

MEETING OF THE PARLIAMENT

Wednesday 6 December 2000
(*Afternoon*)

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Scottish Parliament

Wednesday 6 December 2000

(Afternoon)

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Deputy Presiding Officer (Patricia Ferguson): The first item of business is time for reflection. Our time for reflection leader today is the Reverend Alison Fuller, rector of St Columba's by the Castle Episcopal Church, Edinburgh.

Rev Alison Fuller (Rector, St Columba's by the Castle Episcopal Church): "And Jesus withdrew from the crowds and went away to a quiet place to pray."

With only two weeks to go before the Parliament breaks up for Christmas, I thought it would be timely to reflect with you about the ancient and wise association of holidays and holy days.

When I was in New York recently, I went to hear the well-known black Baptist minister, the Rev Dr James Forbes, preaching at the Riverside Church. Like me, he had just taken some sabbatical time and he was reflecting on the need within our busy modern lives to stop, withdraw and reflect a while. It seems to me that sabbatical or Sabbath time should come round more frequently than every seven years, as prescribed in the law of Moses. Perhaps the pace of our modern lives requires an annual Sabbath.

In the Christian Church, Advent, like Lent, is a season of preparation, a making ready of the soul and body for the great feast of Christmas. Christians traditionally engage in acts of discipline or self-denial. Some of my congregation are considering how we could make space to be attentive to the presence of God in the midst of the business of writing Christmas cards, buying presents and planning Christmas dinner. We met last Sunday evening and spent some time silently reflecting on psalm 62, which reads:

"for you O God my soul in silence waits."

December 6th is the feast of Saint Nicholas—Santa Claus's other name—and traditionally in some parts of Europe today is still a day for giving and receiving presents. Perhaps the greatest gift we can give ourselves this Advent is to follow the example of Jesus. Let us make time to step back from the pressure of deadlines and the pressing crowds or the press gallery and reflect a little on the meaning of the feast of Christmas, whether or

not we hold to an orthodox understanding of God's gift to us in Jesus Christ. The gift of the holiday or holy day, of the Sabbath or the sabbatical is an opportunity to take a break from our routine, to catch up with our family and friends, and to take stock of the things that really matter in our lives.

"And Jesus withdrew from the crowds and went away to a quiet place to pray."

Abolition of Poindings and Warrant Sales Bill: Timetable

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is consideration of Parliamentary Bureau motions. I call Tavish Scott to move business motion S1M-1429, which is a timetabling motion for today's stage 3 debate on the Abolition of Poindings and Warrant Sales Bill. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees that the time for consideration of Stage 3 of the Abolition of Poindings and Warrant Sales Bill be allotted as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins)—

Group 1 to Group 2 – no later than 1 hour 55 minutes

Motion to pass the Bill – no later than 2 hours 25 minutes—[*Tavish Scott.*]

The Deputy Presiding Officer: As no member has asked to speak against the motion, I will now put the question to the chamber.

The question is, that motion S1M-1429, in the name of Mr Tom McCabe, be agreed to. Are we agreed?

Motion agreed to.

Abolition of Poindings and Warrant Sales Bill: Stage 3

14:35

The Deputy Presiding Officer (Patricia Ferguson): I shall begin with the usual announcements about the procedures that will be followed this afternoon. First, we shall deal with amendments to the bill, before moving on to a debate on the question that the bill be passed. For the first part, members should have copies of the bill—SP Bill 3A—as amended at stage 2, the marshalled list containing the three amendments selected by the Presiding Officer for this debate and the groupings that the Presiding Officer has agreed.

Amendments will be debated in two groups. Each amendment will be disposed of in turn. An amendment that has been moved may be withdrawn with the agreement of the members present. It is, of course, possible for members not to move amendments should they so wish. The electronic voting system will be used for all divisions. I shall allow an extended voting period of two minutes for the first division that occurs after each debate on a group of amendments.

I call the Minister for Finance and Local Government to speak to and move amendment 1, which is in a group on its own.

Section 1A—Savings and transitional provision

The Minister for Finance and Local Government (Angus MacKay): When the bill was originally introduced, it contained two transitional provisions. Unfortunately, those provisions were, in the Executive's opinion, technically defective. We contacted Mr Sheridan to explain our view of the defects and proposed that we discuss workable alternatives with him. That invitation was not taken up, so we offered amendments at stage 2 to try to rectify the situation.

