

MEETING OF THE PARLIAMENT

Thursday 11 November 1999

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Scottish Parliament

Thursday 11 November 1999

[THE PRESIDING OFFICER *opened the meeting at 09:31*]

Millennium Date Change

The Presiding Officer (Sir David Steel): The first item of business is the statement and debate on the millennium date change problem and a report on the readiness of the Scottish infrastructure. It will be a two-stage process: after the minister's statement, which should not be interrupted, there will be a short period for questions for clarification and then we will move on to the debate.

I remind members that the debate will be interrupted at 11 o'clock to allow the Parliament to observe the national two minutes' silence.

09:31

The Minister for Enterprise and Lifelong Learning (Henry McLeish): Thank you, Sir David. With your permission, I would like to make a statement on the millennium date change problem, which is really a report on the readiness of the Scottish infrastructure.

The Prime Minister, Tony Blair, said on 30 March 1998:

"Our aim is to avoid material disruption to public services over the century date change period, and to maintain public confidence that this will be achieved".

When the Prime Minister made that statement, he made no distinction between services for which Government has direct responsibility and those for which it does not. He accepted that, in practice as well as in theory, the buck stops with ministers to oversee the action being taken across the UK infrastructure by a range of bodies in the private and public sectors.

The year 2000 problem, or millennium bug, is a UK-wide issue and, since autumn 1997, all UK Government departments and agencies, including those in Scotland, have regularly reported their year 2000 progress to the Cabinet Office. Since July 1999, those reports have been given monthly and there has been an accompanying ministerial statement by the President of the Council in Westminster. I have issued parallel reports to all MSPs to ensure that members have been kept up to date with progress. The powerful message is that we want to be open, transparent and inclusive on this issue. I have been in touch with MSPs on 23 July 1999, 5 October 1999, 29 October 1999, and the millennium bug booklet has also been

issued.

Today, with only 50 days to go, and with increasing public interest in year 2000 matters, I intend to report on the overall state of year 2000 preparedness throughout the infrastructure in Scotland.

As members will appreciate, the failure of microchips and software could have had a serious impact on so many services on which daily life depends—almost all human activity could have been affected. The problem is all-pervasive and had to be addressed with the utmost seriousness.

Achieving year 2000 compliance in any big, modern organisation requires rigorous, systematic and sustained effort over a substantial period of time and means that the organisation has taken the following steps. First, it has drawn up a comprehensive list of systems and equipment that could be affected by the date change problem. Secondly, it has tested those systems and equipment. Thirdly, it has taken any necessary remedial action to ensure as far as possible that operations will not be disrupted. Fourthly, it has undertaken risk assessment, and, finally, it has tried and tested contingency plans in place.

It is also particularly important that key organisations not only correct and test their systems and equipment but clearly demonstrate to the public and the media that they are dealing with year 2000 problems. Otherwise, our explicit objectives of reassuring the public and answering their concerns could not be achieved. That reassurance of the public is a vital part of the process.

To that end, Action 2000, a Government-sponsored company, was commissioned to manage the millennium infrastructure project on behalf of the UK Government. The project's remit was to raise awareness, provide assistance and support, and establish a public confidence programme to report on the state of preparation throughout the national infrastructure. Part of that process was to instigate an extensive programme of independent assessment and to publicise the results. Action 2000 therefore commissioned a study of key interdependencies in the UK. The study identified the critical importance of infrastructure services to achieving the objective of no material disruption.

On 1 December 1998, we organised the first Scottish infrastructure conference. That brought together the providers of all essential infrastructure in Scotland—the electricity, gas, water, telecommunications and oil companies and the Scottish clearing banks—with public sector consumers of those services such as the national health service, the fire and police services and local authorities. The conference aimed to identify

and explore interdependencies; to share information and best practice; to provide mutual assistance and support; and to provide public assurances. From that was born the Scottish infrastructure forum, a group with representation from all the major players in the fabric of the Scottish infrastructure. That was a first: a unique, unprecedented collaboration and information-sharing exercise that helped to bring us all successfully to where we are today, with 50 days to go.

Action 2000 further decided that the year 2000 rectification programme in the public sector, and among those key utilities, would include rigorous independent assessment. No other country in the world attempted such an undertaking, requiring as it did the comprehensive mapping of the national infrastructure dependencies.

The Scottish Executive acts as the responsible body for a wide and diverse range of public bodies that provide infrastructure services in the country. We reported on progress at three national infrastructure forums in London, the most recent of which took place on 21 October when there was a further round of UK-wide disclosure. Those results were published in a series of newspaper adverts in the national press.

While devolution changed the working relationship with central Government, that in no way reduced the co-ordination of our efforts to ensure that this worldwide problem was dealt with properly. The Secretary of State for Scotland is a member of Misc 4—the UK Cabinet committee for year 2000 matters—and of the civil contingencies committee, which is responsible for emergency planning for the UK as a whole. The Scotland Office is also represented at official level on the millennium steering group, the Scottish Executive's co-ordinating group on millennium matters. We are ensuring that effective communication and liaison exists between the Scottish Executive and the Scotland Office.

I am pleased to report that all sectors of the Scottish infrastructure are now categorised as blue under the Action 2000 traffic-light system. That classification means

“the assessment process has identified no risk of material disruption.”

Some of the press and some colleagues have expressed concerns about two particular Scottish organisations: Caledonian MacBrayne and Loganair. It is right and proper for those concerns to be expressed; indeed that is why the process was made public and transparent. However, I assure colleagues today that the latest situation shows that those organisations are now classified as blue.

Looking back at the enormous amount of work

that was undertaken for the operation to achieve that result, I must say that the exercise was not sterile or valueless, but produced conspicuous benefits. Most organisations already had a contingency strategy, which we will refer to as a business continuity plan. It is good business sense to have a plan that is designed to ensure continuity of service, in case problems occur at any time, for any reason. Those plans have been revisited in light of the millennium threat and revised as necessary. Each business continuity plan now contains a plan within a plan.

Those millennium operating regimes, as we call them, refer to the special arrangements that are being put in place to handle the particular circumstances of the millennium period. They enhance, but do not replace, the normal contingency plans or existing emergency procedures. However, they address all millennium issues, whether bug-related or not. We must remember that there are a number of potential risks over the millennium, for example, extreme weather, not to mention all the millennium parties that will be taking place.

We have also established strategic emergency forums in the major cities. I can provide colleagues with details of the activities that are taking place in Edinburgh, Glasgow, Aberdeen and Dundee and the steps that are being taken to ensure that those activities go ahead and celebration is enjoyed without difficulties.

Colleagues will have noticed that, throughout this speech, I have stressed co-operation and good communication. I should perhaps mention here the inter-Parliament and cross-departmental collaboration that has been necessary in bringing this all-encompassing project to what, I have no doubt, will be a successful conclusion. I am a member of the millennium date change committee, which enables devolved administrations to continue to participate. I have had talks on the year 2000 issue with Iain Anderson, special adviser to the Prime Minister, as well as with many other representatives from various Government departments and ministries. This has been a genuine team effort.

In order to continue that, and to ensure a successful incident-free transition into the new millennium, a joint communications centre that will be known as the Scottish information liaison centre—or SILC—will be set up in St Andrew's House. SILC will be manned by representatives from the key utilities, the emergency services, emergency planning officials, the media, the Scottish Executive press office and the Scottish Executive year 2000 team from 6 pm on 31 December until 6 pm on 1 January. Arrangements are in hand to extend this until 5 January, or beyond, if necessary. SILC will provide co-

ordinated communication and will pull together incident reports from all over Scotland, the UK and around the world and will collate that data to provide up-to-the-minute information to the media on all key services.

This also means that ministers in both the Scottish Executive and the Scotland Office will be kept informed of bug-related incidents whether they occur in Scotland, the UK or abroad, irrespective of whether they relate to devolved or reserved matters. I will provide all members with a SILC telephone contact number in due course.

It is only right that I should be keen to involve every member of this Parliament in activities that are designed to ensure that we have a disruption-free programme. To do that, it is vital that every member has access to the most immediate and up-to-date information. The media will be briefed about the Scottish information liaison centre and will be invited to see the operation of the centre during a dry exercise on 17 December.

This will not be a purely bug-related initiative. It is vital that we remember that new year is a time when large gatherings always put a strain on police resources, when large numbers of people always try to use the phone at the same time and when the weather always seems to be at its worst. That means that there is more probability of disruption at that time of year, even under so-called normal circumstances. SILC will, therefore, monitor all incidents throughout Scotland whether they are caused by adverse weather, larger than usual crowds or different patterns of behaviour or travel. SILC will dispel any bug myths on the night.

SILC will avoid duplication of effort and ensure consistency and accuracy of communications, will facilitate links to Whitehall and the Scotland Office and will allow the media to be kept fully informed. The media must be our link with the public and it is vital that every service that we can provide is in place on the night.

Some people might find it hard to understand that central Government would need to have emergency plans. The truth is that good government always has well-established procedures for a wide range of possible emergencies. Very few of those risks ever materialise, but we would be foolhardy and much criticised if we did not plan for them. I am sure that many members have a personal contingency plan, which is generally known as life insurance. The millennium produces its own unique set of problems and we have done our best to ensure that those have been fully anticipated and prepared for.

Before I conclude, however, I should point out that one area of concern remains. A recent study by Action 2000 showed that, despite numerous

attempts to raise the issue's profile, many small and medium businesses in Scotland have been slow to recognise the importance of checking their own systems. Scotland has some 300,000 such companies, around 290,000 of which have under 50 employees.

Those companies form the backbone of Scotland's economy and it is vital that they take sensible precautions against the bug. Each was recently issued with the comprehensive "Last Chance Guide", which outlines the steps that they should be taking. I hope that that will lead to an increase in awareness. This is an area where Scotland's press and media could have an important impact in publicising the problem and in urging that action be taken. Ensuring that all necessary actions have been taken is a team effort, and I ask colleagues—all 129 MSPs—to act as ambassadors in their own areas for emphasising, particularly to the small and medium enterprise sector, the importance of being prepared.

I can provide information for any of my colleagues on who should be contacted and where assistance is available. The local enterprise companies, the support units and Action 2000 have myriad ideas and suggestions of what can be secured if small and medium businesses want to do so. I cannot stress how important it is, during the final 50 days, to get that message across. I understand some of the bottom-line constraints that small and medium enterprises face, but it is critical that they do as much as they can. If help is required, we are keen to provide it.

All the work and co-operation will ensure that, in Scotland, the transition to the year 2000 will not be remembered for major disruptions, but for its unique celebrations. I hope that this statement has been of assistance. I seek the co-operation and assistance of all 129 MSPs to ensure that we achieve that success. I would be pleased to respond to members' questions.

The Presiding Officer: Thank you very much. I take it that those members who pressed their buttons want to ask questions. If any member has pressed their button, hoping to speak in the debate, they should press it again now to remove their name from the list that I have in front of me. I invite questions for clarification.

Mr John Swinney (North Tayside) (SNP): I thank the minister for his statement and for the inclusive way in which he has gone about this exercise. That is what we have come to expect of the Minister for Enterprise and Lifelong Learning, who sets an example to all. I want to ask him for two points of clarification.

First, he opened his statement with a quotation from the Prime Minister on the responsibility of

ministers, which effectively stated that the buck stops with ministers to oversee the action that is being taken on the UK infrastructure by both private and public sector organisations. What does that mean in practice, bearing in mind the comments that the minister later made on the slow preparations that are being made by small and medium enterprises to equip them for the difficulties that may be faced? As the minister said, there are only 50 days to go until the millennium, therefore time is of the essence in ensuring that that ministerial responsibility is met. I would be interested to hear what that means.

Secondly, in all the plans that I have seen, there is a heavy reliance on what the Scottish Executive refers to as independent assessment of the preparedness of plans by public sector organisations. In the contracts that have been issued to those companies to carry out that independent verification, is there any liability on those companies for the effectiveness of their assessment of whether the millennium bug problems have been properly assessed in individual organisations? If something were to go wrong—if there were a breach of practice—would there be any liability on the assessors who have carried out that independent work on behalf of the Executive?

Henry McLeish: No. We seek a process for the private sector that will include information, advice, exhortation and help, to take companies to a point of millennium readiness that is equivalent to the amber status that exists in the infrastructure. There has been a magnificent and successful programme. Most of the larger companies—partly because of their resources—have been able to comply and progress. During the run-up to 2000, a lot of the small and medium enterprises may also have reached that point. My main reason for raising this issue today was to give members the opportunity, on an all-party, all-Government basis, to tell the public that this is not a partisan point, but an issue that it is in the interests of Scotland to address. I invite members to respond to that.

Mr Swinney's first question concerned whether the buck stops with the ministers. I am always apprehensive when I say that, as what lies ahead in this world can never be known. In referring to the private sector and small and medium enterprises, my intention is not to pick them out as pretending that, on 31 December 1999, they will be ready, when they will not. It is quite clear that, because we have direct responsibility for infrastructure, as I have described it, we do not have the responsibility for what happens in an individual small or medium enterprise.

That said, it is important for the ministers who are responsible for the leadership of all 129 MSPs, and the members themselves, to say to everyone,

whether in public or in private, that it is vital to the nation that they respond to what is happening. I hope that that partly explains my comment. I know that John Swinney will forgive me for using a quotation from the Prime Minister of the United Kingdom. Even on a Thursday morning, that is still appropriate in the context of today's statement.

Miss Annabel Goldie (West of Scotland) (Con): Like John Swinney, I welcome the minister's statement, which was full and reassuring. I have two practical questions. First, can he give us any information about the coding, under the Action 2000 traffic-light system, for lighthouses and for weather stations and related meteorological facilities?

Secondly, given what happened to the telephone system in the west of Scotland when people tried to procure football tickets by telephone, can he reassure us that our telephone system can cope with any unexpected onslaught of demand arising from problems caused by the millennium bug?

Henry McLeish: The millennium readiness of lighthouses is not one of the key issues that I have been able to concentrate on, but I can assure Miss Goldie that I will send her information about that. Every aspect of Government responsibility has been covered, so lighthouses are millennium ready, and I shall ensure that she knows the details of the process that has been undertaken to achieve that. I can confirm that lighthouses and all facilities connected with safety at sea are millennium ready and at the amber position.

Miss Goldie: Is the same true of weather stations?

Henry McLeish: Those facilities have also been covered. They are all at blue and are all millennium ready. I shall provide details about that too, so that Miss Goldie can be reassured.

I can also assure members that, despite the historic event that is to take place on Saturday, we are completely satisfied with telecommunications. Telecommunications companies have been closely involved in all our deliberations, they will be involved in SILC on the night and our discussions with them have been productive.

I want to thank the utilities. They have responded magnificently. They see the difficulties at first hand, and I am sure that they are ready for 31 December. I have no reason to doubt that they will deliver on the night.

Fiona McLeod (West of Scotland) (SNP): That answer prompts me to ask about Glasgow City Council's millennium operating regime and business continuity planning. The problems that arose a week past Friday, when we had two hours with no access to telephones, make me wonder

whether the millennium contingency plan, which I understood had been tested, failed on that occasion. I would like reassurance on that point.

The other point that I wanted to raise is this. Will the minister consider inviting MSPs to the dry run of SILC for the media on 17 December to give us a better idea of what we would be phoning?

Henry McLeish: I am happy to consider inviting MSPs. I do not know whether we will be able to accommodate both MSPs and the media on the same day, but I support the idea of MSPs attending. I shall discuss the matter of involving interested MSPs. It would be useful for all of us to see the physical context in which SILC will be operating.

We should not press too hard on Glasgow this morning. What is important is that we are going through a rigorous process, and I am happy explain the details of it to members. The local authority in Glasgow has a blue traffic-light status and we have no reason to doubt that it is ready. Again, I will give Fiona McLeod information about the process so that she can be reassured that what is happening in every other council in Scotland is also happening in Glasgow.

Mr Andy Kerr (East Kilbride) (Lab): Will any millennium failures abroad have an impact on Scotland or the United Kingdom?

Henry McLeish: In committee discussions in London, we consider up-to-date reports from all Government departments, including the Foreign and Commonwealth Office. The United Kingdom is leading the world in the seriousness with which we are pursuing the matter. We are also the only country in the world to have conducted independent assessments. We are clear that we are moving forward on all the things for which we are responsible.

We also consider reports from other parts of the world. For trading purposes and for travelling, it has been critical to ensure that we have the maximum information so that we know what is happening. Of course, it is up to each country to pursue this with the vigour that we would expect of them. The information is positive—this is being taken seriously worldwide.

Mr David Davidson (North-East Scotland) (Con): I thank the minister for his statement and for being so open in his responses to questions. The minister referred to ministerial responsibility. What sums have been earmarked for indemnity claims, in the event of the failure of any facility for which the Executive has responsibility? What provision has been made to put extra resources into departments to redeem such situations?

Henry McLeish: I do not think that the system works like that. We have been keen to act as the

key co-ordinator in ensuring that public and private organisations are millennium ready. That demands an enormous amount of good will from the utilities and from the small and medium enterprises, which we are still trying to involve.

This is not a question of indemnity. It is about ensuring that every conceivable step has been taken to avoid disruption on the very important night when we move from one millennium to another. The objective has always been to get the systems and processes right, rather than to deal with Mr Davidson's points, however important they might be to him.

George Lyon (Argyll and Bute) (LD): I want to raise again the issue of ministerial responsibility. SILC will be in full control from 6 pm on 31 December through to 6 pm on 1 January. Which minister will head that team, and which ministers will go to the street parties?

Henry McLeish: I am sad to say that I will not be going to any street parties as I have drawn the short straw and will be on duty. [MEMBERS: "Aw."] I should have been able to elicit a better response than that feeble effort. [Interruption.] Is John Swinney suggesting that he wants to be there as well?

Mr Swinney: I have not been invited.

Henry McLeish: With my ministerial responsibilities, that could be arranged.

The serious answer is that there will be duty ministers. I am in charge overall and will take overall responsibility, although, of course, the Scottish Executive takes collective responsibility. Other ministers, too, will be available, especially for areas such as the health service or the prison service, so that there is coverage. We will not isolate our civil servants without ministers, too, receiving collective punishment.

Ben Wallace (North-East Scotland) (Con): I thank the minister for his frank statement. Can he assure us—I know that this is not directly in his remit—that he has made representations to the Secretary of State for Defence about contingency plans for the Territorial Army in the case of dire emergency? In view of the letter that appeared last November from the then Secretary of State for Scotland, Donald Dewar, to George Robertson, saying that if the cuts to the TA went ahead, the TA would be unable to cope, can he assure us, as the cuts did go ahead, that there are other contingency plans in the offing?

Henry McLeish: Again, I am happy to give complete reassurance on those points. The Ministry of Defence has been actively involved in every step of the process of preparing for the millennium.

Governments, whether of the United Kingdom or

Scotland, are very large. I have been very impressed by the degree of commitment and co-operation. Ben Wallace's point reinforces the fact that we are dealing with serious issues.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): If I were prepared to believe anything that the Executive told me, it would certainly be statements from Mr McLeish. [*Interruption.*] That was a compliment, Presiding Officer.

Can we be confident about the state of readiness when we learn that the Government leaflet to which the minister referred has been produced, at a cost of £9.4 million, in English, Bengali, Greek, Turkish, Chinese, Hindi, Urdu, Punjabi, Vietnamese, Arabic, Gujarati, Somali and Welsh, but not in Gaelic? Can the minister say whether the Scottish Executive was even consulted about that metropolitan omission? Even if Gaels can, by and large, read the leaflet in English, none the less the omission of even considering the Gaelic community is a millennium snub.

Henry McLeish: That contribution stretches even my patience. I thank Fergus for helping my career to go downwards by congratulating me on the openness of my statement.

That said, this is not the time to think about snubs. It is not a snub; that is a cheap soundbite. We have tried to make sure that in every part of the UK those who do not speak English have the information. It is not a snub to Gaelic speakers to say that they speak English as well as everyone else. The document has been well received and explains in great detail what the problems are and how we can cope with them. I assure Fergus and the nation that there was no intent to snub in not having a box to tick for Gaelic.

Mary Scanlon (Highlands and Islands) (Con): We are all grateful for the statement. The minister said that every aspect of government has been covered and is millennium ready and that we are moving towards a disruption-free millennium. Why then are we spending three hours debating it?

Henry McLeish: I could give a number of answers to that but I will stick to the text. With 50 days to go it is important that we flag up that this is a crucial issue for Scotland. Beyond today every family will be preparing for Christmas and our eye might be off the ball. We are taking the opportunity in the Scottish Parliament, with consensus on the issue, to send a message that the Government is doing as much as it can. However, we still need to get through to the small and medium businesses where there is still progress to be made. I am sure that a large number of speakers will want to contribute to the debate.

Elaine Smith (Coatbridge and Chryston)

(Lab): I welcome the minister's statement. Will he explain why additional funding has been given to the police but not to the fire service?

Henry McLeish: At the millennium there will be much more activity by the police. They discussed that with us and that is why the extra money was given. Any additional resources the fire service needs will come from within the service, but they are likely to be much more modest. Angus MacKay can give the member more detail on that when he is winding up the debate.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): We are all likely to be struggling for a soundbite today—it is a very important subject but not dreadfully newsy. I want to ask about a matter that is not devolved, the United Kingdom Atomic Energy Authority installation, Dounreay. What communication has the minister's department had with it and will it be supervised from SILC?

Henry McLeish: There have been detailed discussions between the Department of Trade and Industry, the installation, the nuclear inspectorate and the Scottish Executive. We are millennium ready on all activities related to that facility and to nuclear power stations. Again, we are very pleased with the response we have had. I appreciate how important that question is in terms of public perception of potential difficulties, but again I give my assurance and I will provide Jamie Stone with further information on the discussions that have taken place.

The Presiding Officer: We now move to the debate. If members wish to speak, they should press their buttons now.

10:05

Mr John Swinney (North Tayside) (SNP): I reiterate my thanks to the minister for his statement and for the information that he has given to members in his answers to questions.

The minister made an interesting remark that part of the preparations for the millennium had resulted from co-operation and effective communication between the Scottish Executive and the Scotland Office. Bearing in mind the relations between those organisations during the summer, I hope that the co-operation has been more productive than the turf wars that we have read about in the newspapers.

The minister ended his speech on a happy note and with an encouraging tone, saying that we should remember the millennium not for disruption but for successful millennium celebrations. I am almost tempted to wish the minister a happy new year. He confirmed that he will be spending hogmanay at the Scottish information liaison

centre, or at least be in contact with it. I suppose that that is the polite title for the Government's millennium bunker.

The minister said that there was to be a dry exercise for the media on 17 December. I have rarely attended dry exercises with the Scottish media, so I am intrigued to know what will be different about 17 December and the ensuing period, and whether it will be drier or wetter.

I am concerned for the minister with regard to his presence at the centre on hogmanay. It might be appropriate that he is not left to go to the ministerial bunker alone. He should be given ministerial company when he is there. He might find himself sharing the bunker with one of his colleagues who has been disrespectfully named Captain Mainwaring by one of the parliamentary diarists. If all the minister's preparations have been appropriate, I hope that at no stage does he have to perform the role of Lance Corporal Jones and rush around shouting, "Don't panic, don't panic." I hope that no one is there to perform the role of Private Frazer, telling the assembled company, "We're all doomed," although I can think of at least one prominent minister who could perform that task.

Henry McLeish: Name him.

Mr Swinney: I will not name him because it might help his career.

As each day goes by, I am surprised continually by the wide remit of the Minister for Enterprise and Lifelong Learning. The inclusion of preparations for 2000 and the eradication of the millennium bug take that remit a stage further, but raise the issue of how cohesive is the breakdown of ministerial tasks.

The minister is responsible for dealing with the millennium bug, but he is not responsible for the development of the digital Scotland strategy on behalf of the Scottish Executive. In a week's time there will be a debate on the modernisation of the Scottish economy, followed by a debate on digital Scotland. If there were a cohesive allocation of responsibilities in the Executive, it would be logical for the minister to be responsible for the preparations for digital Scotland, given that he is responsible for year 2000 compliance. I hope that in the summing-up we are told why the demarcation of responsibilities has not been done in that way.

On a number of occasions today we have expressed our concern at the lack of cohesion in the decision-making process of the Executive and at the lack of clarity of the direction given to key initiatives. The Executive is putting a great deal of energy into a multiplicity of technology initiatives, but there is huge concern in the information technology community in Scotland that the

Government's work has proliferated. Fiona McLeod has raised that point in previous debates, and I am sure that she will raise it today, because it is important that people in Scotland with considerable expertise in information technology are confident that the Government has a clear sense of direction in that important policy area.

Let me be clear about the purpose of the debate and the approach that my colleagues will take to it. It is in no one's interest—despite my flippancy—to scaremonger or to try to imagine the unimaginable and suggest that anything might be likely to happen or might be in danger of happening. There must be recognition of the colossal task that has been undertaken in the public and private sectors to ensure that the disruption that might have happened is minimised. However, we must recognise that there are concerns in our community about any dangers to which our public services and facilities might be exposed because of the year 2000 issue. Our purpose is to pose some searching questions to the Executive, to inform the public about the approach that has been taken and to test the robustness of the assurances given by ministers.

One issue, which put the first note of concern in my mind, is the way in which the minister handled the points raised by Miss Goldie and Fiona McLeod on the sale of tickets at Glasgow City Council for the Scotland v England match on Saturday. There was a big problem with the telephone system, and Glasgow City Council's business continuity plan was not able to cope with a restoration of the service after the disruption.

That has happened within the past fortnight. It is only 50 days until the millennium, when there might be problems with the telephone network. The minister has told us that everything is okay and that business continuity plans are in place. However, we have that clear example of where the business continuity plan was in place and failed. It failed not just in Glasgow City Council, but in other parts of Scotland. This Parliament was pretty much incommunicado for a considerable period on the day of the ticket sale.

Anyone who saw the interviews given by the organisers at the Scottish Football Association ticket office, when they expressed great confidence in the telephone system shortly before the tickets went on sale, would have to ask genuine questions about the millennium compliance of Glasgow City Council, as it was not able to cope with that pressure on the telephone system. That is a serious issue, which has not been dealt with by the points that the minister made in response.

The Executive and the Government in Westminster have produced a range of interim reports that cover the range of services directly

under the control of the Government. That assessment raises issues to which I will return in a moment.

First, I will raise a point about the scope of the Government's work. The Government community is now diverse, as it encompasses a plethora of organisations that deliver public services, which are increasingly remote from what would traditionally have been described as ministerial accountability. Those organisations deliver key public services, which the public expect will continue to be delivered. We need to know how comprehensive the investigation has been.

The minister opened his statement by referring to the Prime Minister, who

"accepted that, in practice as well as in theory, the buck stops with ministers to oversee the action being taken across the UK infrastructure by a range of bodies in the private and public sectors."

That highlights the broad canvas that the Government must cover. Having questioned the minister on that point, I was not reassured that the Government had taken the comprehensive responsibility that that statement by the Prime Minister implies.

Henry McLeish: Mr Swinney has made some interesting points, covering a wide range from digital Scotland to the Prime Minister's commitments. However, in a serious vein, I must make the point that we could have gone into a tremendous amount of detail this morning—three hours would not have been enough to deal with one department. I am happy to ensure that Mr Swinney receives all the details on how the independent assessment has been carried out. I would not like him, in his political or practical points, to undermine what we have done, because it has been a formidable task for Government departments and utilities. Without his knowing the full facts, which can be put at his disposal, it would be unwise for Mr Swinney to dent public confidence as a remarkable effort has been made, and the results have been positive.

Mr Swinney: I take the minister's point. The purpose of my speech, as I said, is to ask some searching questions on behalf of the public interest. If I am not here to ask searching questions on behalf of the public interest, I do not know what I am here to do.

It is important that we test what the Government has said. I will compliment the range of work that has been undertaken in a moment, but some questions need to be asked. It might be comforting to know that the Executive and the executive agencies are reported as having reached blue status, but the minister must reassure the Parliament and the country that all the vital services on which we depend are able to operate

during the critical period that we are discussing.

I listened to what the minister said in his intervention and in his statement, when he made it clear that our infrastructure is in place. However, I refer him to a statement that the Deputy Minister for Children and Education made the other day, which posed a number of questions about the preparedness of individual schools for the millennium bug, despite the clean bill of health that has been given to local authorities.

