring functions to the Scottish ministers remains orders under the Scotland Act 1998, over which this Parliament will have control.

The transfer of executive functions that is provided for in the UK Railways Bill is one part of the agreed devolution package for railways. It may be helpful to members if I indicate the current position on the other components of the package.

The Scotland Act 1998 already provides for the legislative competence of the Scottish Parliament to give certain grants for passenger rail services. Further legislative competence for the rail responsibilities of Strathclyde Passenger Transport Executive, and for the authorisation of proposals for the construction of new railways in Scotland, will be devolved to the Scottish Parliament by order under section 30 of the Scotland Act 1998, again subject to the approval of this Parliament.

The executive devolution order made under section 63 of the Scotland Act 1998, which was approved by both Parliaments in June, devolved executive responsibility for the administration of rail freight grants. That order, with an order under section 89 of the Scotland Act 1998, which has also been approved by this Parliament, also transferred to the Scottish ministers the responsibility for appointing the chair of the Rail Users Consultative Committee for Scotland. The order also requires the Office of the Rail Regulator to consult the Scottish ministers on the appointment of new members to that committee.

Furthermore, the order requires the Scottish ministers to lay the reports of the Rail Users Consultative Committee for Scotland, the Central Rail Users Consultative Committee, the franchising director and the Rail Regulator before the Scottish Parliament.

Arrangements are also being put in place to transfer to the Scottish Executive the finances to pay for the passenger rail services that are currently provided by ScotRail under the terms of its franchise.

The implementation of the first components of this package is already reaping dividends for Scotland's railways. The ministerial authority to make freight grants has enabled the Scottish Executive to make three major awards totalling more than £6.5 million since 1 July. Those awards have already made a major contribution to the "Partnership for Scotland" commitment, which was

reaffirmed in "Making it Work Together", to transfer freight from road to rail.

Other challenges are emerging in the rail industry. The Scottish Executive will play a full part in a range of matters that directly impact on the quality of service that is delivered to rail passengers in Scotland. The transfer of executive functions and legislative competence to the Scottish Parliament and Executive will give us the means to do that.

In the meantime, I have established solid working relationships with the shadow strategic rail authority and the Office of the Rail Regulator in advance of formal powers being conferred to the Scottish ministers. Both Sir Alastair Morton, chairman of the shadow authority, and Tom Winsor, the Rail Regulator, have stated publicly that they will take a very close interest in the development of railways in Scotland.

Railways are a vital part of an integrated transport policy for Scotland. This year alone, more than £200 million of public money is being spent on Scottish rail passenger services. Without that level of support, the rail industry would be unable to invest in new trains, track and signalling. The recent introduction of the 15-minute interval Edinburgh to Glasgow Queen Street service is the latest example of how public money helps to generate improved services.

The rail network can, and does, reduce road congestion, help to reduce the negative environmental impact of cars and lorries, and provides fast, increasingly comfortable, punctual and reliable links between most of the country's principal cities and towns.

I know that there is much to be done. The measures in the Railways Bill give the Scottish Executive the powers to ensure that the rail industry works in partnership with Government to help to deliver a better deal for passengers.

**The Deputy Presiding Officer (Patricia Ferguson):** The minister will now take questions on the issues raised in her statement. I intend to allow 20 minutes for questions, after which we will move on to the next item of business. I remind members who want to speak to press their request buttons.

**Mr Kenny MacAskill (Lothians) (SNP):** I concur with the minister's statement regarding the tragic accident in London.

Does the minister agree that the bill transfers responsibility to the Scottish Parliament but not control of the budgetary allocation? We will have responsibility without revenue and control of the trains but not the track. Will the minister confirm that apart from any revenue gain on a franchise agreement, the only way in which the Parliament

can expand the rail network within the block grant allocation is to cut jobs and services in some other area, such as health or housing?

**Sarah Boyack:** I have to disagree with Mr MacAskill on his last point. The Scottish Parliament will have the opportunity to promote and improve rail services in Scotland. Providing passenger revenue subsidy is one method of doing that. The efficient operation of the ScotRail franchise should offer us—as it has in the last month—the opportunity to provide a new raft of services throughout the whole of Scotland.

There will be other ways to invest in the railways network. We are already using money from the public transport fund to invest in the network. One of the ways in which I am keen to ensure that we maximise investment is through the investment that Railtrack makes. I have already spoken with Tom Winsor about that.

**Mr Murray Tosh (South of Scotland) (Con):** I, too, welcome the minister's comments about this week's events near Paddington and her assurances that the lessons that are learned will be applied in Scotland.

In terms of the statement, what appreciable differences in service delivery does the minister hope to bring about using the executive power to issue directions and guidance? Will Scottish Executive directions and guidance to the strategic rail authority be covered by a concordat with the UK Government? If so, when will it be issued?

Will the minister undertake to consider, with an open mind, proposals from Fife Council and Scottish Enterprise for financial support for a freight marshalling yard at Rosyth, notwithstanding the very negative reaction given in yesterday's papers by her spokesman?

**Sarah Boyack:** I believe that we will be able to make appreciable improvements to the railways network in Scotland. There have already been improvements in the Glasgow to Edinburgh service as a result of the ScotRail 2000 exercise. That will improve the quality of service across the central belt. Improvements have also been made between Glasgow and Edinburgh and Aberdeen, and between Glasgow and Edinburgh and the Fife network. There will be new investment in stock and increased provision of railway facilities throughout Scotland.

I hope that the Scottish Parliament will be able to focus attention on the priorities for future railways investment. The Scottish public transport fund—we have already made the first allocation, the second is due shortly—presents the opportunity to consider the priorities suggested by local authorities. A good example of that is the £8 million we gave to Edinburgh for the cross-rail project.

The freight facilities grant presents another welcome opportunity. When I have visited local authorities over the past few months, I have encouraged them to consider what schemes they and the rail companies might suggest to the Scottish Executive so that we can work together to improve the transfer of freight from road to rail and invest in new facilities. We recognise that that transfer often involves substantial capital investment for the companies involved. That is the purpose of the freight facilities grant.

The Transport Development Group Nexus development in Grangemouth, for example, will enable the development of sidings. At first, they will be used primarily by TDG Nexus, but other firms will be able to use them in future. I was glad that TDG Nexus was able to confirm that on the day we announced the award.

**Bristow Muldoon (Livingston) (Lab):** I ask the Deputy Presiding Officer to note a previously declared interest in the National Union of Rail, Maritime and Transport Workers and the Transport Salaried Staffs Association.

As somebody who has worked in the rail industry for many years and who has links with certain of the rail unions, I wish to associate myself with the comments of concern and sympathy that the minister and other members have made today, and that Annabel Goldie made yesterday, about the tragic accident at Paddington.

Will the minister expand on how she believes the transfer of executive functions will impact on safety in the rail industry in Scotland? How does she intend to take that matter forward with Railtrack and the various other organisations that are responsible for safety?

**Sarah Boyack:** I am happy to report to Mr Muldoon that during the summer I met the zonal director of Railtrack Scotland, Janette Anderson, and the managing director of ScotRail, Alistair MacPherson. One of the issues that we discussed in those separate meetings was rail safety. A large number of accidents on the railway network of Great Britain are caused by vandalism, but in Scotland the proportion of accidents caused by vandalism is significantly higher than in the rest of the country. That is an important issue for us to focus on in Scotland. We need to take it seriously, and I hope to follow it up when I meet the British Transport Police next month.

Safety is one of the key issues that is addressed in the ScotRail franchise. We need to consider safety in broad terms, not just in terms of track investment and the quality of investment by Railtrack, but in terms of the management of rail services. We also need to consider safety at individual stations. Strathclyde Passenger

Transport Executive and ScotRail have installed closed-circuit television in many stations in the west of Scotland. CCTV gives passengers at unstaffed stations the reassurance that somebody is watching. On a recent visit to Paisley, it was interesting to watch how it works in practice and to see the level of scrutiny in stations with CCTV. I hope that that such measures can be expanded throughout Scotland.

**Christine Grahame (South of Scotland) (SNP):** As the minister is aware, there are no railways in the Borders. Will she join me in giving support for the Campaign for Borders Rail, which is campaigning for the Waverley line, as it is commonly known? That line is considered a necessity by Scottish Borders Enterprise for the economic recovery of the Borders. Will she tell me where, in her statement, I am told how it will be constructed and—crucially—how she will fund it?

**Sarah Boyack:** The Borders railway line survey is currently being carried out. We are part way through that process. A number of organisations have contributed to that study, including Midlothian Council, Scottish Borders Council and Railtrack. The survey is considering the various options and possibly reopening part of the Borders railway line—the Waverley line. I am keen to consider the recommendations when the report is concluded towards the end of November. I will take on board the issues raised in the report and see what is possible.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** As the MSP for that area, I welcome that statement from the minister. I hope that when she considers the report, she will remember the kind of economic, social and environmental benefits that could follow in the Scottish Borders and areas like it. Today's announcements give the minister the opportunity to plan a strategic transport policy for the whole of Scotland. I seek her assurance that road and rail networks in rural areas will feature heavily in her thinking. The road and rail networks in the Borders need upgrading.

**Sarah Boyack:** I congratulate Mr Jenkins on effectively expanding the focus of the discussion from rail to road.

I entirely take Mr Jenkins's point. As we have a dense rail network across the most urban parts of Scotland, one of our challenges is to find out how we can improve the quality of services in rural areas. We have an opportunity to increase the frequency of rural rail services on, for example, commuter services into Aberdeen or Inverness. Trains might have to stop at an extra station. Although that would have an impact on the times of trains and the speed of service, it might bring benefits to areas where trains have rushed through without stopping.



Mr Jenkins is right to say that a strategic approach is required. I hope that we will be able to focus on those issues through the work of Scottish ministers and in discussions with the Transport and the Environment Committee to bring benefits to rural areas. We might, for example, be able to provide high-quality park-and-ride facilities in more remote areas where it would be extremely expensive to add track. That might encourage people to drive to those areas to access the main railway network.

**Dennis Canavan (Falkirk West):** Further to Murray Tosh's point, is the minister aware that we have been waiting a long, long time for the electrification of the railway line between Edinburgh and Glasgow via Falkirk High? When is that going to happen? Will the minister make appropriate representations to Railtrack to make this matter a top priority?

**Sarah Boyack:** I understand that a Railtrack study completed in 1993 estimated the cost of electrification of the Edinburgh to Glasgow route via Falkirk High at £45 million, which is quite a hefty price tag. The new every-15-minute train service between Glasgow and Edinburgh will, I hope, provide a dramatically improved service for constituents in Mr Canavan's area and I will be happy to talk to him about how that service will make an appreciable difference.

**Dennis Canavan:** We need to cut the travel time.

**Sarah Boyack:** Improving travel times between Glasgow and Edinburgh is an important issue. However, the accessibility of the new service in places such as Falkirk High will markedly improve the railway network and transform people's perceptions of the accessibility of the railway network.

**Pauline McNeill (Glasgow Kelvin) (Lab):** Will the minister consider taking action to improve passenger comfort on trains? If so, will she comment on the part of the ScotRail charter which says that the company will not offer refunds to passengers who complain about a lack of comfort on the service?

**Sarah Boyack:** I thank Ms McNeill for her comments. She has raised the matter with me several times since the summer. Concerns have centred on overcrowding on certain trains, particularly between Glasgow and Edinburgh. I hope that a train every 15 minutes between those cities will make an appreciable difference to that service by spreading the load.

As for passenger comfort, the number of people travelling on the railways in Scotland has increased by about 20 per cent over the past couple of years. The rail industry is growing, which requires a response from the rail companies as

well as from Government. I take on board Ms McNeill's point that passenger comfort is absolutely crucial for people to make the shift from road to rail. If people are going to use the railway network, the network has to be of a high quality. I am happy to raise those points in my discussions with ScotRail and the other train companies.

**Colin Campbell (West of Scotland) (SNP):** On 9 September, my colleague Kenny MacAskill asked the minister:

"Does the minister support the Larkhall rail extension to the Haughhead junction, when will she authorise its construction and how will it be funded?"—[*Official Report*, 9 September 1999; Vol 2, c 335.]

The minister said that she would provide him with a written answer. Now that a month has elapsed, can she answer those questions?

**Sarah Boyack:** As discussions are still taking place between Scottish Executive officials and the Strathclyde Passenger Transport Executive, I have no news to give Mr Campbell at this time.

**Helen Eadie (Dunfermline East) (Lab):** I join the minister in sending my condolences to the people who have been involved in the tragedy at Paddington.

I congratulate the minister on her commitment to the rail industry—a commitment that I share—but I also want to be critical of the rail industry's attitude to Fife, where rail service provision is among the worst in Scotland.

Although I understand Dennis Canavan's point about rail electrification, I am more concerned about access for disabled people. I am not convinced that the rail industry has properly provided for disabled access. What does the minister plan to do about that?

**Sarah Boyack:** Increasing the number of stations that are accessible to people with physical disabilities is a major challenge. I have discussed that with ScotRail in the past. The requirements that have come from the Disabled Persons Transport Advisory Committee provide some useful targets for the rail industry to work towards. The Disability Discrimination Act 1995 is improving standards across the transport industry, and I would be happy to take forward with Helen Eadie our future discussion on the subject.

**Nora Radcliffe (Gordon) (LD):** Performance indicators in the existing rail franchises tend to focus on journey times. Does the minister agree that, when negotiating the next round of franchises, more attention ought to be paid to attracting passengers and boosting passenger numbers? Following comments about overcrowding, I would say that concerns about comfort and convenience should also be taken into account.

**Sarah Boyack:** I would not like to make any comments about the next set of passenger rail franchises. We will deal with them later. I agree with Nora: attracting more passengers on to the rail network has to be one of our key priorities.

The Executive needs to take forward the issues of safety, reliability, accessibility and ticketing as part of our overall approach to improving the quality of the railway network in Scotland.