Our amendments deleted the defective provisions, specified two pieces of legislation that we knew needed to be saved and made a general provision for Scottish ministers to make any other necessary transitional and saving arrangements by order. Those amendments were approved and can now be seen in the bill as section 1A.

Some members, quite rightly, expressed reservations about how ministers could theoretically use the general power. They were worried that it might be used to extend the life of poinding and warrant sales. I want to make it absolutely clear that that was not at any time our

intention.

We have therefore lodged a further amendment, which allows the necessary procedures following a warrant sale to be completed where a warrant sale has been carried out before the bill comes into force—and allows nothing more than that. In this way, the loose ends following a sale, such as returning unsold goods and accounting for the proceeds, can be properly tied up—and that is all. If we do not do this, it will leave people not knowing what their rights are and it will create problems for the courts.

As yet, we have had no input to our proposals from Mr Sheridan. However, I should point out that the approach reflected in our amendment today is, we believe, more favourable than his original proposals. Under the bill as originally drafted, warrant sales could have continued after the bill came into force, as long as a warrant had been granted beforehand. Under our approach, that will no longer be possible. The amendment slices the hypothetical year of poinding and warrant sales off the calendar in a completely unambiguous way. I am sure that members will agree that our amendment is a positive way forward.

I move amendment 1.

Tommy Sheridan (Glasgow) (SSP): I thank the Executive for recognising the error of its ways in relation to this amendment. The reason that there was no wholesale discussion was that the co-sponsors and drafters of the bill do not accept that the bill was defective in any way, shape or form.

If members examine the bill that is before them today, they will see that there is an Executive amendment that was voted on at stage 2, which is now being deleted at stage 3. I think that that shows clearly that the bill was not defective in its initial creation and had very clear delineation between those warrant sales that would have been able to proceed after the implementation date and those that would not. I thank the Executive for at least recognising, at this late stage, that the bill in its initial form was not defective and had already taken care of the problems that the Executive tried to flag up.

I shall say no more on this point, because I think that the main debate will be at the next stage of our proceedings.

Christine Grahame (South of Scotland) (SNP): The SNP welcomes amendment 1, whose import is that the effectiveness of the abolition of poinding and warrant sales cannot be deferred beyond December 2002. However, SNP members—as is apparent from our amendments and from our contributions to previous debates—wish the deferment to be retracted even further.

I remind the minister of what the Justice and

Home Affairs Committee said in its stage 1 report on the Abolition of Poindings and Warrant Sales Bill. At paragraph 46 on page 11 of the report, it stated:

“Despite the reforms made by the Debtors (Scotland) Act 1987, it is clear that the current law of diligence does not get that balance right. Poindings and warrant sales are the clearest example of that, and it is right that they should go, but other reforms are needed.”

The committee went on to say, at paragraph 50:

“We therefore believe that there is a strong case for amending the Bill during its passage to provide that it does not come into force until a specified future date . . . We are of the view that this should be done sooner rather than later.”

I remind the minister of what has happened since then in the cross-party parliamentary working group, which Tommy Sheridan and I left for very similar reasons. Tommy can speak for himself, but I would like to outline to the chamber my reasons for leaving the group.

First, it is very sluggish in its operations. When we have had trouble with the European convention on human rights, legislation has been whizzed through this Parliament. I do not think that things have been whizzing along in the cross-party parliamentary group. Secondly, I had serious concerns about the remit of the group, which appeared to be to find an alternative to poindings and warrant sales for movable property. That amounts to doing the same thing, but calling it something else.

At the meeting of the Justice and Home Affairs Committee of Tuesday CAPut! September, Euan Robson expressed disappointment that 1 April 2001 was not a realistic possibility for implementation of the bill. Scott Barrie also indicated that he was disappointed that things were not moving forward faster. There is cross-party concern in this Parliament about apparent delaying tactics aimed at kicking this legislation into touch. I hope that that is just a perception.

The will of this Parliament has been clearly expressed. The Executive abstained in the vote on the bill at stage 1, but Labour back benchers voted for it. I hope that the bill will move forward very quickly. I support amendment 1, but I hope that the chamber will also support the other amendments with earlier dates.

The Deputy Presiding Officer: I call the minister to wind up on amendment 1.

Angus MacKay: I do not have a great deal to add. We have heard a bizarre example of Orwellian doublespeak about the nature of the bill and the need for an amendment. Members can judge for themselves where the truth of the matter lies and why the amendment is needed. I am only delighted that Christine Grahame and Tommy

Sheridan have managed to remain in the chamber until this point in the debate.