I would like to raise four key issues. My first point relates to the focus on 1 January 2000. We talk about the millennium bug, the year 2000 and the millennium date change problem. However, there is a wider date discontinuity problem which, according to some independent experts, might affect the reliability of software for at least the first 30 to 40 years of the next century. We need to understand and appreciate what on-going commitments the Government has to continue the investigation that has been carried out into preparation for the millennium. I say that not to take anything away from those who have worked hard to bring us to the point at which we find ourselves today, but to ensure that we capitalise on the work that has been carried out and that the millennium date change problem is dealt with in the context of a general date discontinuity issue.

Henry McLeish: When the Deputy Minister for Justice winds up, he will address the issue that Mr Swinney raised, but I want to make a serious point about his contribution. Mr Swinney is absolutely right. We are concentrating on the problem of the date change from 31 December 1999 to 1 January 2000. However, there are also problems arising from the fact that 1900 was not a leap year and 2000 is a leap year. That makes 28 February a critical point, as there might be problems with systems jumping forward to 1 March. Work is also being done in the United Kingdom and America on a discontinuity period that stretches well into the future.

I want to reassure Mr Swinney on three issues. First, the date change problem has been acknowledged. Secondly, it has also been acknowledged that there will be problems until the end of February. Thirdly, with experts in the field we will continue to oversee the longer period, so that the questions that Mr Swinney raised can be taken care of. This is a very important issue, which is why I do not want to give the impression that all we have arranged is a one-night sit-in to deal with disruption if it happens. The strategy is much wider than that and much longer in duration.

Mr Swinney: That was a helpful intervention, and I appreciate the work that has been done to place the millennium in a wider context. That was exactly the reassurance that I was seeking from the minister.

My second point relates to the assessment of preparedness that has been carried out by the Scottish Executive. I have looked through many of the reports, which are comprehensive in their discussion of every aspect and facet of public service. However, they are heavily dependent on assessments that have been made by independent organisations acting on behalf of the Scottish Executive.

The minister has dealt with some of this already, but I would like to know what the arrangements were for selecting the consultancy organisations involved. What assurance can the minister give Parliament that a powerful and rigorous assessment regime has been put in place to test the testers of systems, to ensure that all tests have been carried out to the same standard and with the same effectiveness? We need to know where liability and responsibility rest if some fundamental points are missed, as there are potential problems. Obviously, we do not want anything to happen, but the Government has based much of its thinking on independent assessment work and I would like some reassurance about where that has come from.

My third point relates to availability of resources. From the papers that I have examined, it is clear that a great deal of resources have been expended on guaranteeing that assessment work has been carried out, and that that has absorbed a lot of public and private sector time. However, some key groups are involved. Elaine Smith raised the issue of the allocation of resources to the police forces. There has been such an allocation. The Metropolitan police have been allocated up to £176 million to cover the cost of policing millennium celebrations and dealing with year 2000 problems, but the Deputy First Minister announced additional resources for the Scottish forces totalling only £4.7 million across the country. That seems a little out of kilter with £176 million for the Metropolitan police, bearing it in mind that Edinburgh will hold one of the largest millennium celebrations in the world. I do not plan to obtain a hotel room in Edinburgh on 31 December—probably because I will be at the Government bunker, if the invitation is forthcoming—but I suspect that this city will be very busy. The allocation of resources does not seem to be commensurate with our emergency services' requirement for appropriate support.

The last issue that I would like to raise relates to the planning of contingency. In the Executive's reports, much has been made of the separate business continuity plans that have been developed. I fully accept the vital role that business continuity plans have to play in ensuring the survival of organisations, but will the minister ensure that the plans—which are part of good housekeeping in most organisations, whether in

the private or public sector—will be updated regularly? That is particularly important in light of the fact that we might face issues of date discontinuity for a number of years at the start of the next century. Similarly, the millennium operating regimes must be updated regularly. As has been mentioned, the hazards that we will face this hogmanay might be repeated during the next four years. What are the Executive's plans for such eventualities?

While it is clear that many questions need to be answered—I am aware that the minister has already provided some answers—I am happy to offer the Executive the support of the Scottish National party for the work that it has done to tackle the millennium date change problem. I offer the help of the party in tackling any problems that might arise.

The millennium bug was never only an information technology problem. It is a business problem, a public services problem, a problem that has the potential to affect many aspects of everyday life. That is why I repeat the point that I made earlier: it is the Executive's responsibility to complete the job that it has taken on, to ensure that every level of support is provided to our services at the end of this year and that the work that has been done is built on so that any problems of date discontinuity are ironed out.

10:21

Miss Annabel Goldie (West of Scotland) (Con): I thank the minister for his statement, which was full and reassuring. I am also grateful to him for the additional information that he has made available in the course of questioning.

There are many positive aspects of the statement and it is right that they be acknowledged. The Conservative party endorses the stance that the Executive is taking and applauds it for becoming fully prepared for what might be a significant problem, which has taxed minds all over the world. We are reassured by what the minister said about Loganair and Caledonian MacBrayne. I will welcome the more detailed information that he has undertaken to provide, on lighthouses and meteorological facilities. Loganair and Caledonian MacBrayne might find it difficult to operate without reassurance on those points.

The minister should also be commended for setting up the Scottish information liaison centre. It is critical that there should be a central point of contact for MSPs and other concerned people, so that they can find out about the approach that is being taken to deal with problems that might arise.

I was relieved to hear the minister say that the Scottish information liaison centre will not be a

one-night sit-in—I was more relieved that it would not be a one-night stand. We acknowledge that we might all find ourselves on a learning curve from midnight on hogmanay. It is difficult to know what problems might unfold, and it is reassuring to know that the Scottish information liaison centre is structured to continue.

Although I have been positive so far, I must now change the tone of my remarks. I address not Mr McLeish personally, but his colleagues in the Government. I do not think that I am alone in being surprised that three hours of debating time in the chamber should be allocated to this topic. If we are as prepared as we can be to meet the challenge of the millennium bug, why are we having the debate? Would not a ministerial statement with questions afterwards have sufficed? If we are not in a state of preparedness and there are some dire and unanswered questions, we should be having an emergency debate on the state of Scotland.

In fairness to the minister, I think that the situation is not the latter, but the former. If that is the case, I allude to a matter that concerns my party and, more important, an audience outwith the Parliament. It is becoming apparent to many that the timetable of the Parliament is within the firm—and some would say dictatorial—grip of the Executive's parliamentary schedulers. I find it curious that while we have allocated three hours to the debate this morning, in yesterday's debate on homelessness we were reduced to a mere 30 or so minutes. That is despite the fact that serious doubts exist about the Scottish Executive's rough sleepers initiative.

I contrast that with previous instances in the Executive's programme. I think that I speak for many members in the chamber and beyond when I say that the people of Scotland would not just welcome a three-hour debate on drugs abuse, but probably would want us to be here for three days discussing the matter. Yet not once have we had a full session devoted to that topic. The public of Scotland would welcome almost a monthly debate on health. It is a huge issue, affecting everybody in Scotland yet, spasmodically, we are offered a debate when a particular issue arises that concerns the interests of the Executive.

I do not propose to pad out this speech by talking about something that—because of the good work done by the minister—does not merit being included.

Fiona McLeod (West of Scotland) (SNP): I appreciate that we should be debating the important issues raised by Miss Goldie, but Y2K is about the preparedness of all our services to meet the problems that they might face. More important, we need the debate today. As we have learned from the statement, and the questions and

answers, there are still issues to be addressed—we need to be sure that the Executive takes them on board.

Miss Goldie: I appreciate Mrs McLeod's comment and do not for one moment disagree with her. What I am saying is that this is a major issue that has been known about for a considerable period. In fairness to the minister—and I hope that I have made this point clear—it is the fullness of his statement that properly indicates the state of our preparedness. There are other aspects on which members might seek or desire clarification, but it should not take three hours to achieve that. My point is that in the context of the issues that matter to the people of Scotland, responsibility has been assumed for this; the minister acknowledges that. There has been full preparation.

It is the people of Scotland for whom the Parliament is supposed to exist. It has been called the people's Parliament, but I am concerned that it is becoming the puppet of the Executive, as it is not being allowed to breathe. It is not being allowed to debate the issues that matter to the people. We are debating the issues that matter to the Executive or, more important, Mrs McLeod, we are not debating the issues that the Executive does not want us to debate. Whenever there is potential contention or controversy, what do we have? We have a sidestep with an inquiry. Abolition of tuition fees? Sidestep it—appoint an inquiry. Demoralised, demotivated, depressed teachers? Set up an inquiry. I would rather have a debate in the full chamber, where the people of Scotland can see what is going on and be reassured that the highly paid members whom they have put here are attending to their interests, not the interests of a microcosm of powerful people called the Scottish Executive.

As I said earlier, I do not wish to pad this speech out with content that is superfluous to the matter in hand. If I have any concern about this, it is the one that I have just articulated, which is the amount of time being devoted to something that could have been dealt with adequately and competently in another manner, taking up far less of the chamber's time and—more important—freeing up time for debate on issues that are significant to the people of Scotland.

10:29

George Lyon (Argyll and Bute) (LD): After that speech, Miss Goldie has ruled herself out of the invitation to partake in the bunker on new year's eve. The Conservative party is represented on the Parliamentary Bureau; I take it that those objections were raised during the discussion about the business that would be put forward for debate today.

Mr Swinney: There is a question about the seriousness with which the issues that Miss Goldie raised are being taken. I hope that the bureau will look at the record of that point in the *Official Report*, and of the point that I made yesterday on the amount of time available for the European debate, which was far too short. I remind Mr Lyon that the Executive—the people who run the place—has a majority on the bureau. That is not always taken into account when debate times are set.

George Lyon: I thank Mr Swinney for that intervention. There is a fair degree of consensus on the amount of time that was allowed for the European debate, and I agree with the sentiments that were raised.

In general, I welcome the Executive's statement. There are several key areas on which we need further clarification and reassurance that we will not find our public infrastructure in serious difficulties on the night of 31 December. We also need reassurance that the challenges presented by the year 2000 problem are being adequately dealt with.

I welcome the minister's reassurances on Loganair and Caledonian MacBrayne. Those companies provide services that are important to the constituency that I represent. The last thing that we want is to have any questions over those two lifeline services—without them, we would be in a serious situation. Many of us would fail to get to the street parties that we would all like to attend.

I noticed that the minister touched on the question of industry in his speech. Action 2000 has been conducting quarterly surveys on the preparedness of industry, and its September findings showed that 27 per cent of small to medium enterprises have considerable work to do if they are to trade smoothly into the next millennium. Don Cruickshank, then chair of Action 2000, admitted that that figure was extremely disappointing. I wonder whether the minister can give us an update and further clarification on the progress that SMEs have made since the September announcement.

The Scottish Executive's year 2000 website states:

"The Scottish Executive, in conjunction with the providers of key public services, aim to ensure that there will be no material disruption to essential public services on 1 January 2000."

I am sure that we all welcome those sentiments, but, as the minister said in one of his interventions, 1 January is not the key date. Many of the problems will not occur immediately after the stroke of midnight. The potential consequences and subsequent failure and corruption of data files and processes might not arise, or be noticed, or

take effect for some considerable time afterwards. There must be on-going monitoring of the effects well into the next year.

Will the minister clarify the qualification for and use of the blue, amber and red light standards to identify the preparedness of the national infrastructure for the year 2000? I am sure that many of us in the Parliament and beyond will welcome the assurances that the minister has given, that the vast majority of the national infrastructure is moving towards blue light status. I would like a little further clarification on exactly what blue light status stands for. My understanding is that it means that the year 2000 activities of the assigned industry or sector have been independently examined and endorsed by assessors who have not identified any risk of material disruption. That is a subjective statement. I accept that there is always the potential for something to have been missed, but I hope that the Executive will comment on the specific criteria used in awarding the blue standard to various sectors.

For example, the offshore oil and gas industry was examined by W S Atkins for year 2000 compliance. On 21 October, W S Atkins reported to the Department of Trade and Industry that, in applying the Action 2000 red, amber and blue colour coding system to its assessment, it could, with confidence, award the sector an overall 100 per cent blue for preparedness. However, the W S Atkins summary of its October findings states:

"There are a number of elements to be completed, such as the finalisation of remedial work, contingency plans, millennium operating regimes and final assurance/discussions with critical third parties. However, there was no indication . . . that any of those outstanding actions were not being properly managed."

I would like the minister to clarify what blue light status means. Clearly, the industry had not fulfilled all the requirements that the independent assessors were seeking.

It is clear, from the example that I have just given, that having blue light status does not mean that the industry has a green light to proceed into the new millennium. Several areas are still to be addressed. The distinction within the blue classification, between the sectors that have completed the work and the sectors that expect to complete the work, must be clarified.

The Presiding Officer: Have you finished, Mr Lyon? You took me by surprise.

George Lyon: I have no more to say.

The Presiding Officer: Before we move on to the open debate, I should like to say that, in order to accommodate everyone who would like to speak, members should aim to speak for no more than five minutes, rather than four. There is time

for everyone to take five minutes.

10:37

Elaine Thomson (Aberdeen North) (Lab): I welcome the minister's statement and the opportunity to take part in today's debate.

I know that some of my colleagues thought that the debate was strictly for anoraks—I was tempted to go out and buy one for the occasion—but the subject is relevant to everyone in Scotland. This is an important debate. I cannot agree with Miss Goldie that it was not necessary to hold the debate today or to discuss the subject for so long.

The work that has been done over the past year by the public and private sectors in identifying, testing and, where necessary, modifying all date-relevant computer software and embedded chips has been essential. If that work had not been done, the consequences for our society could have been severe. However, we are now able to relax and enjoy the millennium celebrations.

Fergus Ewing: Although I endorse the member's sentiments of approval and appreciation of the efforts made by those involved in ensuring millennium compliance and public safety, I am at a loss to understand what difference the debate will make in any practical sense. What will it achieve to ensure additional compliance?

Elaine Thomson: The debate sends a clear signal that the Government takes the issue extremely seriously. It is a further indication to those organisations that have not already taken action on the matter—in the SME sector, for example—that it is time that they did so.

As I was saying, now we can relax and enjoy the millennium celebrations.

Phil Gallie (South of Scotland) (Con): Given Elaine Thomson's comments on the SME interest, does she agree that the lack of members in the chamber is sending out the wrong message?

Elaine Thomson: We are having the debate and, if I ever get to say anything, we will continue to have the debate. I do not necessarily think that it is sending out the wrong signals.

I believe that the Government programme, Action 2000, has done its job very effectively; awareness in all sectors now appears to be high. All sections of the infrastructure have been checked over and can be relied on—they have blue status, which means that there is no risk of material disruption.

I know that the Y2K issue has left many people confused about what the problem is and why it poses a risk. As someone who, in the late 1980s, was working on non-year 2000 compliant systems, I perhaps have a clearer view than most. What

has been demonstrated is the effect of the digital revolution that is all around us. The use of information technology is now a core activity. It is essential to the continued smooth functioning of many everyday activities in society.

There has been an explosion in the use of embedded chips in everyday devices. They are in lifts, washing machines, cars—you name it. Many organisations and companies simply could not function without the support of IT, and the infrastructure of this country could not continue to function without the underlying computer systems.

Some may claim that some of the work that has been done has been unnecessary but, without checking, we could not have been sure. Much of the software that was written 10 or 20 years ago was not expected to be still in use today. Over that period, there have been incredible changes in technology. The constraints in writing software 20 years ago, or even 10 years ago, do not exist now. Software was written using only two digits to indicate the year; it did not include the century. That is why we have the problems that we have now.

Today, almost all sectors have been checked and remedial action has been taken where necessary. We know that, after the new year, water will be safe to drink, food will continue to turn up in supermarkets, our money will continue to be in banks, and hospitals and Government agencies will continue to run and provide services as usual.

There has been a lot of hype around the year 2000 issue—with talk of pensions disappearing into black holes and planes falling from the sky. Those fears have been proved false. Last week, a headline in *Computer Weekly*, one of the main IT newspapers, said: "Y2K bug will be non-event, say IT directors". That is good news. It reflects the fact that the necessary remedial work has been done and that, in global terms, the United Kingdom is well prepared. Most organisations, as the minister made clear, have also put in place contingency plans to cope with any failures that may occur.

The scale and cost of meeting this challenge have been high across society. In the national health service in Scotland alone, some £45 million has been spent on year 2000 checks and on equipment replacement. Some 78,000 pieces of equipment have been tested, including 37,000 personal computers and 5,000 laboratory items.

Many employees of organisations such as hospitals and banks will spend hogmanay at work, ensuring that any problems that occur are identified and resolved as soon as possible. The oil and gas industry will be monitoring the situation across the globe through the night and feeding information back to the Department of Trade and

Industry. Many organisations—banks and others—will be in communication with Australia and New Zealand, where people will know some 12 hours earlier whether any disruption is likely to occur. That will give us more time to take action where necessary.

I believe that the major problems in Scotland will be the ones that we usually have around hogmanay—not enough peanuts and one toast too many.

10:43

Fiona McLeod (West of Scotland) (SNP): Like Elaine, I was worried that people would think that we were a pair of anoraks, but I am glad that the contributions so far have shown that people have thought about the problem and realised that it affects everyday matters and so should be a high priority.

I want to concentrate on the date discontinuity aspect of the problem. As John Swinney said, the so-called millennium bug is actually nothing of the sort. It is a problem that could recur intermittently on 1 April and 1 September over the next few decades up to 2035. The phrase “date discontinuity” better indicates the general nature of the problem and helps to identify what types of microchip could be affected. It especially helps us to appreciate that, whatever happens at hogmanay, the problem will not be over then but will resurface for many years to come. I ask the Executive what it proposes to do about those future critical dates—in his statement, the minister reassured neither me nor the chamber that any plans had been made to deal with the longer-term implications.

Such planning is important for Governments and local authorities. It is vital that organisations such as the utilities and emergency services are fully in control at all critical times. The BCPs that we have heard about—I thought that I would be the first to introduce acronyms—should be able to cope with whatever emergencies arise at the turn of the year. We all hope that there will be minimum disruption.

However, what will happen on the other predicted or potential critical dates? Will the same BCPs be effective in nine months’ or two years’ time? A good BCP tells an organisation how to keep its business running when problems of any sort arise. However, any management plan or routine left by itself will deteriorate over time. Although it is all very well to have emergency co-ordinating offices such as SILC—or, as I gather it is called, the bunker—in operation over hogmanay, if such date discontinuity problems arise in the foreseeable future, I have to ask whether the Executive has issued advice on on-

going preparedness.

What is the Executive’s advice to organisations which choose to switch off vulnerable systems or equipment over the millennium while we are all having a five-day holiday? What will happen when those systems are switched on after 5 January—after SILC has stood down—and they malfunction?

Although the millennium operating regime will probably work well over the millennium holiday, if too many organisations choose to suspend operation of vulnerable equipment at that time, many of them will find that they have only delayed the onset of these difficulties. That is worrying enough for the owners of small businesses. However, if there any chinks in Scotland’s national armour and problems become manifest later, our preparations will have been inadequate.

The day-to-day emergencies suffered by our society can be uniformly addressed. We have a framework of legislation identifying the emergency services that can be called into play on occasions such as cases of fire or murder. As the date discontinuity problem could be with us for many years, the country must decide to cope with it in a similarly coherent and sustainable way.

Scotland needs to develop mechanisms to manage effectively and reliably its knowledge base—how we hold, distribute and analyse information. Furthermore, we need to develop and implement a national integrated information strategy to ensure that there are mechanisms to deal with problems when they arise and not just with such one-offs as the matter that we are discussing today.

10:48

Scott Barrie (Dunfermline West) (Lab): Like other MSPs, I welcome today’s statement and debate on the preparedness of the Scottish infrastructure for the year 2000.

The year 2000 poses serious problems for all organisations and businesses that use computer systems and equipment containing embedded microprocessors. The use of computers and computer-based technology has become so pervasive over the past two decades that it is almost impossible to remember how we managed before. Indeed, I am part of probably the last generation to have gone through school without access to the computers that we now take for granted in the classroom.

The problem of year 2000 compliance lies in the fact that dates were stored in computer systems using only the last two digits of the year. For that reason, systems may fail or produce erroneous results in processing dates involving the year

2000. That would be bad enough without the fact that some equipment used by organisations is controlled by microprocessors that use date and time information to function.

When the year 2000 issue was first discussed, I imagined that I could do no better than stand outside my local bank autoteller with a wheelbarrow to collect the wads of cash that would spew out of the machine when the bank's computer system failed. Unfortunately, there are two major flaws in my get-rich-quick scheme. First, today's ministerial statement indicates that the banking sector feels completely year 2000 compliant. Secondly, given previous years' experience, the last thing that I will be able to do at midnight on hogmanay is to stand anywhere.

When I first heard of the potential impact of the transition from this calendar year to the next, I was somewhat sceptical. I thought it might be just another scam by computer anoraks—I apologise to Elaine Thomson and Fiona McLeod—to confuse the rest of us with their superior knowledge or to get a lot of extra cash out of us by pretending that there was a huge problem when there was not. However, graphic descriptions of planes falling out of the sky and heating systems failing in our hospitals soon led me to understand that there might indeed be a major problem that needed to be taken seriously.

It is clear from today's statement that local councils, the utilities and larger businesses have worked hard to ensure that their systems are year 2000 compliant. That will be an immense relief to everyone, particularly the more vulnerable in our society who would suffer directly if there were major disruption to our social or health care services.

It is particularly pleasing to hear that all local authorities made tremendous progress in the summer to ensure that there would be no material disruption to the infrastructure processes during the new year holiday. It is also reassuring to hear that most Scottish infrastructure is already Y2K compliant. I hope that those areas that are not yet fully ready—some of our smaller businesses, for example—will realise the importance of becoming compliant and will take the opportunity of the next few weeks to ensure that they are.

10:51

Nicola Sturgeon (Glasgow) (SNP): Like my colleagues on the SNP benches, I welcome the minister's statement. I am more than happy at the outset to acknowledge that preparations for the millennium and the provision of information to the public have been good and, largely, extremely reassuring. However, that is not an excuse for complacency. Fiona McLeod, among others, has

raised issues this morning that forcibly bring home that point.

I want to concentrate on two issues. The first has been touched on by previous speakers and was to some extent addressed by the minister. The information provided to the public focuses almost exclusively on the millennium date change. Notwithstanding the minister's comments, there is a widespread public perception that, if we all wake up on the morning of 1 January next year and the world has not collapsed around us, the problem has been averted and there will be nothing to worry about. In fact, as Fiona McLeod outlined, the exact opposite is the case.

The date discontinuity problem could affect the reliability of software for 30 or 40 years after the millennium. The date change from 31 December to 1 January may not be the most problematic one at all. It would be reassuring for members of the Parliament and the public if the minister spent some time outlining how the Executive intends to deal with the problem in the longer term and to keep public awareness high enough to ensure that steps are taken to avoid or minimise disruption in the future.

The second issue is the generality of the information being provided to the public. We know that all 32 local authorities in Scotland achieved blue status in October this year, but we know less about the readiness of the different sectors within local authorities. The booklet that is dropping through all our letterboxes this week, for example, goes into detail about the issues affecting the health service, but mentions issues facing schools only in passing. I would like to think that that is because there is great confidence in the state of readiness of individual schools, but that may not be the case. Peter Peacock, the Deputy Minister for Children and Education, raised serious concerns among the public when he said on 8 November that

"it is important at this stage for schools to sit down and consider how they will work around any problems when they go back in January."

When the minister said that, there were 53 days to go until the millennium and it was little over a month until schools shut down for the Christmas and new year break.

The minister's statement can be viewed in one of two ways. It was either more than a little belated or it was unnecessary. Either way, the statement will have caused some panic among head teachers in schools around Scotland. School contingency planning should surely have been part of local authorities' millennium operating regimes and local authorities should have been required to demonstrate readiness before being given blue light status.

Schools face a number of challenges. Over the past couple of years, they have had an influx of second-hand and refurbished computers. I look to the deputy minister for reassurance that those computers have been made millennium compatible. Are we confident that science equipment, boiler systems and other electronically controlled equipment will not malfunction, either at the millennium or at any time in the future?

Those are important issues about which there was great confidence until the Deputy Minister for Children and Education issued his statement earlier this week, raising questions about the state of readiness in Scotland's schools. I ask the Deputy Minister for Justice to address the specific points that I have raised and, in particular, to outline the measures that will be taken to safeguard and monitor schools' contingency planning from now until the new year, so that we can be confident that Scotland's children can return to school in January without having to face disruption caused by the millennium bug.

The Presiding Officer: I call Karen Whitefield, and apologise if I have to interrupt her speech at 11.00.

10:56

Karen Whitefield (Airdrie and Shotts) (Lab): The problem of the so-called millennium bug seems to have been with us for an eternity, yet many private and public organisations have left the bulk of their preparations until the last quarter of the last decade of the century.

I will not regurgitate the roots of the millennium bug problem, which have been sufficiently described this morning. However, we must learn from the past. What seemed like an insignificant memory-saving device in the 1960s—storing date codes in two digits—has had substantial and far-reaching consequences. For example, it has been estimated that the 15 largest banks in the United States expect to spend \$3.5 billion preparing for Y2K.

The profound financial impact of what was, at the time, no more than short-sightedness demonstrates the ever-pressing need to evaluate the long-term impact of new technologies. I welcome the statement by the Minister for Enterprise and Lifelong Learning and recognise the efforts of staff members in all sectors. It is only through thorough endeavours that we can say with some confidence that the Government's stated aim—that there should be no material disruption to the national infrastructure as a result of the millennium bug—will be achieved. It is important that the preparations have been thorough; it is equally important that they have been seen to be thorough.

There has been much scaremongering in the media about the apocalyptic consequences of the millennium bug, and it is important for that reason that we highlight the endeavours of various agencies in achieving the blue light rating. All 32 Scottish local authorities have met the criteria for that rating, as have the three Scottish water authorities and all sections of the national health service, the prison and fire services and the police.

I believe that the Scottish people can have confidence that public services will be functional on 1 January. Part of that confidence should stem from the knowledge that councils and other public and quasi-public bodies have made adequate contingency plans.

The problem of embedded systems will inevitably result in some disruption; the immensity of the problem makes that almost unavoidable. We must continue, however, to minimise the problem through the completion of proper inventories and the testing of equipment.

To conclude, I am confident that Scotland's largest millennium celebration under cover, Masters of the Millennium—which, coincidentally, will be held in Shotts and broadcast across the globe on the worldwide web—will be a raving success. The public address, lighting and internet services will have an undisrupted supply of electricity. The emergency services will be able to deal with those who have celebrated a little too enthusiastically and, the next morning, when it is all over, public transport will be available.

Two Minutes' Silence

The Presiding Officer (Sir David Steel): It is now the 11th hour of the 11th day of the 11th month. I invite members and visitors in the gallery to stand and join in the nation's two minutes' silence in remembrance of those who gave their lives in defence of the freedoms that we enjoy here today.

They shall grow not old, as we that are left grow old.
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Millennium Date Change

Resumed debate.

11:02

Phil Gallie (South of Scotland) (Con): Thank you, Presiding Officer.

I acknowledge the moment. It is a credit to everyone in this Parliament that there has been such a large turnout for the two minutes' silence, which contrasts with the number of members who were in the chamber earlier in the debate.

Kenny MacAskill expressed some confidence in the minister's statement. He acknowledged that if there is a minister of integrity, that minister is indeed Henry McLeish. I will add to the minister's misery by saying that I endorse that view and that one part of his statement was endorsed in a most unusual way. He said that there were 50 days to go. When I looked at the Forth rail bridge today, I saw that the sign confirmed that. Minister, I guess that Railtrack also endorses you.

At times in his statement, the minister seemed to suggest that the new Labour Government found the millennium bug when it came to office, but that is not quite true. Elaine Thomson was right when she suggested that many people were working on the problem back in the 1980s. The problems that lay ahead were recognised at the time by the company that I worked with prior to my election in 1992. Organisations such as the Confederation of British Industry and the Federation of Small Businesses were well aware of the situation well before 1997, as was the Government of the day.