**Dr Elaine Murray (Dumfries) (Lab):** I was encouraged by the minister's statements about examining rural transport. I have personal experience of the improvements in the Glasgow to Edinburgh service. That is great, but many parts of the country are not able even to tap into that service. I refer in particular to my constituency, in Dumfries and Galloway, where it is not possible to commute to Edinburgh in time to come to Parliament, for example, using the rail service.

I ask the minister to examine ways in which the service to that part of the world can be improved. Only an increase in the number of trains that stop at Lockerbie would be needed to put that right. Can the Executive exert any influence on railway service providers to improve the service for people in the south-west of Scotland?

**Sarah Boyack:** I am sure that we will be able to take that on board as we examine the priorities for the whole of Scotland. The agenda is challenging and a significant amount of money is involved in improving the rail network. We must get better value from existing services.

The rail network is expanding. We had decades of under-investment in the rail network and the industry was declining. I think that it is exciting and significant that we are now talking about our future priorities for expansion of the railway network in urban and rural parts of Scotland. It is not an agenda to be delivered overnight, but the Parliament should take this challenging objective forward.

**David Mundell (South of Scotland) (Con):** I wish to expand on what impact the minister's statement will have on the governance of cross-border services. As I have pointed out to the minister previously, although people are getting on trains in Lockerbie—as Dr Murray mentioned—and travelling to another location in Scotland, such services are technically cross-border, because they start in Carlisle, Berwick or elsewhere. Given what she has said today, can the minister say how those services will be governed until the strategic rail authority is operational?

I think that the minister will accept that there is a legitimate concern that Borders stations might be left in a no-man's-land. People will assume that because they are going to and from Scottish destinations, the services are being dealt with

solely by this Parliament, when in fact they are not.

**Sarah Boyack:** I can reassure David Mundell that, in advance of the strategic rail authority being set up, the Scottish Executive is in discussions with the shadow strategic rail authority about a number of issues on the future of railways in Scotland. I take on board his representations on this subject, which he has made to me before.

## Agriculture (Agenda 2000)

**The Deputy Presiding Officer (Ms Patricia Ferguson):** We now move to the debate on motion S1M-185, in the name of Ross Finnie, on Agenda 2000 and the development of agriculture in Scotland, and amendments to that motion.

15:45

**The Minister for Rural Affairs (Ross Finnie):** I am pleased to have the opportunity today to address the chamber. In the time available, I will outline the steps that the Executive has taken and is proposing to take to create a more secure future for Scottish agriculture.

There is no doubt that Scottish agriculture is in a serious situation. The difficulties encountered over the past two years are almost unprecedented. However, the Executive is working hard not only to alleviate the symptoms of the malaise, but to tackle the underlying causes.

Some of the problems affecting our farmers cannot be resolved by any single Government. Economic problems in Russia and the far east, over-production of certain commodities in much of Europe and the weakness of the euro all add to the problems. Their resolution, however, is not entirely in the hands of this Parliament.

Nevertheless, there are many things that can be done and that we have already begun to do. Turning first to the most immediate problems, I recently announced, in conjunction with other UK agriculture ministers, an assistance package worth £40 million for Scottish farmers. The package comprised £20 million for hard-pressed hill farmers and a further £20 million to offset some of the costs that the industry is facing as a result of the legacy of BSE, such as the costs of cattle passports and of controls on specified risk material, which have now been deferred until 2002.

I also indicated that I was seeking the agreement of the European Commission to the introduction of a cull ewe scheme to help with the disposal of unwanted sheep. My officials had a final meeting with the Commission on Tuesday. I regret to say that it is now clear that there is no chance of the European Commission approving such a scheme. I am very disappointed. We have tried for several weeks to persuade the commissioners of our argument.

I feel that it is important for me to convey the bad news to our sheep farmers now, so that they do not hold back ewes from the market in the hope of a scheme being introduced. I hope that sheep farmers will recognise that the £20 million increase in hill livestock compensatory allowances that we

have been able to secure comprises a sizable contribution towards relieving the difficulties that they face.

Next week, when I meet the European Union commissioner, Franz Fischler, I intend to draw his attention not only to the genuine problem of cast ewe disposal, but to the wider issue of what to do with unwanted and dead animals. I intend also to express my grave disappointment at the narrow way in which the regulations have been interpreted, which has prevented Scotland from benefiting from a cull ewe scheme.

Turning to the medium term, I will deal first with the implementation of Agenda 2000. As members will know, the common agricultural policy has a powerful influence on the performance of Europe's farmers. In simple terms, it delivers almost £500 million of direct subsidy payments to Scottish farmers each year, which works out at around £23,500 for each average-sized farm. Clearly, therefore, any changes to the common agricultural policy must be handled carefully.

The Executive has inherited a package of CAP reform measures that was agreed in March this year. The package consists largely of compulsory measures with a few optional items. The result is far from perfect—on occasion it drives farmers to operate in ways which are contrary to the needs of the market—but, overall, it provides a financial safety net for the next few years.

There will be winners and losers, but our best forecast is that the compulsory elements of the reform package will, when fully implemented, provide a net additional £50 million across Scottish agriculture. The package has been particularly welcomed by our specialist beef producers, as it delivers extra support for suckler cows. In the beef sector, we forecast an increase in direct beef subsidies of £75 million, which may be offset partially by a fall in market price support. The overall result, however, will be more direct support for Scottish beef farmers.

The picture for arable farmers is more mixed. There will be a 22 per cent increase in payment rates for cereals, offset by a reduction in rates for oilseeds. For dairy farmers, changes in the milk regime have been deferred until 2005-06.

In regard to the optional measures, which have been widely consulted on, the key element has been the introduction of a new scheme for the less favoured areas, to replace the hill livestock compensatory allowance mechanism. I believe that I have proposed a groundbreaking mechanism—an approach to help hill and upland farmers. My objective is clear: to support and maintain sustainable farming in the Scottish countryside in a way that provides economic, social and environmental benefits, particularly

where farming conditions are most severe. The scheme that I envisage will not only provide essential support for the most disadvantaged, but act as a useful model on which to develop longer-term support arrangements to underpin those who earn their living on our hills and uplands.

Consideration is also being given to other measures to be operated under the new rural development regulation, which will be the successor to the various objective 1 and objective 5b structural fund schemes and on which wide-ranging discussions have already taken place.

A sustainable future for Scottish agriculture ought also to include increasing focus on organic farming. I am keen to encourage farmers to convert to organic methods, which benefit the environment and the consumer. I am, therefore, delighted to announce that I have today signed a new regulation to increase organic aid scheme payments from this autumn. The regulation increases payment rates and maximum areas eligible from 300 to 1,000 hectares. These proposed increases would further encourage farmers to switch to organic methods and give a boost to the amount of organic produce on the shelves for consumers. While the money available is somewhat limited, I am satisfied that such marketing and processing can be contained within our financial arrangements.

**Mrs Margaret Ewing (Moray) (SNP):** Is it possible for the minister to give clear figures, as that would be helpful?

**Ross Finnie:** Is Mrs Ewing seeking a clear figure in terms of the amounts?

**Mrs Ewing:** Yes.

**Ross Finnie:** I am sorry, but there are a number of details that are being announced in relation to the regulation. The actual amounts will bring us to a level almost the same as the level currently operated under the English scheme. The increase in area was, as I indicated, from 300 to 1,000 hectares, which is a substantial increase.

I will move on to the longer term. The theme of longer-term sustainability is, perhaps, the more important part of what I have been trying to do in the agri-food business, that is, food companies that use Scottish agricultural produce.

Earlier this year, I launched the Scottish Enterprise food strategy, an ambitious project to develop the Scottish food industry into a major asset for the Scottish economy. I am keen to support the project and I am determined that it should also be used to help the farming industry to become an integral part of the food industry. To put it quite simply, the Scottish industry must capture more of the added value in the food chain in Scotland if it is to prosper and it must move

away from the commodity markets wherever possible. That will not be an easy task, but I hope that the enterprise strategy will provide an opportunity to move down that route.

Central to that strategy is our determination to get Scottish beef back on the table abroad as well as at home. We all know about the high quality of beef, and I pay warm tribute to the efforts of our producers, processors and exporters in developing and sustaining that reputation. Next week, I will be strongly supporting our drive when I attend Anuga, the food fair in Cologne, and when I subsequently go to Brussels as part—

**Mr Andrew Welsh (Angus) (SNP):** I share with the minister his disappointment at failing to get the EU to move on a cull ewe scheme. However, what progress is he making on decisions taken by the EU? How many meetings has he had with the French Government to persuade it to take Scottish beef, to end the ban on its imports and to press the Scottish case?

**Ross Finnie:** Personally, I have had no such meetings. However, I have added the Scottish Executive's needs to the memos that are currently being circulated through our UK representative and through our ambassadorial team, all of whom are pressing the commission to take serious action, particularly against the French Government. As I understand the position, the French Government is now threatened with infraction proceedings. The European Commission must make it quite clear to the French that they are in gross breach of their obligations. That point is being made strenuously by the UK Government, and I have added my name to the contribution that has been made on this issue.

I must move on, as time is precious. I have made it clear that I consider it to be as important to look forward and to try to take the whole question of our agriculture into a slightly different frame. On Monday, the First Minister and I met leaders of the National Farmers Union of Scotland to progress the longer-term agenda. All present acknowledged the problems that face farming and accepted that there could be no quick and easy solutions. We agreed that it was important to develop medium and longer-term strategies and to take a fresh look at the situation.

The approach that I am adopting is similar to the one that I would have taken had I still been in the business sector; that is, I will look at the problems and constraints and develop strategies to make use of the opportunities. That will not be quick or easy, and is not necessarily likely to overcome all the problems, but I believe that it is the way in which we must go forward. For too long, perhaps, we have hidden from some of the real issues and been fearful of the answers. It may be that we, both Government and industry, have lacked the

confidence to look for new opportunities. Whatever the reasons, the time is right to move on.

In the first instance, the Executive proposes to take a look at two sectors that are experiencing particular difficulties: the sheep sector and the dairy sector. They are not the only ones. I am only too well aware of the appalling problems that face the pig sector. I continue to have discussions with my officials to look at whether there are any ways in which we can help, but I do not want to raise hopes because they are also in a position where any form of assistance would break the hurdle of state aid.

I intend to invite an experienced and respected businessman, with a track record in international markets, to carry out a wide-ranging review of the sheep industry from the farm to the consumer. The aim is to identify opportunities available to the sector, then pass them on to the industry to work up a renewed strategy.

For the milk sector, I have agreed to provide financial support to the Scottish Agricultural Organisation Society Ltd to enable it to work with Scottish Milk and experienced consultants to prepare a strategic plan for the sector, reflecting the ideas that industry managers have been trying to work up in recent months.

In case there is any doubt, it is not a question of doubting the ability of those in the industry; indeed, the initiatives will need to draw on their experience and skills. It is a question of supplementing and complementing those in the industry and bringing some fresh thinking to those two beleaguered sectors. In addition to those market-oriented initiatives, the Executive has proposed other steps. These include reviewing red tape, proposing an increasing dialogue on the growing links between farming and environmental pressures and exploring ways of ensuring incomes for those who live in more fragile areas.

Of course, these are but a few stepping-stones in what will be a long crossing. I do not want to pretend that there are any easy or quick solutions to the problems that face our agricultural industry. There are not. What I am saying today is what I said to the NFUS, and what has been my consistent theme since I took office: I am prepared to look at the medium and longer-term issues to try to find a solution to the problems that have bedevilled the sector for so long.

I move,

That the Parliament welcomes the Scottish Executive's support for Scottish farmers and approves the steps it is taking to assist in creating a more sustainable future for Scottish agriculture.

15:58

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** I am very glad to speak in the Parliament's first debate on the agricultural industry. It is a shame that so little time has been allocated to this. [MEMBERS: "Hear, hear."] The time certainly does not reflect the economic importance of the agricultural industry for Scotland.

Although agriculture, in many ways, is out on its own—*sui generis*—in other ways it is very similar to, and suffers the same sort of pressures as, other industries in this country, particularly the manufacturing industry. In particular, I refer to the high, and rising, rates of fuel duty, particularly on diesel. That affects the cost of every agricultural input and output, often to a significant extent in rural Scotland.

In addition, the high rate of sterling makes our agricultural exports—when we are allowed to make them—increasingly uncompetitive. On the other hand, by making food imports more attractive, it reduces the market for home sales even in the areas where we are trying to break into niche markets.

The other side of the coin is relatively high interest rates, which have their own particular knife to twist in this industry. The industry is forced into increasing borrowing to make up for incomes that have often fallen to zero and below. In his summing-up, will the minister say whether he has had any discussions with the major banks about their policy towards agricultural borrowers, who face many difficulties?

Many of the pressures that I have mentioned, such as taxation and currency levels, do not fall within the minister's direct remit as they are—currently, at any rate—reserved for Westminster. Whether it can influence its comrades south of the border on those issues will be a crucial test of the Executive's clout with them.

All things being equal, some of those factors taken on their own might have been bearable for a while, but as the minister has acknowledged, all things have not been equal for some time. The UK Government might decide that its macro-economic strategy requires that it makes some hard choices—that is their favourite phrase—but let us be clear; even in the case of fuel duty, the decision is economic and is one that has precious little to do with environmental concerns in rural Scotland.

We cannot escape the realisation that the Government's strategy will come at the expense of the health of certain areas of the economy and that Scottish agriculture will be one of those areas. It is essential that the Executive uses whatever muscle it has to influence the Chancellor of the Exchequer in his future decisions.

I welcome at least one of the measures that were announced earlier this week. Ignoring the fact that consultancy is the fastest-growing industry in Scotland, we do need a regulatory review of the hugely complex array of regulations and the associated costs that accompany almost every agricultural activity. Those might individually have been justified at some time, but collectively they have become a bureaucratic nightmare.