This Government appears to have done a reasonable job. It was important that it considered the issues as a provider of services and as a co-ordinator, and it has done that. However, it is a little over the top for the minister to suggest that the Government's approach is a first and that no such approach has been taken elsewhere in the world. It bodes ill for us, should that be the case, because we are part of an international market, as the minister and his colleagues constantly remind us. Karen Whitefield mentioned the worldwide web. If the rest of the world has not done its homework—as the minister seemed to suggest—that could mean catastrophe for British business.

Annabel Goldie asked whether we face catastrophic failure. My reply would be that we can be greatly assured by the fact that the Government is prepared to accept the buck; if it is prepared to accept the buck, it must be pretty sure that no real problems are lurking around the corner.

On a more serious note, we must first consider some of the public services such as the health,

fire, police and ambulance services, not forgetting—I see that Angus MacKay is here—the Prison Service. The Government must offer guarantees on those areas. All those services are signalling blue lights to represent a symbol of confidence. I welcome the fact that blue was chosen as the colour that would give confidence and signify that all was well. That was surely not by chance, but simply because blue is the Conservative colour and we all recognise that Conservatives are always well prepared and organised. I suspect that there might be some division on that view, but this debate could do with a bit of contention. Perhaps that will do the trick.

Mr Swinney: I listened with great interest to Phil Gallie's comments about blue, the Conservative colour. If that means that the Conservatives are always well prepared, were they well prepared for disaster, as we are discussing in this debate?

Phil Gallie: We had 18 years to prepare for disaster. [*Laughter.*] We kept winning election after election; ultimately our luck had to run out and, of course, it did. I accept that as a factor.

I have mentioned some matters for which the Scottish Executive is responsible, but I warn ministers about some wider areas, such as the facilities that are managed by local authorities. We must also consider social security; I would like an indication that all is well there. We need look back only a few months for examples—such as educational pensions and national insurance issues—of the shambles that arose from the installation of new social security computers. I seek some comforting words on that.

I compliment the private sector, particularly the new private sector—the utilities—and wish to emphasise that it has poured millions of pounds into combating the millennium bug. If those industries had not been privatised, would the public sector have been able to find the money to address the issues? Electricity, gas, water and telecommunications are all essential to the interests of all our citizens well into the new millennium.

I compliment one particular company that I have been able to do a little research on. I do not have to declare an interest because I no longer have links with Scottish Power, but I know that it has advanced its clocks into 2000. I think that it is working on dates beyond March 2000, perhaps to overcome the leap-year factor. That is important from the power generation and systems point of view; it shows that people have looked ahead and that—in some of the major utilities—we can get through without feeling the bump. Very few people in the chamber will recognise that Scottish Power has achieved that.

I am also aware of the efforts Scottish Power

has put in to cover the night of 31 December and the morning of 1 January. It has a few hundred staff standing by to supplement resources in all its facilities across the land. Additional resources have been put into call centres. I hope that—I suspect it will—the telephone system holds up, although Fiona McLeod suggested that it might not.

There is always pressure at the midnight hour on that night. This year it will be a special event, but I believe that telecommunications companies will be reasonably able to address the issues. I would welcome an assurance from the minister that the emergency telephone services will be kept fully available and that there is no chance of their crumbling at that time. What special arrangements have been made for the emergency telephone services?

Warning shots have been fired regarding small businesses, where there could be problems. I welcome the minister's apparent suggestion that in the circumstances there will be support into the millennium for small businesses and others.

I would like to welcome the additional £4.7 million of funding that has been put into the police. John Swinney mentioned a figure for the Metropolitan police that far exceeds £4.7 million. Mr Swinney may correct me if I am wrong, but I thought the figure for the Metropolitan police was for a year and was to cover a range of activities including civic visits and goodness knows what else. The £4.7 million here is for the millennium period, but I will stand corrected if that is not the case.

I would like to hear the Government's views on some of the disparities that might arise for those who will be working through the period of celebration. Special arrangements for additional payments have been made for a number of key workers in the private sector and the Government has recognised that there will be a need for special effort in the health service—additional support will be available for health service workers.

There are different circumstances, though, and in the public sector some of those differences could border on unfairness. I spoke to some firemen the other day. They will simply be working to contract. We know that they will provide excellent service.

Finally, I wish the First Minister well in bringing in the new year in the Scottish information liaison centre.

11:13

Colin Campbell (West of Scotland) (SNP): Much of the time one must admire Phil Gallie's

brass neck—he and his strange old colours are great.

We accept that the feared general breakdown as a result of the millennium bug has been largely taken care of, but because all such things are run by and for human beings, one can never be too sure. Henry McLeish touched on the matter of the biggest party in the world, which is a staggering thought, both metaphorically and literally. It could be a really big party.

On a visit to Strathclyde police last week, I spoke to the director of operations. He was confident that all contingencies have been considered in the emergency plans. I was particularly worried that if something bad happened in one area, reinforcements should be able to move from another area. He was confident that that will be possible and that most of the awful things that might occur have been considered.

Henry McLeish also mentioned the climate crises that we have from time to time. Some members might recall bits of their roofs taking off on boxing day last year—£1,000-worth of my roof took off. Several days passed before I could do anything about it—without recourse to emergency services.

My concern is that if there is a conjunction of any kind of electronic failure, really bad climatic conditions and the biggest party in the world in all the town centres throughout Scotland, the services could be severely overstretched. For example, some police forces, such as Strathclyde police, are daily 350 officers short of their normal roll.

In the past—although I am not going to rake over it too much—the Territorial Army has always been ready to help. As Ben Wallace mentioned, Donald Dewar made an issue of that last year. The TA has provided signals communication when phone lines have gone down, specialised transport to get in and out of flooded areas and specialised bulldozers and equipment when that has been required. The TA has now been almost halved, and a lot of that specialised equipment has gone. I was a little alarmed that the minister did not touch on the military association at all, until Ben Wallace talked about it.

The regular forces have their communications lined up for the period, as they normally do in their major functions, and territorial troops—especially communications troops—have been put on standby. I would like to hear, in the Executive's summing-up, what arrangements have been made. TA commanding officers are often appointed military liaison officers to counsel emergency planning committees. I hope that we will be given some indication of the extent to which military liaison officers have been associating with their counterparts in the respective councils to

make contingency plans against the awesome prospect of the biggest party going wrong and the climate turning severe at the same time.

There has been talk of Henry McLeish's title—the man in the bunker. When Sam Galbraith was leaving the chamber, he made big-headed gestures towards Henry McLeish as well, as if he was going to be the big-headed man in the bunker. As he will be the man in silk on hogmanay, he should probably be the man in SILC for the purposes of this exercise. I hope that he is confident. I am sure he will do everything he can to ensure that, should anything go wrong, either because of the millennium bug or because of climatic adversity, there will be enough reserves to cope.

11:17

Mr Andy Kerr (East Kilbride) (Lab): I welcome the opportunity to have this debate. We have heard many good speeches. The openness and inclusiveness of the minister's approach, and those of the Opposition parties, has been helpful. We have touched on issues of which I was unaware, which has been useful, as was the minister's statement.

The issue that Annabel Goldie raised, of the time that is allocated to debates, is also interesting. I am sure that the minister will respond to that in his summation. However, some validity is lost when a member makes such a statement in the chamber immediately before they run out to brief the press on it. That statement would have had more validity if Annabel had waited for the minister's response.

None the less, we have heard of new issues—issues that we need to take back to our communities—especially about small or medium enterprises. I hope that local MSPs can play a role in their communities, when they are out on visits or undertaking work with the local newspapers, in ensuring that the issue is taken up by small and medium enterprises. We must ensure that they are listening to the advice from Action 2000 and in the mailings that have been sent out by the Government.

When a member is elected to Parliament—I have never been elected before—they undertake many visits. One of the visits that I undertook during the summer recess was to British Energy, whose headquarters are in East Kilbride. I had the chance to spend some time with the millennium officer. In such an industry, safety concerns are primary. I was heartened by the way in which British Energy has built in best practice for dealing with the millennium bug. It carried out an inventory of all equipment and identified that some 6,000 pieces of equipment would have to be investigated

and analysed. That was done, and the execution of that procedure was verified.

An impact assessment was also carried out to identify the priorities, so that those that related to safety could be dealt with first. British Energy has passed all the requirements, which relate to the millennium bug, of the independent inspectorate that monitors its activity. That should give many of us confidence not only in the way in which the public sector is approaching the problem, but in the way in which recently privatised companies—of which British Energy is one—are approaching and dealing effectively with the problem through their own internal measures.

The supply chain of organisations that interact with British Energy must also be considered. All those companies must examine their activities for millennium compliance. It is reassuring to know that those matters have been considered. Action 2000 was useful to British Energy. Its independent assessment was carried out by the Office of Electricity Regulation, which has now been renamed the Office of Gas and Electricity Markets—things keep changing. Most organisations have contingency planning mechanisms. That will also reassure us that the services and industries that we all take for granted will be ready for the event.

The minister mentioned Caledonian MacBrayne and Loganair and reassured us on matters over which there used to be a question mark. I have spent time with members of the Strathclyde police force, who are confident that they can deal with all the issues for which they are responsible. All the public services and all the private sector companies are coming together.

I echo Phil Gallie's concerns about payments and awards for the poor souls who will have to work over the millennium period. We should recognise their contribution, not just financially but in this chamber.

I welcome the open and inclusive approach that is being taken. This has been a useful debate. MSPs and the general public will learn from what we are discussing today. We are dealing not just with the transition from 31 December to 1 January, but with potential problems after that. I look forward to the minister's summation.

11:21

Mr Duncan Hamilton (Highlands and Islands) (SNP): I welcome the calmness of this debate and the good-natured spirit in which it has been conducted.

I am reassured about many of the areas that the minister talked about, which is in contrast to the fear and alarm I felt the other morning, when I

received a letter from my bank that told me in breathless and excited tones that, having put each of its independent experts on to my bank account, the money in my account would still be there after the millennium. It had not occurred to me that the bank was going to steal my money in the first place and I refuse to feel grateful to it for doing no more than a competent job.

However, I am rather more worried about one element of the Government's policy. John Swinney and others raised the issue of the difference between code blue and date discontinuity, asking what will happen after the millennium. There is a clear signal from this debate that the Government has not given a great deal of thought to what it will do about that. We asked about on-going monitoring, we asked about future network support, and we asked how we could build on the expertise the Government has rightly put together for the millennium, but we have had no answers.

I hope that, in summing up, the minister will outline exactly what the position is. Either plans exist or they do not. If they exist, he ought to tell us what they are. If they do not, he should be honest about it and tell us where the Government will go from here to ensure that plans are in place for the future. That should go some way to allaying the fears of Annabel Goldie, who felt that this debate should not be taking place at all and wondered what the point was. If the minister can give us a guarantee for the next 35 years after the millennium, perhaps there will have been a point to the debate after all.

Mr McLeish told Mr Swinney that perhaps Mr Swinney did not understand all the issues that are involved because he did not have all the information. It strikes me as somewhat odd to have a debate without first giving the detailed information required for a sensible discussion to take place. Either all the information should be made public so that we can examine it and have a proper debate, or we should not bother with the debate at all. The minister should not criticise us for not being fully informed on topics that he is not willing to tell us about in advance.

I have two specific points to make about health care. The first is a matter that I have been pursuing since September. I hope that the minister can now give me an answer. I am concerned about the millennium compliance of emergency medical equipment. On 1 April this year, some emergency medical equipment in the United States malfunctioned. That is a matter of great concern for people throughout Scotland.

What is meant by the national health service in Scotland being code blue? Can the minister guarantee that the problem of emergency medical equipment has been examined and that international comparisons have been made?

Public services must have the very highest levels of safety. It is simply not good enough to take a best guess at where the NHS is going. I want a stronger assurance than that.

The second issue concerns the prescription pricing division of the Common Services Agency. There was press coverage in August about a new computer system to cut down on the £10 million of fraud that is estimated to exist in that sector. If that computer system does not come in, there is a problem as the old system is not millennium compliant. In August, *The Scotsman* quoted an employee of the prescription pricing division saying:

"We were supposed to get the new system in February so they could test it and we would get trained by April.

Now they are saying that the computers will arrive in October. It has to be running by the end of the year because the old computers can't deal with the millennium bug."

I asked when the new system would be in place and was reassured that it would be by the end of December. At the end of December we hit the new millennium, so there is not much margin for error. I then asked what would happen if the division does not hit that target, and was told that there were contingency plans. Will the minister tell me today—or, if he cannot do it today, will he write to tell me—whether the system is guaranteed to be in place by the end of the year and, if not, what those contingency plans are?

People want to know that we can give as much of a guarantee as is humanly possible that health services will be protected throughout the millennium festivities and, indeed, up to 2035, as called for by independent experts.

11:26

Elaine Smith (Coatbridge and Chryston) (Lab): Like most of my colleagues, I welcome the minister's statement on this important issue.

I am not an information technology expert and am just getting familiar with my laptop and with e-mail, which is becoming more popular by the day, so, as members can imagine, I found the concept of the year 2000 bug somewhat confusing. However, when I was told that some systems may not recognise 1 January 2000 or, as the year 2000 is a leap year, miss out 29 February entirely, even I could appreciate the complexities.

Although I might be delighted to get a break from the dreaded e-mail, there are obviously serious ramifications for vital services and our everyday lives. Whatever services we access, a computer or electronic system is likely to have been involved, most of which will use a year date system.

Such implications exist across the public and private sectors, but it would take more than a short speech to consider all of them, so I will focus on local government. Councils provide a wide range of services to the public, so the impact of IT system failure as a result of the millennium bug would be far-reaching and immediate.

Some of our most vulnerable citizens depend heavily on council services and could experience serious difficulties if any major problems were to occur in, for example, care in the community and the payment of benefits. Systems that could be affected include community alarm systems in sheltered homes and lift-monitoring systems in high-rise flats.

Councils also have a general duty of care to the public and are required by statute to develop and maintain civil emergency plans. Those plans are of particular importance now and must be ready to react efficiently and effectively to any possible occurrences.

Due to the serious implications of any system failure in local government services, preparations for 2000 began in May 1997. Auditors have monitored councils' preparations since then. In July, Don Cruickshank, chairperson of Action 2000, expressed concern that two sectors were still reporting a percentage of red, which meant that there was a residual risk to the aim of

"no material disruption to UK infrastructure due to the Millennium bug".

One of those sectors was local government.

To their credit, councils reacted positively to the matters that were identified as requiring action. The Accounts Commission's most recent review showed that councils had made considerable progress over the summer. As we have heard, all 32 councils are now blue, which means that the assessment has identified no risk of material disruption to the infrastructure.

It must be recognised that that progress is not the result of a few months' effort; it is the culmination of councils' work over a much longer period, with the assistance of the Convention of Scottish Local Authorities. It shows that councils have acted on public commitments made by their leaders earlier this year to take effective action to beat the bug. Credit must be given to council staff for their hard work, dedication and professionalism. However, there is no room for complacency. Progress to date must be sustained to ensure that there is no disruption to vital public services. Councils need to continue with their excellent efforts up to and beyond the new year. As has been said, the threat of the bug will not disappear then.

There have been significant costs for councils,

which the Executive has recognised and to which it has allocated an additional £10 million. It is also funding specialist units in COSLA to provide advice and assistance. I congratulate the Executive on that, but urge it to consider the actual costs for councils after audit, with a mind to revisiting the settlement if necessary.

Given the pervasiveness of computers throughout society, we cannot assume that nothing will go wrong, but the strenuous efforts made by local government and other public bodies and organisations have, no doubt, corrected the majority of potential problems. Furthermore, as the minister said, achieving blue status has required rigorous contingency planning to anticipate every conceivable failure.

I believe that the public can have confidence that, in the words of the Prime Minister,

“there will be no material disruption to essential public services due to the Millennium Bug as we go through the Millennium date change”.

11:31

Ms Sandra White (Glasgow) (SNP): I confess that, when I first heard of the millennium bug, I knew nothing about it and was as confused as Elaine Smith was. As a responsible and also nosy person, I decided to find out as much as possible. The Government leaflet has some astounding things in it—tips such as ensuring rubbish is out on time and taking a torch abroad as some countries do not have lighting at night.

One of the most frightening issues, which has not been touched on in this debate, is about Trident, the destructive nuclear missile on Scotland’s shores. I tried to find out as much as possible about that and I would like the minister to answer these points.

The first is about the technology used in Trident. We know that the problem with nuclear weapons communications systems is made more difficult because it utilises millions of “embedded systems”, that is, lots of little microchips and microprocessors that have been recycled.

“These embedded chips are a particular problem for the military. In order to keep the costs down the military have used ‘commercial-off-the-shelf’ chips (COTS) that are generic and may have time and/or date functions embedded within them”.

That is a particular worry.

“In addition there is no general method for assessing Y2K compliance of software, chips or microprocessors therefore every system must be checked line by line and chip by chip in order to ensure compliance”.

That will be a mammoth task.

I again quote from the facts and figures I have gathered.

“As of January this year only ten out of one hundred and twenty-five NATO Mission Critical Systems were thought to be Y2K compliant. Of the rest, 29 were not compliant, 4 were under investigation and of the remaining 82 nothing was known.”

That is very worrying. I would like answers on that.

There is also an issue of staff availability. We know that the programme has slipped from a target date of January 1999 to December 1999. That is worrying. Again I quote:

“A ‘Deterrent Millennium Task Group’ was established to ensure the British Trident system is Y2K compliant but the MoD are not able to say how many people are working on the issue or how much it will cost because there ‘is no separately identifiable central record’. The job of the Deterrent Task Group is to check ‘the missile, the warhead, fire control, navigation, targeting’ and other ‘associated shore based facilities’.”

In September 1998 the MOD review went on to state that

“the MoD might need to delay or stop activities/projects while attention and resources are focussed on Y2K”,

that

“some systems might need to be abandoned in the short term pending resolution of the problem”

and that

“Shortage of skilled in-house staff is being identified as a potential risk to the programme in some areas”.

Taskforce 2000 described the Ministry of Defence as being one of nine high-risk departments. The MOD has admitted that the findings of the report are correct.

“Taskforce 2000 have correctly recognised the scale of the problem facing the Ministry of Defence and the capability of our programme managers.”

That refers to staff shortages, and I would like the minister to comment on that matter.

Let us look at possible consequences. It is extremely unlikely that a missile will be launched. I am not saying that anything like that could happen, but we could have a situation similar to one that has already arisen, which I will tell members about.

In 1993, the North American Aerospace Defence Command—NORAD—simulated a test out of curiosity. Technicians rolled the dates up to 1 January 2000 and the result was a total system blackout. That is a fact. I do not wish to scaremonger, but this is an important debate and that story is relevant. Trident is sitting on our shores, yet neither the minister nor anyone else has commented on the potential effects that the date change could have. I would like some answers from the minister.

11:36

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I note that I address a crowded chamber. Last Tuesday, I did not go to my parliamentary party meeting, so members can imagine the great pleasure I felt when I found that I had been chosen to wind up for my party in this debate.

I am not a huge expert in information technology. The millennium bug will not bother me because I live on a croft in the Highlands. I shall be stocked up with peat and whisky, and the lights go out anyway because the wind pulls the power cables down practically every year. We are prepared for such problems.

On behalf of my party, I thank Henry McLeish, his team and his civil servants for a thorough presentation. I am impressed that Mr McLeish has offered to share information with those of us who have expressed concerns. It is correct that we have a three-hour debate on this matter. Notwithstanding the wise remarks that were made by the SNP, there has been a good deal of scaremongering on this issue, and we have a responsibility to keep that under control.

As an example, I note from a recent news headline that

"Japan advises stockpiling food for Y2K".

The report continued:

"Prime Minister Keizo Obuchi said that while essential institutions appear to have completed preparations to prevent any widespread confusion from taking place over the New Year, people should take precautions in any event since there 'may be small problems', Kyodo news agency reported. These precautions would include stockpiling food supplies as well as checking balances in bank accounts"

and so on. I am not sure that that was a responsible action for the prime minister of Japan to take. I am not privy to his reasons for doing it.

I am sorry that Miss Goldie is not with us because I must address some of her remarks. Perhaps her colleagues can respond on her behalf. When she said that it was wrong to have this debate and suggested that we were sidelining other important issues, she was wrong. This issue is hugely important. It affects everyone and every service so we are sending out the right note to Scotland by taking the time to discuss the issue today.

I wish to put one question to Miss Goldie. Perhaps Jamie McGrigor can put it to her. How many subject debates has Annabel's party requested in the Parliamentary Bureau? Mr McCabe informs me that the answer is a nice round figure; therefore, while I admire Annabel's adroitness in hanging a good soundbite on a shooing peg, we should stick to the facts.

Fergus Ewing: If Mr Stone is going to make points of that nature—and I am not here to defend Annabel Goldie—could he advise Parliament on how many occasions the Liberal Democrat representative on the Parliamentary Bureau has voted against, or disagreed with, the Labour representative.

Mr Stone: Fergus Ewing should put that question to Mr McCabe.

I thought that Mr Gallie's contribution was a positive one. However, I do not quite understand his logic in linking the privatisation of companies to being ready for the year 2000.

The point made by Andy Kerr was typical of what has been a good debate, with measured and thoughtful speeches from all parties in the chamber. That demonstrates the seriousness with which MSPs from every political party view the issue.

My colleague George Lyon referred to the problem of small and medium enterprises. I have been sitting here thinking about this issue, in particular about my brother who runs a small fruit and vegetable business in the north. I wonder whether he has done anything about his computer and is ready for the millennium. I think about him and the other little businesses that we all know and wonder how ready they are and whether they realise that they must get moving. I hope that the "Last Chance Guide" will encourage people to do so.

That leads me to the point that Henry McLeish made, which is that we, the 129 MSPs, certainly have a role. Between now and the millennium, we must go out and advise and help in our constituencies. That is one of the strengths of what Henry has suggested to us. We, the Scottish Parliament, can make a difference. I believe that we are prepared. We will have to roll up our sleeves as there is still work to do, but we have done a good job. It was summed up nicely for me this morning by a cab driver. I am using the private-eye technique of asking advice from cabbies.

The cabbie said to me, "Are you an MSP?" and I said that I was. He asked, "What are you talking about today?" I told him, "I have this tremendously exciting debate about the year 2000." He said "Och, the millennium is rubbish", although he used slightly stronger language than that. He then said, "Your computers will all work on the day. It will all be fine. I don't believe all those people who are putting around scare stories." That is the message that we should put out to the public. We have worked hard and there is more to be done, but it will be all right on the night.

I wish Mr McLeish a happy new year in advance. I hope that he will encourage Mr Lyon to join him

in the bunker—I do not want to call it that; it is the control centre. On the Gaelic issue that is concerning Fergus, I suggest that John Munro can parry any Gaelic questions on the night.

11:42

Mr Keith Harding (Mid Scotland and Fife) (Con): Like other members this morning, I welcome the statement. I will go a little further and say that I applaud the Executive for the manner in which it has addressed this issue.

Millennium bug is a catchy phrase but it is misleading. It refers to a computer problem that is neither a bug nor anything to do with the millennium. The problem is caused by the calendar moving into a new century, not into a new thousand-year cycle. If computers had been invented 100 years ago, we would have had this problem in 1900.

Millennium moaners—I am pleased to say that we have not had many in the chamber this morning—have supporting evidence for their gloomy predictions that society will collapse because some computers will misunderstand the date in 2000. Senator Robert Bennett hit the right note when he advised citizens of the United States to prepare for the millennium in the same way as they would prepare for a hurricane. That means that we can expect short-term and isolated power cuts, delayed deliveries and temporary shortages, but not the end of the world.

Computer systems will not break down as soon as 2000 arrives. Instead, problems are more likely to surface when everyone is back at work and computers are used in earnest. The most common failures will be with security alarms, door locks, lifts, fire alarms, car park barriers and other systems with computer chips embedded in them. The sheer number of embedded controllers makes it impossible to identify and fix them all before the end of the year, so problems are inevitable but will not be insuperable.

I understand that China Airlines' top executives have been encouraged to fly at midnight on 31 December. In view of the experience of Mr Reid, the Deputy Presiding Officer, perhaps he would like to test the parliamentary lifts.

Fortunately, the millennium bug has not arrived unannounced and those responsible for running safety-critical computer systems have had time to test those and make corrections. I am reassured by today's statement. I would particularly like to praise the staff of the health service and local government on achieving blue coding categories.

I will now respond to Jamie Stone's criticism of Annabel Goldie. She was saying only that she does not feel that parliamentary time is being used

properly. I trust that the Scottish Executive will take the opportunity to make a new year's resolution to address the issues that the people of Scotland elected us to tackle: health, education and housing, to name but a few.

Mr Stone: Will the member give way?

Mr Harding: No. We should not be spending three hours debating the millennium bug, when yesterday just 30 minutes were devoted to the issue of homelessness. We certainly did not have enough time for the debate on Europe. Many more people wanted to speak in one of the most interesting debates that we have had in this chamber. A ministerial statement, with questions, would have sufficed for this issue. It was noticeable that the questions finished at 2 minutes past 10; roughly the same amount of time was spent debating homelessness yesterday. We could have used the remaining two hours of this morning to debate issues that the public want us to address.

I am getting frustrated about the fact that people in the street and constituents keep coming up to me to ask when we are going to start addressing real issues, instead of all this politically correct business on fox hunting and section 28.

Mr Stone: Will the member give way?

Mr Harding: No. Only the other day, the Deputy Minister for Culture and Sport announced a further subsidy of £2.1 million for Scottish Opera, without reference to this Parliament. That is an example of the things that should be debated in this chamber. I do not recall any other debate here in which the Presiding Officer has asked us to extend our speeches. There have either been too many speeches, or speakers have been cut off. Today, we are going to make it to 12 o'clock, but we have spent far too much time on discussing this matter.

New year's eve 1999 marks the end of an era, not the end of the world, so let us sit back and enjoy the party.

The Deputy Presiding Officer (Patricia Ferguson): I call Fergus Ewing to wind up on behalf of the Scottish National party.

11:46

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): None of us in this chamber wishes to be churlish about the Executive's approach or to do less than congratulate all those who have been involved in protecting public safety in regard to the Y2K problem. However, I recall that someone once said that there were only two certainties in life: death and taxation. To those I would add a third: human error and fallibility.

My experience of life so far, for what it is worth,

is that human error is difficult to avoid, and that when it arises, it is usually followed by further human error. When something goes wrong, it is very often followed by something else going wrong, perhaps as a logical consequence of the first error. As a technophobe among technophiles, it seems to me that technology is intermittently useful, but that when it malfunctions, all sorts of undesirable consequences arise. The concerns that have been expressed in this debate relate more to human error than to the lack of technological skill of those who have carried out the excellent work to prepare us for the millennium.

It is ironic that the minister referred to the reports that were issued on 23 July, 5 October and 29 October to members of this Parliament on the progress of millennium readiness, because on 29 October we saw human error at play in Glasgow City Council—not for the first time in that august body, one might reflect. None the less, it was a very serious error that has led to many people becoming dissatisfied—dissatisfied, on this occasion, at not receiving a football ticket. The error was one of lack of preparation. I imagine that the Executive will say that there have been the fullest of preparations for the millennium. As Mr Gallie pointed out, Mr McLeish has stated openly that the buck stops with him. Rather a dangerous statement to make, but one that we have all noted. We appreciate that, in a spirit of candour, he has accepted responsibly, and I praise him for it.

We have seen human error at play in a number of delays that have been highlighted by contributors to this debate. Sandra White has referred to the problems of staffing at the Ministry of Defence. Duncan Hamilton drew attention to the issue of the delay in securing system compliance from January to December. Elaine Smith talked about the preparedness of the fire service in relation to resources that were placed in the hands of the police. We have heard from Nicola Sturgeon about the preparedness of school computers. Each of those speakers made valid points, as did other members of all parties.

To delay in the accomplishment of something is a human failing. We are trying to guard against human error, which is an impossible task. Some organisations have been anxious to declare that they are millennium compliant and that they are at code blue when they are not. We heard today that one organisation that claimed to be at code blue was at code amber. Who among us is ready to issue confessions at any moment? Confession does not appear to be an instinctive human characteristic. I wonder how many of the organisations that claim to be code blue actually are.

None of us in this debate undervalues the efforts

of those who have played a part in ensuring that public safety is preserved, especially in the health service. I am sure that John Swinney, Mrs Scanlon and Miss Goldie value those efforts. It is relevant to point out, however, that there are many issues that we all considered to be more pressing and more worthy of debate than the Y2K problem.

I am grateful that I have been allowed 10 minutes for this closing speech. That is twice as long as I have been allowed in this Parliament before. I do not know whether my material is up to the Herculean challenge of filling in all the time that I have. I am happy to take interventions, incidentally.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Does the member agree that, while this debate is important, the debate is misnamed because the next millennium will not begin on 1 January 2000 but on 1 January 2001?

Fergus Ewing: I was worried for a moment that I might have to agree with Mr Monteith, which I would not normally do. I accept, however, that he has raised a legitimate problem.

Another problem was raised by the speech which showed most technical knowledge, that of Fiona McLeod, who has had to leave the chamber to go to a librarians conference. She noted that the problem will not end on 1 January but will continue for decades. I must confess that I did not understand the reasons for that but I hope that the minister will enlighten me about the matter and reassure the public.

My habitual lack of confidence in the Executive's protestations was reinforced by something that I read this morning in that fount of all wisdom, the *Daily Record*. The story is headed "Don't be late dome" and refers to the fact that the grandest and most expensive project in the history of construction in the UK—the millennium dome—might have been infected by the millennium bug. It will not be ready by the deadline of 1 January 2000 that Mr Blair set. Construction should have been finished by the end of this month but five out of the 14 main exhibits will not be ready.

The SNP is not overcome with grief at the prospect that we may be unable to visit the millennium dome on 1 January. I can say with great confidence that such a visit on that date, or on any date in future, did not feature among the plans of any member of the 35-strong SNP group. We believe that the millennium dome could be the greatest waste of money that anyone could imagine. I am pleased to see the Scottish Conservatives nodding furiously, as I recall that a certain Mr Michael Heseltine dreamed up the idea in the first place. It is lovely to see devolution infect the ranks of the Conservatives in the Scottish Parliament and that they are taking a stoutly

different line to their erstwhile London masters.

In all seriousness, there is grave concern in Scotland about money being wasted, especially on white elephants such as the millennium dome, which apparently will cost £57 a ticket. My constituents in Inverness have first to travel to London—a difficult enough task in itself, especially since the cancellation of the London to Heathrow link that is so important to them. They will have to spend a small fortune to visit—

Mr Stone: Will Fergus Ewing tell us what that has got to do with 2000? I am getting a bit lost.

Fergus Ewing: Thank you, Jamie. I am ready to accept other interventions, but only from Labour members who think that the millennium dome is a good use of public funds.

Dr Richard Simpson (Ochil) (Lab): Will Fergus Ewing acknowledge that 800,000 tickets for the millennium dome have been sold? The festival of Britain, in 1951, was one of the most profitable enterprises ever undertaken. He should wait to see whether the millennium dome also turns out to be highly profitable as a showcase of Britain.

Fergus Ewing: I am delighted that we are now having a real debate. We are stirring up some controversy. Those are serious points that, as we are having a serious debate, I will answer. The millennium dome is the major project in Great Britain, and if Tony Blair cannot accomplish that, can we have confidence in our readiness for Y2K? I think not. Its lack of readiness is what makes my point about the millennium dome relevant.

I had expected Richard Simpson's point to be raised. The *Financial Times*—a source that may not be as authoritative as the *Daily Record*—described a survey of whether newsagents in Scotland have yet sold any tickets for the millennium dome. I may be wrong, but I understood that no such tickets have been sold in Scottish newsagents. While I am happy to be an optimist like Richard, I fear that the project is suffering.

Mr Harding: Scottish newsagents have not sold any tickets because they have not been asked to sell them.

Fergus Ewing: Perhaps the newsagents believe that there is no demand. I am sure that Mr Harding would know more about that than me.

Mr Monteith: Is it called the millennium dome because it is planned to be ready for 1 January 2001? Would tickets be sold if the Glasgow call centre was used?

Fergus Ewing: Brian has produced even more helpful suggestions in this debate.

I raise this matter for two reasons: first, it shows that human error is here with us; secondly, we

have spent three hours on the matter, when there are far more serious issues that we could have debated. There is no need for me to list those issues.

We all recognise that this is a serious issue and have said as much, while poking a little fun at the Executive, which I hope that it can take. Mr McLeish, in particular, is able to take a joke better than others whom I will not mention.

Mr Stone: Name them.

Fergus Ewing: No, I am too much of a gentleman to do that—at least not in such a public forum.

We support the efforts of all those who have helped to prepare for public safety in Y2K. We remain unconvinced that this debate has been a useful expenditure of time in the chamber, and hope that the minister, Mr MacKay, will answer the serious points that have been raised by members of all parties.

12:00

The Deputy Minister for Justice (Angus MacKay): Despite my expectations, we have had an interesting debate this morning. We opened with some knockabout from Mr Swinney on the theme of “Dad’s Army”, to which I will return. We had mention of anoraks. We have had the spectacle of Mr Gallie being unable to distinguish between Kenny MacAskill and Fergus Ewing, which I found highly entertaining, although I do not think that Mr MacAskill found it quite so amusing.

We had speculation on the colour blue signifying dependability in a code for disaster. While the Executive has responsibility for planning for the millennium and avoiding associated disasters, I do not think that we would be willing to take responsibility for disasters on the scale of that which befell the Conservative party in 1997. Mr Gallie might take that to heart as he reflects on the importance of the colour blue, to which I will return later on.

There are a number of characters in “Dad’s Army” that Mr Swinney did not link with anyone in the chamber, but Mr Ewing’s contribution put me in mind of Mr Hodges, the genial grocer with the ARP hat, whose purpose in the programme seemed to be to rush about and complain a lot, to no evident purpose. A further point to make about Mr Ewing’s speech is that, although he disparaged the millennium dome in graphic terms, he should be gracious enough to acknowledge that it provided substantial padding to his otherwise rather thin closing speech. If no other purpose is being served by the dome, it has at least contributed to Mr Ewing’s speech.

Mr McLeish outlined succinctly the reports that

we have had from the various organisations responsible for providing Scotland's essential services. They are ready to deliver the Government's promise of business as usual over the millennium period. That is positive news, and I hope that all members have been reassured by the scope and depth of the assessment procedure that has been outlined. Notwithstanding my opening comments, I would genuinely like to thank all members for this morning's discussion and for the points that were raised. I will return to the subject of the quality and length of the debate later on.

I also hope that members will forgive me for not addressing every single point that was raised during the debate. I will be happy to write to members on any points that I omit, and I am sure that Mr McLeish will also be happy to answer any points that are raised between now and the millennium, and beyond.

Before I refer to some of the specific matters that have been raised, it would be useful to recap some of the general themes that have informed the debate. First, it is worth summing up the scale of the undertaking that is now nearing completion. Since the national infrastructure forum was established in 1998, the work of over 10,000 organisations that are responsible for the delivery of essential services throughout the United Kingdom has been assessed. Blue status—to which I shall return—has been granted only when the most comprehensive investigation and testing of service provision have been undertaken; it includes an audit of how organisations have prepared for the millennium period and of the contingency plans in place to cope with any problems that might occur. Those points are worth stressing. Each organisation has been independently assessed. That subject was raised during the debate, and I will return to it in a moment.

It is true to say that no other country has matched the breadth, scope and rigour of the assessment that we have carried out to a common standard. That has been acknowledged by many of the other countries that are thought to be at the forefront of Y2K testing, including the United States and Holland. I am sure that members will join me in praising the spirit of co-operation and information sharing that has characterised the process thus far.

Scotland is inextricably linked with the wider UK, Europe and the rest of the world, and the reports that we have received reflect only the UK situation. Some services, however, such as telecommunications, transport, finance, post and weather forecasting are also dependent on activities outside the United Kingdom. Those areas are, by definition, outwith the remit of this

Parliament, and in some cases that of Westminster; they are also those which have been highlighted in recent press stories.

I would like to take the opportunity to reassure members that organisations that have significant international links will continue to collaborate with and monitor the readiness of their international partners as part of their Y2K programmes and prudent business practice. Those are the very issues that contingency plans need to address.

At this point, it is worth pausing to observe that UK-wide arrangements take account of the rolling period in which the year 2000 changeover takes place. New Zealand is the first place that will experience the year 2000 changeover. In advance of the date change taking place in this country, there will be direct liaison and communication with other countries as the year 2000 starts to affect—or not—business-critical systems throughout their public and private infrastructures. That should provide us with additional reassurance that any unforeseen problems can be picked up as they impact in other countries in advance of hitting the United Kingdom.

I now want to refer to some of the matters raised this morning. Members made several useful and important points, which I shall address in no particular order of importance. The issue of our nuclear deterrent was raised earlier. The nuclear deterrent has been thoroughly checked. The Ministry of Defence is absolutely clear that there is no risk of the nuclear deterrent being used or detonated accidentally through computer failure. Beyond that, the United Kingdom has been assured by all other states with nuclear weapons that their nuclear weapons will be unaffected by the year 2000 problem. In addition, they have also given assurances that robust command and control arrangements and contingency plans are in place. I hope that that addresses as clearly as possible the concern raised in the debate.

Nicola Sturgeon raised some specific points on schools. School computers have all been secured and checked. I discussed the matter with my colleague, the Deputy Minister for Children and Education, immediately after Nicola Sturgeon raised the point. Nicola's comments took statements made by the minister out of context. He was speaking at a conference at Liberton High School—I am delighted about that, because the school is in my constituency—about the need finally to double-check the systems that are not under the direct control of the school, but which could have an impact upon it. That was the last in a long series of steps taken over the past two years; it was not the beginning of a programme.

That demonstrates the comprehensive nature of our approach. We are not coming late to the subject and are leaving nothing to chance.

Nicola Sturgeon: I welcome the minister's comments; I am sure that they will have a reassuring effect. I do not know whether he has had the opportunity to read the statement that was issued by the Deputy Minister for Children and Education on Monday. If he has read it, he will have to admit that the context in which the statement was placed was not the one that he has just described. The context in which it was placed was likely to give rise to some disquiet in Scottish schools. Will he tell us what steps have been taken to ensure that planning is in place—including planning on the aspects that are not directly under the control of schools—and that it will be monitored to ensure that schools do not suffer disruption?

Angus MacKay: The categorical nature of my response should have set everyone's mind at rest on the specific questions that had been raised. I would be more than happy to write to Nicola Sturgeon about the details of how those problems are now being addressed. I stress that those concerns have now been addressed in full.

A question was raised about the national health service. A great deal of information is available, and I would be happy to arrange to provide written answers to the specific points raised by Mr Hamilton. The Prime Minister's adviser on year 2000 issues has discussed the preparations for Y2K compliance with the Scottish Executive and the NHS in Scotland on two occasions. He was so impressed with the thoroughness of those preparations that he recommended that the Scottish Executive should be a model for best practice in the UK. Again, I hope that that directly addresses the concerns that have been raised, but I undertake to communicate with Mr Hamilton on that specific point.

Phil Gallie: I accept the minister's comments on education and health. However, earlier on, I emphasised the massive cost involved—especially for private industry—in implementing measures to protect against the millennium bug. Can the minister give an overall figure on how much such measures have cost the Scottish Executive in protecting the health service, the education service, the police and fire services and so on against the millennium bug? Where precisely has that money come from? Can he assure us that it has not come out of main service areas?

Angus MacKay: I do not have those figures immediately to hand, although I will be delighted to communicate with Mr Gallie about them. I am not sure what specific purpose it will serve, but I am more than happy to do so. I will also be happy to outline some of the benefits that have accrued from the exercise, because there have been some clear benefits for public and private agencies, beyond addressing the year 2000 problem. I will

say a little more about that in a moment or two.

The issue of independent assessment was raised in the debate. Responsible organisations, some of which have been mentioned today, have had assessors appointed that were the most appropriate to vet those organisations. For example, local authority assessment has been carried out by the Accounts Commission for Scotland, which is appropriate, because the commission has a series of statutory functions and has a relationship with local authorities. The arrangement allows for an informed approach to vetting the business-critical systems of the local authorities.

For the electricity industry, the Department of Trade and Industry appointed the Office of Gas and Electricity Markets. For police forces, the Scottish Executive appointed Her Majesty's inspectorate of constabulary. Those bodies have track records of understanding and vetting the business of the organisations that they are assessing. They were given the remit of assessing the business-critical systems.

Mr Swinney: Will the minister say a little more on that point? I have noticed in some papers that the chief inspector of prisons for Scotland has carried out the prisons review, which comes within the minister's direct responsibility. All the organisations that carried out independent assessments had access to additional specialist technical and technological information, which might not have been part of the mainstream audit and supervision process of the Accounts Commission or the chief inspector of prisons, for example.

Angus MacKay: It is fair to say that most of those organisations will have a range of in-house expertise. However, I will be more than happy to research the details and respond directly to Mr Swinney to assure him on that point. It is important—the public want to be assured that the assessors knew what they were doing when they were making the assessments.

SNP members referred to the Territorial Army. The TA has been directly and heavily involved with local strategic working groups. There have been regular meetings at Army headquarters and Scottish Executive level, to ensure a proper dovetailing of preparations. The issue of military involvement has been extensively and exhaustively discussed at the civil contingencies committee at UK level. The representatives of the military bodies and that committee have given assurances that the Parliaments will be able to deal with all scenarios other than the most extreme ones that we are unable to foresee. The Army has given assurances that it will be able to assist the civil authorities in trying to cope with any circumstances that might arise as a result of the

millennium date change.

Blue, as the colour for clear preparedness, was used in preference to green so that it was not seen as meaning "all go". Blue indicates that, using all available data, and the results of the inspection, no risk has been identified. That does not mean that there will be no problems, which is an important distinction. However, work will continue up to and beyond 1 January. Private and public businesses have been asked to develop business continuity plans, and by and large they have succeeded. Those plans specifically aim to address the scenarios that might be unforeseen in the vetting of business-critical systems for a blue pass.

Mr Swinney: I am glad that the minister has put on record the clear and important distinction between no risks being identified and no incidents occurring. How does that distinction relate to the firm commitments on ministerial responsibility and accountability that Mr McLeish made in his opening remarks, when he quoted the Prime Minister and said that the buck stops with ministers over the identification, supervision and management of risk?

Angus MacKay: Scottish ministers are absolutely responsible for ensuring that the Scottish Executive moves forward with the utmost preparedness for foreseeable risks and that such preparations happen with due consideration of the assessment of business-critical systems. We have done that. I do not see how any reasonable person could articulate an alternative approach.

Mr Swinney rose—

Angus MacKay: If the member wants to comment on that, he can do so later.

I want to make a further point about code blue. Code blue is a mark of robustness for the responsible body. For example, Caledonian MacBrayne received an amber rating because of the failure of one winch on one ferry. Although a compliance certificate was obtained, blue status was not given until further tests were completed. In all circumstances, the responsible testing authorities have been asked to ensure that blue status can be given only once compliance is fully achieved. There are stages to the vetting process.

Mr Swinney: The minister has made another clear distinction, which should be recognised in Parliament. Ministers see themselves as responsible and accountable for any risks identified in the vetting process. If, after blue status is given, an incident happens that is beyond the vetting processes of organisations acting on behalf of ministers, ministers will not accept any responsibility for such events.

Angus MacKay: I have probably given way to

Mr Swinney for the last time in the debate. I am happy to have given him the opportunity to make his position clear. I will now move on to other issues, particularly date discontinuity problems after the year 2000 changeover.

The Executive has reminded organisations about the internationally agreed dates that are likely to cause problems. As for the issue of longer-term dates that was raised by several members, some equipment will simply have to be replaced.

The civil contingencies committee has recommended that the Government departments and other non-departmental agencies concerned should use the experience and expertise that they have gained throughout the planning process—particularly with regard to business continuity plans—to create an on-going system of testing, review and re-review of plans and business-critical systems. I expect that that scheme will roll out beyond 2000 to address in advance any glitches that could recur after the year 2000 problem.

Although there have been costs in ensuring compliance and in addressing foreseeable problems, significant benefits should accrue to a number of agencies through ensuring the continuity of their business in all unforeseeable circumstances, not just at the millennium changeover.

The police force and fire services were also mentioned in the debate. The police force will certainly be stretched by events such as millennium parties and parades. However, as the new year is generally a quiet time for the fire service, there are no plans to have extra fire service staff on duty at that time, although staff will of course be on call should there be an increase in incidents.

The police and other emergency services have enhanced their own call-receipt facilities for the new year and have clear contingency plans in case of dislocation of service across the country. It is important that the public use the 999 service responsibly. That will assist the emergency services in carrying on through the new year without exceptionable circumstances.

The issue of the problems with ticket sales at Glasgow City Council was raised. I do not propose to deal with that in any great detail, other than to say that most of the problems were caused by blockages at the organisation's switchboards. The problems that occurred, for example, at the Scottish Executive, were caused by the volume of outgoing calls from the Scottish Executive. At Glasgow City Council, the problem was the volume of incoming calls. In both cases, the problem was the volume of calls to and from specific switchboards, which is unlikely to be

replicated at the new year, when traffic will, largely, be personal.

It should also be stated that the problem in that case was caused by the fact that most of Scotland and substantial parts of England were trying to phone an individual organisation for a very specific purpose. At new year, a range of different organisations, local authorities and other emergency bodies will deal with any contingencies that arise. Advanced discussions are on-going about the availability of telephone services across the United Kingdom. Telecommunications companies are playing a full, constructive and active part in those discussions, which should give reassurance that services will be available during the new year period in all foreseeable circumstances.

Another issue that was raised during the debate was the Scottish information liaison centre. The centre is being set up because most people will be on holiday during the period for which the centre will be in existence. Most people will almost certainly be back at work after 31 December and 1 and 2 January, so local authorities and utilities will be functioning normally and normal operational procedures will be in place. Should there be any need for contingency plans to be implemented because of unforeseen circumstances, the Executive has ensured that there will be continuity and that the functions of the SILC can continue and feed into a national infrastructure. I hope that that puts members' minds at rest about the Executive's capacity to function beyond the start of the new year.

Before I move to my conclusion, I want to address one more specific point that was raised during the debate. One of the questions that was asked was whether we should have had this debate and whether it should have been allocated three hours. Because of the thoroughness of the approach that has been taken throughout the United Kingdom and in Scotland, I believe that most, if not all, foreseeable circumstances have been addressed. One of the few things that is left to fear about the date change is panic among the general public because of a lack of confidence in the ability of business-critical systems to operate. Such systems will operate, I am sure.

This debate, at least in part, aims to address the general concerns of the public. Reports of the debate will reassure the public that the everyday services on which people depend will be in place. That is critical. It does not take substantial imagination to predict what would happen if members of the public felt that, for example, autotellers would not operate after the start of 2000 and for some time afterwards: there would be a rush to withdraw cash from autotellers, which would present all sorts of problems for the

continuity of normal civic life. That is unlikely to happen, precisely because of the measures that have been taken. However, that must be communicated to the public, to reassure them on that point and on all others that might worry them.

Members of the Parliament have a unique opportunity to ask the very questions that members of the public might ask were they able to take part in today's debate. Many members have taken that opportunity. By answering their questions, I hope that we have addressed any fears that the general public might still have.

The debate is also an opportunity to remind small and medium companies in Scotland that still have work to do that they must check and double-check their preparedness for year 2000 compliance. If that saves money—and in turn jobs—and protects the interests of Scottish business, industry and services, I make no apology for having this debate or taking this length of time over it. The issue of whether other matters are being debated sufficiently is one that would be best raised in other circumstances and at another time.

I hope that I have dealt with most of the questions that have been raised in the debate.

Mr Jamie McGrigor (Highlands and Islands) (Con): Could the minister give us an assurance about what his party is doing to ensure that the poor people of France can eat Scotch beef at their millennium parties?

Angus MacKay: Returning to reality, I would like to speak about an issue that falls within my portfolio.

Despite the best, most thorough efforts that have been made in the utilities, in private sector and public sector services and in industry, the possibility remains that a dislocation of services could take place to an extent, because of a variety of factors, including the weather, the celebrations, the millennium bug or a combination of any of those.

One of the most troubling year 2000 myths has been the notion that, after 1 January, everything will be all right, and that that is the seminal date on which everything—or nothing—related to the year 2000 will occur. It is critical that all organisations remain vigilant against the possibility of a longer-term slow degradation in service and function. I hope that all enterprises will take note of that.

We are very fortunate here in Scotland: we have excellent emergency services, backed up by the local authorities, the health sector, voluntary agencies and many other organisations, all of which have considerable experience in dealing with the incidents and emergencies that might prevail. While the millennium will undoubtedly be

an enormous celebration here in Edinburgh, for example, City of Edinburgh Council and Lothian and Borders police have had three or four years' experience of dealing with substantial street parties. I expect that that will give them thorough preparation for dealing with any problems in this city. That experience has been extended to other parts of Scotland, particularly the other cities, to help prepare them for their own millennium celebrations.

Sophisticated procedures are in place to scale up any necessary response, including mutual aid to and from the military if that is appropriate. That facilitates the major objective of a return to normality as soon as possible, should normality be departed from.

In recent years, we have had problems with freezing, storms, snow and flooding, but have always managed to cope with them. It is important to acknowledge the potential for complications arising from the number of celebrations taking place, but the public, by and large, have conducted themselves sensibly and astutely throughout previous new year celebrations, and I see no reason to believe that anything significantly different will occur this time.

Ministers have an important role and will, as Mr McLeish mentioned, be on call over the millennium period, not just for the date change but before and after that period. I reassure Mr Swinney that a trawling exercise is taking place at the moment for the availability of a number of ministers. I am not sure whether that will quite extend to an invitation to Mr Swinney to join Mr McLeish on some one-night stand somewhere in the Scottish Executive—Annabel Goldie somewhat floridly took us down that path earlier. Ministers will certainly be available and on duty.

The emergency planning community is ready at all times to respond, as it has done in the past. Ministers have every confidence that the people of Scotland will not be let down, whatever situation may arise. We are geared up, through the SILC and the comparable arrangements made in Whitehall, in full readiness for the millennium and whatever may ensue.

I am sure that there will be no need for any extreme responses. The thorough Y2K preparations have minimised the possibility of issues arising from the bug, and it will be business as usual. I hope that members will take the information learned in the debate back to their constituencies and to the organisations with which they are in regular contact, to send the message that further vigilance is required, but that people can be reassured that the Executive is doing everything in its power to prepare Scotland for the 2000 date change.

Business Motion

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is consideration of business motion S1M-266, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, setting out a revised business programme.

Before asking Mr McCabe to move the motion, I advise members that the Presiding Officer has accepted a request from the Executive for a ministerial statement this afternoon on temporary sheriffs. The statement will be made immediately after open question time.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 17 November 1999

2.30 pm	Time for Reflection
followed by	Debate on an Executive motion on Childcare Strategy
followed by	Parliamentary Bureau motions
5.00 pm	Decision Time
followed by	Members' Business Debate on the subject of S1M-219 Phil Gallie: Proof of Age Card Scheme

Thursday 18 November 1999

9.30 am	Ministerial Statement on Publication of draft Ethical Standards in Public Life Bill
followed by	Debate on an Executive motion on the Modernisation of the Scottish Economy
followed by	Business Motion
followed by	Parliamentary Bureau Motions
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 Digital Scotland
5.00 pm	Decision Time
followed by	Members' Business Debate on the subject of S1M-189: Michael Matheson: Pollution of Bo'ness Domestic Water Supply

Wednesday 24 November 1999

2.30 pm	Time for Reflection
followed by	Debate on an Executive motion on Social Inclusion Targets
followed by, no later than 3.45 pm	Debate on an Executive motion on Land Reform
followed by	Parliamentary Bureau Motions
5.00 pm	Decision Time

followed by Members' Business
 Thursday 25 November 1999
 9.30 am Debate on a motion by the Scottish
 Conservative and Unionist Party
 followed by Business Motion
 followed by Parliamentary Bureau Motions
 2.30 pm Question Time
 3.00 pm Open Question Time
 followed by Ministerial Statement on Freedom of
 Information
 followed by, no
 later than 3.45 pm Debate on an Executive motion on
 Carers' Strategy
 5.00 pm Decision Time
 followed by Members' Business—[*Mr McCabe.*]

The Deputy Presiding Officer (Patricia Ferguson): No member has asked to speak against the motion, so I shall put the question.

The question is, that business motion S1M-266 be agreed to.

Motion agreed to.

Subordinate Legislation

The Deputy Presiding Officer: The next item of business is consideration of Parliamentary Bureau motions. I ask Mr McCabe to move motion S1M-257 on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (North Coast) (Scotland) Order 1999 (SSI 1999/125) be approved.—[*Mr McCabe.*]

The Deputy Presiding Officer: The motion will be decided at this afternoon's decision time.

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

Meeting adjourned at 12:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we begin, I inform the Parliament that, following the court decision this morning, I have accepted an emergency statement on the subject of temporary sheriffs.

Question Time

SCOTTISH EXECUTIVE

Angus Hospitals

1. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive whether it is satisfied with the physical state of hospital buildings in Angus and what plans exist for their modernisation and replacement. (S1O-601)

The Minister for Health and Community Care (Susan Deacon): The national health service estate in Angus is considerably older than the average in Scotland. That is one reason why the NHS in Tayside is working to design modern and high-quality acute services that will meet the needs of the population of Tayside now and in the future.

Mr Welsh: Will the minister ensure the production of a programme of new building and the modernisation of Angus hospitals as a matter of urgency? Will she state whether, in principle, she will allow the resources to do that?

Susan Deacon: I congratulate Mr Welsh on his tenacity in questioning me weekly on this issue. I am absolutely determined to ensure that, both in Tayside and throughout Scotland, the process of local acute services reviews—which are on-going—will result in an improvement in services to the people those facilities serve, and that an appropriate balance is achieved between local access and quality of service. I stress that, although we are investing in new facilities—and I am sure that that will happen in Tayside—it is important to remember that services are not only about bricks and mortar. As we move into the 21st century, I shall ensure that quality services are provided in all the different ways.

Domestic Violence Service Development Fund

2. Mr Gil Paterson (Central Scotland) (SNP): To ask the Scottish Executive whether it will provide a breakdown of the specific areas to which the £3 million pledged to the domestic violence service development fund will be channelled. (S1O-587)

The Deputy Minister for Communities (Jackie Baillie): The distribution of expenditure from the

domestic abuse service development fund will be determined by the success of individual local authorities in bidding for grants. Full bidding guidance will be developed and circulated very shortly.

Mr Paterson: I do not want to take anything away from what the minister is doing in this area—£3 million is very welcome. Would she consider putting resources into some preventive methods, simply because prevention, in many cases, is much better than cure?

Jackie Baillie: I advise Mr Paterson that the full package is £8 million. We are putting money specifically into the three Ps—prevention, protection and provision.

Devolution

3. Lord James Douglas-Hamilton (Lothians)

(Con): To ask the Scottish Executive, further to the announcement by the Prime Minister on 25 October 1999 about the transfer of functions from the Secretary of State for Scotland to other ministers of the Crown, whether it or any Scottish public body was consulted on this transfer of functions. (S10-569)

The Minister for Parliament (Mr Tom McCabe): The allocation of functions in the UK Government is a matter for the Prime Minister. Where any transfer of function affects the responsibilities of the Scottish Executive, we would be consulted.

Lord James Douglas-Hamilton: Does the minister accept that the transfer of responsibility for telephone tapping has implications for the police service in Scotland? Will he accept that there is a strong case for the First Minister to be consulted on those matters and to be given his rightful place?

Mr McCabe: The transfer of functions was primarily concerned with national security. I assure Lord James that the Association of Chief Police Officers (Scotland), Government departments and all relevant agencies were consulted on that transfer.

Ambulance Staff

4. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive to detail any known statistics on the incidence of violence towards ambulance staff in the greater Glasgow area. (S10-582)

The Minister for Health and Community Care (Susan Deacon): Data collected by the Scottish Ambulance Service show that, in the two years for which statistics are available, the number of incidents of violence to staff in the west central ambulance service were as follows: 17 in the year

from 1 September 1997 to 31 August 1998; and 26 in the year from 1 September 1998 to 31 August 1999.