Farmers often joke that two vehicles are required when they sell a lorry-load of beasts: one for the beasts and one for the documentation. That is an exaggeration that is born of bitter experience. While I am sure the Government's intention in reviewing the situation is sound, we must wait to see what is delivered.

On other issues, successive Governments have promised to reduce the burden of regulation but have been singularly unsuccessful in doing so. As recently as the last Westminster election Labour was promising a bonfire of the quangos. Post-election, we have seen little in the way of results. On the matter in hand, the time for discussion is very limited—it is now the time for action.

I would like to turn briefly to the common agricultural policy, which is central to the future of Scottish agriculture. That is why it is mentioned specifically in our amendment. I am sorry that we do not have time to debate that in more detail.

The CAP dwarfs the sums that are paid out in structural funds. In Dumfries and Galloway three times more per person is paid out through the CAP than is paid through structural funds. We spend lots of time talking about the structural funds but debates on the CAP tend to be the preserve of very few people, as is demonstrated in the chamber. The man or woman in the street is much more likely to know about Jubilee 2000 than they are to know about Agenda 2000.

Nick Brown, the UK agriculture minister, gave some indication of the unsatisfactory and probably transitory nature of the new CAP. Ross Finnie alluded to that in May when he said that

"many of the commodity regimes may come under such pressure that they must be readdressed in this period".

The period to which he referred is that of the new CAP. In other words, because of pressures from the World Trade Organisation and from enlargement of the European Union, we will need to renegotiate the CAP before renegotiation is due.

If that happens before the Scottish parliamentary elections, it will be a litmus test of the Executive's ability, or otherwise, to influence the course of EU deliberations. The Executive will be watched very closely by the Parliament in that. The minister should not underestimate his own powers or the

powers of Scottish people negotiating in Europe. He should go to France and he should seek out meetings with his European and French colleagues to try to get the French to change their position.

I am running out of time, so I will say in conclusion that if there is one thing this new Parliament can do, it can give long overdue attention to Scotland's agriculture and rural areas. They are important economically, socially and environmentally. Agriculture is too important to be discussed only by a minority of politicians, or only when things go wrong, and it is too important to be left to the farmers. It deserves the attention of us all.

I move, as an amendment to motion S1M-185, in the name of Ross Finnie, to leave out from "welcomes" to end and insert:

"notes the vital role of agriculture for Scotland's rural communities; recognises that many of the factors causing the serious crisis in Scottish agriculture are outwith the control of the Scottish Executive, and calls upon the Executive to make representations to Her Majesty's Government on such matters as interest rates and the level of road fuel duty and to implement the Common Agricultural Policy (CAP) reforms in a way which best sustains rural communities."

16:05

**Alex Johnstone (North-East Scotland) (Con):**

I begin by declaring an interest in this issue. As many members know, I am a farmer. Farming is an activity that, for varying reasons in recent years, I have conducted largely in a charitable capacity. That is why we find ourselves here today.

The motion that has been proposed by Ross Finnie begins by asking the Parliament to welcome the Scottish Executive's support for Scottish farmers. I am not prepared to withdraw that part of the motion, which is why I deliberately kept it in. There is a great deal to be said for the way in which the Executive has supported Scottish farming in the short time during which it has been responsible for that.

I must also say—and I have made no secret of this in the past—that I have tremendous respect for Ross Finnie and for the ability that he has brought to the role of Minister for Rural Affairs in this Parliament. Part of the reason for that is that, as members may remember, Ross Finnie's Welsh counterpart, when she was appointed, was the source of several jokes, largely because she was a vegetarian. There was an attempt by certain elements in Scotland to suggest disappointment that Ross Finnie—a man whose experience lay entirely outside the rural sphere—had been appointed to that important role. However, I would be the first to say that Ross Finnie has brought to

that role an extraordinary ability to learn about the problems that the farming industry faces and to address himself to those problems.

However, we cannot have too much praise. On the second half of the motion that Ross Finnie has proposed, which expects this Parliament to approve of the steps that have been taken to assist in creating a more sustainable future for Scottish agriculture, the jury is still very much out. The Conservatives have been laid open to quite a bit of criticism. The accusation—normally by my friend George Lyon—that the problems of the Scottish farming industry are entirely the fault of the previous Conservative Government is one that we have tried to deny, and I cannot allow it to pass at this point. There are few farmers in Scotland who would not happily swap their economic position today for their economic position in May 1997. The fact is that our industry has gone downhill quite convincingly since that year.

Grain prices are down by 40 per cent; cattle and sheep prices are down by 20 per cent; milk prices are down by 30 per cent; and I was told yesterday that pigs have been losing money for 22 consecutive months. That is a record for which the Government that we had for the two years preceding the establishment of this Parliament was largely responsible, but for which the current Executive must be accountable to some extent.

We must consider why that has happened, and I am not prepared to accept that it was all the fault of the previous Government.

**Ross Finnie:** You would say that.

**Alex Johnstone:** In determining the causes of the problem, the best source is the National Farmers Union of Scotland, which has produced a list of the issues that it believes have done the most damage to Scottish farming. Right at the top of that list is the strength of sterling, which has already been mentioned by Alasdair Morgan. The problems that are associated with the strength of sterling are so severe that virtually nothing that we can choose to do, or that the Executive can do on behalf of Scottish farming, will overcome those problems. For that reason, I must join Alasdair Morgan in calling for the situation to be considered as a problem that goes beyond agriculture.

**Ross Finnie:** Alex Johnstone said that he was concerned about the strength of sterling, and he has quoted extensively from Jim Walker's document. Is he telling us that he shares Jim Walker's view that the United Kingdom should join the euro, or is he not endorsing Mr Walker as fully as he is trying to claim?

**Alex Johnstone:** Oh, mischievous.

**Ross Finnie:** But true.

**Alex Johnstone:** I have to say that I am not

endorsing the call, heard occasionally from certain parties in Scotland, to join the single currency. The problems associated with the high value of sterling and high interest rates have been created to a significant extent by policies driven by the current Chancellor of the Exchequer in his desperate attempt to get our economy into line with that of Europe, so that ultimately he can join that single currency. If he took a broader view, considered the economic situation in this country and acted in such a way as to follow the needs of the farming industry rather than the needs of his own long-term economic aim, we would not be in the position in which we find ourselves today.

I endorse the view, expressed earlier by Alasdair Morgan, that transport costs are a major part of the problem faced by the industry. A farmer in the north or north-east of Scotland is almost 600 miles from the main market of Europe. Raw materials have to be hauled in over that distance and products have to be hauled out. The effect on the overall value of produce from the north and north-east of Scotland, as well as the rest of Scotland, is quite excessive, running into enormous amounts of money that we have simply not been able to find. That is why our industry no longer makes a profit.

I want to address one or two of the issues that Ross Finnie raised. I join him in saying that the disaster of the cull ewe scheme will be felt throughout the Highlands and Islands as well as in the lowland areas where sheep are produced. Hopes have been dashed as a result of that scheme failing to come to fruition. We must remember that the scheme was important for more than simply economic reasons. There were sound welfare and environmental reasons why the scheme should have been approved. The failure of the European Union to give permission for the scheme to go ahead is a disaster that will be felt in every corner of rural Scotland.

Perhaps that is a lesson to us in how we should deal with Agenda 2000 and the reforms that it will bring to Scottish farming. We must look carefully at how we implement European regulation. Too often in the past we have accused our own Government of gold-plating European regulation. We now have an ideal opportunity to consider a more constructive and positive way of interpreting European regulation in future, so that we can at last have the level playing field that we have been promised.

However, there is something that we can do and it is something that we need to do fairly quickly: we must pursue the opportunity to give fair competition to our producers. Representatives of the pig industry, for example, have been asking for a considerable period for the opportunity to have all meat products produced in the United Kingdom,

and particularly in Scotland, labelled with their country of origin. I have already submitted a written question on that subject, but it may not yet have come to the attention of the relevant ministers, so I shall raise it again today.

I suggest that not only may it be within the powers of this Parliament to demand that such labelling be introduced, but it may be within existing powers to demand the introduction of such labelling. It has been suggested to me that the powers of the Food Safety Act 1990 may allow ministers to ask for such labelling to be introduced. If that is the case, I ask that action be taken urgently to ensure that our pig producers have the opportunity to have their product out there in the market, identified as home-produced, so that they can reap the benefits of the investment that they have made. If the ministerial interpretation of that regulation is not as it has been described to me, it is important that action be taken as early as possible so that that opportunity can be taken and our pig farmers can be protected from unfair foreign competition.

I move, as an amendment to motion S1M-185, in the name of Ross Finnie, to leave out from "and" to end and insert:

"but, recognising the unprecedented crisis facing our Scottish farmers, calls for additional steps to be taken to reverse the continuing decline in the economic fortunes of Scottish agriculture."

**The Deputy Presiding Officer:** As members have said, only a short time is available for the debate. It would be helpful if speeches by those participating lasted no longer than four minutes.

16:15

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The farming industry is in dire straits. Never before have there been so many difficulties across the entire sector at the same time.

When Jim Walker, president of the NFUS, came to the Rural Affairs Committee last month to give evidence to us about the crisis in the sheep industry, he rightly included the wider crises in the farming industry and in rural areas. I said to him then that I had first-hand experience of visiting dairy, beef, pig and sheep farmers in my constituency and that they are all in crisis. I asked him which sector he thought had the highest priority. His answer was:

"Rather than prioritising the sectors, we should prioritise the solutions so that we can make the best and the biggest difference in the shortest time."

Mr Walker went on to confirm what many farmers in West Aberdeenshire and Kincardine have said to me:

"The farming industry is desperate for the chance to compete fairly and it has simply not been getting the chance."—[*Official Report, Rural Affairs Committee, 7 September 1999; c 53-54.*]

One example of the costs is the £7-per-head cattle passport scheme that was about to be introduced as a result of strict public health measures designed to ensure consumer confidence in the industry—rightly so. However, many of our competitor countries pay for such public health costs from Government sources and do not lay them on the industry. It is clear that the Executive recognises that as a major cause of concern; it has ably argued for the postponement of the £7-per-head scheme to 2002. I welcome that, and I hope that it will never see the light of day.

The partnership Government has identified the problems of Scottish agriculture and has taken direct steps, as the motion recognises, to assist in creating a more sustainable future for it. Ross Finnie, our Liberal Democrat Minister for Rural Affairs, who has had fulsome praise heaped upon him, lost no time in acting in support of our farming communities. A few weeks ago, he announced a £40 million assistance package to ease the burdens on farming. We have helped to secure the lifting of the beef export ban. There is a lot more to do, but we have achieved that. The compulsory elements of the common agricultural policy reform measures to which Ross referred will, when implemented, provide an additional £50 million in direct subsidies to Scottish farmers.

Yesterday I was particularly pleased to hear Jack McConnell confirm, in answer to my intervention, that money would be allocated to introduce an independent appeals mechanism for farmers suffering penalties in relation to their EU subsidy claims. That measure is a direct result of the Liberal Democrat influence in the partnership agreement and will be welcomed by farmers.

The SNP's amendment seeks to remove the focus from the good work that the Executive and Ross Finnie have been doing and to place it on matters for which Westminster MPs must argue. That is not exactly a productive or helpful approach for farmers.

**Alasdair Morgan:** Will the member give way?

**Mr Rumbles:** No, I get only half the time that Alasdair had. If I have time, I will give way.

I am aghast at the cheek of the Tories in lodging their amendment, which

"calls for additional steps to be taken to reverse the continuing decline in . . . Scottish agriculture."

The decline started in 1997, did it? It is a decline for which the Tories were hugely responsible in the first place. The BSE crisis caused devastation



in rural communities. I would have thought that the Tories would keep a very low profile in the debate. It is clear that the Executive takes the problems that face our farmers seriously and is acting to address them.

The two amendments are not worthy of our support. As a Liberal Democrat, I whole-heartedly welcome the Executive's support for Scottish farmers, and urge members to support the motion.

16:20

**Dr Sylvia Jackson (Stirling) (Lab):** As the representative for the Stirling constituency—an area that one might not imagine is classified as 93 per cent rural—I understand fully the difficulties facing Scottish farmers. Like Mike Rumbles, I have been to my local mart and have paid several visits to local farmers.

I welcome Ross Finnie's motion and the Executive's efforts to ensure a sustainable future for farming in Scotland. The BSE crisis has damaged the beef industry, and caused a knock-on effect on our agricultural industries. We have suffered not only the loss of direct agricultural jobs, but a serious threat to dependent jobs. The industry has been damaged by a fall in exports and we must examine ways in which to increase Scottish exports to Europe—an export market that was worth almost £700 million a year in the years up to 1996. Even the welcome lifting of the ban on British beef has not been without its problems in regaining markets, particularly in France. The Westminster Government is addressing those complex issues, and we should support its efforts. We should also support the efforts of Ross Finnie, who spoke on that matter earlier.

In this country we can applaud the animal welfare standards that our farmers maintain, but those standards do not come without costs. There must be a level playing field within the European market. We must also address the contentious issue of labelling. Import labelling is often unclear, and even misleading. We must present to the European Union the case for the compulsory declaration of country of origin, to inform consumers and promote the buying of Scottish meat.

It is essential that, as the Scottish Parliament, we work with Westminster to strengthen our case for Scottish farmers before the European Commission, and search for solutions that are specifically Scottish. Many of those solutions have been alluded to.

Agenda 2000 reforms provide opportunities for farmers to further restructure their businesses towards a more market-oriented future, but we all recognise that agriculture still needs substantial support. We welcome the £40 million aid package

that was implemented in September and which was referred to earlier, particularly the aid to the hill sheep farmers in my area. However, as was clearly stated by Ross Finnie, a long-term strategy for Scottish agriculture is needed. The Scottish Executive is to provide Scottish Milk, the country's largest milk co-operative, with assistance in putting together a strategic plan. We need to examine more options for creating partnerships with local enterprise companies and councils. While those measures go some way towards supporting our traditional farming, it is essential that we recognise the need for diversification, which allows farming to develop in a modern market.