Pauline McNeill: Does the minister agree that ambulance technicians and paramedics are not equipped to anticipate violence at the scene of an emergency but often experience violence, and that some personnel suffer serious assaults and find it hard to return to work? Will the minister undertake an investigation into the issue, considering such matters as a new statutory offence and the use of protective clothing and counselling services? Will she also join me in welcoming the members of Canadian public services unions who are here today?

Susan Deacon: I can give an absolute assurance that I am committed to ensuring that the safety of ambulance personnel is at all times secured. As the member will be aware, steps have been taken in west central Scotland in the light of recent incidents. I am also working with a range of individuals and organisations to see how safety for workers in the Scottish Ambulance Service and throughout the NHS can be improved.

Rural Economy

5. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive what measures it proposes to assist the rural economy. (S10-596)

The Minister for Rural Affairs (Ross Finnie): The Executive is committed to supporting and enhancing all aspects of rural life in Scotland, including through the development of a sustainable rural economy. A wide range of steps is being taken as part of the programme for government.

Fergus Ewing: Is the minister aware of the anger felt by many hundreds of farmers throughout the Highlands and Islands who were led to expect that they would receive financial assistance under the agricultural business improvement scheme? Is he aware of the specific, unequivocal written assurance that was made on 18 February 1999 in a letter to Jim Wallace by Lord Sewel, the then agriculture minister, that any upsurge in applications under the scheme would be met? Is he aware that there is a deep sense of betrayal among farmers who have spent thousands of pounds expecting to receive the money and who will now be let down by the Executive?

Members: Hear, hear.

Ross Finnie: First, I want to put the matter into perspective. [*Laughter.*] It is not a laughing matter; it is a serious issue. By the end of last year, 4,598 farmers had benefited from the agricultural business investment scheme and some £14.5

million had been expended on it. The total amount allocated to the scheme under the original objective 1 Highlands and Islands agricultural programme was £23 million. In no year until now have there been any more than £4.5 million-worth of applications. Since August of this year, we have received 3,900 applications, totalling £22.6 million.

Although I am now aware of the letter sent by Lord Sewel, I was not privy to it and I cannot determine the basis on which he gave that undertaking. I am now faced with a programme where, under HIAP, I had £1.2 million available and I have now received £22.6 million-worth of applications. What I am trying to do first of all is to take—

The Presiding Officer: Is your first point your only point, Mr Finnie?

Ross Finnie: I am sorry. I am coming to the final point of my answer.

I will try to take account of Mr Ewing's very point in considering how to deal with people who have expended money in making their applications. I will also consider the prioritisation that must be given to the scheme. I am examining other schemes to see whether there is any prospect of finding other moneys to meet the need, although I do not want to raise any hopes.

Millan Commission

6. Mrs Margaret Ewing (Moray) (SNP): To ask the Scottish Executive which organisations have already given evidence to the Millan commission and on how many occasions the commission has met. (S10-551)

The Deputy Minister for Community Care (Iain Gray): I understand that the full committee reviewing the Mental Health (Scotland) Act 1984 has met seven times and has received written submissions from 130 organisations in Scotland in response to a consultation document that it published in April. In addition, more than 160 responses have so far been made to a leaflet issued by the committee, which was particularly designed to obtain the views of users and carers on mental health legislation.

Mrs Ewing: The extent of the response to the Millan commission is interesting. When will the initial report be published? Will there be a second round of consultation? What is the time scale for the completion of the commission's work, which will allow us to deal with important aspects of mental health legislation?

Iain Gray: I acknowledge Mrs Ewing's continuing interest in this matter. I believe that it was in response to a parliamentary question that she asked in another Parliament that Mr Galbraith first announced the Millan commission.

Clearly, the progress of the commission's work is its responsibility, but I am happy to report that 1,000 copies of the consultation document have been distributed. As I mentioned, a leaflet for users and carers has gone out. Various visits have been made to day-care services and psychiatric institutions and there are public seminars this month. The commission plans to produce a further consultation document early next year and we expect it to report to Scottish ministers in summer 2000.

Residential Property (Surveys)

7. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive what plans it has to bring forward proposals to replace multiple surveys with a single "seller survey" in the residential property market. (S10-592)

The Minister for Communities (Ms Wendy Alexander): In the programme for government, we undertook to seek to improve the house-buying process in Scotland. We are currently examining whether market-led solutions can achieve our objectives. We will decide, in due course, whether there is a need for legislation to achieve our objectives.

Mr McNeil: Through the press I have become aware of internet-based schemes. Does the minister agree that such schemes, delivered by a single company, would be difficult to access throughout Scotland and would leave the buyer ultimately liable for the cost? Would not a single survey that is paid for by the seller be a fairer and more cost-effective method of helping people to pay for surveys on homes that they will never buy?

Ms Alexander: It would, of course, be unacceptable to rely on a single commercial concern. We expect that a wide variety of firms will come up with solutions to the problem of multiple surveys.

Secretary of State for Social Security (Meetings)

8. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive how many times the First Minister has met the Secretary of State for Social Security since May 1999. (S10-565)

The First Minister (Donald Dewar): I have had no formal meeting with the secretary of state but I have kept in touch with him and discussed matters of contemporary interest on a number of occasions.

Alex Neil: As this is armistice day, will the First Minister agree that we should use this opportunity to express our gratitude to our pensioners for everything that they have done for our country? As a way of expressing that gratitude, will he make

representations to the secretary of state on behalf of our pensioners and ask him to think again about the pittance of an increase—75p—that was announced on Tuesday? Will he point out to the secretary of state that our pensioners are paid far less than their German counterparts, whom they beat in the war, who get pensions of £181 a week?

The First Minister: I regret that Alex Neil has invoked this day of remembrance and then made an extremely partisan point. I do him the credit of thinking that he must know that that comparison with Germany is not like with like. Germany does not have the kinds of occupational pensions structures that we have in this country. Therefore, he is trying to draw a very incomplete comparison.

We all want to improve things for pensioners. I remind Alex Neil that this Government has helped the poorest pensioners by introducing the basic minimum pension guarantee, which is very important to the poorest pensioners. I also remind him that there was a wide welcome for the £100 winter payment, which we have just learned is to be a permanent feature, and that there are free television licences for the over-75s. That is distinct evidence of this Government's commitment to tackling the problems of pensioners—the Government will further tackle them through the introduction of stakeholder pensions. I hope that Alex Neil will pay tribute to that.

The Presiding Officer: That whole exchange was in danger of being out of order.

Parliamentary Questions

9. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive, further to the answer to question S1W-2044 by Donald Dewar on 1 November 1999, what measures it intends to implement to improve on its present performance by giving a substantive answer to all parliamentary questions within the 14-day period. (S1O-584)

The Minister for Parliament (Mr Tom McCabe): In my answer to Dr Richard Simpson on 2 September, I announced our intention to undertake an audit to promote effective dissemination and efficient use of resources. There is an obligation on all members to consider relevance, costs and how their actions impact on efficient service to other members.

Dennis Canavan (Falkirk West): Answer the question.

Mr McCabe: Ill-considered questions place a strain on the public purse and lead to a deterioration of service to other members.

Members: Shame.

Mr Stone: I am not sure that I welcome those

supportive remarks.

I thank the minister for his robust and characteristic reply. Many questions are given a holding response and some of the questions remain outstanding after that for quite a long time. For instance, four weeks after a holding response there were 37 outstanding—

The Presiding Officer: Mr Stone—

Mr Stone: Could the Scottish Executive, with the civil service, try to clear some of the ones that have been longest outstanding?

Mr McCabe: There is an on-going attempt to make more efficient use of resources. In that light, I urge members and their assistants to make full use of SPICe, the Scottish Executive website and the websites of executive agencies.

Dennis Canavan: We are asking too many questions—is that the problem?

The Presiding Officer: Order.

Long-Term Care

10. Kay Ullrich (West of Scotland) (SNP): To ask the Scottish Executive how many people in Scotland have been assessed as in need of long-term care and are currently in hospital awaiting placement in residential and nursing home care. (S1O-564)

The Deputy Minister for Community Care (Iain Gray): The latest estimate is that in the 35,500 staffed NHS beds in Scotland there are 2,015 patients who have, for a variety of reasons, waited two or more days for discharge. Some, although not all of them, will be awaiting a care home placement.

Kay Ullrich: Thank you. Given that virtually all those people are in acute NHS beds awaiting funding packages from local authorities, and local authorities claim that they do not have the funds needed, will the minister tell us what steps he is taking to ensure that the necessary funding is put in place to end not only the blocking of the acute beds but to ensure that our frail elderly get the appropriate care that they desperately need?

Iain Gray: I have given this answer before—the responsibility for resolving that problem in the short term lies with health boards and local authorities working together. Last Friday, the two health ministers met the most senior members of staff from every local authority and every health trust in Scotland, bar one, so that we could make exactly that point, among others—that it is they who must resolve the problem.

There is a problem of information, however. There are 40 possible reasons for delayed discharge; the point under discussion is one of

them. A pilot exercise is looking at ways of securing consistent, coherent data to enable us to find solutions to delayed discharge instead of placing blame for it.

Information and Communications Technology

11. Richard Lochhead (North-East Scotland) (SNP): To ask the Scottish Executive whether it is aware of what plans local authorities intend to make to provide technical support in schools to assist teachers in the light of the provision for information and communications technology for schools through the excellence fund. (S10-575)

The Deputy Minister for Children and Education (Peter Peacock): The majority of authorities plan to use some of their excellence fund resources to improve technical support for ICT in schools.

Richard Lochhead: Teachers, like all MSPs, welcome the increased use of IT in the classroom, but there is concern that inadequate support will be available in terms of training and technical support for teachers, who are already expected to wear a variety of hats—

The Presiding Officer: A question please.

Richard Lochhead:—and learn a variety of skills. It is essential that they are given the proper back-up—

The Presiding Officer: A question.

Richard Lochhead:—but there is concern among teachers that they are not going to get it. Will the minister give an assurance that he will put the teachers' concerns to the local authorities?

Peter Peacock: I recognise this as an important issue. It is up to each local authority to make detailed arrangements in their area. Guidance issued by the Executive as part of the excellence fund in relation to the national grid for learning stresses the importance of technical support for computers in schools for the reason that Richard Lochhead raises. I am taking a particular interest in this matter and I know that, in the member's area, Moray Council and Angus Council have put services out on a managed-service basis and that Aberdeen has eight extra members of staff working on it. Efforts are being made, but I intend to keep the matter under review.

Ministry of Defence Contracts

12. Colin Campbell (West of Scotland) (SNP): To ask the Scottish Executive what representations it has made to Her Majesty's Government to ensure that the Scottish economy benefits to the same extent as other areas of the UK from the placing of Ministry of Defence contracts. (S10-580)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Scottish Executive takes every opportunity to promote the interests of Scottish industry to the benefit of the Scottish economy, including through regular representations to the UK Government.

Colin Campbell: In the light of that answer, will the minister explain why, in the most recent financial year, Scotland—which has 8.7 per cent of the UK population—received only 0.42 per cent of MOD research contracts and only 5.7 per cent of MOD defence contracts, resulting in huge losses to the Scottish economy?

Nicol Stephen: Colin Campbell quotes selective statistics. On the basis of the most recent figures available, total defence expenditure in Scotland—approximately £1.9 billion—supports 55,000 jobs directly and indirectly. Clearly, defence expenditure is substantial and important to our economy. UK Government figures for 1997-98 show that the number of people who are employed in Scotland as a result of defence expenditure on equipment contracts is proportionately the same as that for the whole of the UK. Of course, current SNP policy would ensure that large chunks of defence spending would come to a halt overnight, with the loss of thousands of Scottish jobs.

Colin Campbell: The minister has failed completely to answer my specific question on contracts.

The Presiding Officer: If I call a member to ask a supplementary, that supplementary must be a question, not a statement or argument.

Infectious Salmon Anaemia

13. Tavish Scott (Shetland) (LD): To ask the Scottish Executive what progress has been made in discussions with the European Commission to relax or modify the regulations relating to the control of infectious salmon anaemia and what further meetings with the Commission are currently proposed. (S10-552)

The Deputy Minister for Rural Affairs (Mr John Home Robertson): Following representations from the Scottish Executive, the European Commission published proposals on 21 September 1999 for amendments to the directive that defines the measures that must be taken against ISA. The proposals were given a sympathetic hearing at a council working group of veterinary health experts on 19 October and will now go to a meeting of Community chief veterinary officers later this month. Meanwhile, the views of the European Parliament are being sought. We will continue to maintain close contact with the Commission on these important proposals, particularly in view of the discovery of ISA infection on six Scottish fish farms and in

some wild fish last week.

Tavish Scott: Does the minister accept that the discovery of ISA as far afield as the River Tweed shows that it is a wild disease and that therefore the outcome of the current eradication policy will be simply to eradicate the whole Scottish salmon industry?

Mr Home Robertson: This is a serious issue. We fully appreciate the importance of 6,000 fish-farm jobs to some of the remotest locations on the west coast, in the north and on the islands of Scotland. Tavish Scott is right. The recent evidence of the identification of the virus on six farms, including some in his constituency, and the identification of the virus in some wild fish raises serious considerations.

As he would expect, we are considering this matter urgently and we are working on options for a more flexible approach to the control of the disease. It would be better for all concerned if we could get rid of the disease. I expect to make a further announcement around the end of the month.

Prescription Charges

14. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive whether it has any plans to extend the existing provision for exemption from prescription charges to include sufferers from life-threatening conditions such as cystic fibrosis and asthma. (S10-599)

The Minister for Health and Community Care (Susan Deacon): We have no current plans to do so.

Mrs Mulligan: Is the minister aware that, when the exemptions were decided on, the drugs that are currently used to treat cystic fibrosis had not been developed, so the condition did not fit the criteria that were used? As the British Medical Association accepts, if the guidance were to be applied now, cystic fibrosis would meet the criteria. Moreover, the number of people who would be granted exemptions would be small.

Susan Deacon: I am aware of a number of the points that Mrs Mulligan raised, and I am happy to give detailed written responses to each of them. However, I stress that the subject of prescription charge exemptions is complex and sensitive, and regular representations are received on behalf of many groups.

There was a recent review of this matter at UK level but there is no consensus among clinicians on any changes to the system. However, I am happy to comment further on the points that have been raised and to look at how we can improve services and support generally for sufferers of cystic fibrosis and their families.

Scallop Fishing

15. Mr John Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive, further to the answer to question S1W-1660 by Mr John Home Robertson on 6 October, whether it has considered any detailed representations from the fishing industry about the financial impact of the ban on scallop fishing and whether it now plans to give any compensation to scallop farmers who have no means to diversify into any other forms of business. (S10-583)

The Deputy Minister for Rural Affairs (Mr John Home Robertson): The Scottish Executive has considered representations from the industry and we share its concern about the continuing need to restrict scallop fishing. We have concluded that compensation for the consequences of natural phenomena could not be justified. However, the problem of access to alternative fisheries will be considered at the next meeting of the Scottish inshore fisheries advisory group. We also understand the impact of the restrictions on scallop farmers, and I hope to meet representatives of the industry shortly.

Mr Munro: I thank the minister for that reply. I am sure that he will appreciate that many of the scallop farmers are self-employed so do not qualify for state benefits. Because of the extended ban, they have suffered financial hardship to the point of bankruptcy. Will the minister and his colleagues in the Executive seriously consider lifting the ban, with immediate effect, on all scallop farms where the toxin levels recorded are below the permitted levels on two successive tests?

Mr Home Robertson: I stress that the prevention of amnesic shellfish poisoning is primarily the responsibility of the Minister for Health and Community Care. Our scientists are working hard to monitor levels of ASP toxin. I am advised that restrictions can be lifted when they are satisfied that the contamination falls below 20 µg of domoic acid per gram of fish. I am delighted that restrictions were lifted from two scallop farms on Skye on 13 October. I understand that applications from two more farms are making good progress. We must protect consumers from the risk of this disease. That is in the interest of the consumers and the fishermen.

Digital Television

16. Mr Duncan Hamilton (Highlands and Islands) (SNP): To ask the Scottish Executive what meetings have taken place between it and the Department for Culture, Media and Sport over the issue of digital television as it affects Scotland. (S10-604)

The Minister for Children and Education (Mr Sam Galbraith): The Scottish Executive has

ensured that the UK Government is aware of the importance in Scotland of firm guarantees on coverage of digital television.

Mr Hamilton: That was not the question. At those meetings, was the minister made aware of the UK Government's policy of switching from analogue transmission to digital transmission the moment that the majority of the United Kingdom—not Scotland but the United Kingdom—can be reached by digital television? Is the minister aware that that could create a digital desert in the Highlands and Islands, where the coverage of digital television is not extended? Will he guarantee that there will be no move to digital television until there is blanket coverage in the Highlands and Islands, as elsewhere in the United Kingdom?

Mr Galbraith: The undertaking is that analogue transmission will not be switched off until coverage is at least as good as it is at present. Mr Hamilton will be aware that at present there is not universal coverage of television in Scotland. I am having discussions to investigate whether there is any possibility of extending that coverage. Some of the people who are not covered, but who will be, will be more than 75 years of age. In the light of the chancellor's recent announcement about the licence fee, that will ensure that they not only get coverage, but get it for free.

Mr Hamilton: Is the minister telling us, for the first time, that coverage in the Highlands and Islands will be the same as it is in every other part of the United Kingdom? If he is, that is a major announcement, which I welcome.

Mr Galbraith: If Mr Hamilton listened to me instead of preparing his next question, he would have heard me say that there is an undertaking that analogue will not be switched off until coverage is at least as good as it is at the moment. That is a firm undertaking.

Health Boards

17. Margaret Jamieson (Kilmarnock and Loudoun) (Lab): To ask the Scottish Executive what plans it has to reconsider the geographical boundaries of health boards to take account of recent health reforms in Scotland. (S10-556)

The Minister for Health and Community Care (Susan Deacon): We have no current plans to reconsider the geographical boundaries of Scotland's health boards.

Margaret Jamieson: Will the minister assure me that health boards will be encouraged to demonstrate best value, openness and accountability in the planning of services for the populations that we represent?

Susan Deacon: I am happy to give Margaret

Jamieson that assurance. Now that there is a new structure in place in the national health service in Scotland—one based on collaboration rather than on the competition of the former internal market—I am keen that, along with those improvements, we should have the highest possible standards of accountability at a local level throughout the NHS.

Open Question Time

SCOTTISH EXECUTIVE

Secretary of State for Scotland (Meeting)

1. Mr Alex Salmond (Banff and Buchan) (SNP): To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues they discussed. (S10-593)

The First Minister (Donald Dewar): Matters of common concern.

Mr Salmond: In that case can the First Minister explain the speech he made this week in Haddington, which was reported as either warning his Liberal coalition partners to bow down on tuition fees or warning the Parliament's committees to bow down to ministers. What he says about his Liberal partners is a matter for the First Minister, but will he accept that the role of parliamentary committees is not to make life easy for ministers, but to hold the Scottish Executive to account on behalf of the people of Scotland?

The First Minister: I do not know whether Alex Salmond has had the advantage of reading my speech.

Mr Salmond: I have.

The First Minister: I am delighted. In that case, he will know that it was a speech in which I went to considerable time and trouble to demonstrate the importance that I attach to the effective working of the committee system. It is one of the characteristics of this Parliament and a mark of the deliberate effort to alter the balance of power between legislature and executive. It is a very important opportunity, and one that this Parliament cannot afford to miss.

Mr Salmond: The speech was interpreted as the First Minister expressing concern that some members of the Scottish Executive were finding life hot in front of committees. In that case, the solution might be to change the members of the Executive, rather than to change the committees.

In his speech, the First Minister said that some would argue the House of Lords should be a revising chamber for this Parliament. Who would make the ridiculous suggestion that a chamber in which the only elected people are hereditary peers and the rest are Tony's cronies should be a revising chamber for this Parliament, which is elected by the people of Scotland?

The First Minister: There is always a danger of arguing by caricature. Alex Salmond should wait to see what the revised composition of the House of Lords will be before jumping to assumptions. At

the end of the paragraph that he cites, he will see that I reject the argument for a revising chamber and suggest that effective and properly operating committees are one of the best safeguards against that kind of thesis. I hope that no one will object if I say that the speech was subtle, in the sense that it dealt with the way in which this Parliament works and ought to work. No one is more committed than I am to making it work. I do not interpret the speech as a criticism of individuals. It was a useful contribution to a debate, and I am delighted that it has attracted so much attention from so distinguished a source.

Mr Salmond: Let me follow that note of consensus by asking the First Minister to join me in wishing Craig Brown and his squad all the best for the coming home and away matches in the European championship. I am sure that that is a matter that will attract 129 per cent support from this Parliament and concerning which everyone in this Parliament can have enthusiasm for the concept of Scotland into Europe.

The First Minister: I notice that quite a competitive exercise has grown up around Saturday's game. Obviously Alex Salmond is delighted to make his little effort to be associated with what will, I hope, be a very successful game. Success for me, of course, would be the right result, and the right result would be a Scottish victory.

Mr Lloyd Quinan (West of Scotland) (SNP): Does the First Minister agree that, today, it would be appropriate for us to recognise the work of Hamish Henderson in projecting Scotland as a progressive, forward-looking and inclusive nation, this being the 80th anniversary of his birth? Hamish Henderson was also a veteran of the north African and Italian campaigns.

The First Minister: I am a great admirer of Hamish Henderson. He has written some great songs, and his "Freedom Come Aa Ye" is one of the most well known songs in Scotland. His influence has been widespread: I greatly value the work of the school of Scottish studies and the spread of academic work on Scottish culture through the universities.

I will say to Lloyd Quinan—I am sure he will not resent this—that this is not a day for honouring one individual, no matter how worthy, but for paying tribute to an enormous number of people. I attended a ceremony in a railway station in Glasgow this morning. I stood in front of the memorial to victims of the first world war. The number of names was quite daunting. The experience was humbling and it is in that general spirit that we should approach armistice day.

2. David McLetchie (Lothians) (Con): As I ask this question, it occurs to me that this appears to

be the First Minister's groundhog day.

To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues they discussed. (S10-579)

The Presiding Officer: Surprise us, Mr Dewar.

The First Minister (Donald Dewar): Sadly, Presiding Officer, you would not let me. I live in hope that Messrs McLetchie and Salmond will think of something else to ask me.

The Secretary of State for Scotland and I discussed matters of common concern, Mr McLetchie.

David McLetchie: I am delighted to hear that, on this occasion at least, the First Minister is a model of consistency or, perhaps, predictability.

I am also pleased to hear that the so-called father of the Parliament will not be putting the child up for adoption by the House of Lords just because it has a mind of its own.

Away from the constitutional musings of Mr Salmond, I ask the First Minister whether he and the Secretary of State for Scotland have discussed the continuing diplomatic shambles surrounding the continued French ban on our beef. I remind him that last week the Minister for Rural Affairs said that he was expecting an early resolution of the matter. That was backed up by the Prime Minister, who said that the problem would be over in a matter of days.

Has the Scottish Executive revised its opinion in light of recent developments as to the appropriate strategy and will the First Minister and the Minister for Rural Affairs put some backbone into the spineless Mr Brown?

The First Minister: I saw Mr Brown last night and I do not regard him as spineless.

Everyone had an interest in the removal of the possibility of extended and frustrating court proceedings. When it was suggested that some technical advice might clear the way to an early settlement and the lifting of the ban, it seemed sensible to pursue that course of action. Any reasonable man would have taken that option, given the time scale involved.

I share the regret felt by everyone in the chamber that the French have felt unable to follow the scientific advice from the European Union, the advice from the Commission and the diplomatic—I use that word technically—advice from the United Kingdom. I hope that the French will think again. If they do not, I understand that the Commission will pursue court action within days. That is an unhappy situation for all of us and one that Westminster—with the full support of the Scottish Executive—has tried very hard to avoid.

David McLetchie: We all want the French to lift the ban. Does the First Minister never stop to reflect that there can be no wonder that the French food standards agency has so little confidence in Scottish beef when the Scottish Executive is so worried about the safety of our product that it continues to uphold its ridiculous beef-on-the-bone ban? Although beef on the bone has been certified as fit for consumption by the Prime Minister in Downing street it is apparently not fit to be served when he comes north of the border to dine with the First Minister at Bute House.

The First Minister: The support of the Executive and—despite the fencing that is going on at the moment—the Parliament for the re-establishment of Scottish beef in its traditional markets is total. Sadly, France was one of the most important of those markets and provided a significant proportion of the £120 million that the market was worth.

We have been co-operating well with the National Farmers Union of Scotland. Ross Finnie has played an energetic role in that, and yesterday I talked to Ben Gill of the National Farmers Union in England. I am sure that all of us are pulling in the same direction.

The beef-on-the-bone ban is an extremely difficult issue. As Mr McLetchie knows, we are urging the French to give ground in the face of scientific evidence. Three of the four chief medical officers in the United Kingdom are advising that it is not safe to lift the ban. In those circumstances, we have to think long and carefully.

Further work is going ahead. The risk assessment from the Oxford group is just becoming available. There will be further meetings in the near future, but it is important that we move—for obvious practical reasons if no other, which I am sure David McLetchie will appreciate—on a United Kingdom basis. We will move as soon as the scientific evidence allows us to.

Ms Margo MacDonald (Lothians) (SNP): Will the First Minister tell us whether, in his most recent—or indeed any—meeting with the Secretary of State for Scotland, John Reid told him why he will remove from the First Minister's powers and functions the ability to intercept telephone or mail communications? Instead of that ability residing with the First Minister, it has gone to the Home Secretary.

Donald Dewar: I can assure Margo MacDonald that we still co-operate fully with the police. I sign warrants under the interception laws. That is fairly common. These are important matters and there is proper scrutiny of any application for a warrant. We will shortly examine the business of new, intrusive surveillance techniques; there will almost certainly be legislation on that. I am sure Margo

MacDonald will take a great interest in that.

Local Government Act 1986

3. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what time frame it envisages for the repeal of section 2A of the Local Government Act 1986 and what further steps it plans to take to end discrimination against homosexuals in Scotland. (S10-562)

The Minister for Communities (Ms Wendy Alexander): As I announced on 29 October, we will provide for the repeal of section 2A in the ethical standards in public life bill, which we intend to introduce early in the new year. The Scottish Executive is committed to tackling exclusion in all walks of life. Towards the end of this year, we will outline our approach to equality issues more generally.

Nora Radcliffe: I thank the minister for her reply. What is the Executive's intention in respect of the definition of nearest relative in the Adults with Incapacity (Scotland) Bill? Will it be made clear that it is understood that recognition of unmarried partners includes unmarried partners in a long-term, committed, same-gender relationship?

Ms Alexander: The Millan committee is looking at the definition of nearest relative. Any proposed changes could be incorporated in the Adults with Incapacity (Scotland) Bill.

Dr Sylvia Jackson (Stirling) (Lab): Will the Scottish Executive—and in particular the Minister for Children and Education—make available to MSPs, as soon as possible, details of the guidelines that operate in relation to what is taught in our primary and secondary schools, as that should help to calm public fears in that area?

Ms Alexander: We recognise that some parents may be alarmed at the prospect of homosexuality being promoted in our schools. They can rest assured that it is not the intention of the Executive actively to promote homosexuality. Removing the prohibition is not the same as active promotion. There is a continuing review of the five to 14 guidelines, which covers health education in general and existing guidance on more detailed matters. The repeal of section 2A would require a detailed examination of those resources, but it is unlikely to require wholesale change.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The minister talks of making change in terms of bringing equality. Will she tell me at what age she thinks sex education is appropriate? Should that be the same age at which homosexuality is instructed—not promoted, but instructed—in schools?

Ms Alexander: There is an existing programme

for sex education in the curriculum for five to 14-year-olds. It is sensitive to the age and maturity of the pupils concerned. The Executive believes that it is wrong to make a legal distinction between the teaching of homosexuality and other sensitive topics that are well handled in schools.

Dennis Canavan (Falkirk West): I wish to raise a point of order arising from Tom McCabe's non-reply to Jamie Stone's question—number 9. Presiding Officer, can you use your influence to ensure that we get timely replies to written questions? I am still waiting on replies to several questions, some of which I lodged nearly 10 weeks ago. Do you agree, Presiding Officer, that this is simply not good enough? Part of this Parliament's job is to bring the Executive to account. The Executive should not be allowed to treat this Parliament with contempt by failing to answer our questions. [*Applause.*]

The Presiding Officer: I listened very carefully to Tom McCabe's reply to Jamie Stone. He is correct: the bureau is looking at this issue very seriously. We have not completed our consideration and Mr Canavan and any other member is welcome to submit to us any evidence that they might have. We have already had letters from some members.

Temporary Sheriffs

The Presiding Officer (Sir David Steel):

Following this morning's court decision, I now call Jim Wallace to make a statement on temporary sheriffs.

15:16

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I wish to make a statement about the decision issued this morning by the judiciary appeal court in Edinburgh.

During a criminal trial in Linlithgow sheriff court this year, counsel for the defence challenged the right of the procurator fiscal to take a prosecution before temporary sheriff David Crowe on the ground that the temporary sheriff was not an "independent and impartial tribunal" within the meaning of article 6.1 of the European convention of human rights. The matter was referred to the judiciary appeal court for consideration.

The opinions of Lords Cullen, Prosser and Reed were issued this morning. Each was agreed that the conditions under which temporary sheriffs are reappointed and can be removed are not compatible with the terms of article 6.1. In the cases which they had before them, their lordships ruled that the temporary sheriff should discharge the trial and remit the case to be heard afresh by a permanent sheriff.

Two of the opinions are lengthy and we will need time to give them the full consideration they require. On a first reading, however, the main area of concern relates to the lack of security of tenure enjoyed by temporary sheriffs whose commissions are subject to annual review. The court was also concerned about the legislative provision under which the commission of a temporary sheriff can be recalled at any time by ministers.

The court was at pains to point out that it saw no objection in principle to the Executive recommending appointments. Lord Reed observed that

"The manner of appointment of temporary sheriffs does not point towards any lack of judicial independence."

Nor did the court suggest that ministers had been anything other than scrupulous in the operation of the temporary sheriff system. Equally, the court offered no criticism of the conduct of temporary sheriffs in carrying out their duties on the bench. The concern of the court was essentially with the lack of any institutional safeguards as to the security of tenure of a temporary sheriff and the perception that a temporary sheriff could be influenced by the fact that his commission required to be renewed annually.

It was in 1966 that the United Kingdom granted the right of individual petition to the European Court of Human Rights in Strasbourg. Since that date, individuals have had the possibility of redress where they believe that their convention rights have been infringed. The system of temporary sheriffs has operated since 1971. No case has been taken to Strasbourg since then and successive Administrations have used temporary sheriffs to a greater or lesser degree to assist in the efficient operation of the sheriff courts.

The decision that was announced this morning will require careful consideration. Pending detailed consideration of the judgment, I have asked the justice department to suspend the availability of temporary sheriffs for new civil or criminal business. The Lord Advocate will wish to consider the implications for the Procurator Fiscal Service, which prosecutes cases in the sheriff courts. He will issue guidance on this matter later today. One option the Lord Advocate will look at urgently is whether there should be an appeal to the Judicial Committee of the Privy Council. A decision on that matter will be taken as soon as possible. Leave to take such an appeal was granted by the High Court this morning.

I turn now to the immediate impact on the sheriff court programme. Responsibility for allocating individual sheriffs to cases rests with the sheriff principal of the sheriffdom. The sheriffs principal have already put in place a certain amount of contingency planning against the possibility that the appeal court decision might result in a change in the way temporary sheriffs can be used.

I understand that sheriffs principal, assisted by the staff of the Scottish Court Service, have established a process for prioritising cases before the courts to ensure that the most urgent business can proceed. For example, cases involving criminal trials which might otherwise have run into difficulty over statutory time limits, and cases involving children and other vulnerable people, can expect to be given priority. I have every confidence that the sheriffs principal and the court staff will make strenuous efforts to minimise disruption. The precise arrangements will need to take account of local circumstances.

The Scottish Executive has already taken steps to increase the number of permanent sheriffs available to the sheriff courts. Advertisements for 10 new permanent posts were placed a short time ago and applications have been received. In the next few weeks, names will be put forward to Her Majesty for appointment and we expect the new sheriffs to be operating from around the turn of the year. These new "floating" sheriffs will be used according to need throughout Scotland's sheriff courts.

The Scottish Executive will consider whether the

implications of the High Court judgment point to any need for further strengthening of the complement of permanent sheriffs, which currently stands at 108. I shall make a further statement on that matter when we have had an opportunity to consider the judgments in full.

The position of temporary judges in the Court of Session will also need to be addressed in the light of the decision. Like all other parts of the system, the supreme courts are considering the legal and practical effects of today's ruling.

Roseanna Cunningham (Perth) (SNP): The decision clearly has enormous practical implications for Scottish justice, some of which the minister has dealt with in his statement. He mentioned temporary judges, but already it has been suggested to me that there may be a challenge to the children's panel system on the same basis.

Will the minister give a commitment to Parliament that an audit of Scotland's justice system will be carried out to identify other potential problem areas? There is another, more far-reaching implication about which I have great concern: the perceived impact of the European convention on human rights. Why was this likely application of the convention not foreseen? What does that say about the advice that the Executive receives regarding the general impact of the European convention on human rights?

Will the minister reflect on the necessity of getting accurate advice on the effect of the European convention on human rights? Will he consider setting up a human rights commission for Scotland in order to achieve that?

Mr Wallace: I agree with Ms Cunningham that the judgment has important practical implications for the administration of justice in Scotland. I note what she says about the children's panel system. When considering the terms of the three opinions that have been issued today, the law officers and the people who advise the Executive will want thoroughly to consider their impact and implications for all parts of our justice system.

Ms Cunningham is being somewhat disingenuous when she suggests that the Executive or its advisers have been deficient in their approach to European convention on human rights issues. She will recall that it is less than six months since the Lord Advocate took on the European convention on human rights considerations in the Scottish courts.

All actions of Government have been covered by the convention since 1966, when the UK Government allowed the right of individual petition to the European Court of Human Rights in Strasbourg. From 1 July 1999, the Executive became subject to European convention on

human rights requirements in terms of our actions as they are justiciable in the Scottish courts.

The court actions were brought at a relatively early stage, since we became subject to European convention on human rights considerations. The Executive had already taken steps to address a possible adverse finding. It is important to emphasise that steps had already been taken.

I hope that Ms Cunningham is in no way suggesting that we should back off from an ECHR culture. It is important that we have a human rights culture in Scotland. As she may be aware, we are considering having a human rights commission. There are pros and cons to that, but we have not put it off the agenda.

David McLetchie (Lothians) (Con): I thank the minister for making available a copy of his statement for our analysis in advance of his announcement to the Parliament. I have perhaps been somewhat critical of him in the past, but I must compliment him and his staff on his promptness in making his statement so soon after the issue of the lengthy 99-page court judgment this morning. I hope that other members of the Executive will follow his example of making statements to Parliament before doing so to the press.

Members will recall that, on the day the present Lord Advocate was appointed in this chamber, I drew attention to the need to preserve the independence of his office from political pressures. If we look at this morning's judgment, we find that the starting point of the analysis draws attention to the fact that the Lord Advocate, on 23 May this year, became a member of the Scottish Executive under section 44 of the Scotland Act 1998. As that is the foundation for the judgment, does the minister think that if the Lord Advocate were not a member of the Scottish Executive, and not a member of the Cabinet, there would be no need to change the system of appointing temporary sheriffs, and that the most cost-effective solution to this matter would be to restore the full independence of the Lord Advocate's office, and to remove from him his role in the appointment of all judges, whether temporary or permanent?

I also draw the Deputy First Minister's attention to a submission that was made to the court by the Solicitor General, which is referred to on page 31 of the judgment. In it, the Solicitor General described the Lord Advocate as being seen as "less political" than other ministers. I am sure that members who witnessed the Lord Advocate's performance in this chamber during debates on the Ruddle affair and the Mental Health (Public Safety and Appeals) Act 1999 will regard that submission as one that should be taken with a very large pinch of salt.

Will the minister comment on the position of people who have been convicted by temporary sheriffs since 20 May? Will those cases be subject to review? Might the convictions fall and be set aside?

A backlog of cases will inevitably build up while new permanent appointments are made. Will the minister assure us that he will make regular reports to the Parliament and to the Justice and Home Affairs Committee on the progress made in dealing with those cases?

The Deputy Presiding Officer (Mr George Reid): Although the chair has not previously restricted the number of questions, that was quite a run, Mr McLetchie.

Mr Wallace: I thank Mr McLetchie for his welcome for this statement. It is a good example of how devolution can work: a decision can be made in the courts in the morning and a statement can be made in Parliament in the afternoon.

Mr McLetchie suggests that the simplest way of resolving this matter is simply to amend the Scotland Act 1998, but that would not resolve the matter. The point that he referred to in the judgment is the start of a narrative; it is not actually the issue on which the matter turned. It is important to point out that the court did not disapprove of the manner of appointment. In his judgment, Lord Reed said:

"I therefore conclude that the manner of appointment of temporary sheriffs does not point towards any lack of judicial independence."

With regard to what Mr McLetchie said about the Lord Advocate, it is important to put on record that the Lord Justice-Clerk, Lord Cullen, said:

"There is no question whatever as to the integrity and fair mindedness with which the Lord Advocate has acted."

Later in his judgment, Lord Reed said:

"I do not doubt that the system has been operated by successive Lord Advocates with integrity and sound judgment, free from political considerations, and with a careful regard to the need to respect judicial independence."

It is important to put that on the record. The key issue here is the lack of security of tenure of those who have been appointed as temporary judges.

Mr McLetchie raised an important point about people who have been convicted by temporary sheriffs since 20 May. I can, of course, understand if he has not picked up every point from reading a judgment of 99 pages, but there does not appear to be anything in any of the judgments that would give any guidance as to the position taken on that. It will be for each individual who has been convicted to get legal advice. Ultimately, it will be a matter for the appeal court, but the doors of Barlinnie are not swinging open tonight and no

procession is coming out.

Donald Gorrie (Central Scotland) (LD): Will the minister examine the whole issue of temporary sheriffs? Society is increasingly being built on the policy of not giving people proper jobs, whether they be sheriffs, teachers, university lecturers or doctors. Will he strike a blow for a more civilised society by having more full-time sheriffs? Although I am sure that temporary sheriffs are very worthy ladies and gentlemen, by their very nature they must be less satisfactory than full-time sheriffs.

Mr Wallace: I agree with Mr Gorrie that temporary sheriffs are indeed very worthy ladies and gentlemen. It is important to point out that their lordships did not accuse temporary sheriffs of any partiality; indeed, they commended the integrity with which they carried out their judicial role.

We will have to examine the position of temporary sheriffs in the light of this judgment. I have made it clear that temporary sheriffs will not be taking any new criminal and civil cases. As for criminal cases that have already been started, we will follow similar procedures to those advocated by the High Court in this case. The temporary sheriff will be asked to discharge the diet and a new case will start before a permanent sheriff.

The Executive picks up Mr Gorrie's point. We wanted a greater shift towards permanent sheriffs and, in expectation of this judgment, had advertised for 10 such appointments. However, had the court come out in favour of the Crown, we still would have made that switch to right the balance between temporary and permanent sheriffs.

Nicola Sturgeon (Glasgow) (SNP): The minister will be aware that temporary sheriffs have frequently been appointed simply because they cost less than permanent sheriffs. In light of that, has there been any assessment of the likely cost implications of today's decision?

Mr Wallace: I cannot give the Parliament any accurate indication of the costs of today's decision. As I said in my statement, until we have fully considered the terms of the judgment, it will be impossible to determine just how many permanent sheriffs we will need. However, the cost of appointing permanent sheriffs will be somewhat offset by the lower daily payments to temporary sheriffs.

Euan Robson (Roxburgh and Berwickshire) (LD): Does the Minister for Justice accept that it would be wrong to allow an undue backlog of civil cases to develop? There have already been concerns about the rise in such cases. Furthermore, will today's judgment have any implications for judgments that have been made in civil cases since May?

Mr Wallace: Although we clearly do not want a huge backlog of cases to develop, the Parliament will agree that sheriffs principal should give a high priority to criminal cases and cases involving children and other vulnerable persons.

As for civil business, there will need to be careful consideration of the judgment. The obvious distinction to make is that civil cases do not involve the Lord Advocate or procurator fiscal. Civil business that has been started under temporary sheriffs may continue with agreement of the parties. However, the availability of temporary sheriffs for new civil business will also be suspended, pending detailed consideration of the judgment.

Christine Grahame (South of Scotland) (SNP): The minister will recall that, during the emergency debate on the legislation amending the Mental Health (Scotland) Act 1984, the SNP raised questions about the impact of the European Court of Human Rights. In light of the High Court's decision, is the minister content that he is being given safe legal advice on the impact of ECHR on Scottish legislation?

Mr Wallace: As Mrs Grahame has practised law, she will know that very often the most interesting and difficult legal cases are the ones that are not foreseen. If one could foresee such things with clarity, one would try to take steps to prevent them.

We should not forget that since 1971, anyone tried by a temporary sheriff in Scotland has been able to take their case to the European Court of Human Rights in Strasbourg. No one has. The system has continued to work with temporary sheriffs being used to a greater or lesser extent. People have appeared before them and no one has questioned the system. According to the figures that I have, even since the publicity surrounding this case, only some 10 to 15 devolution minutes—triggered by a minute relating to the Scotland Act 1998—have been lodged, all of them, bar one, from Linlithgow sheriff court. Across vast tracts of Scotland, people have been working the system. However, that does not detract from the importance of the judgment in any way. We want to give it proper consideration.

I forgot to say in reply to Mr McLetchie that we do, of course, want to bring Parliament up to date with the implications and consequences of the judgment once the different stages are reached, either through a statement in the chamber, in the Justice and Home Affairs Committee or in a written answer.

Christine Grahame: I thank the minister, but that reply is not satisfactory. Each of the High Court judges agreed—there was not one dissenting voice. I cannot understand how the

position could not have been foreseen by examining the legislation. I repeat my question: is the minister content that the advice that he received with regard to the impact of the ECHR on the amended legislation that was put through the Parliament is safe?

Mr Wallace: I apologise if I did not pick up the precise point that Mrs Grahame was making about the amended mental health legislation. I am content that on the basis of the advice that I was given, the legislation is safe. I could not in good conscience or in law have asked Parliament to consider the bill unless I was able to certify that I believed it to be compliant with the European convention on human rights.

We should not forget, however, that even though we may believe that we are doing the right thing—with all the good advice that we have—and that legislation is ECHR compliant, we have courts because it is the right if every citizen, and the courts, to challenge the Executive. This country does not operate by way of Executive diktat. It is proper that such things are a matter for the courts, despite that fact that the Executive may occasionally find itself on the wrong side of their decisions. That is part and parcel of belonging to a country in which the rule of law applies.

Bruce Crawford (Mid Scotland and Fife) (SNP): I come at this matter from the perspective of someone who was formerly active as a justice of the peace. In view of the ruling on temporary sheriffs and, in particular, its impact on ECHR, does the Executive have any proposals to pass more summary criminal proceedings to the district courts? Given that the ruling could affect children's panels, what impact will the ruling have on the justices of the peace who sit in district courts throughout Scotland?

Mr Wallace: Where particular cases are heard is a matter for the Lord Advocate. I understand that it is his position that charges will not be downgraded. As I said to Ms Cunningham, the implications of the judgment for all parts of the Scottish justice system will have to be considered, including the implications for the justices of the peace and magistrates system in the district courts.

Michael Russell (South of Scotland) (SNP): In the light of Mr Wallace's remarks about the inability to foresee things, it is my feeling that it is frequently not so much justice that is blind in Scotland, but the Minister for Justice and the Lord Advocate. The political point of today's ruling must surely be the policy that the Liberal Democrats at one time espoused, which I believe is even mentioned in the partnership agreement, on judicial appointments. The Scottish National party, as Mr Wallace knows, has outlined its policy of having a judicial appointments commission. The

Administration should bring forward proposals for a truly independent judicial appointments commission as soon as possible. That would not only solve this problem, but would introduce a much needed new level of democracy into Scotland.

Mr Wallace: I remind Mr Russell that it was not the appointments that the judges criticised, but the security of tenure. He is right, however, to point out that the partnership agreement refers to consultation on the making of judicial appointments, both to the shrieval bench and to the Supreme Court.

The First Minister said in a speech at the Law Society conference in July this year that the Executive intends to introduce proposals for consultation before the end of the year. That remains our intention. We have said on many occasions that this Parliament should consult and hear the views of those who have some experience and interest in such matters. We intend to pursue that route of consultation towards a more open system of judicial appointment.

The Deputy Presiding Officer: That concludes the questions and answers on temporary sheriffs.

Subordinate Legislation

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-228, in the name of Mr Jim Wallace, recommending that the Maximum Number of Judges (Scotland) Order 1999 be approved. Those who wish to speak in the debate should indicate now.

15:41

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The order which we are considering today is the legislative vehicle for increasing the maximum number of judges who serve in Scotland's supreme courts. Prior to today's debate, members were provided with a brief note on the background to the order. I hope that that was helpful, but I will take a few minutes to explain in more detail why we consider it essential that the order be approved today.

The supreme courts are Scotland's flagship for the delivery of justice to our people. The judges who have the task of dispensing justice have a huge responsibility, and I believe that they carry it out with distinction. The reputation of the supreme courts is justifiably high, and it is in the interest of all of us that it remains so. The most recent evidence of that reputation is clear from the appointment of Lord Cullen, the Lord Justice-Clerk, to lead the inquiry into the Paddington rail crash. Lord Cullen's reputation in dealing with national disasters was firmly established in his sensitive handling of the inquiry into the Piper Alpha tragedy and, more recently, of the inquiry into the shootings at Dunblane Primary School.

Another compliment to the reputation of the supreme court bench may be seen in the appointment of Lord Reed to serve as an ad hoc judge of the European Court of Human Rights at Strasbourg. On other fronts, judges serve with distinction on some of our key public institutions such as the Parole Board for Scotland and the Boundary Commission for Scotland. A judge also heads the Scottish Law Commission, which has produced many valuable reports on aspects of the law over the years, a number of which have contributed greatly to the modernisation of our domestic legislation and will form the basis for legislation to be brought forward by this Parliament. Judges also take on responsibilities for chairing ad hoc committees on issues of public concern. I have in mind the review of serious violent sex offenders, chaired by Lord Maclean, and the expert panel on supervision of sex offenders in the community, chaired by Lady Cosgrove.

Scotland's worldwide reputation is also evident

from the constant stream of visitors from legal jurisdictions around the world who come to Parliament House to see our systems in operation. In the very first week of the Scottish Parliament, we were honoured to host the Worldwide Common Law Judiciary Conference in Edinburgh, represented by common-law judges from around the globe. Next year, the Scottish judiciary will receive the Commonwealth Magistrates and Judges Association's conference, with 400 of the most senior judiciary in all Commonwealth countries converging on Edinburgh for a week of discussions about issues of common concern. Those events serve only to demonstrate the international reputation of Scotland's court system.

As we gather today, however, Scotland's senior judge, the Lord President, faces the imminent loss of nearly 20 per cent of his complement of senior judges, when four of them depart from around the end of January to take the Lockerbie trial in Holland and Lord Cullen assumes full-time duties with the Paddington rail inquiry. Lord Rodger has a statutory responsibility for managing the business programme of the supreme courts under the Court of Session Act 1988. The view he has conveyed to ministers is that the domestic programme of the supreme courts must not be allowed to suffer as a result of losing such a significant number of judges to other important tasks. Lord Rodger has drawn attention to the heavy programme of business in the courts, and has noted that the provisions of the Scotland Act 1998 and the Human Rights Act 1998 will, if anything, add to the work load. The experience of applications relating to devolution issues suggests that human rights points will have a very significant impact on the business of the supreme courts.

I believe that the case for an increase in the number of judges is a very strong one, and we would not be thanked by the many who use the courts if we allowed the system to operate at 20 per cent below strength for the period of the Lockerbie trial and the Paddington inquiry. Delays in handling business, particularly in the Court of Criminal Appeal, are already at higher levels than one would wish, and the Lord Justice-General is examining ways of speeding up the process in consultation with all the parties who are involved in the appeals system. Any failure to provide enough judges to hear cases would guarantee increased delay and frustration for those who look to the courts to deliver justice.

Let me clarify what the Executive is asking of the Parliament today. We seek the authority to increase the maximum number of judges by five, although that does not mean that five new permanent appointments will be made automatically within weeks of the order being approved. Lord Rodger is considering the position carefully in the knowledge that all or most of the

five judges who are deployed to the Lockerbie trial and the Paddington inquiry will return to Edinburgh when those tasks are over. It is expected that there will be some natural wastage from early retirements and, in the longer term, the complement may revert to something nearer the current maximum of 27. However, this is not an exact science. In the next few weeks, the Lord President will put his final proposals to ministers in the light of his assessment of the work load facing the supreme courts over the next few years. We should clear the way today for five new appointments to secure continuity of service to court users.

The cost of five new judges would be about £700,000 in a full year and these costs will fall on the Scottish consolidated fund. However, there are substantial offsetting receipts to be taken into account. For example, the Treasury will meet 80 per cent of the cost of the Lockerbie judges under special arrangements for meeting the revenue costs of that trial. The Health and Safety Executive, which is responsible for the investigation of the Paddington rail inquiry, will meet the whole of Lord Cullen's costs. These receipts will be available to offset the cost of employing new judges.

I should like to take this opportunity to anticipate a question or two about our procedures for appointing the judiciary in Scotland, which Mr Russell raised during my earlier statement. If the order is approved today, the new judges will have to be appointed in time to take the place of those leaving in January. Procedures for appointing judges are set out in section 95 of the Scotland Act 1998, under which the First Minister will recommend names to Her Majesty the Queen but, before doing so, he must consult the Lord President. In addition, like all his predecessors, he will receive advice from the Lord Advocate, who is well placed to offer opinions on the quality of those who should be considered for these important public appointments.

Looking beyond these immediate appointments, I confirm that it is the intention of the Executive to consult widely on the future arrangements for the appointment of sheriffs and judges. The partnership agreement published by the coalition in July gave notice of our intention to consult and we are not departing from that. Indeed, we are preparing to launch the consultation process and we shall be ready to listen to views from all quarters on possible changes in our system. That is not to say that the traditional arrangements for recommending appointments have let us down. I have already referred to the excellent general reputation of those appointed to the supreme court bench and the further particular contribution of several of its individual members.

The order is important and, by approving it, Parliament will signal that it values the high reputation of Scotland's supreme courts and that it is determined to maintain that reputation. That will tell the people of Scotland that the Parliament acknowledges the importance of maintaining the quality of service to those who use the supreme courts to secure justice.

I move,

That the Parliament in consideration of the Maximum Number of Judges (Scotland) Order 1999 recommends that the Draft Order in Council be approved.

15:48

Roseanna Cunningham (Perth) (SNP): I doubt that the minister will find much disagreement this afternoon about this order, although, given this morning's ruling on the temporary sheriffs and the effect that that will have throughout the system, it may be that rather more than five judges will need to be added to the existing complement. We may have another order before us at some time in the future. I note that the Scottish Parliament information centre's research note flagged up that potential problem. The minister may wish to indicate whether he has considered the possibility that he may have to come back with another order asking for yet more judges.

We are all aware that Scotland's justice system has been under considerable strain. Many members will have received letters about the lengthy delays that occur, particularly in the civil courts, and which have attracted widespread critical comment from judges as well as others. To add to the existing strain on the system, we know that we are facing further pressure from the requirements imposed by the Lockerbie trial and from the appointment of Lord Cullen to head up the Paddington rail inquiry.

However, we should welcome those extra impositions. The Lockerbie trial promises to showcase Scottish criminal justice internationally, in a way that has seldom, if ever, happened before. In Scotland, we know that our criminal justice system is second to none, whatever its faults. Being a small jurisdiction, we are aware that few outside Scotland and outside the narrow professional interest are familiar with the strengths of our system. We should be glad that, as a result of the international news coverage that the Lockerbie trial will achieve, the world will have an opportunity to see at first hand what we have known for a very long time.

The choice—once again—of Lord Cullen to head a major public inquiry is another feather in the cap of the Scottish judiciary. I am sure that the whole Parliament will join me in congratulating him on that appointment.

While today's order is a response to a potential crisis, it should not be seen in a negative light. Indeed, when the appointments are made, it will be the first time that the provisions of section 95 of the Scotland Act 1998 have been implemented. We sometimes forget that this Parliament is so new that we are still chalking up firsts. This will be another one.

That opens up the general debate about judicial appointments and raises the question whether the methods by which they are made are the best we can devise. As I recall—my colleague Michael Russell also mentioned this—the partnership agreement between the Labour party and the Liberal Democrats stated that judicial appointments should be examined. The SNP's view, certainly, is that the process should be radically revised. That means that there is likely to be widespread agreement in the chamber that reform is appropriate. I will not go out of order by debating the issue in detail today; however, I welcome the minister's comments on the subject.

I hope that, as a result of this debate and of the statement and questions that preceded it, the business managers will consider setting aside time in the near future for a specific and full debate on the subject of judicial appointments. For today, and for the SNP, I simply record our agreement with the order.

15:52

Phil Gallie (South of Scotland) (Con): We, too, accept the draft order and everything that lies behind it. It is ironic that John Swinney complained yesterday that we had insufficient time for the European debate. At Westminster, six hours would be allowed for such a debate, whereas a statutory instrument such as this would whistle through in about half an hour.

It is opportune that we are debating this order today, given the minister's announcement immediately before this debate. We have the opportunity to consider the three judges' decision on the temporary sheriffs; a question arises about whether the judges could gain some benefit from their decision. Will the European Court of Human Rights determine that we should examine that matter at a later date? Nothing would surprise me. The ECHR will certainly want to look at the temporary upgrading of sheriffs to the position of judge.

The order allows for the appointment of five more judges. I agree with Roseanna Cunningham that that increase simply established the status quo. Four judges are going to the Lockerbie trial, Lord Cullen will head the Paddington inquiry and eight temporary judges are regularly in use. Those facts suggest that five further judges will not fulfil

the overall requirement. Given the situation that has developed today with regard to the temporary sheriffs, the minister should consider increasing that number if possible. Like Ms Cunningham, I believe that that would have the support of everyone in the chamber.

The establishment of the Scottish Parliament and the introduction of new legislation must be taken into consideration. Bills such as those on feudal tenure and on adults with incapacity may add to the burden of the courts. The bill on land reform that will be introduced in due course will certainly have that effect.

There is a feeling that, all too often, cases that involve very serious charges—murder or serious assault, for example—against individuals are downgraded and passed to the lower courts, to save time, effort and perhaps costs in the higher courts. The minister will, no doubt, suggest that that would never happen, but I suggest that there is evidence that it might.

When the minister examines this draft again, he should consider increasing the number of judges that is mentioned. That does not mean that we should automatically appoint that number. As he has said, that would provide room for manoeuvre. If more judges were needed, more could be appointed.

Finally, regarding Ms Cunningham's point about appointment of judges, all parties in this chamber would welcome further debate on that issue.

15:56

Pauline McNeill (Glasgow Kelvin) (Lab): This is an important and historic moment for the Scottish Parliament, although the number of members in the chamber might not suggest that.

Today we will make a decision on the Maximum Number of Judges (Scotland) Order 1999, acting on the Lord President's request that there should be an increase in the number of judges.

On 26 August I asked the Minister for Justice how the Executive would cope with the work load of the four High Court judges who will preside over the Lockerbie trial. I was, therefore, pleased that Mr Wallace replied that the aim was to make sufficient new appointments to cover that. Since then, the tragic Paddington rail disaster has occurred and the consequent public inquiry is to be presided over by Lord Cullen. The expertise of our High Court judges has been called on, leaving Scotland five judges short.

I am delighted to see this order before us, however, for wider reasons than those that I have already mentioned. We are presented with an ideal opportunity to consider the make-up of our judiciary, the educational backgrounds of its

members and the system of appointment. We can—dare I say it?—also consider their removal, should that need arise. Through increasing the number of judges, I hope that we can at last begin to redress the gender, class and race discrepancies that undoubtedly exist.