In looking for the way forward, we must support innovative measures. Mention has been made of organic schemes. I know that Robin Harper is a great supporter of them, and Ross Finnie has also mentioned them. The success of the farmers' market in Perth is another excellent example of innovative thinking.

Many farmers are open to change and diversity, and we must support their efforts in those areas. Agenda 2000 shows the need for rural development plans that address diversification and recognise the increasing scope for farming, forestry and the natural environment to be developed for each other's benefit, to which Ross Finnie alluded.

We can also develop further the Scottish brand with new labelling for home-grown products, such as labels identifying specially selected Scotch lamb. I am sure that pig farmers will have similar ideas. We are not short of ideas.

Sustainability is at the heart of Agenda 2000 and this Government's programme. I commend the motion.

16:24

**Irene McGugan (North-East Scotland) (SNP):** I will talk about aspects of the issue that do not always have sufficient prominence in discussions on agriculture in Scotland: the environmental protection requirements and agri-environment measures. Today in Scotland we must manage the environment in a way which, crucially, will provide a living for food producers and will otherwise be of benefit to people and wildlife. In effect, support is needed for environmental projects on farms.

For example, diffuse source pollution from agriculture is likely to be the primary source of river pollution by 2010 and is currently the biggest cause of water pollution outside urban areas. The Scottish Environment Protection Agency has regulatory powers to deal with point source agricultural pollution caused by slurry, silage and

agricultural fuel oil. The ability of farmers to pay for the collection and storage facilities required by those regulations often limits the rate at which improvements can be achieved. Grants for that important aspect of pollution control could provide measurable benefits in environmental improvement.

That brings us to cross-compliance. It is no secret that farmer and landowner representatives are not in favour of further cross-compliance. Cross-compliance offers environmental benefits, which should in any case underpin good farming practice. As implementation of that element of Agenda 2000 is a decision made by the individual member state, I urge the minister to ensure that initiatives that are implemented are relevant to Scotland and the situation that prevails here. He should take note of the farming industry and environmental interests. Scotland currently has about £15 million-worth of agri-environment spending. It should be noted that Ireland has about £100 million.

Of the three schemes funded in Scotland, probably the most contentious has been the countryside premium scheme, which has been heavily oversubscribed, and by implication underfunded, since its implementation in 1996. It is intended that that scheme and the environmentally sensitive areas scheme will be merged. All farmers in Scotland will be able to apply to the rural stewardship scheme, but will have to compete for the limited resources available. The Executive plans no further consultation on that. Could that be because farmers, growers and crofters are keen to participate in larger-scale, better-funded programmes?

I am pleased to hear of the minister's commitment to the third scheme, the organic aid scheme. It would have been difficult for him to ignore the fact that organic farming is the most buoyant sector in the agricultural industry, both in the UK and in Europe. In Europe, the momentum is generated not only by market demand, but by agri-environmental policy there; organic funding is a key element. If the growth rate continues, 30 per cent of agricultural land in Europe will be farmed organically by 2010.

In Wales, there is a plan for converting to 10 per cent organic by 2005, which has gained widespread support from the Welsh Assembly and the farming community. Farmers in Wales receive one and a half days of conversion advice, while in Scotland there is access only to telephone advice services. The organic aid scheme in Scotland is badly organised. For example, when farmers apply, there is only a small window of opportunity for conversion start-up, between August and October. What justifiable agricultural reason is

there for that?

There is concern that the organic aid scheme will continue to be underfunded. Until we know the figures from the minister, set against the interest in conversion, that will remain unresolved. A fear is that it might be designated as a discretionary scheme. Scotland is ideally placed to promote a huge expansion in organic farming. Among its many positive attributes, organic farming assists moves towards economically sustainable agriculture.

We must have a much stronger line from the Government on genetically modified organisms. Farms that have spent time and energy securing their organic certification could have it revoked immediately should there be any contamination from nearby GM crop trials. The possible gene contamination of organic crops, the effects on plant life and the problems for consumer choice are a matter for another debate. More research is needed to examine the potential impact of GMOs on organic farming. It would be good to have a commitment from the Executive that that matter will be sympathetically addressed.

16:29

**Dr Elaine Murray (Dumfries) (Lab):** I, too, represent a largely rural constituency, and have been made well aware of the problems faced by local farmers. The public's perception is that farmers tend to exaggerate their woes. I have received a couple of letters complaining that I was supporting the farmers. There can be little doubt that farmers in the beef, dairy, sheep and pig sectors have experienced real and continuing problems this year.

I was one of several MSPs who contacted the minister to request that the Executive should take action when it could to relieve the immediate problem. Before Mr Finnie's meeting with Nick Brown and the Welsh Agriculture and Rural Development Secretary, I lodged a member's motion to draw attention to farmers' difficulties. I was, therefore, pleased to hear Mr Finnie's announcement of 20 September, which set out a number of measures to support the farming industry. In addition, I congratulate the minister on applying to Brussels for a Scottish cull ewe scheme, although I am disappointed that the strict rules that the EU applies on state aid for agriculture have created significant difficulties in that area.

Both Messrs Morgan and Johnstone made some interesting and valid points, but the amendments in their names seem to have been lodged principally for the sake of disagreement. They do not offer anything particularly different in terms of wording, apart from raking over the usual old coals

of fuel taxes and the strength of sterling—neither of which is within the remit of the Minister for Rural Affairs or, indeed, of the Scottish Executive.

**Alasdair Morgan:** Will the member give way?

**Dr Murray:** No, I must press on as I do not have much time.

I was encouraged by the statement that the chief medical officer made this week to the Rural Affairs Committee. The development of new tests for the infective agent in BSE will allow us to determine cow-to-cow transmission of the disease more accurately. The tests will also enable speedier detection of the presence of the agent in animal tissue and improve the confidence that we can have in future that the disease has been eliminated from our cattle herds. They should also indicate whether BSE is present in the sheep population. A clean bill of health for both species must improve our export prospects.

Confidence will need to be accompanied by an aggressive marketing strategy, both overseas and in this country. The Executive has recognised that by appointing a sheep study group and by supporting the Scottish Enterprise food strategy. The minister mentioned the general consensus about the need for medium and longer-term strategies, but—as he says—those will not be quickly or easily implemented.

Scottish farmers often articulate the complaint that the restrictions are much more strictly enforced here than in other European Union countries and that their European competitors have an advantage over them as a result. Where that is the case—and many of us believe it to be so—the aim must be to level up the standards in the rest of Europe to those in the UK. In the meantime, our higher standards should be used as a marketing tool, particularly at home in Scotland.

We in Britain like to think of ourselves as a nation that places a lot of emphasis on animal welfare. A number of bills on animal welfare issues are currently being considered. Despite being a carnivore—I apologise to any vegetarian colleagues who happen to be present—I, too, regard animal welfare as important. I was, therefore, shocked to learn that many other European countries still use stall and tether methods. I have a photograph from the pig industry around somewhere; other members may also have received information. I found it shocking that pigs were being farmed in such atrocious conditions and being placed in small stalls for about three and a half months during pregnancy. I do not think that most Scottish consumers of pork have any idea that pork is being produced under such conditions in parts of Europe. We should make that point strongly—I see that Mr Johnstone

has the picture of the pigs.

That is why initiatives such as the Scottish pig industry initiative quality mark for Scottish pork are important. Higher standards in production and animal welfare equate to higher-quality products. We must get that message over to our home markets. On the odd occasions that I do the shopping—and they are very odd occasions—I check that I am buying Scottish meat. We should encourage other people in Scotland, when they go to the supermarket and the butcher, to do what the NFUS has suggested and ask whether the meat is Scottish. If we believe in our products at home, we will have a better chance of selling them abroad.

**The Deputy Presiding Officer:** I call Mr McGrigor.

16:35

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Thank you, Presiding Officer. In deference to you and to Mr Ross Finnie—and before I am accused of ignoring protocol in this Parliament—I must explain that it is critical to my contribution to use the word ewe.

I have recently been to markets in the Highlands and Islands for the Autumn store lamb and cast ewe sales. I have watched with horror the expressions of men and women as their livelihoods go down the drain. The price of lamb might have hardened slightly, but it is still half what it was three years ago.

The price of cast correct ewes, which would previously have been upwards of £30, has fallen to less than a fiver. The feeding ewes, which one would expect to trade at between £10 and £20, are worthless. I saw one lot of 40 good feeding sheep go for £2. That is 5p per head—a drop of 99.66 per cent.

That is just one example of the crisis in Scottish agriculture, which is in a worse state than it has been at any time in living memory. In Scotland, the agriculture sector employs 69,000 people directly and 200,000 indirectly. Most of those jobs are in rural communities and sustain rural populations.

The Scottish tourism industry is worth about £2.7 billion a year and there is no doubt that farming shapes and manages much of the world-famous culture and environment that attracts people to spend that money here.

The crisis in Scotland is three times as bad as it is in Europe. One of the main reasons for that is the ridiculously high price of fuel. Admittedly, red diesel can be used in tractors, but the reality of transporting animals and people in remote areas is that any so-called new money in support of Highland agriculture is absorbed by continual hikes in the cost of fuel. Since Labour came to

power, farm incomes have fallen by three quarters. Within the UK, more than 2,000 dairy farmers have gone bust, the pig herd has fallen by more than 1 million and numerous slaughterhouses have been forced to close.

The Scottish beef industry, which used to be famous for having the finest product in the world, is being held back by the ludicrous ban on beef on the bone, even though the Donaldson report recommended lifting it and the Spongiform Encephalopathy Advisory Committee said that the chances of being struck down with Creutzfeldt-Jakob disease owing to consumption of beef on the bone was less than the chances of being struck by lightning or hit by a meteorite.

**Mr Rumbles:** I do not now whether Mr McGrigor knows this, but this week Sir David Carter came to address the Rural Affairs Committee. Mr McGrigor could have attended that meeting, asked Sir David questions and heard what he had to say. If he feels so strongly about the issue, he might at least have done that.

**Mr McGrigor:** Unfortunately, I was in the Highlands and Islands, dealing with people who were complaining about sheep prices.

As a farmer in George Lyon's constituency, I ask him—I see that he is not here—why he cannot persuade the Executive to take the lead for once, especially as Scottish beef is one of our best exports and he promised before the election to support the lifting of the ban. I suppose that he will say that he is waiting for medical evidence, but what about the scandal whereby pig bones—which cannot be fed to pigs in Scotland—are exported, ground up and fed to pigs whose meat is sold in Scotland?

So far, the Parliament has failed to protect the Highland hill farmers, who expected an improvement on Westminster. Although there are some factors over which we have little control, we should be able to produce a level playing field for Scottish agriculture.

In last week's *The Scottish Farmer* magazine, a qualified vet called for an end to the ridiculous situation where inspectors turned up at his farm to inspect the inspectors who were inspecting him dipping his sheep. The new rules for slaughterhouses are cryptic. Why should we need qualified vets for hygiene inspections in abattoirs? The rest of Europe does not need them, so why do we? The Executive should push for a reduction in interest rates, which would reduce the value of sterling. It should cut the Meat Hygiene Service inspection charges and try to reduce the enormous veterinary costs to Scottish farmers and crofters.

In the Highlands and Islands, farming and crofting still provide the basis of the social network

of many communities. All that those communities ask is that the Parliament gives them a chance to continue to farm.

16:40

**Mr Andrew Welsh (Angus) (SNP):** Jamie McGrigor has given some graphic illustrations of an industry in trouble and the effect that that is having on individuals and families; it is a message that we should all heed.

The agriculture industry remains the backbone of Scotland's rural economy. Its importance and ability to generate wealth—and, in its ancillary industries, employment—cannot be overemphasised. The industry is under siege from falling incomes and increasing regulation; almost every sector is under threat. The devastation inflicted on Scotland's fishing industry should be a warning signal of the fate that awaits Scotland's agriculture sector unless action is taken to restore the health and competitiveness of one of the country's greatest assets.

I could choose almost any sector of the industry to highlight the plight of agriculture, its work force and ancillary industries. However, I will concentrate on the beef sector, which is the most important component of Scottish agriculture, contributing about 25 per cent of Scotland's gross agricultural output. That top-quality sector is still reeling under the effects of the BSE crisis. It must now be given every possible assistance to regain its lost markets quickly.

The lifting of the export ban on 1 August was a step forward, but the strictness of the EU's date-based export scheme constitutes a major and costly hurdle for Scots producers to overcome. The problems of French resistance and the lack of abattoir facilities must be tackled with urgency. The recovery in Scotland's market share has to take place against an EU beef surplus; we have the quality products and the expertise to regain, with the correct Government policies, those multi-million-pound markets.

The Scottish Executive must be more proactive and positive in fighting in Europe for Scotland's interests. Scottish Executive representatives should have constantly put pressure on French Government ministers over their decision to ban Scottish beef imports. In the past, Scotland has suffered from the UK's refusal to recognise an obvious Scottish solution to the problem. Even now, in post-devolution circumstances, that symptom seems to persist. I believe that any Scottish minister of agriculture should be pressing the Scottish case directly and urgently to the French. I am disappointed that there has been no direct contact with any French ministers, never mind the French consul. There is every

opportunity, and Scotland's case must be pressed.

I welcome the National Farmers Union and Scottish Executive initiatives on issues such as the over-30-months slaughter scheme, specified risk material controls, the loss of value of by-products and the much-needed integrated administration and control system bureaucracy review. The proof of the pudding will be whether or not there is an improvement in the industry's competitiveness. Scottish farmers need practical help from the Government, not more rhetoric and regulation. The industry has a right to expect action; the Executive will be judged by the success or failure of its efforts to deliver that action for Scotland.

16:44

**Mr David Davidson (North-East Scotland) (Con):** I begin with a declaration of interest. I am the third practising farmer to speak on behalf of the Conservatives today. As I have interests in beef, I was encouraged to hear comments about the quality of the beef that we produce in Scotland.