Our understanding must be clear that if we affirm this order, the First Minister will be called upon to exercise his statutory role thereafter. The draft order in council that is before us seeks to amend the Court of Session Act 1988 to increase from 27 to 32 the number of judges on the Scottish bench. It is crucial that we note that those will be new appointments.

It must be said that, to many ordinary people, the judiciary is a complete mystery and, in fairness, many lawyers and legal practitioners will say the same. The common image of a High Court judge is of a man in a rather odd wig, who needs to ask a clerk to explain who the Beatles were. Having said that, I would like to put on record that the Scottish judiciary is highly regarded throughout the British and the European legal establishments. We know that that is why Lord Cullen has been chosen to oversee the Paddington rail inquiry, and why the youthful 40-something Lord Reed can, on occasion, be found at the European Court of Human Rights. It is also to Lord McCluskey's credit that he showed last week how difficult it is to make decisions about people's lives, when he painfully sentenced a 16-year-old woman to life imprisonment.

The process of appointing High Court judges in Scotland is as clear as the white smoke that comes after the appointment of a new pope. Most lawyers will tell you that they have no idea how judges are appointed and less idea how to remove them. Several constitutional lawyers have argued that it is virtually impossible to remove them. To my knowledge, no High Court judge has ever been removed. Given that they operate under absolute privilege in court and that they hold enormous power in society, we must examine that anomaly.

It cannot be right that, at the end of the 20th century, we cannot easily see what goes on at the top end of our criminal justice system. No other section of Scottish society is so shrouded in mystery. The rules of employment of judges should be completely clear to all of us.

All in this chamber believe that our justice system should be fair and transparent, so we should also take the view that such principles should apply to the highest judges in our land. Scottish Labour believes that the system must be modernised and that we must go further than ever in doing so.

Of 27 High Court judges, one is a woman and 12 went to the University of Oxford. There are no

black or ethnic minority judges. To be blunt, the Scottish bench contains too many upper-class white men, and no matter how wonderfully talented they might be, that situation is not good enough and there has been no serious attempt to redress that imbalance.

Scottish Labour believes that we need more women, in particular, in the judiciary. There has been an influx of talented, qualified women at the Scottish bar, a place where judges usually begin their careers. There are also women and men from a wider range of backgrounds, schools and universities at the bar. We want a competent bench of judges that is more reflective of the Scotland in which we live today, not some relic of the past. The appointment of five more judges means that the changing image of the judiciary is within our grasp. I believe that there is a strong will to act.

This debate is of major significance to the Scottish people, as we are attempting to change an institution that is at the heart of justice in our society. We should all remember that any of us, for any reason, could find ourselves explaining our innocence in front of the courts. We should all care deeply about the way in which we hand out power. Judges decide the fates of those who are charged, and the Scottish people need to believe in the fairness and integrity of the justice system under which we all live. It must stand up to scrutiny. Let us pass this order today, without dissent, and we can look forward to the day when the First Minister is able to announce the appointment of more women to the Scottish bench.

16:01

Bill Aitken (Glasgow) (Con): I do not think that anybody could reasonably take exception to what is being proposed today. Society in general is becoming much more litigious; we must accept that. Civil law, in particular, is becoming more complex. The regrettable introduction into the British set-up of the transatlantic settlement has possibly resulted in cases being fought much harder than formerly.

We must also realise and appreciate the effects of the European human rights legislation on Scots law. Although that has been a beneficial influence in many respects, in other respects there is a cost that must be borne. The first cost is the financial cost. It has already been highlighted that we will have to appoint approximately 30 full-time floating sheriffs. I have made an initial calculation of the cost of that particular exercise. Those 30 appointments, plus the appointment of four additional members to the senate of the College of Justice, as was outlined by Mr Gallie, is likely to cost us £3.5 million. That is a net figure, after the amount of payments that would not have to be

made in respect of temporary sheriffs has been deducted. It has been a fairly painful exercise on the Parliament's budget so far today.

However, budget and law must not be seen to clash. As Roseanna Cunningham said, we are very proud of our legal system in Scotland; it is undoubtedly the best in the world. We certainly do not want to do anything that would prejudice the standing of Scottish justice in any respect. Nevertheless, it is essential to point out that, at the same time, there are imperfections that could be addressed by examining the number of judges. There is no possible excuse for lengthy delays to civil actions that are brought before the Court of Session or the sheriff court. It must be recognised that, in criminal matters, a time bar exists on many statutory offences that are taken in summary complaint.

I do not think that it is acceptable, Lord Advocate, that in many cases it takes many months, subsequent to the original appearance of a petition, for an indictment to be served. In the current justice system, many cases are dealt with under the 110-day rule. However, in certain jurisdictions there are lengthy delays in the service of an indictment—sometimes of eight or nine months. That must be addressed. It may be that there is a shortage of judges, or that the prosecution service is not being properly resourced. In time, that should be examined.

Generally, we must accept that the situation is as it is, and that we will be required to lay out the necessary expenditure and adjust matters accordingly. However, some of the remarks that Pauline McNeill made are unacceptable to the Conservative party. We want the best possible persons on the High Court bench, irrespective of race, creed, colour or gender. If all the new appointees turned out to be women, and they were the best people for the job, there would be no complaint at all from the Conservative party.

Pauline McNeill: I am disappointed, as I did not think that my comments were unacceptable. Does not Mr Aitken think that there must be more talent at the Scottish bar, more women who are capable of being judges in Scotland? It cannot be true that there is only one woman who is capable of doing the job. We have a responsibility to invite women to take part in our judiciary.

Bill Aitken: I have absolutely no hesitation in agreeing that there are many very able women at the bar; nor have I any hesitation in saying that I would welcome more appointments from women at the bar. However, it is imperative that those who are appointed must be the best people for the job and must not be appointed on the basis of some of the politically correct thinking that is prevalent at the moment.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Does Bill Aitken accept that inequalities, particularly in relation to gender imbalance, have also been rife in the political system over the years and that it was only because action was taken to ensure that this Parliament had a decent representation of women that we achieved some success on that front?

Bill Aitken: Some of us have a difficulty with that argument, but I certainly agree that, historically, women have not been encouraged to follow that route. If the situation is now being corrected, we have no difficulty whatever with that, but we have a difficulty with people who are not the best applicants being appointed to posts on the basis of their gender. We cannot accept that situation.

The Administration will find no dissent from the Conservatives on this matter. We recognise the need for more judges, we have flagged up a few potential problems and we hope that our concerns will be addressed in the months ahead.

16:06

Euan Robson (Roxburgh and Berwickshire) (LD): I welcome the statement. It is clearly correct to make appointments and I hope that there will be more women judges as a result of today's draft order. One out of 27 is not the most creditable of situations.

My main concerns are about the future, when the five judges return from their important duties at the Lockerbie trial and the Paddington rail disaster public inquiry. I hope that we will be able to retain some extra judges above the present 27. According to the SPICe research note, under section 22 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, there are four retired judges who are at present serving. Perhaps the Lord Advocate could clarify whether, when he referred earlier to natural wastage, the Minister for Justice meant that those retired judges would no longer continue to serve or whether he meant that, of the 27 judges who currently serve, some are likely to retire.

As other members have said, we need extra judges because of the growing work load. I read some figures recently that showed that Scottish judges apparently devote an average of 207 days a year to judicial duties, a figure well above the norm in the United Kingdom. There were 4,788 court sitting days in 1998-99—higher than the 4,624 sitting days in 1997-98. Ten per cent more civil cases have been registered in the first six months of this financial year than were registered in the same period last year. High Court work load continues to rise, with 17 per cent more cases recorded in the six months to the end of

September 1999 than were recorded in the same period last year.

I ask the Minister for Justice and the Lord Advocate to suggest to some of the new judges that they might like to take the High Court around the country. They could take it to Jedburgh in my constituency, where the court was last held five or six years ago. That would, of course, entail the temporary transfer of some business to Duns sheriff court, the closure of which, as the Minister for Justice will note, is opposed by the Scottish Borders Council, the district courts in Berwickshire, local justices, Berwickshire community councils, the police, my colleague Archy Kirkwood and myself, the faculty of solicitors in Berwickshire and Roxburghshire, and the Law Society of Scotland. I hope that he recognises that point.

In welcoming this order, I, too, hope that we can have a debate at a later date on the judicial appointments process.

16:10

Des McNulty (Clydebank and Milngavie) (Lab): I was interested by what Bill Aitken said on judges and the gender issue—especially coming from Glasgow. When Bill was on Glasgow City Council, Conservative female representation on the council was only 33 per cent. Now, of course, it is 100 per cent female, and no doubt the Tory group on the council has improved greatly. The fact that there is only one Tory elected representative is perhaps the downside of that.

There is a solid, strong argument that there should be a mechanism to encourage the full participation of women in public life. There is a great symbolic issue around the appointment of women judges.

Bill Aitken: Does Mr McNulty believe in positive discrimination?

Des McNulty: I believe in a positive system of encouragement of women in all areas of public life. The law is an area in which, perhaps, women have not progressed as far as they should have.

Roseanna Cunningham: Does Mr McNulty agree that men have been the beneficiaries of positive discrimination for centuries, if not millennia, and that those who argue against positive discrimination selectively choose to forget that small fact?

Des McNulty: I will certainly not disagree with Roseanna Cunningham about that.

Another interesting aspect of Bill Aitken's speech was that, in effect, he did not object to any increase in the cost of running the system. Although I accept the arguments for increasing the

maximum number of judges—as Roseanna Cunningham and Jim Wallace said, the allocation of Scottish judges to tasks elsewhere is a testimony to the individual reputations of Scottish judges and to the Scottish legal system—I feel that the speed at which cases are dealt with and the growth in the work load mean that that measure can be only part of a solution. We must examine how the system operates, bearing in mind that people in Scotland are becoming more litigious and that cases are becoming more complicated. Appointing more judges will go some way towards relieving the temporary backlog and dealing with the problem that is caused by the fact that some of our judges will be elsewhere doing different business in the next two or three years.

The broader issue about how the criminal and civil justice systems work requires further consideration. Costs are a consideration. Money that is spent on the operation of the justice system is not being spent elsewhere. Although I would defend to the hilt the principle that the justice system must be seen to be equitable, fair and to work effectively, we must still reflect on how that should be paid for. I do not think that the matter of cost should be overlooked.

I understand that the Lord Justice-General has met the Crown Office, the Faculty of Advocates and others to discuss issues arising from work load. I welcome those discussions but hope that, once we have passed the order, ministers will talk to us more generally about how work load issues will be handled and involve us in the consultation on the appointments process. Pauline McNeill and others made important points about how that process operates.

The Parliament has adopted strong principles of transparency and openness. In doing so, it has set a model for Scottish public life. In Scotland, we want to see as clearly as possible how things are done. I welcome the consultation process and look forward to receiving its conclusions and to debating the way ahead in Parliament. Those are important issues in supporting and enhancing the credibility and reputation of the Scottish legal system and the position of Scottish judges.

While we should congratulate the judges and the legal system on the way in which they have operated until now, we should recognise that their growing work load will force change, as will the political culture that we are creating in Scotland. We should embrace that and build on the strength of the existing system, to make it more accessible, transparent and accountable to the people of Scotland and in that way prepares it for the new millennium.

16:15

Maureen Macmillan (Highlands and Islands) (Lab): Pauline McNeill talked about the lack of gender balance in the judiciary. Women are less likely to be chosen in any area of public life because the people doing the choosing are usually men. If we want gender balance in the judiciary, the way forward might be to have gender balance in the people who choose the judges. Judges and similar public appointments should be chosen by representatives of the whole community rather than judges choosing other judges, because then the pattern is self-perpetuating.

I also raise the possibility that judges should have special training in areas where, although I know that I must not murmur against judges, I believe they may often not make the right decisions—in cases of rape and sexual and domestic abuse. It is not always fully appreciated by the judiciary just what goes on in such cases, and the judiciary may exhibit stereotyped and outdated views on the place of women and women's responsibility for their own safety.

I hope that Lord Hardie will address those points in his reply.

16:17

Lord James Douglas-Hamilton (Lothians) (Con): I support what Maureen Macmillan has said on advancing women on merit to be senators of the College of Justice. Hazel Aronson has forged a blazing trail and created history as the first woman to do that. She is a person of enormous ability and I have no doubt that many more women will follow in her footsteps.

This debate arises in large measure as a result of the terrible tragedy at Lockerbie. Because of the desire of the victims and their families to seek justice, a trial of the accused will take place on foreign soil under Scots law and Scottish judges. The night of the tragedy was one of the most traumatic of my life. I was told by Jim Sillars that a jumbo jet had come down on Lockerbie, so I went to Dover House, to the Secretary of State for Scotland's office. Arrangements were being made for a RAF jet and helicopter to take him to the scene of the disaster.

When I arrived back in the House of Commons, Neil Kinnock asked me to ensure that Donald Dewar went as well. He and I arrived at the scene shortly after midnight and witnessed the effects of the nightmare that had unfolded. My most vivid memory is not just of the disconsolate groups of firefighters, police and soldiers, but of the rows of empty ambulances. To some extent, I was anaesthetised by the darkness. There was a feeling of impotence, despite the great will to assist. The tragedy had happened and those

directly affected were either alive or dead; there were very few injured. There was an awareness of the enormity of the tragedy. To give some idea of its scale, more Americans lost their lives at Lockerbie than British were killed in the Falklands war.

Today we face the consequences of that night. Four of Scotland's 27 judges will attend the trial and will be unavailable for service in this country. It is not the only tragedy with implications beyond Scotland that Scottish judges have to deal with. Lord Cullen, whose reports on Piper Alpha and Dunblane were of the highest standard, and who is known for his compassion and humanity, as well as for his great ability, is to conduct the public inquiry into the tragedy at Paddington. As a result, the Lord President of the Court of Session has reasonably submitted a request that there should be an increase in the maximum number of judges to deal with court business in the absence of the five senior judges who are performing their duties elsewhere. Without the extra judges, the courts would be put under intolerable pressure.

In any case, there is a need for more judges because of the increased work load on the supreme courts, especially in relation to criminal matters in the High Court of Justiciary. New laws that relate to fresh evidence have an impact on the High Court of Justiciary in its appellate jurisdiction, which has to deal with detailed legal arguments and the presentation of complex facts. That means that appeals can take a considerable time. Similarly, in the Court of Session more civil trials are going to proof or to jury trial, which adds to the pressure.

In addition, the new measures in the Scotland Act 1998 and the Human Rights Act 1998, and the obligation that the courts must comply with the European convention on human rights, are increasing the work load of the criminal and civil courts on account of the complexity of the issues involved.

The work load of Scotland's judges will increase considerably as a result of those factors, so the news about temporary sheriffs is of particular concern. To illustrate, there are 108 permanent sheriffs and 126 temporary sheriffs, and 10 permanent sheriffs are being recruited. I submit to the Lord Advocate that suspending the use of temporary sheriffs for all new cases could lead to an upsurge in the work load of, and a massive upheaval to, the courts system.

I respectfully request that the Administration return to this Parliament when it has fully and properly assessed what the consequences of the draft order in council will be. I realise that contingency plans have been put in place, but they will not be sufficient to deal with the massive hole in the court system that will be caused by the

overnight removal of 126 temporary sheriffs. I ask the Administration to address the matter urgently, because it is too soon to judge the full implications.

It is essential that the Executive should make clear the contingency plans that will be put in place if the current contingency plans are insufficient for the purposes required. I hope that the Lord Advocate will be able to clarify—if possible in his winding-up speech—whether an appeal against this judgment will be lodged. The public must be protected. The last thing the electorate want is cases involving crimes of violence not being brought to justice because the court system is clogged up. It is essential that the public are protected and that persons charged with crimes of violence are brought to the courts. The Executive has an inescapable duty to put the necessary arrangements, procedures and funding in place, to secure a sufficiency in the number of Scotland's judges.

16:23

Michael Russell (South of Scotland) (SNP): It is an indication of how restrained Parliament has become that when members have had the opportunity for the past 40 minutes to murmur about Scottish judges, not a single murmur has been heard. That might be because of fear or reticence or because not enough members are here, but it testifies to the respect in which the judiciary is held in Scotland, not simply because of its actions, but because of its long and distinguished contribution to our society.

The issues that we are discussing are not without their concerns, and I pay tribute to the speeches of Pauline McNeill and Des McNulty. There is strong public concern in Scotland that the system of judicial appointment is not transparent, democratic or fair and that it is not a system that produces—to some extent—a cross-section of Scottish society to sit in judgment. I am heartened by the remarks of the Minister for Justice this afternoon that the Executive will bring forward for consultation ideas on a new system of judicial appointments. I hope that when we have that debate in the chamber we can move Scotland forward into a more transparent and democratic era.

There was not even any criticism this afternoon when we heard the astonishing figure that a fully rigged judge costs £140,000 a year. I suspect that if a fully rigged politician cost £140,000 a year, we would be in considerable trouble. Obviously, judges are worth the pittance that they receive and I suspect that the approval of that money will go through on the nod.

Members may have noticed some behind-the-

scenes activity; I am glad to see the Minister for Parliament in his place. Strong concerns have been expressed in the past 24 hours that there are difficulties in getting the timetabling of debates in the chamber correct. All members of the Parliamentary Bureau should share those concerns. The clock shows that it is only 4.25 pm. To take us to 5 o'clock, the Lord Advocate and I would have to speak for 35 minutes—the Lord Advocate is, of course, quite capable of that, although I might not be. That is a compliment to the Lord Advocate's eloquence, as I am sure he will show when eventually he is worth £140,000 a year. The reality is that we do not have a debate that will take us to 5 o'clock. I am pleased to say that the Minister for Parliament will move a business motion that will move the business of the chamber on.

The Parliamentary Bureau—I speak as a member of it—will have to reflect on this matter and ensure that the timetabling of all business meets the demands of the chamber. It was never in question that the order would be approved by the Parliament. There was never any question but that this would be a matter of consensus between the parties. We could have achieved this more promptly.

I am happy to support the increase in the number of judges in Scotland, as is my party. We look forward to it and we look forward to the high reputation of the Scottish judiciary being maintained by the new members of the bench.

16:27

The Lord Advocate (Lord Hardie): I am grateful to Mike Russell for his confidence in me and in my ability to speak for as long as is necessary.

On the management of business, the Minister for Parliament is here and it is a matter for the Parliamentary Bureau. It must be difficult to judge particular issues, but the minister will speak for himself on that matter.

I welcome the support from every member who has spoken in the debate. It is a tribute to the judiciary in Scotland that all members from all parties have supported the need to give effect to the order. It is also a tribute to the judiciary in Scotland that we have had the request for the services of Lord Cullen in relation to Paddington. I accept the point made by Lord James Douglas-Hamilton and Ms Cunningham, that Lockerbie and the Lockerbie trial have put the judicial and criminal justice system on show throughout the world. I hope that at the end of the day everyone throughout the world will pay tribute to that system, which I am sure it will deserve.

Ms Cunningham and Mr Gallie suggested that

more than five judges might be appointed. I regret that it is not possible to amend the order to increase the number. In any event, the order was brought after discussions with the Lord President, and he identified his need as five. It may well be, as members have mentioned, that in due course the Lord President will bring other proposals to the Executive. Until that happens, I do not think that it would be appropriate to make any additional appointments.

Phil Gallie: I accept the Lord Advocate's comments, but I am slightly disappointed. This is a draft order, and I thought that there might have been an opportunity to change it.

A significant announcement has been made today that alters the situation. If we are to get all the benefits of this Parliament that the Minister for Justice mentioned today, it would have been welcome if we could have induced a rethink.

The Lord Advocate: I fully understand what Mr Gallie is saying, but the judgment will have to be studied carefully not only by me and by other ministers, but by the Lord President, to see what implications it has for the administration of justice in the supreme courts. It is possible that at some future date he will come back with further requests, but—particularly given the comments that have been made about the modest salaries that judges are being paid—it would be inappropriate for us as an Executive to ask the Parliament for more appointments than the Lord President thought were absolutely necessary.

I was somewhat surprised to hear Mr Gallie raise the issue of the alleged downgrading of charges, because this must be the first occasion on which he has done so—

Phil Gallie: No, I have raised it before.

The Lord Advocate: That was supposed to be a joke. [*Laughter.*] What I can say is that the Crown Office and Procurator Fiscal Service consider the reports that they receive and take a decision on the basis of the evidence that is available to them. Crown counsel and the procurator fiscal decide on the appropriate charges and the appropriate courts. There is no question of any downgrading of charges or of any downgrading from one court to another because of a lack of resources.

As Jim Wallace said earlier, we intend to bring forward a consultation paper on appointments. I want to deal with the point that Des McNulty made. It will not simply be a case of our bringing forward the results of the consultation. Rather, the consultation paper will be issued and anyone who has an interest in the subject, including MSPs, the Justice and Home Affairs Committee and members of the public, will have an opportunity to make representations. After that, there will be an

opportunity for the appropriate committee—and, if need be, the entire Parliament—to consider the outcome of the consultation process.

A number of members—Roseanna Cunningham, Des McNulty, Maureen Macmillan, Cathy Jamieson, Pauline McNeill and Euan Robson—raised the issue of the gender imbalance in the present judiciary, which has only one lady member out of 27. When we appoint judges, our starting point is that only people who are properly qualified and have the requisite experience and expertise should be considered. I do not think that anyone would demur at that. However, because in recent years so many women have entered the profession, it may be that there are a number of women suitable for appointment, if they are interested.

I want to take up Maureen Macmillan's point that women are not appointed to particular posts because men are responsible for making the appointments. Some may hold that view, but since I became Lord Advocate in 1997, five women have been appointed to the shrieval bench. At present there are only 13 woman sheriffs, but five of them were appointed by me, and appointed on merit. That indicates that it is possible for men to recommend the appointment of suitably qualified women.

I will not shirk that duty. If there are suitably qualified women of ability and if they are the best people to be appointed, I will have no hesitation in making a recommendation. If the judiciary is to retain the confidence of the public, it must continue to be vigilant of the rights of the individual and it must continue to reflect and be aware of society as a whole. If it does not do that, it will lose the confidence of the public.

One way of achieving a judiciary that reflects Scottish society is to secure appointments that do that. That involves taking into account appointments from ethnic minorities. Again, we must ensure that the appointees have the necessary qualifications and the necessary ability. I am anxious to encourage members of ethnic minorities to enter the law and to seek judicial appointments after they have served the requisite statutory period. No one would be happier than me if it were possible to appoint more women and members of ethnic minorities. No doubt we will have that debate after the consultation process has ended.

Bill Aitken raised a point about the financial implications of today's debate. As Jim Wallace said, the cost of the Lockerbie trial is largely met from outwith the Scottish block, and the costs related to Paddington and the Cullen inquiry come entirely from outwith the Scottish block.

Bill Aitken also referred to delays. As far as I am

aware, Scotland has the strictest time limits in the world on prosecutions. It is a tribute to our system that people are brought to justice in criminal trials much more speedily than in any other country. Those in custody have to be brought before the court within 110 days. Only in a very few exceptional cases, through no fault of ours, does that period have to be extended.

The time limit for people who are not in custody is a year. The point that Mr Aitken made was that, in some parts of Scotland, it is months before a trial is brought to fruition. However, given that Parliament, in its wisdom, decided that a year was a reasonable period, it is not unreasonable to have a period of a few months between the start of a petition and the start of a trial. I am sure that members will also appreciate that it is important to prioritise business so that those in custody are dealt with first. The consequence is that those who are not in custody tend to have to wait a bit longer.

Euan Robson mentioned retired judges. The average age of the senior judiciary is 59, and the youngest judge is 43. When we are talking about natural wastage, we are talking about the retirement of existing judges when they achieve their retirement age or decide that they want to retire, or the retirement of the judges who have already retired. When they come up against the statutory period, they have to go.

Rather ingeniously, Euan Robson introduced the closure of Duns sheriff court. I am not quite sure what that has to do with the increase in the number of senior judges, but it is the sheriff principal in the Borders who has responsibility for managing the business in his shrievalty. He has initiated the consultation on court provision in the Borders and has made clear in his document that he has an open mind on the proposals contained in it. He will wish to consider representations received and it will be a little time before he puts any proposals to Scottish ministers, who have the final responsibility for approving any closures.

It is inappropriate at this stage for me to make any detailed comment on the matter raised, but I can assure Parliament that there will be no court closures until ministers have had an opportunity to consider the overall position. I am sure that the Justice and Home Affairs Committee will wish to consider that at some point.

In relation to the comments made by Lord James Douglas-Hamilton, all of us have our own memories of Lockerbie. I was not involved on the night in question, but as members may know, I was much involved in the fatal accident inquiry. Since becoming Lord Advocate, I have been greatly involved in the whole question of the Lockerbie investigation and have had many opportunities to meet the families of the victims.

On the point raised about suspending temporary sheriffs for all new cases, it is fair to say that the question of the action to be taken following the decision this morning has been decided on the basis of prudence. The first thing that has been done is to take the advice of the court and ensure that temporary sheriffs do not continue to hear cases, lest those cases be prejudiced. The position in relation to new cases is in the same category. It would be unwise to encourage new cases to be called before temporary sheriffs, in case those cases were prejudiced. In relation to civil cases, it is always open to parties themselves to agree that they will be heard by a temporary sheriff. If parties agree, that may be an option which we would have to consider. It is too early to do that today. The emphasis must be on compliance with the European convention on human rights and ensuring that justice is done in all cases.

The final point raised by Lord James Douglas-Hamilton was about the appeal against the judgment. As Jim Wallace said, leave to appeal was sought today, and was granted on the basis that this was an important constitutional issue. Having said that, it would be unwise and inappropriate for me to announce that I was intending to appeal until I have fully considered the implications of the judgment. I trust that members will accept that I should not make any further statement on that until the judgment has been fully considered and digested and a decision taken as to whether there is a proper ground for an appeal to the Privy Council.

One final matter that I must deal with is the question raised by Mr Gallie on the use of sheriffs as temporary judges. The position in relation to temporary judges in the supreme courts is that one of them is a sheriff principal and all the others, except two, are permanent sheriffs. The Lord President will consider the implications of the judgment for the continued use of temporary judges. In any event, it may be that some of the sheriffs will be required to be recalled to the sheriff courts to deal with business. Those are all issues that must be addressed.

As Jim Wallace said, contingency plans have been drawn up by the various sheriffs principal to ensure that the cases which deserve priority, such as those involving people in custody and those involving children or vulnerable witnesses, will be given it. I realise that everyone thinks that their own case is most important. Other business will be worked around those cases.

The Presiding Officer (Sir David Steel): That concludes the debate on the order. I am grateful to the Lord Advocate. One can always tell those who are trained by being paid by the minute. [Laughter.]

The Minister for Parliament (Mr Tom McCabe): Presiding Officer, I seek your agreement to move a parliamentary business motion without notice.

The Presiding Officer: I am minded to accept a motion without notice in order to avoid a gap in our proceedings. Are we all agreed?

Members indicated agreement.

Mr McCabe: I intend to move that decision time be brought forward to 4.48 pm. The reason for the motion is that there is significant interest in tonight's members' debate and any additional time that we can add to it will be most helpful.

I would like to take a few moments to address Mike Russell's earlier comments. Mike is a valued colleague on the Parliamentary Bureau, but it is important to put this motion into context: we are only 12 minutes from our normal decision time at five o'clock. We are, however, always keen to take Mike's thoughts and suggestions on board and we will do that.

Before I move the motion, may I say that I think that the Lord Advocate is worth every penny. [Laughter.]

I move,

That the Parliament agrees that decision time be brought forward to 4.48 pm.

The Presiding Officer: The question is, that decision time be brought forward to 4.48 pm.

Motion agreed to.

Decision Time

16:48

The Presiding Officer (Sir David Steel): The first question is, that motion S1M-257, in the name of Tom McCabe, on the approval of a statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (North Coast) (Scotland) Order 1999 (SSI 1999/125) be approved.

The Presiding Officer: The second question is, that motion SIM-228, in the name of Jim Wallace, recommending that the Maximum Number of Judges (Scotland) Order 1999 be approved, be agreed to.

Motion agreed to.

That the Parliament in consideration of the Maximum Number of Judges (Scotland) Order 1999 recommends that the draft Order in Council be approved.