The motion asks that we congratulate the Executive, as though the job was done and dusted and Scottish agriculture and our rural economy were back on their feet. I am sure that that is not what Mr Finnie intended when the motion was lodged. As we heard this afternoon, the job is merely beginning. I am sure that he, above all others, realises that there are problems—we have heard graphic descriptions of them—in every sector of Scottish agriculture.

When I started my notes, I wrote down the words cast ewes. I was pleased to hear that Mr Finnie was going to take on Mr Fischler. Like Mr Finnie, I was disappointed that there is no scheme—I raised that with the minister some weeks ago.

To allow Mr Finnie better to illustrate the problem when he next meets Mr Fischler, I will happily lend him my Land Rover and a trailer full of cull ewes so that he can ask Mr Fischler what he should do with them. It is a huge problem—environmental as well as financial. Because of the impact on the environment and the water supply and so on, we cannot just kill animals and bury them anywhere. I desperately feel that, if nothing else can be done, a scheme to uplift animals from farms and dispose of them free of charge is probably the best way forward.

Mr Finnie suggested that people should get their cast ewes into the marketplace, but there is no point in doing that as there is no market to take them to. Last week, we sent animals to market—we managed to get a slot. The traders very kindly sent me a note to say that the selling fees were more than the moneys that I had been offered, but that they would waive the fees on this occasion on

the understanding that I would not send them any more ewes. That is happening all around Scotland.

Other members have mentioned problems. Sylvia Jackson—she is my local MSP but she has not visited my farm—talked about the farmers' market in Perth. That market exists because primary producers in Scotland do not get a fair price for their produce compared to the price that the housewife pays in the high-street shop. I do not say that shops are profiting over the top, but the difference between what the primary producer pays and what the consumer pays are scandalously high and it is always the primary producer who gets caught.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Will the member give way?

**Mr Davidson:** I would rather not. Fergus was probably going to agree with me—bless him for that.

Various comments have been made on commodity prices. I was surprised that nothing was said about the enormous threat hanging over Scottish farming from the fertiliser tax—the minister has influence on that with the Cabinet down south, through his Executive colleagues. I found it amazing that the fertiliser tax was not discussed today, as it is probably as crippling as, if not more crippling than, fuel costs, about which we have talked.

I congratulate those members—particularly Dr Jackson—who have suggested that we should get a handle on the labelling of product. If European Union rules tell us that the only way in which we can discriminate is through the housewife's choice, we have to make it crystal clear to the housewife—

**Mrs Ewing:** Will the member give way?

**Mr Davidson:** I am sorry; yesterday, I gave way to Mrs Ewing, as she is a lady, but today I no longer wish to be a gentleman. Time is against us.

It is important that the housewife knows what is on offer. In the old Conservative days, when even Raffan was a Conservative, we had the buy British campaign. There is nothing wrong with a buy Scottish, or a buy local—Welsh or whatever else—campaign. We produce a quality product, which will not be available unless the farming community is given a clear steer to keep going.

Ross Finnie came out with a classic line about £40 million of new money. Some £20 million of that is an overrun from a previous scheme. It is not new money, although I am grateful for the passport relief.

There are several issues that cannot be discussed today—I am bitterly disappointed that

this debate has not had the time that it deserves. [MEMBERS: "Hear, hear."] Mike Rumbles should pipe down about the past. I am fed up with the Liberal Democrats' needle sticking. The trouble with them is that they are playing 78s while we have moved on to CDs.

**The Deputy Presiding Officer:** Please wind up.

**Mr Davidson:** I will use the few seconds that I have left to say that red tape is smothering Scottish agriculture, horticulture and even business—I do not doubt that Fergus would agree with me on that. It is important that we use what means we can to simplify the implementation of any common agricultural policy reform. We must ensure that, if there is modulation—in which there will be winners and losers—the small to medium-sized family farm, which is the basis of Scottish agriculture, does not come out as a loser.

My colleague Mr Johnstone has lodged a positive amendment. The Conservatives will happily work with anyone to benefit Scottish agriculture. We think that the motion is meaningless. The SNP amendment has merit, but it does little more than suggest "possibly, perhaps". We are asking for positive action.

**The Deputy Presiding Officer:** I call Richard Lochhead to wind up on behalf of the Scottish National party.

16:50

**Richard Lochhead (North-East Scotland) (SNP):** Thank you, Presiding Officer. I will try to be quick.

I, too, welcome the debate on Scottish agriculture, given its importance to the economy and to Scotland as a whole. The word crisis is often so over-used that it loses its meaning, but in the current context of farming, crisis is the only word that we can use. The crisis affects every farmer in every sector, the length and breadth of Scotland.

Yesterday, pig farmers visited the Parliament to make a presentation to MSPs—they are in the middle of a huge crisis. Many pig farmers have to sell the family silver, even their families' insurance policies, to survive the next few months.

Anyone who read last week's *Sunday Post* will have seen an absolutely shocking picture relating to the crisis facing sheep farmers. The words underneath the picture say that it is

"a picture which should shock anyone who sees it."

The picture is of a farmer shooting his own lambs, because that is the cheapest option open to him. That must be incredibly demoralising. It is an appalling state of affairs.

The difficulties facing beef farmers have been outlined by many members. We all know that beef farmers are having to jump through hoops to get their beef back into the markets. A couple of weeks ago, a farmer sold his cattle at the auction mart for £5. After commission was deducted, he received a cheque for 1p; he is framing that cheque to remind him, in future years, of the current crisis.

Livestock farmers face many common challenges. We want the Scottish Executive to tackle those challenges head on. The Scottish Executive can take vital measures, which depend on no more than assertiveness, determination and political will. The farmers are not looking for handouts; they are looking for a level playing field so that they can compete in international markets. They want less red tape and costly bureaucracy, which is an enormous burden on all sectors of industry. They want our loyalty—the loyalty of consumers to put Scottish produce in their shopping baskets.

We want Ross Finnie to make representations on behalf of the industry with that determination and political will. We want him to bang on Gordon Brown's door, to speak to him about the fuel duty, to demand actions and to demand answers.

The increase in the price of fuel hit six times over the cost of the journey that takes cattle from field to plate. It increases the costs of taking the cattle from the hill farmer to the mart, from the finisher to the farm, from the farm to the abattoir, from the abattoir to the central distribution point and from there to the supermarket, from where the consumer takes the meat home. Because of the fuel duty, the cost increases six times over—and the cost always lands with the primary producer. That must change.

I must also mention interest rates, which have led to cheap imports and increasingly difficult export conditions for the industry. One farmer from Gordon told me that the most recent 0.25 per cent increase in interest rates cost him £5,000—with a stroke of a pen, Government policy cost that farmer £5,000. We want Ross Finnie to knock on the doors of all the banks to get their co-operation, too. As many speakers have said, we also want him to fly to France to speak to the French Government and to put the case for the Scottish farmers in person. We want the minister to get the supermarkets on board as well.

Let us not forget the young farmers. For agriculture to survive in Scotland, we need young men and women to take over the farms. The young farmers are being put off farming. The farmer who lost £5,000 told me that his son had decided not to go into farming. That trend will be repeated across the country unless we address the challenges that face the industry.

The Scottish National party demands that the minister do all that he can to face the challenges and to help the industry, so that Scottish agriculture can continue to make a vital contribution to the Scottish economy, to Scottish culture and to Scotland as a whole.

16:55

**Ross Finnie:** I share with many members the wish that we could discuss agriculture for longer. I am now such a convert to the industry that I would have liked to have a whole day to discuss what are serious issues. In no way do I diminish the seriousness of the situation.

However, we have to be a little careful not to talk the industry down. Some remarks were made during the debate about the beef sector. I am not suggesting for a minute that the beef sector has recovered, but of all the sectors, the beef sector has done a remarkable job, both in its pricing and in penetrating the English markets in the past nine months. I hope that that will be fully supported by the SNP. The sector has done that job at a premium, and there are very few people who gain shares in a market at a premium.

Alasdair Morgan asked questions on matters that are, by and large, out of the hands of the Scottish Executive—fuel costs, sterling interest rates and banking. Those points were also raised by several other contributors.

The Scottish Executive is cognisant of the problem concerning the absolute cost of fuel. All Scottish Executive ministers are involved in discussions as to how we should present our case to the Chancellor of the Exchequer at Westminster. We have yet to come to a conclusion, but it would be wrong to suggest that we are not cognisant of the problem.

I can assure Andrew Welsh and others that I intend to continue the dialogue that I have already opened with the banks, because I am concerned that they might take a wrong turn.

In response to the point made about the common agricultural policy dwarfing structural funds, I say to Alasdair Morgan that my position is clear: we have an opportunity to accept the existing settlement as a given, and I intend to engage with the industry to ensure that we formulate a strategy that will put us where we want to be in 2005-06. That strategy should be developed in Scotland, and we should be taking our case to Europe on behalf of Scottish farmers.

**Alasdair Morgan:** Does the minister accept that the current settlement may not be internationally tenable up to its expiry date and that, as Nick Brown said, we may have to renegotiate in Europe within the next few years?

**Ross Finnie:** Even if that is the case, we in Scotland should be looking at the longer term. If that involves our having to renegotiate, that should take place here in Scotland. I do not agree that we should put reforms to the CAP solely in the hands of the Westminster Government. We in Scotland should be making our distinctive contribution to the way in which that matter is resolved. We should be preparing now for 2005-06.

I am enormously grateful for Alex Johnstone's warm endorsement, although I realised that there had to be a sting in the tail. Nevertheless, I thank him for his contribution to the Rural Affairs Committee. No doubt we will clash at some future date. He went through a litany of things that were not done, but he did not question the methodology of what the Executive is now seeking to do, namely, to take a far longer-term view of what is required for Scottish agriculture.

It would be stupid and foolish of me to look for congratulations on things that we have not done, but I am looking for support for our new way of tackling the problems of the industry. That is why I picked up on the sheep sector in particular. It is nonsense to blame the farmers for the guddle, but what is absolutely true is that there is no mechanism at present that allows us to consider the chain from the sheep farmer out to the ultimate consumer and to produce a strategy that is relevant to their needs.

I welcome Irene McGugan's comments about organic aid, although I have managed to drop them on the floor. [*Interruption.*]

**Dennis Canavan (Falkirk West):** There are your papers, minister.

**Ross Finnie:** Thank you very much indeed.

I welcome Irene McGugan's comments about such issues as costs to the environment and cross-compliance. In finalising arrangements, I intend to invoke cross-compliance to achieve the correct balance between the agri-environment and the interests of farmers.

As for the rural stewardship fund, one of my biggest disappointments is that the rural agenda has been so grotesquely underfunded. On the subject of GM organisms, Ms McGugan will welcome the fact that the Executive has adopted the same precautionary approach that underpins the way in which the European Union has applied its regulation on this matter.

I am disappointed that the cull ewe scheme has not been implemented. However, we have to move forward. The help package will mean real money in the hands of hill farmers. I do not want to minimise the difficulties of Scottish farmers and I am greatly encouraged by the comments that I have heard today.

Farming is crucial to the health of rural areas and I assure members that the Scottish Executive will continue to do what it can to secure the agriculture industry's healthy, profitable future. I hope that members will support the motion and reject both amendments.

## **Standards Committee**

*Motion moved,*

That the Parliament agrees that Dr Richard Simpson be appointed to the Standards Committee.—[*Mr McCabe.*]

## **Lead Committees**

*Motion moved,*

That the Parliament agrees the following designations of lead committees—

The Justice and Home Affairs Committee to consider the Abolition of Poidings and Warrant Sales Bill;

The Finance Committee to consider Part 1 of Stage 2 of the Public Finance and Accountability (Scotland) Bill;

The Audit Committee to consider Parts 2 and 3 of Stage 2 of the Public Finance and Accountability (Scotland) Bill.—[*Mr McCabe.*]

## **Amnesic Shellfish Poisoning**

*Motion moved,*

That the Parliament agrees that the following Orders be approved—

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Order 1999 (SSI 1999/71);

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 2) (Scotland) Order 1999 (SSI 1999/72); and

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 3) (Scotland) Order 1999 (SSI 1999/73).—[*Mr McCabe.*]



## Decision Time

**The Presiding Officer (Sir David Steel):** I am afraid that there are no fewer than 10 questions to be put. The first question is on the amendment without notice which was moved by the First Minister during this morning's debate and which does not appear in the daily business list. Amendment S1M-186.2 seeks to amend motion S1M-186 on the memorandum of understanding by inserting "Cabinet of the" after "Scottish Ministers and the". We discussed the issue this morning.

The question is, that amendment S1M-186.2, in the name of the First Minister, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is on the additional amendment, S1M-186.1.1, moved without notice by Mr Alex Neil during this morning's debate, which seeks to amend the amendment by inserting "Cabinet of the" after "Scottish Ministers and the".

The question is, that amendment S1M-186.1.1 to amendment S1M-186.1, in the name of Mr Alex Neil, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The third question is, that amendment S1M-186.1, in the name of Mr John Swinney, as amended, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** In that case, there will be a division. Those members who wish to support Mr Swinney's amendment, please press yes.

### FOR

Adam, Brian (North-East Scotland) (SNP)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Grahame, Christine (South of Scotland) (SNP)  
Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Mr Adam (South of Scotland) (SNP)  
Lochhead, Richard (North-East Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
MacDonald, Ms Margo (Lothians) (SNP)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
McGugan, Irene (North-East Scotland) (SNP)  
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Mr Gil (Central Scotland) (SNP)  
Quinan, Mr Lloyd (West of Scotland) (SNP)

Robison, Shona (North-East Scotland) (SNP)  
Sheridan, Tommy (Glasgow) (SSP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Swinney, Mr John (North Tayside) (SNP)  
Ullrich, Kay (West of Scotland) (SNP)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)  
Wilson, Andrew (Central Scotland) (SNP)

### AGAINST

Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brown, Robert (Glasgow) (LD)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Davidson, Mr David (North-East Scotland) (Con)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Dewar, Donald (Glasgow Anniesland) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
Gillon, Karen (Clydesdale) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gorrie, Donald (Central Scotland) (LD)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harper, Robin (Lothians) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, Mr John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Johnston, Mr Nick (Mid Scotland and Fife) (Con)  
Johnstone, Alex (North-East Scotland) (Con)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
MacLean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
McAllion, Mr John (Dundee East) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McLeish, Henry (Central Fife) (Lab)  
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
Morrison, Mr Alasdair (Western Isles) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Mundell, David (South of Scotland) (Con)  
Munro, Mr John (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Oldfather, Ms Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)

Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Ian (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is as follows: For 31, Against 76, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The fourth question is that motion S1M.186, as amended by the First Minister's drafting amendment, in the name of the First Minister, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Those members who wish to vote for the motion, please press yes.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Ian (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)

Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is as follows: For 75, Against 32, Abstentions 0.

*Motion agreed to,*

That the Parliament endorses the Memorandum of Understanding and supplementary agreements concluded between the United Kingdom Government, Scottish Ministers and the Cabinet of the National Assembly for Wales.

**The Presiding Officer:** The fifth question is, that amendment S1M-185.1, in the name of Alasdair Morgan, seeking to amend motion S1M-185, in the name of Ross Finnie, on Agenda 2000 and the development of agriculture in Scotland, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)

Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Ian (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**ABSTENTION**

Harper, Robin (Lothians) (Green)

**The Presiding Officer:** The result of the division is: For 45, Against 61, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The sixth question is that amendment S1M-185.2, in the name of Alex Johnstone, which seeks to amend the motion in the name of Ross Finnie, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Canavan, Dennis (Falkirk West)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)

MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Iain (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 14, Against 64, Abstentions 29.

*Amendment disagreed to.*

**The Presiding Officer:** The seventh question is,

that motion S1M-185, in the name of Ross Finnie, on Agenda 2000 and the development of agriculture in Scotland, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Ian (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)

#### ABSTENTIONS

Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 64, Against 1, Abstentions 42.

*Motion agreed to.*

That the Parliament welcomes the Scottish Executive's support for Scottish farmers and approves the steps it is taking to assist in creating a more sustainable future for Scottish agriculture.

**The Presiding Officer:** The eighth question is, that motion S1M-192, in the name of Mr Tom McCabe, on the appointment of Dr Richard Simpson to the Standards Committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Dr Richard Simpson be appointed to the Standards Committee.

**The Presiding Officer:** The ninth question is that motion S1M-194, in the name of Mr Tom McCabe, on the designation of lead committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees the following designations of lead committees—

The Justice and Home Affairs Committee to consider the Abolition of Poidings and Warrant Sales Bill;

The Finance Committee to consider Part 1 of Stage 2 of the Public Finance and Accountability (Scotland) Bill;

The Audit Committee to consider Parts 2 and 3 of Stage 2 of the Public Finance and Accountability (Scotland) Bill.

**The Presiding Officer:** The 10<sup>th</sup> question is that motion S1M-195, in the name of Mr Tom McCabe, on the approval of Scottish statutory instruments, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the following Orders be approved—

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Order 1999 (SSI 1999/71);

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (East Coast) (No 2) (Scotland) Order 1999 (SSI 1999/72); and

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No 3) (Scotland) Order 1999 (SSI 1999/73).

## Voluntary Organisations

**The Presiding Officer (Sir David Steel):** We now move to members' business: motion S1M-156 on criminal checks for voluntary organisations. The debate will last for half an hour, so we will conclude at 17:40.

I call Andrew Wilson to open the debate, but first ask members who are not staying to leave quietly.

*Motion debated,*

That the Parliament recognises the invaluable work done by the broad range of voluntary organisations and calls upon the Scottish Executive to ensure that no charge be levied against voluntary organisations when they apply to have their volunteers, staff and office holders checked by the Scottish Criminal Records Office with regard to child protection.

17:09

**Andrew Wilson (Central Scotland) (SNP):** Before I start, I wish to make a point that I would have raised as a point of order.

It was drawn to our attention earlier today that the Executive had the small-mindedness to issue a media release in advance of the debate. I have to say that that sought to undermine the spirit of the debate. The Executive issued an answer to a parliamentary question before it was even reached during oral questions. That shows a complete lack of respect for the Parliament and its procedures, and I seek your view at some point in the future, on the correctness of that approach.

**The Presiding Officer:** I will answer the question now, as I have already seen the press release.

I want to register a little anxiety about the release at this stage. In mitigation, however, it may be that the Executive issued the release because Mr Keith Raffan's question, to which the comments were an answer, would have been the next to be called, had it not been cut out because of lack of time. I do not know what the circumstances were.

I was a little uneasy for similar reasons in the debate this morning on the concordats. I therefore want to make a general point. My colleague, Miss Boothroyd, gets extremely irritated by the United Kingdom Government's habit of issuing press releases before telling Parliament what is happening. We do not want, and I am anxious not to become, an irritated Presiding Officer. We should, therefore, watch the situation carefully. I understand that the Procedures Committee is also considering the matter. We shall leave it at that for now.

**Andrew Wilson:** I am grateful for your remarks. However, people in the public gallery and in the

chamber should understand the situation to which I am referring. Jim Wallace issued a statement today that referred to a question from Keith Raffan on the Executive's position on charging voluntary organisations for criminal records on their staff. In the release, Jim Wallace is quoted as saying:

"I am . . . pleased to announce today that I am establishing a review group to consider charging issues and policies."

Two months ago, in a reply to a similar question from Tricia Marwick, Jim Wallace said that the Executive was

"keeping the matter under review . . . The checks are not mandatory and it will be for voluntary organisations to decide when a check is required and whether to re-imburse the individual."—[*Official Report, Written Answers*, 20 July 1999; Vol 1, p 106.]

One month later, in reply to a question from Donald Gorrie, Angus MacKay said:

"The intention is that the system of criminal record checks provided under part V of the Police Act 1997 should be self financing . . . we are keeping the position under review."—[*Official Report, Written Answers*, 2 September 1999; Vol 2, p 19.]

Now, in a press release, the Executive has said that it is to set up a review to review a situation that was already under review two times over. The situation is embarrassing and those on the Executive front bench must answer for the small-minded approach that has been taken. The Executive has shown a complete lack of grace in dealing with the issue and absolutely no respect for the parliamentary committees or for the Parliament. Ms Baillie should be completely embarrassed and I hope that she will show more grace in her summing-up remarks. We do not need a review—we need an equitable decision to be taken today and some hard answers.

Nevertheless, I thank all members who have shown the grace and decency to stay for the debate. The issue is of direct relevance to people's daily lives, as it affects the voluntary sector, which is so vital to our communities and to our society. I thank the Scottish National party, Liberal Democrat, Scottish Socialist party, Conservative and independent members who supported the motion. It is a disappointment that no member of the Labour party decided to support the motion, but we now know why that is.

If our new democracy is to work, we must all accept ideas irrespective of their source. Let us not allow narrow party divides to get in the way of taking a positive step forward. Small-minded tactics by the Executive do neither it nor the Parliament credit.

**Robert Brown (Glasgow) (LD):** On a point of order, Presiding Officer. Could you ask the speaker to address himself to the motion, not to such side issues? This is a members' business

debate. We are entitled to hear about the issues, not the background grudges that Mr Wilson appears to harbour.

**The Presiding Officer:** I am sorry, but I cannot reply. I was busy looking at the large number of members who want to speak in the debate, rather than listening to what Mr Wilson was saying. I will not comment, but I ask the member to proceed.

**Andrew Wilson:** We live in a cynical age. One of our country's greatest strengths is that our society is full of people who give time and energy to the service of others. I am delighted to welcome to the public gallery today people representing literally hundreds of thousands of volunteers from voluntary organisations across Scotland, including the Boys Brigade, the Girls Brigade, the Scout Association, the Guide Association, Volunteer Development Scotland, the Scottish Council for Voluntary Organisations, Children 1st, Youthlink Scotland, Fairbridge in Scotland, the Scottish Out of School Care Network, the Scottish Churches committee and Greenhills drop-in centre and Greenhills 2000 from East Kilbride.

Many other organisations supported the motion by e-mail, by telephone and by writing to my office and to those of my colleagues Lloyd Quinan and Fiona McLeod. I thank everyone for their support and advice.

The Executive has at last agreed with us that there is wide-ranging, deep and heartfelt support for the proposal. My colleagues and I wrote to the Executive in advance of today's debate as a courtesy, so that Jackie Baillie, the minister with responsibility for the voluntary sector, would be aware of exactly what we were asking for and would be able to respond in her summation. Members should have a copy of that letter. The Executive, however, appears to have abused the courtesy in an utterly graceless manner.

Moving on to the detail of the motion, I will repeat points that have been well made in other debates on voluntary organisations in the chamber. For example, research from Volunteer Development Scotland shows that over 50 per cent of our country's adult population undertakes voluntary work of some sort, which, as I understand it, is the highest incidence of giving and volunteering in the UK—the highest contribution is in Scotland. Voluntary work is an activity that contributes 10 million hours per week to the Scottish economy, which is a wonderful tribute to the people involved. People give and ask nothing in return and we should reward them, rather than place financial burdens upon them.

If I may be self-indulgent, Presiding Officer, I had years of free time from officers in my Boys Brigade company and from Duke of Edinburgh award scheme volunteers during my youth in

Wishaw in Lanarkshire. I am a product of their good work, which is probably a bad advertisement for them. I am absolutely certain that, without the help and the developmental advice that I received from those people, I would not be enjoying the life choices that I have today and, certainly, I would not be standing here today.

It is understandable that the Scottish Criminal Records Office checks were introduced—by part V of the Police Act 1997—to advance the protection of children. I do not think that any of us would dispute that. However, the key question that the Executive should address—sooner, rather than later—is why individuals and organisations working without profit and in the public interest should have to foot the bill for Government legislation. Why should a key group of people, who give so much to the inclusiveness of society, have to pay for a service that is provided free of charge to other public agencies? For example, the Boys Brigade—which is dear to my heart—has 11 full-time, paid staff and nearly 6,000 volunteers. The Scout Association—another wonderful youth organisation—has 17 full-time staff and nearly 8,000 unpaid volunteers. The Scottish Childminding Association has 6,500 members, most of whom are low paid.

We know that the checks are not mandatory from an answer to one of the many parliamentary questions that have been asked on the matter. The key point is that, although the checks are not mandatory, the costs still apply to voluntary organisations. We need clarity on that issue. As Jim Duffy of the Scout Association, who I believe is with us today, said:

“There is absolutely no statutory requirement, but the very fact that there is a system in place puts the onus onto us to use it.”

**Fiona McLeod (West of Scotland) (SNP):** Mr Wilson rightly says that SCRO checks are not mandatory. However, I am sure that he will agree with me and with more learned people, such as Lord Cullen, that those checks are a vital component in ensuring safe and secure environments in which our young people can flourish. I am sure that he will ask the Government to ensure that we do not put our children at risk by levying those charges, which the Police Act 1997 does not decree.

**Andrew Wilson:** I am grateful to Fiona McLeod for her remarks, which deal with precisely the argument that we are putting today. What we need from the Executive is not a review of a review of a review, but a firm decision on who will be covered and who will be forced to pay the charges.

The legislation that put those checks in place is a result of the rushed nature of the circumstances. It is also a fault of the outmoded Westminster approach to legislation, but we have the chance to

clear up the legislation today.

Many of us know that, under the more modern and considered legislative mechanism that the Scottish Parliament has in place, a policy and financial memorandum accompanies all bills. In that memorandum, the costs are clearly set out—not just costs to the public sector, as at Westminster, but costs to local authorities, other bodies and individuals. That process is far more inclusive, not exclusive—despite the Executive's best efforts—and would have captured the anomaly at the outset. Today, the Executive has a chance to show that the Scottish Parliament works better and in a more inclusive, together manner.

**Mr Lloyd Quinan (West of Scotland) (SNP):** Does Mr Wilson agree that the idea of a uniform charge across the UK is a flawed concept, as, while we have the Scottish Criminal Records Office, the equivalent does not exist in England and Wales? The written answer that Angus MacKay gave to Donald Gorrie on 2 September indicated that the intention is that the SCRO checks would be self-financing. Does Mr Wilson agree that that is the way forward?

**Andrew Wilson:** I do not think that that is the way forward. I think that I am right to say that, a month ago, that was the Government's position. I am glad that it has agreed, with good grace, to change that position, as it wants to review the situation. However, it is a matter of regret that the Government cannot come to a firm decision. It is unhelpful to voluntary organisations for the charges to be imposed on the basis that they should be self-financing.

**Colin Campbell (West of Scotland) (SNP):** Self-financing organisations have been mentioned. In light of the fact that several scout leaders approached me about the matter at a scout function just the weekend before Andrew lodged his motion, I undertook a little research. I contacted some acquaintances in the Territorial and Auxiliary Volunteer Reserve Association, which runs the cadets; it is one of the largest organisations in the United Kingdom. I established that that organisation, which is funded by the Government, takes care of the criminal records part of the exercise. The Government pays for those checks in its own youth organisations.

**Andrew Wilson:** I am grateful to Mr Campbell for pointing out another germane argument—the public sector already appears to have a mechanism in place, which should be extended to the voluntary sector. In her closing remarks, perhaps Jackie Baillie could redress the somewhat questionable imbalance that was brought about by the publication of that notice. She could show some decency and admit that this is the correct way forward.



Although the associated costs are mentioned in the press release, they are still unclear and could amount to millions of pounds for hard-pressed voluntary organisations. The SCVO estimates that around 200,000 checks will be required and that the cost could be anything up to £3 million. That would be a drop in the ocean for the Government, but punitive for the voluntary organisations. Youthlink Scotland estimates that its volunteers—who are not rich people—already give around £350 per year of their own money. Those volunteers are committed to society and to their community and should be rewarded, not discouraged. Paying for the checks will create a huge fund-raising problem for organisations across the country, as they compete with one another to raise funds.