Pardon for Executed Soldiers

The Presiding Officer (Sir David Steel): The next item of business is the members' debate on motion S1M-223, in the name of Dr Elaine Murray. Following Mr McCabe's remarks, and in view of the number of people who wish to speak in this debate, I would be minded to accept a motion now that the debate be extended to the normal time of 5.30 pm, which will give us a few extra minutes. Would someone care to move that?

The Minister for Parliament (Mr Tom McCabe): I move,

That the debate be extended until 5.30 pm.

Motion agreed to.

The Presiding Officer: In that case, we have almost 40 minutes for the debate. Many people wish to speak, so short contributions will be appreciated. Before I call Dr Murray to speak to the motion, I remind the chamber that we are debating a reserved matter—as we are entitled to do—but members should avoid indicating otherwise in their speeches. We are here to give our opinions and that is all.

Motion debated,

That the Parliament believes that it is not too late to restore the names and reputations of the soldiers of the British empire forces court martialled and executed, mostly on the western front, in the four years 1914-18, following charges ranging across desertion, cowardice, quitting posts, sleeping at posts, disobedience, striking a superior officer and casting away arms; regrets deficiencies in their opportunity to prepare adequate defence and appeals; notes the marked and enlightened change in the army's attitude just over a score of years later to the consequences of soldiers enduring long periods of severe cold and damp, lack of food and sleep coupled with the stress and shock of constant shellfire with the result that not a single soldier was executed on these charges throughout the six years from 1939-45; considers that the vast majority of the 307 executed were as patriotic and brave as their million other compatriots who perished in the conflict and that their misfortune was brought about due to stress, or the stress of their accusers, during battle, and that even if the behaviour of a small minority may have fallen below that of the highest standards then time, compassion and justice dictates that all of these soldiers should now be treated as victims of the conflict, and urges Her Majesty's Government to recommend a posthumous pardon, thus bringing to a close a deeply unhappy and controversial chapter in the history of the Great War.

16:49

Dr Elaine Murray (Dumfries) (Lab): I thank everyone who has supported this motion. I am particularly pleased by the genuine cross-party support that it has received. I also thank the media for their interest, and those members of the public who contacted me to offer their support.

Our Parliament is not able to pardon the 39

Scottish soldiers shot by their own side during the first world war. That is reserved to the Ministry of Defence, as is the matter of the other 268 members of the British empire forces who were similarly executed. What we can do is express our view, using the knowledge and understanding that we have gained over this century, not to re-write history, but to add the final chapter to the history of the 1914 to 1918 war. In doing so, we remember the terrible suffering endured by the young men who offered their lives in the protection not of our freedom and democracy, but of the economic interests of the British empire.

I have been asked what can be achieved more than 80 years after the conflict. Those most immediately affected—the parents, siblings girlfriends, wives and children of those soldiers—are probably deceased by now. We cannot lessen their pain or comfort them with the restoration of their loved one's reputation. There are families of executed soldiers who continue to campaign to clear the names of their relatives, such as the niece of 22-year-old Private Bertie McCubbin, who was executed because he felt unable, owing to the physical effects of shelling, to carry out the duties demanded of him. We are not too late to bring comfort to those relatives. We are not too late to recognise that, during that war, the demands that our country exacted of its young soldiers—some little more than boys—were too much for some to endure.

Let us remember the conditions under which the private soldier at the western front existed. It was a pointless, static conflict over strips of earth, which achieved nothing other than the slaughter of millions of young men from both sides. The soldiers were condemned to existence in hell—floundering in mud in the winter, baking in the summer, rats and parasites their constant companions, never knowing whether today's sunrise would be their last, without respite, week after week, month after month, year after ghastly year.

The ordinary private soldiers in the trenches did not often, if ever, come home on leave. They were subjected to constant shelling—

“the monstrous anger of the guns”

referred to by the war poet, Wilfred Owen, in “Anthem for Doomed Youth”. They knew that they would be ordered to run towards that anger, witnessing the deaths of countless comrades in the futile exercise. Imagine the horror of sharing accommodation with the remains of other men, of seeking shelter from enemy fire to find it already occupied by the rotting carcasses of fallen soldiers.

Whether volunteer or conscript, those soldiers cannot have had any notion of what they were to face when they signed up to serve their country.

This was not the modern, familiar Europe that we know through our holidays and television travel programmes. France would have been as alien and foreign to them as, 50 years later, Vietnam was to the young American soldiers who fought there. Communications were poor—in addition to their personal discomforts, the soldiers would have been anxious about loved ones back home.

The stress that the soldiers in the trenches—and their immediate superiors—suffered is difficult to imagine. That stress was physical and psychological, enduring and brutalising. We now recognise the effects of stress on the human body and psyche. Individuals who suffer traumatic events, over even a brief period, are now generally offered counselling and help towards recovering from the effects of their devastating experiences. There was no such knowledge at the beginning of the century. There were only vague references to something called shell-shock or loss of nerves—references that placed some blame on the individual, suggesting some weakness of character. Now, we know better.

The argument may be made that the deserters endangered the lives of their comrades. Most of the men who were executed were not deserters—they went absent without leave, got lost, showed violence towards officers or injured themselves to avoid having to go over the top. Even those men who deserted during combat would hardly have endangered their comrades, all of whom were being ordered into the paths of enemy guns. If endangering life was cause for execution, surely it was the generals, who so recklessly and pointlessly threw away hundreds of thousands of young lives, who should have been shot.

So far, the Ministry of Defence has refused to go as far as to offer a pardon to the executed soldiers. Dr John Reid, when he was Minister for the Armed Forces, recognised that those men should be regarded as victims of the war and should not be stigmatised. The ministry's advice was that there was insufficient evidence, because of the passage of time and the lack of contemporary records, to reassess each individual case. It was thought that a blanket pardon would be unsafe, as some of those executed would have deserved—by the standards of their time—the punishment that they received.

I urge Her Majesty's Government to reconsider. Pardon is not exoneration—pardon implies some guilt. Surely it would be more compassionate for a few men to receive an undeserved pardon than for many innocent men to remain convicted. Even in the cases of those who committed actual crimes, what contribution did the brutalising effects of their experiences have on their behaviour?

There is no suggestion in this motion of financial recompense. The soldiers' relatives are asking for

something far more valuable than that—the restoration of the reputations and the good names of the soldiers, the inclusion of their names on war memorials and the return of their medals to those who survive them.

Today, on this last armistice day of the century, I ask members to remember those victims with understanding and compassion, as we remember all those who endured the horrors of war in the service of this country. May the coming century be kinder than that which closes.

I am honoured to have been able to speak to this motion. [*Applause.*]

The Presiding Officer: We will have the usual four-minute limit on speeches, but if I am to have any hope of calling all those members who have asked to speak, members should be aiming for two minutes.

16:56

Dorothy-Grace Elder (Glasgow) (SNP): Thank you, Elaine, very much indeed for raising this subject. I am sure that we all admire your sensitivity in doing so.

We are talking today of men who were condemned, unfairly, as cowards. Would their comrades—those who actually died in battle—condemn them? I think not.

I have brought along today some relics—they are the only ones left—of one of numerous members of my family to have died in battle. This medal is from the first world war. My grandmother and my grandfather sent to that war, most reluctantly, three of their sons. To this day, my family—like so many families in Scotland—are still haunted and shaped by the great war, more than by the second world war. Indeed, it was out of the great war that our socialism came. My family moved to Glasgow to follow Jimmy Maxton. This is all that families got—a bronze medal, or bronze medallion. Members can imagine how embarrassed I was to receive one after four month's service in this Parliament.

Families also got a wee letter from the King. This one has the name of the soldier—Robert Blackwood Stevenson of the Black Watch. My family also served in other regiments, such as the Highland Light Infantry and the Scottish Horse. The King wrote:

"I join with my grateful people in sending you this memorial of a brave life given for others in the Great War."

At the bottom is a facsimile signature: so many were being slaughtered that the King did not have time to sign all the letters. Or maybe he did not bother, I do not know.

I found that uncle's grave at Ypres a couple of

years ago with my children. It was in a great city of the dead. We do not know quite how they died, do we? But I know, from the tales of my grandparents, what their son Robert, who died, told them when he was home on leave, or wrote to them in some of the letters that managed to escape the censors. He wrote of men shooting themselves in the foot, hoping that the injury would be just bad enough for them to be sent home. He wrote of brave soldiers, his friends, going crazy in the trenches. He did not regard himself as superior to them in any way whatever. They prayed for death sometimes. That boy told his parents:

"We only hope it will come quickly, because we know we are not going to come out of it alive."

He died a hero. I say that every man who died in that great war was a hero, no matter how he died.

Some went to war for reasons that we do not like to discuss today. Silly people were going round the streets of Scotland handing out white feathers to men who were not in uniform. I regret very much to say that they were mainly women. That is a deadly form of sexism—sending a young man out to his death simply because it was thought that it was all a big picnic. We know that it was far from that.

Eventually, this unknown uncle of mine was mown down by German machine-guns. I have the original letter from the padre who sat with him as he died. He told my grandmother:

"Your son . . . at the end . . . managed to say the Lord's prayer."

I am sure that my uncle, who would be counted among the glorious dead, would not for one moment condemn those who were executed for a variety of different reasons.

The Australians refused to execute anyone, and yet the British executed even 10 Chinese. Those poor men probably came all the way from Hong Kong to die on Flanders field, not in battle, but through execution, probably because they fell asleep at their posts.

Today the British Army loses more young men to suicide than to terrorism. Those young men are very often bullied in barracks. I fought a campaign on that issue and thankfully the Ministry of Defence gave £400,000 towards the helpline that I sought for young troops. If those fine young soldiers die because they cannot take some of the pressures, imagine what it was like for my uncle to lie in a trench with his best friend in a dozen pieces alongside him because, as he wrote to his father Paul, it was too dangerous for the orderlies to remove the bodies.

We are unpardonable if we do not pardon these men. We are also unpardonable for our treatment of war widows and for the fact that Erskine

hospital needs £2 million. That money should be given now.

We will have learned little in this blood-stained century if we still support weapons of mass destruction. In the name of decency and pity, I ask members to back the motion and to move that these men take their rightful place in the legion of the glorious dead.

17:01

Ben Wallace (North-East Scotland) (Con): My speech is in no way a challenge to the tragedy of the first world war or to the horrific waste of life that all war and conflict lead to, whether 80 years ago or just this year in Kosovo. Although I do not oppose the fact that it was a travesty that these young men were executed, I disagree with the concept of a pardon for something that happened in history. Today we should remember all the men and women who have died in every war fighting for our freedom, just as we should remember the members of the armed forces who are serving all over the world today.

Although I understand the tragedies and personal losses created by the first world war, I fear that the motion before us is naive. Dr Murray is asking us to judge events by modern-day standards and values. As a soldier who served in Northern Ireland and central America, I know what it is like to be scared, cold and underfed. I know what it is like to patrol in areas not knowing where the next sniper's bullet will come from. I have carried men who have shot themselves through their stomachs because of fear of marriage break-up or of their duties. I also know what it is like to be separated from someone I love very much. That was something about which I could do nothing; I could not go home because I had to do my duty.

Perhaps Dr Murray could tell us which of the 307 soldiers who were tried quit their posts, deserted or were wrongly convicted. I am afraid to say that, like her colleague Dr Reid when in the Ministry of Defence, she cannot. The evidence is simply not available. Even at the time, the evidence was basic and crude because men and peers judged one another from their contemporary experience of the situation. It is extremely hard for us to go back and discover which of those men deserted their colleagues and left the rest of their company to be massacred by an enemy or which of them was wrongly convicted.

Mrs Margaret Ewing (Moray) (SNP) rose—

Ben Wallace: I am not taking any interventions—this issue is not for banter.

The tragedy of the first world war, the Boer war and the conflicts of the centuries before is that

today's procedures for taking evidence did not exist.

Is Dr Murray saying that offences such as desertion or quitting one's post are not as serious today? They are still incredibly serious. Indeed, in an operational environment, a soldier found sleeping on sentry duty will go to jail for 28 days. His duty—to guard his comrades—is as serious as it ever was. However, the punishment that those men receive comes from today's different values and standards.

It is dangerous to go back 80 years and say that by the standards of the time the punishment was too severe. It was, as flogging was too severe under Nelson in the Napoleonic era, but it is not for us to delve into the past and judge the punishments decided on by people at that time. Dr Murray should realise that we must consider the first world war as a whole. I believe that we dishonour everyone if we pick and choose the situations in which we forgive or forget or brand some people perpetrators and others victims.

The first world war was a tragedy for Scotland. I doubt that there is anyone in the chamber or in the public galleries who is not touched by the loss of a relation or a member of their direct family. I would be happy for the names of some—or all—of the 307 men to be put on war memorials and for their loss to be remembered for the tragedy that it was. However, I do not believe that it is for us to judge people for acting on the medical knowledge that was available at the time and not on the knowledge of how to treat shell-shock that we have today. Are we to say that to chop off someone's leg to prevent gangrene was wrong medical practice before antibiotics? The medical treatments were not understood then. Today, they are.

While we register the regret and the horrors of the first world war, I ask the chamber to remember that that is history. Let us learn from that history and never again repeat the tragedy that caused those 307 men to be executed, for right or for wrong.

17:06

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I commend Dr Elaine Murray for bringing this most worthwhile motion to the chamber. Although it is on a reserved matter, we in the Scottish Parliament can and should send a clear message to the Ministry of Defence. John Reid, while Minister for the Armed Forces, refused to recommend a pardon on the ground that it was too late to go over each individual case. That does not mean that there were no grounds for a pardon. The whole point of the motion is not to go over each individual case, but to give a posthumous

pardon to all 307 men.

I disagree entirely with the stance taken by Ben Wallace. We are not attempting to rewrite history. We are not pitting our values against the values of 1914 to 1918. Ben Wallace should understand that we are trying to give some comfort to the families of those men. Mr Wallace does not have the monopoly in this chamber on experience of active service. I know from the 15 years that I spent in the Army that attitudes have changed, despite what Mr Wallace may think. Those men would not have been executed in today's Army. Indeed, Ben, it is significant that even in world war two the Army recognised that it had got it wrong. Not one soldier was executed for such offences between 1939 and 1945.

It is fitting that we are discussing this motion on this day of remembrance. Those 307 men are the forgotten victims of world war one. It would not be good enough simply to add their names to the war memorials. Today, we remember those men—and, as important, their relatives, who are still affected by the executions—by backing the motion and asking the Government to think again and to recommend a posthumous pardon.

17:09

Trish Godman (West Renfrewshire) (Lab): I welcome Elaine Murray's motion, which I hope has the unanimous support of the chamber.

Matters relating to the armed forces are reserved to Westminster. Nevertheless, it is fitting that this Parliament should speak out on behalf of the Scottish soldiers who were executed following courts martial conducted by officers who never gave the accused a fair hearing. Of the soldiers executed for so-called cowardice—among them English, Canadian, Irish and, as Dorothy-Grace Elder said, Chinese—43 were Scots. Their convictions should be dismissed and the soldiers given a posthumous pardon.

In 1983, an English judge, Anthony Babington, was given access to the transcripts of the courts martial. He stated that military procedures had seriously prejudiced the possibility of fair trials, and, following conviction, the accused had no hope of being treated with sympathy. He criticised the complete absence of informed medical opinion, which worsened the prospects of justice being done. Those soldiers, 26 of whom were under 21 years of age when they were executed, were treated with contempt and were denied a fair hearing.

Some of the Scottish soldiers were not represented at the courts martial. Those who were there had a "soldier friend", often an officer untrained and unskilled in legal matters and advocacy. To those who say that those men were

cowards who deserted their comrades in their hour of need, let me point out that some of the soldiers who were executed had a distinguished service record. One young Canadian who was executed had been given the medal of bravery for valour in the field.

Andrew Mackinlay, MP for Thurrock, has campaigned long and hard for the families of the soldiers. He said in a recent House of Commons debate that the men were denied the right of justice and were not given an opportunity to prepare a defence. In many cases, they did not have proper advocates. None was given the opportunity to collect evidence, particularly medical evidence, in support of their defence. Each and every one of them was denied an appeal against the death sentence. That is surely—then and now—contrary to the rules of natural justice. Pardons are long overdue, and I believe that that is the view of the overwhelming majority of the people of the United Kingdom.

If we watch the television programmes about these matters, we see the Scottish veterans who fought alongside the young men who were killed. If they give an opinion, they agree that their young comrades should not have been executed and that they deserve to be pardoned. I hope that this debate will show the families that we in this Scottish Parliament firmly support that position. The Prime Minister and the Secretary of State for Defence should, I believe, show humility and compassion on this important issue. The families of the soldiers deserve no less from us all.

17:12

Colin Campbell (West of Scotland) (SNP): I belong to a generation that wakes up every morning and thanks God that it has never had to go through what people went through in that war. I feel enormously privileged for that. Were I not in this place, I would be studying that war—I have studied it for a long time. I have a deep interest in it, and I have difficulty dealing with this subject.

Soldiers who were killed by shellfire or gunfire while deserting their posts and surrendering are on the rolls of honour.

In "Goodbye to All That", Robert Graves wrote of the drunken sergeant carrying the rum ration up the line to the men, falling over and spilling the last remnants of the rum on the ground. The officer put his foot on the back of the sergeant's neck and drowned him in the mud for the rum which his men had been deprived of. I am sure that the sergeant is on the roll of honour as well.

In 1953 or 1954, I spoke to an old man while I was cutting a hedge. He had been in the King's Own Scottish Borderers at the battle of Loos on 25 September 1915. He spoke of a young man who

was in tears through the agony of apprehension and fear in not wanting to go over the top. The officer came along, drunk out of his mind, and offered the boy alcohol. The boy said, "If I am going to die, I am going to die sober." He was in a state of extreme cowardice; the officer was drunk on duty. They should probably both have been taken out and sorted. Because their colleagues were around, they went over. They were both killed. They will be on a roll of honour somewhere.

Officers on the ground tolerated soldiers committing suicide, understood it and did not write letters home telling their relatives that that was happening. They all knew that they were living in hell, living through hell, hoping to get through hell. Their names—the people who committed suicide and "got away with it"—will also be on the rolls of honour and the war memorials.

I feel the hand of history stretching down over the years, touching us all. That war has affected us in ways that many of us never know and will never know. It has affected the psyche of the nation in many ways.

The boys we are talking about were unlucky enough to come up against officers who took a stronger and less compassionate line than others. I researched a particular Highland officer who, in all his work, recognised officers and men cracking up—that is tolerated by the people at the front line.

These boys were unlucky and paid the price of a disciplinary system that was too severe for the time. For their relatives and friends, for those who were innocent, to ease the pain of their relatives and to recognise the enormously credible job that those boys did before they met their fate at the hands of their own side, I support the motion.

17:16

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I, too, wish to commend Elaine Murray for bringing this motion to the chamber today.

My interest in this subject came about when I was studying art therapy. I learnt that many of the quite young people who returned from the first world war were either shell-shocked or hospitalised. After looking at some of the artwork, poetry and writings that were produced, I became aware that none of us can honestly say we understand just how traumatic a time they had.

When we examine now what happened then, it is clear that some of the people who were executed by their own side were suffering from what would be seen now as clinical disorders such as post-traumatic stress syndrome.

I wish to speak about a particular case that Elaine has already alluded to. She mentioned the

campaign by Private McCubbin's niece, a constituent of mine who lives in Girvan. Aged 70, she has been campaigning for a number of years and recently tried to highlight some of the issues and how they affect her family. She talked in the local press about the trauma that her family faced: being misled about the circumstances in which her uncle died and not being given proper information until much later.

My constituent believes that her uncle's death should not have happened and that the people who made the decision to take his life had no right to do so because he was not able to make proper representation. She argues that he volunteered to fight for his country in the first place. She said that

"He was a very sensitive man"

and explains that he appealed for clemency on the basis that his nerves were shattered—that was his expression at the time—which is exactly the kind of trauma that would be recognised now. Unfortunately, his appeal for clemency was not successful and, tragically, like so many others, he was executed.

I do not think that it is too much to ask, today of all days, for a unanimous view from this Parliament to give hope to Grace Sloan and others like her who have campaigned on their families' behalf over the years. I give a commitment that I will continue to support her campaign and I ask members to support the motion.

We have heard today about the tragedy of war and all the horrors that go with it. Many members have been wearing peace poppies over the past few days and have come under criticism for that. The wearing of the white poppy was promoted by none other than the Co-operative Women's Guild, which was not a radical, loony organisation. Its members were women who were at home, doing the work, while the men, many of whom did not return, were serving in the war.

Members will note that I am wearing both poppies. I want to remember the tragedy of what happened before. Equally, many years ago, I made a commitment to become involved in the peace movement to ensure that such things never happen again. I have a 13-year-old son. I want never to have to do what many members of my family did: watch their young men going off to war, never to return.

Please understand that the peace process is not just about an absence of war; it is about taking positive steps to resolve conflict. Please show a bit of tolerance and understanding for those of us who try to make our point by wearing the white poppy.

17:20

Kay Ullrich (West of Scotland) (SNP): One of my most lasting memories is of standing in the main hall in Ayr Academy with my father. I must have been in fifth or sixth year at the time. My father was born in 1905 and had been just too young for the first world war. He, too, had gone to Ayr Academy and as he looked at the names on the war memorial, he said, "All those boys were commissioned straight out of sixth year. That one enlisted from fifth year." As a schoolgirl in 1960 or 1961, I could not for the life of me imagine the boys in my class being mature enough to fight and die for their country. The fact that most of the boys whose names were listed on that memorial had done so as volunteers was completely beyond my ken.

Of course, I lived in a different time and we live in different times today. Wars are covered, dissected and debated in the media, but to address this motion we have to consider how it was in 1914 to 1918. Make no mistake, the war was glamourised. Kitchener's poster read, "Your country needs you". Music halls were the main source of entertainment for working-class people and well-known female music hall stars vamped their way—I will spare members my singing—through

"If you're ready and you're willing
And you want to take the shilling
I'll make a British soldier out of you."

As if that were not enough, in every village, town and city, volunteers were marched up to the local railway station behind either a brass band or the local pipe band. Is it any wonder that impressionable young boys took the shilling to be part of this glamorous, patriotic event? Those young men included the boy soldier Fusilier Herbert Burden, who lied about his age to join up at 16, only to be executed at 17 for desertion, and the 19-year-old Edinburgh bantam soldier—that meant he was under 5 ft 3 in tall—Private James Archibald. Private Archibald was described by his platoon commander as a typical slum product and of a low level of intelligence. Even though his commander wrote that he doubted whether Archibald realised the gravity of his offence, he was shot at dawn on 4 June 1916.

Those executions were the result of a policy recommended by General Haig, who thought it necessary to make examples and—as he put it—to prevent cowardice in the face of the enemy. True to his word, General Haig signed an all-time record number of death sentences during his tenure. Those death sentences also meant that more than 1,000 British soldiers were ordered to shoot their comrades. I often wonder whether any of the young officers whose names are listed on the Ayr Academy war memorial had to use their

pistol to finish off the victim, as so often happened.

Today, as we remember those who died in the two world wars, let us also remember the young men who were shot at dawn simply because we did not recognise battle fatigue or, indeed, because it was done pour encourager les autres.

The Government's excuse is that too many files have been lost or destroyed for individual cases to be re-examined at this late stage. That is probably true, but what is needed is a general amnesty or pardon to mark the new millennium and to remove the burden of shame, guilt and resentment from the families of those who were executed.

That is the recommendation of the Royal British Legion. Let it also be the recommendation of the Scottish Parliament.

17:25

The Minister for Parliament (Mr Tom McCabe): This has been a thoughtful and sensitive debate that shows respect for the memory of the soldiers. That says much for our Parliament.

At the start of the debate you reminded us, Presiding Officer, that defence is a wholly reserved matter under the terms of the Scotland Act 1998 and that the right of final decision on the matters covered by today's motion is reserved to the United Kingdom Government.

I think it is fair to say that both Parliaments would guard their own areas of responsibility. It would be wise for our Parliament here in Edinburgh to judge with caution the subjects that are outwith our legislative competence that we choose to debate.

Having said that, it is extremely important that our colleagues in the UK Parliament are aware of the views expressed in this Parliament. I am happy to assure the chamber that I will forward a copy of today's proceedings to the United Kingdom minister with responsibility for this area.

Today, we mark the 81st anniversary of the armistice that brought the first world war to an end. We remember with humility and gratitude the debt that we owe to those who lost their lives, in whatever circumstances.

No one can remain unmoved by the study of the conditions that those who fought in that war had to face. I appreciate the depth of feeling that motivates the continuing calls for a pardon for those who were executed for military offences.

Between 1914 and 1920, approximately 20,000 men were convicted of military offences for which the death penalty could have been imposed. Approximately 3,000 were sentenced to death, but the vast majority of sentences were commuted.

More than 300 men were executed for military offences. I agree that it is not too late to bring comfort to the families of those soldiers.

When John Reid was Minister for the Armed Forces, he undertook a careful and sympathetic review of this complex subject. That study was preceded by numerous internal and external inquiries initiated by previous Governments. They all have two things in common. First, all reached similar conclusions based on legal and medical evidence. Secondly, they reflected the long-standing concern surrounding the trials and their outcome.

The review considered all aspects of the matter. The cases were examined individually and, to set the work in context, John Reid personally looked into more than 100 of the case files. The review also examined the law and procedures in force at the time and under which the trials, sentence, confirmation and implementation were conducted.

With regard to the law, and to set this question of pardon in its proper context, it is important to remember that the sentences were delivered from a properly constituted legal court. The review also examined the present legal position on the consideration of pardons. Pardon is an exceptional and rare legal remedy that is recommended only when there is clear evidence to suggest that either the findings or the sentence in a case were wrong.

It is realised that very little evidence in relation to these cases has survived. From the papers that remain, the review found that it was unlikely that any of the cases would be found wanting on procedural grounds.

Of more fundamental importance was the lack of medical evidence on the condition of the men at the time of their offences. It would not be possible for a modern psychiatrist to form a proper judgement retrospectively on the state of any of the individuals concerned. It was, therefore, concluded that the consideration of formal legal pardons would, in effect, leave most—and probably all—of those who were executed re-condemned by an accident of history. However, it was not felt that leaving the matter there was an outcome that was compassionate or humane.

I wholeheartedly support the view expressed in the review—that in addressing one perceived injustice, John Reid did not wish to create another. Rather, he wanted to be fair to all. I am confident that members of this Parliament wholly support that view.

Fairness for all those who were executed is the principle that lay behind the most recent review, and I have no doubt that it is what lies behind today's debate. Although we accept the real difficulties that lie in the path of considering legal pardons, we seek, as the review sought, to place

this matter in its true, broader perspective—the suffering and sacrifice of so many during the first world war.

During the debate last year in the House of Commons, John Reid said that the passage of time had distanced us from the evidence and rendered impossible the formality of pardon. He also added a few critical words. He expressed the view that

“the passage of time . . . has also cast great doubt on the stigma of condemnation.”—[*Official Report, House of Commons*, 24 July 1998; Vol 316, c 1374.]

We should acknowledge that those who were executed had given good and loyal service and that they were victims of a ghastly war. We should remember them along with, and in the same way as, all those who died. We are approaching the end of a war-torn century, and it is appropriate that all those who have made the ultimate sacrifice are acknowledged afresh. It is particularly appropriate that we do so today. Colin Campbell's remarks about recognition were most appropriate.

Two very important initiatives were announced as a result of the review. The first was the Government's insistence on adding the names of those who were executed to the war memorials and the books of remembrance. The second, and perhaps most important, was the Government's signalled intention to abolish the death penalty for military offences, which has now been done. I have no doubt that the Government would have wanted a more comprehensive outcome. Equally, I have no doubt that previous Governments would have wanted to reach a different conclusion.

However, although we may want that, it would be dangerous to throw aside legal precedent and decide on the basis of good intention rather than hard evidence. No matter how much any minister or Government may want that evidence to exist, if it does not it would be wrong to cast aside the basic tenets of democracy and the rule of law for which all those men fought and died.

For the reasons that I have outlined tonight, I believe that the place of those victims in the wider national remembrance has been secured for perpetuity. I express the view that I believe reflects that of all members: that those men should finally rest in peace.

Meeting closed at 17:32.

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