We know the issues. The Government, despite previous parliamentary questions, now appears to have changed its position. It should now go the whole way and admit that the motion is correct. Jackie Baillie should back the idea in her summing-up.

The Church of Scotland—an organisation with around 20,000 volunteers looking after more 100,000 young people—estimates that the cost to it of the initiative over five years could be £0.5 million. The Church, which is a great Scottish institution, can hardly afford to pay that sum.

Many uniformed youth organisations are represented in the public gallery today. For four of them—the Scout Association, the Guide Association, the Boys Brigade and the Girls Brigade—the cost would be some £220,000. That is a phenomenal amount for youth organisations that work to tight budgets.

I quote the words of Iain Whyte, the general secretary of the board of parish education of the Church of Scotland. He said in a letter to us:

"The government has—we believe rightly—recognised the value of volunteering"—

nothing new in the press release there, Ms Baillie—

"and it would seem to us to be dangerous to put much of that at risk by imposing these costs on individuals, local churches or the national budgets of the church."

That applies to every organisation. Mr Whyte ends by saying:

"The effect would be demoralising and demotivating when much goodwill for child protection has been built up so far."

Why demoralise and demotivate? Why delay any improvement that could be made by holding a review?

**Elaine Smith (Coatbridge and Chryston) (Lab):** Given what Mr Wilson is saying, a review seems a sensible course of action. Other issues

are involved as well as cost. Does he support a review?

**Andrew Wilson:** According to parliamentary answers, the Government has had the position under review for three months. There is no need to announce another review to review a previous review. The issues are pretty clear—the voluntary organisations have made their representations to us and to the Executive. A review is a classic stalling mechanism; anyone who knows anything about government and the civil service knows that that is the case. We have had the same experience with tuition fees. The Government could come to a decision on the basis of what it has been elected to do—to govern. We need a decision today, not a review.

I appeal to the minister for a clear, straightforward message.

**Mr Quinan:** Does Mr Wilson agree that there appears to be a deal of confusion in the Executive on the issue? A number of written questions have been answered by the Minister for Justice and his deputy, yet it would appear that responsibility has been shifted to the Deputy Minister for Communities with responsibility for the voluntary sector. The Minister for Justice and his deputy should be here for the debate, as they have been responsible for most of the replies to written and oral questions over the past few months.

**Andrew Wilson:** It is a matter for regret that the Executive has shown a complete lack of respect for all the procedures and formalities of this Parliament.

**Mr Keith Raffan (Mid Scotland and Fife) (LD)**  
rose—

**Andrew Wilson:** Mr Raffan should try to contain himself for once in his life.

It is regrettable that the debate could not have been held in more inclusive circumstances. We might have all gathered together to examine what was before us, just as we had cross-party support—apart from the Labour party—for the motion. We might have had a more inclusive approach.

The Executive has politicised the issue by trying to pull the rug from under a parliamentary debate.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Mr Wilson acknowledges that the Executive has made it known for some time that this was a matter for review, so does he agree that he is playing politics with the voluntary sector, using this set-piece debate and interventions? Does he further agree that the Executive and the minister are dealing with the matter responsibly, by consulting the voluntary sector?

**Andrew Wilson:** I am grateful to Cathie Craigie,

and the short answer is no.

I now come to the key questions that I would like the minister to answer. Does the Executive agree that the costs of the checks should be borne by voluntary organisations and individuals, yes or no? That is a straight question which requires a straight answer.

Does the Executive agree that we need explicit guidelines on who should be checked and when they should be checked, to protect voluntary organisations from legal proceedings that could arise from pursuit of that information, yes or no? We need to know: does the Executive agree on the exact costs and whether protection will be extended to all individuals who are classed as vulnerable?

Those are straight and obvious questions. The Executive has been elected by the electorate and is paid handsomely to make decisions on the electorate's behalf. Perhaps we can have some answers rather than reviews.

A review is not needed to find the answers. The Executive should admit that it has been wrong and that it has been graceless in the way that it has gone about things. It should show some decency and respect for the Parliament.

**The Presiding Officer:** Members' debates belong to the member raising the subject and to the minister who replies at the end. I am afraid that only six minutes are available for everybody else who wishes to speak. That would allow 30 seconds apiece. There is no chance that that will happen, so I will call those who have not intervened so far, beginning with Karen Whitefield.

17:28

**Karen Whitefield (Airdrie and Shotts) (Lab):** As a former officer of the Girls Brigade, I know what the issue means to the voluntary sector, and to uniformed organisations in particular.

I welcome the opportunity to be involved in what I had hoped would be a constructive debate. I share the concerns expressed by the voluntary sector about the financial impact of carrying out criminal record checks on volunteers. While I regret that such checks are necessary, we must put the safety of our children first. I am sure that we all hope that the adults who volunteer to work with our children do so for the right reasons, and it is important to recognise that the overwhelming majority does. Sadly, however, a minority of people use youth organisations to gain access to young people for more sinister purposes.

We have a responsibility to do all we can to protect our children and young adults. I am sure that we, as a Parliament, will agree that the safety of our children is paramount. Having spoken to

many representatives of the voluntary sector, I know that that is a shared priority. While I recognise the many and complex difficulties that the issue presents, I firmly believe that part V of the Police Act 1997 offers us an opportunity to enhance the security of our children and to provide greater assurances to parents. In short, it offers an opportunity to improve the services offered to our young people.

Volunteers throughout Scotland enhance our lives and the lives of our young people immeasurably. Organisations such as the Girls Brigade and the scouts contribute greatly to Scotland's social cohesion. Between them those organisations have more than 10,000 officers and volunteers. They provide social, recreational and educational opportunities for some 49,000 young Scots. The confidence and skills that I gained as a member of the Girls Brigade played a significant part in my development into adulthood and played a small part in making sure that I stand here today.

The issue of criminal record checks raises many questions. It is not a matter simply of money, as Mr Wilson makes out. I welcome today's review because other questions need to be answered. Will the voluntary sector be expected to backdate criminal record checks for existing volunteers? For how long will the certificates be valid? What will be the impact on transnational exchanges? Is there a need for a statutory entitlement to access SCRO checks?

I ask the minister to review those questions, and I hope that she will address them in the review that she will chair. That review should be carried out in close consultation with all parts of the voluntary sector. We must also remember that criminal record checks are only one part of the equation; not all abusers have a criminal record. The importance of having a range of vetting procedures, including proper selection, training and supervision of volunteers, is already recognised by many parts of the voluntary sector, and should be encompassed in the minister's review.

I am confident that a review would be able to address those problems constructively, not in a manner that involved snide political point scoring. I am also confident that the Parliament and the Executive are committed to achieving the same goal: enabling the provision of safe youth services for young people throughout Scotland.

**Elaine Smith:** On a point of order, Presiding Officer. As members of the voluntary sector have turned up, would you consider a motion to extend the debate? That has happened in other debates.

**The Presiding Officer:** Yes, it has happened before, but the Parliamentary Bureau is anxious that it should not become a habit. I am aware that

many members want to speak, so I am prepared to do a deal. I shall accept the motion, provided that everybody is brief.

**Elaine Smith:** I move,

That the debate be extended by up to 30 minutes.

**The Presiding Officer:** The question is, that the motion be agreed to.

*Motion agreed to.*

17:32

**Mr David Davidson (North-East Scotland) (Con):** I note what you say, Presiding Officer, and I shall be brief.

I raised this issue in an oral question on 1 July. I asked Jim Wallace whether he was going to implement a charging system for this check. He replied that the Executive had not considered it. I then asked whether he was aware of the costs, which I labelled. Andrew has quoted some of the organisations that would be concerned, which are only examples. I then wrote to Mr Wallace, who said that there would be a review. Although it is late in the response, I suspect that that is what we will get. I have not seen the document to which Andrew Wilson alluded today.

I have received letters and written to many organisations, including police forces. Senior police officers have said that they cannot afford to conduct checks without charging. Costs will be incurred. If checks are to be carried out, we must ask the Executive to ensure that there is adequate funding for the police to enable them to provide that service on a non-profit-making basis—they must at least break even.

A series of letters have been received. We have all been involved in youth work. I am a father of five and I am grateful for what my children have received from various organisations. We must supply security. That is fine, but when we conduct checks we must ensure—this has been mentioned in much of my correspondence—that they relate merely to proven wrongdoings, not to suspicion and rumour. There is evidence to suggest that that has not happened in some checks.

I ask the minister to ensure that in any review, that point will be researched and clarified. It is a worry that, in this age of ours, people are keen to go to law and to point the finger. Although we must scrutinise the people who put themselves forward as volunteers, we must be careful to be fair and to remember their rights.

I am grateful to Andrew for securing this debate. It carries on from where I started three months ago and I hope that it will continue.

17:35

**Mr Keith Raffan (Mid Scotland and Fife) (LD):**

I congratulate Mr Wilson on securing this debate and you, Presiding Officer, on agreeing to extend it. The credit for the review group should lie with the members of the voluntary sector in the public gallery; they are the ones who lobbied members of all political parties to obtain the review. I am glad that the Scottish Executive has shown sensitivity to their point of view, but the credit lies with them and with none of us. It is important to make that point in a non-partisan way to bring the debate to a higher level.

I hope that the minister, in chairing the review, will take a more independent and more liberal line than the UK Government has shown so far, especially in view of the fact that at least 90,000 staff and volunteers could be affected. That could cost at least £900,000 in initial checks and £150,000 a year thereafter. That would be a tiny amount of public expenditure, but it would be a huge burden on the voluntary sector. Mr Boateng has said that

“free checks would prove an unsustainable burden on the public purse”.—[*Official Report, House of Commons, Written Answers*, 30 March 1999; Vol 328, c 608-9.]

They would be far more easily sustained by the public purse than they would be by the voluntary sector, and it is crucial to understand that.

We know the funding problems that the voluntary sector faces. I welcome the Scottish Executive's commitment to three-year funding, and I hope that Scottish local government will match it. Too many people in the voluntary sector are spending a lot of their time raising money rather than doing what they should be doing, what they are experienced in doing and what they were trained to do—their work as volunteers. They have to grub around for every penny to ensure that their organisation can survive.

I want to ask the minister about voluntary agencies in the drugs field, about which I have a particular concern. Many of the most experienced, valued and valuable counsellors in the drugs field are addicts in recovery, some of whom have had a brush with the law before coming into recovery. It would be a great loss to the whole field if those people were prevented from continuing their work.

I am particularly concerned about the third kind of certificate, the enhanced criminal record certificate. Following on from the point that Mr Davidson rightly raised, information from local police records, including non-conviction information, could be made available in that category of certificate. That sort of certificate applies particularly to people working with children but also to people working with vulnerable adults, so it could affect those who work in the drugs field.

I would be grateful if the minister could respond to that specific point, because I am concerned that it could affect the many people who do much good work for agencies dealing with drug problems. Miss Goldie was right to mention at question time today that that is a matter for all-party concern, as was reflected at the first meeting of the all-party committee on drug misuse last night. We cannot afford to lose valuable people and the work that they do in the drugs field.

17:38

**Elaine Smith (Coatbridge and Chryston) (Lab):** Thank you, Presiding Officer, for extending the debate. I thank Andrew Wilson for securing this debate and I pay tribute to the Executive and to Parliament for taking seriously the contribution that is made to society by volunteering and the voluntary sector.

Having been a volunteers manager with Volunteer Development Scotland until last Christmas, I have a specific interest in contributing to the debate. I worked on an on-going pilot project called Volunteering in Practice, which was instigated to assess volunteering opportunities in general practitioners' practices, to encourage volunteer participation and to produce best practice guidelines.

Prior to engaging any volunteers, the issues of confidentiality and unsupervised access to children were of paramount importance. It was difficult to know at the outset of the project whether SCRO checks could be accessed, and the only avenues seemed to be through health boards or local authorities. The question of possible costs was very much in our minds.

We recognised the fact that SCRO checks did not have a fail-safe ability to deliver protection for children. The validity of the checks depends heavily on the information that is given by the individual in question. For example, failure to disclose a previous name or address could render a check invalid. Nor is it necessarily the case that all ex-offenders should be excluded from volunteering; their exclusion would depend on the type of offence they had committed and the type of volunteering they wanted to do.

Voluntary organisations must implement best practice. To add to what Karen Whitefield said, the recruitment and selection process, including the taking up of references prior to engagement, on-going staff and volunteer training and established supervision systems are all vital in providing a safe environment and ensuring rapid detection of any person who poses a danger.

The SCRO checks system cannot deliver guarantees on its own. Although the voluntary sector can have some relief in the knowledge that

it can carry out checks, a number of concerns are posed. Interpreting information, assessing risk, securing indemnity insurance, its cost, the money required for the checks and whether the individual or the organisation pays, are all important issues.

I welcome the proposed review. Guidance is needed on when such checks should be used. Further consultation with the voluntary sector is essential to ascertain what other options may be available and what can be done to overcome the problems with the checks.

17:41

**Fiona McLeod (West of Scotland) (SNP):** I echo other members in thanking Andrew for bringing this matter to Parliament and I thank you, Presiding Officer, for deciding to extend the debate. As a volunteer in youth clubs and drop-in cafes in my constituency I am pleased that Parliament has the chance to underline the importance of the issue. I hope that the minister will recognise the concerns of youth organisations and will fight their corner in the Executive.

I am appalled that the Government could compromise this vital component of child safety by even considering levying a tax on volunteers—and for the paltry sum of £2 million to £3 million. That figure is paltry when we hear about the number of people and the hours of work involved. Volunteers are delivering the Government's social inclusion agenda, and now they will be charged for the privilege.

Local authorities should run many of the clubs, but community education budgets are always soft targets when cuts have to be made. I enjoy my volunteering—well, maybe not toilet duty at Saturday night discos. I am sure that people we have heard from today get as much value from their volunteering as they put back into their communities but that is no excuse for introducing a charge that undermines the principle of child safety and it strains volunteers' good will. The minister and the Executive must be clear that Scotland's Parliament cherishes Scotland's volunteers and Scotland's children, even if she does not.

17:42

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I welcome the debate but I am disappointed that it began to descend into slugging off along party lines. For the record, Andrew, I raised this issue in the debate on the voluntary sector and have passed on to the minister my serious concerns about the possibility of introducing charges because of the implications for the voluntary sector, particularly in less-well-off communities.

Tommy Sheridan spoke about the class war. There is no such thing as class in abuse. For someone who is a victim of abuse, it does not matter whether they are working class, middle class or upper class, it does not matter what gender they are or their racial origin, or if they are able bodied or have a disability; they are still an abuse victim. Statistics tell us that the chances are that there are several people in the chamber and the audience who have been victims of abuse or of inappropriate behaviour towards them as children.

I have a long involvement with this subject and I know that a piece of paper saying that somebody does not have a previous conviction will go only a very small way towards protecting children. We know that abusers are devious people who will find all sorts of ways of getting close to children and will spend time working with children trying to gain their confidence. We know that they are often in positions of trust—I have had to deal with people who were pillars of their communities and in other aspects of their lives would be considered fine, upstanding citizens.

We should not get carried away with this one issue in child protection. We should look genuinely at what we are going to do to protect children. The voluntary sector knows very well that protecting children is about training, recruitment, selection of volunteers and support. Many people form inappropriate relationships with children they become close to through voluntary activity or as paid professionals because there is not proper supervision and monitoring.

This issue is not a party political football to be booted around in the chamber or anywhere else—if we are serious about children's issues and child protection. I hope that Jackie Baillie will give us some answers. I hope that there will be consultation with the voluntary sector and, most of all, I hope that there will continue to be discussions with the victims of abuse, who are the people who can best say what could have been done to protect them.

17:45

**Miss Annabel Goldie (West of Scotland) (Con):** Unlike Andrew Wilson, I was not in the Boys Brigade but I declare an interest, in that the guide commissioners of Scotland gave me dinner last month.

I welcome this debate and thank Andrew Wilson for raising the subject in the chamber. It has highlighted an area of profound concern for many people in Scotland—as is demonstrated by the fact that so many people have stayed. It is clear that many of us have been approached by representatives of concerned organisations. I am

closely connected with the Church of Scotland, and it is in that context that I am aware of concerns.

Two issues arise. The first is that none of us can take exception to or challenge the issue of safety for young people who are involved with voluntary organisations. Everyone in the chamber agrees, as Cathy Jamieson said, that this is a matter of fundamental concern, and no responsible grouping of people would for one minute diminish the significance of the need for proper and extensive checks.

The other issue is cost. Might I suggest to the minister that, as many members have said—Mr Wilson made the point cogently—we have in Scotland an enormous reservoir of talent and good will. All those people, who are unpaid, use their own time and, in many cases, their own resources, help others, whatever form that help may take. They are numerous and the contribution they make to Scottish society is probably impossible to quantify. There is a gesture of a responsible society and good will, and it is the sort of contribution that, in a healthy society such as we want in Scotland, is fundamental. It should be encouraged and in no way impeded or obstructed.

I view with grave concern the possibility that voluntary organisations will be subjected not just to considerable costs carrying out checks but, if we can take the estimates from the scouting and guiding movements as accurate, that the costs will be of a magnitude that will have a significant effect on their ability to do their excellent work.

I urge the minister to view that cost as an insurance premium that society ought to pay for the safeguards it needs. Is it unreasonable for the Government to regard that premium as an investment? There is arguably no item of public expenditure that could be better justified or more useful than underwriting and supporting what those thousands of excellent people in Scotland seek to achieve.

I am glad that a review has been announced and I urge the minister to consider with the greatest concern and care the excellent points that have been made in this debate.

17:48

**Helen Eadie (Dunfermline East) (Lab):** I thank the Presiding Officer for extending the debate. It is pleasing to see people in the gallery for this debate. I share Cathy Jamieson's concerns and say to Andrew Wilson that in spirit we are all united on these issues, although we differ in our approach to them. Because of that, I was disappointed that Andrew took a confrontational approach. There is no doubt that Jackie Baillie's handling of this issue and her track record during

the many years she has been involved with the Labour party is second to none. I can assure anyone that her commitment is tremendous.

Once again, we have to ask where the media are. This is an important issue, but yet again they are not here.

**Mr Lloyd Quinan (West of Scotland) (SNP):** There is no one in the press gallery because the Executive made a press statement at 3.30 this afternoon. That is why the media are not here.

**Helen Eadie:** That is cheap political point scoring.

**Mr Quinan:** Is it true or not?

**Helen Eadie:** I have only two minutes left. I do not agree with what Mr Quinan said.

I have experience in the voluntary sector and I understand the issues that we are discussing. I worked in west Fife villages for two years as a volunteer manager. I do not want to repeat the points that Karen and Elaine have made. I concur with them. There is a need to have a wider review, because this is not just about financial issues.

Guidance must be given. I hope that the minister will address that in her speech. Codes of practice and guidance must be given for all voluntary groups so that, for example, they know how to elicit more information from candidates. That process must be considered, so I welcome the review that the minister is proposing.

17:50

**Robert Brown (Glasgow) (LD):** I, too, welcome this debate, albeit not the tone of some of the speeches, which is to be regretted.

This is an important subject, but we must ensure that we do not throw the baby out with the bath water in terms of the £10 charge, which falls erratically on the voluntary sector, as it impinges on only a section of it. It impinges on organisations in a variety of ways. I talked with the Scottish Youth Hostel Association, which is slightly different from the scouts or the Boys Brigade.

The SYHA has a large number of seasonal workers—students, catering staff and cleaners who stay for short periods. There are about 70 hostels in Scotland and they get about 800 people through their books in a year. The charge could therefore cost that worthy organisation about £8,000 per annum.

I suspect that voluntary groups will gladly shoulder the administrative burden of dealing with checks to ensure child safety, but they have already suffered from local authority cuts. Is it reasonable to ask them to shoulder the £10 charge as well? One or two million pounds is a

fortune to the voluntary sector but a drop in the ocean to the Scottish Executive. Even the straitened finances within which we now operate in the public sector could deal with that.

There have been fine words about the voluntary sector, but the crunch is whether our fine words will be matched by fine action to deal with the problem.

We are not dealing with anonymous entries in bureaucratic receipt books; we are dealing with organisations that are the life-blood of this country and the life-blood of the enriching experience that we want to give our children. Those people provide children with positive alternatives, keep them off the street, out of trouble and out of harm.

Is it possible to deal with this in Scotland alone? I believe that it is. These matters are dealt with by place of address so there is no particular difficulty restricting inquiries to inquiries from Scotland. The original self-funding policy was misconceived, so there is an opportunity for the Parliament and the Executive to put that right and remove this burden from the voluntary sector and the volunteers who are the life-blood of that sector.

17:53

**Rhoda Grant (Highlands and Islands) (Lab):** I am pleased to have the opportunity to highlight the value that we attach to those who work in the voluntary sector. We must encourage people to volunteer and take part in the enormous support system that the voluntary sector provides for society.

Voluntary effort is even more important in regard to children and young people. For generations, adults have complained about young people wasting their time hanging around the streets, but they do that because they have nothing else to do. Many voluntary organisations—scouts, guides, the Boys Brigade and youth cafes to name but a few—provide them with something to do. That requires a huge time commitment on the part of adults, the majority of whom are generous and well meaning.

However, those who prey on children try to join those organisations. We must protect children from them, so I support the initiative that gives voluntary organisations access to the SCRO checks that they require. I understand that that may put pressure on volunteers and voluntary organisations, so I welcome the Executive's decision to monitor the situation.

Some volunteers contribute money as well as time, and checks will not be a barrier for them, but there are others who are unwaged who look to volunteering to provide them with a focus. It also enables them to provide support for young people.

We need to consider their needs and ensure that we do not prevent them from making a contribution. I urge the minister to bear that in mind when she carries out her review.

17:55

**The Deputy Minister for Communities (Jackie Baillie):** Not being small-minded, and not lacking in grace, let me start by thanking Andrew Wilson for providing the Parliament with an opportunity to debate this important matter. I am sorry that some members are disappointed that neither Jim Wallace nor, indeed, Angus MacKay, is here before them. However, given Andrew's recent elevation to the ranks of Scotland's top 10 eligible bachelors, perhaps he will be excused from responding to debates in future.

**The Deputy Minister for Community Care (Iain Gray):** He was 49<sup>th</sup>.

**Jackie Baillie:** That is a shame.

Any disappointment should not lead members to question my commitment to this subject. I have not received a copy of the letter to which Andrew referred, but I will nevertheless endeavour to respond to the points that he raised. Before I do that, it might be helpful if I set out the background to the implementation of part V of the Police Act 1997.

The current system of providing access to information on the criminal records of people working with children has long been acknowledged as inadequate. While arrangements are in place to cover those who work in the public sector, the absence of checks for volunteers has been of particular concern. At the same time, it is recognised that any major expansion of the existing arrangements would require significant additional public expenditure.

Part V of the Police Act 1997 was designed to address some of the shortcomings of the current system and to expand considerably access to criminal record checks. The policy and legislation that we have inherited provide for those new checks to be self-financing, with those requesting the check paying a fee to cover the cost of producing it. However, this is a devolved matter; as such, it is appropriate for this Parliament to take a fresh look at the issue. That is the strength of the devolved settlement. I should say to Keith Raffan that I am not sure whether this is a partnership line rather than a Liberal line.

Three levels of checks are available. First, criminal conviction certificates, which are available to everyone, will show any convictions that are unspent under the Rehabilitation of Offenders Act 1974. Secondly, criminal record certificates are for those whose occupations are exceptions to the

Rehabilitation of Offenders Act 1974, such as doctors and solicitors. Significantly, those certificates will show all convictions, whether spent or unspent. Last, enhanced criminal record certificates are primarily for those involved in regularly caring for, training, supervising or being in sole charge of children.

The legislation provides for the individual to pay the fee for the certificates, but there is nothing to prevent organisations from reimbursing individuals where they consider that to be appropriate. The checks will not be mandatory, and in the case of voluntary bodies it will be for them to decide when a check is required. The Scottish Executive plans to draw up guidance on the use of the checks, but that guidance would be non-statutory and bodies would still have to develop their own policies for dealing with positions in their organisation.

In Scotland, the Scottish Criminal Record Office is already well established as the vetting authority, and it will be expanded to deal with part V. On current estimates, the demand for checks could increase by as much as 10 times; a large project is under way to equip SCRO with the staff, machines and accommodation it will need. However, because it is very difficult to assess the likely demand for certificates, we plan to commission further research into that critical area. Demand will have a direct impact on the cost of issuing certificates.

I stress that we strongly support the work of volunteers and would not want the cost of checks to discourage people from volunteering to work with young people and children. The services that volunteers provide in voluntary organisations covering a wide variety of areas—including the scouts, guides and caring organisations—enhance the lives of many people.

At various stages, estimates of the costs have been made. When the legislation was being passed, the Administration of the day suggested that the cost of enhanced checks might be about £10. That figure has been used subsequently, and we have no basis at this stage to expect it to be any higher.

In "Making it work together", we made strengthening the infrastructure of the voluntary sector and volunteering a priority. We are therefore concerned about the possibility that having to pay a fee for a criminal record check could put people off volunteering and that the cost of reimbursement could put pressure on voluntary organisations' resources. For that reason—as Jim Wallace announced earlier today in his reply to Keith Raffan—we have decided to set up a review group to consider all the charging issues in detail, examine the scope for flexibility and seek positive solutions for the future. Leading figures from key voluntary organisations will be invited to join the

review team, which I will chair.

Last month, I made a strong statement to the Parliament about the voluntary sector. I emphasised that the Scottish Executive is committed to developing a new relationship with the sector. I pointed out that the sector is playing a key role in supporting a range of policies. I also said that I was strongly committed to supporting and developing volunteering as a vital example of active citizenship. I meant what I said.

Next month, I will ask the Scottish Parliament to endorse the Scottish compact, which sets out the principles that underpin the new relationship of positive partnership with the sector. One of those key principles is that, in the process of policy making, the impact of changes in policy and procedure on the voluntary sector and volunteering are considered and taken fully into account. I think that that is precisely what we have done by establishing the review group.

I am committed to working with the voluntary sector and volunteers on issues of mutual interest in a productive partnership which accurately reflects the needs of both parties. Those are not just fine words. Today's announcement of a review of charging makes it clear that the commitment is real.

There are no easy answers. Charging for criminal record checks has been considered previously. Hard choices will need to be made about priorities. However, I am confident that by working together we will find a way forward. As the minister with responsibility for the volunteering sector and chair of the review group, I am determined to find a way forward and I will carefully consider what has been said today.

The review has been welcomed by the sector. It is about partnership with the voluntary sector, which does not simply want money all the time. It wants to work towards a solution and does not want an uncoded, underdeveloped proposal. I reject the contention that Fiona McLeod made at the end of her otherwise useful speech, because I believe that the Executive does care.

I must take this opportunity to stress the importance of considering criminal record checks in context. A clear criminal record check cannot be treated as a guarantee that a person is suitable to work with children. The certificates can form only part of a thorough vetting process. Nor should a conviction automatically mean that the person is unsuitable—Keith Raffan is right on that point. This sensitive information needs to be handled carefully and we are working with representatives of the organisations that will make use of the checks.

We must use the legislation to improve the protection of vulnerable children—Cathy Jamieson

is right, and that is our primary concern—but we will do so in consultation and partnership with the voluntary sector, in the spirit of the compact.

*Meeting closed at 18:03.*



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