Amendment 1 agreed to.

Section 3—Commencement and short title

The Deputy Presiding Officer: The next amendment for debate is amendment 2, in the name of Tommy Sheridan, which is grouped with amendment 3. If amendment 2 is agreed to, amendment 3 cannot be called.

Tommy Sheridan: The Scottish Parliament grew up on April 27 this year, when the voices of the poor, the pensioners and the low-paid penetrated this chamber's walls and convinced new Labour back benchers to rebel against a Labour Executive that was attempting to wreck this bill to abolish poindings and warrant sales in Scotland. Sadly, despite a last-minute withdrawal of the Executive wrecking amendment, every Executive member, including Angus MacKay, and all but two Liberal Democrat members abstained on the abolition of poindings and warrant sales. The Tories remained true to their tradition and voted against abolition.

The decision to support the abolition of poindings and warrant sales was a victory for the people of Scotland and for this Parliament. The question facing us today is whether that victory will be soured by MSPs ignoring the pleas of the poor and the pensioners and listening instead to the stale conservatism of the privileged and the sheriff officers.

14:45

I have received representations from an incredibly wide range of groups and individuals, pleading for this Parliament to support the implementation of the abolition of poindings and warrant sales by April 2001 at the latest. Please remember that John McAllion, Alex Neil and I, as the co-sponsors of the bill, have already compromised on the time scale for implementation. We sought immediate abolition of poindings and warrant sales. The three parliamentary committees that investigated the bill suggested a time gap between voting for abolition and implementation. The Local Government Committee, with the interests of local government at heart, suggested 1 April 2001. Amendment 2 therefore represents a reasoned compromise and the expressed will of the Local Government Committee.

I have in my possession scores of letters from organisations that represent the heart of Scotland. They all plead for Parliament to support the April 2001 implementation. They include: the Scottish Association of Law Centres; Citizens Advice Scotland; Money Advice Scotland; the Church of

Scotland church and nation committee; the Salvation Army; the Glasgow Braendam Link; Govan Unemployed and Community Resource Centre; Govan Community Organisations Council; the Govan Law Centre; the Communities Against Poverty Network; the Scottish Human Rights Centre; the Graphical, Paper & Media Union; the Scottish Trades Union Congress; Glasgow Albion Street citizens advice bureau; Easterhouse citizens advice bureau; the Poverty Alliance; Lothian Anti-Poverty Alliance; Child Poverty Action Group Scotland; the Scottish Sheriff Court Users Group; West Dunbartonshire Council; Dundee Anti Poverty Forum; and West Glasgow Against Poverty—to name only some of the organisations that are directly appealing to this Parliament not to delay the abolition of poindings and warrant sales beyond April 2001.

Time forbids me the opportunity to quote extensively from those organisations, but I will provide a flavour of some of their comments. The Scottish Human Rights Centre said:

"We find 31 December 2002 completely unacceptable in that it would permit an inhuman and degrading practice which infringes individual rights to privacy to continue for even longer than originally anticipated when the bill was introduced. Scottish Human Rights Centre fully supports and calls for the implementation of this bill on 1 April 2001 at the latest."

The GPMU stated:

"For many years Scotland has debated the issue of warrant sales. There can be no doubt that the vast majority of Scottish society wishes its abolition. That being the case and the issue having been debated and agreed earlier this year, there can be no logical reason why its demise should go beyond April 2001."

Easterhouse citizens advice bureau stated:

"I would confirm the Management Committee's support for a 1 April 2001 implementation for the abolition of poindings and warrant sales. My Committee are becoming increasingly concerned about possible delays in the implementation of the Bill and very fearful of the effects this will have on our clients. Threats of poindings and warrant sales are continuing daily. We see clients who are already struggling to survive, trying to cope with further pressure as a result of these threats."

The Poverty Alliance stated:

"We are delighted to write in support of the Abolition of Poindings and Warrant Sales Bill being implemented by 1 April 2001. The Parliament has overwhelmingly supported the Bill and three separate parliamentary committees have investigated and two local councils have shown they can operate successfully without such a barbaric law. We feel there are no longer any obstacles to overcome."

The Salvation Army stated:

"Although our past support has been given through the Scottish Churches Parliamentary Office and the Social Inclusion Network, in the light of the latest developments I want you to know that you have the full support of the Salvation Army in pressing for an implementation date of 1 April 2001. May God bless your efforts and those of the co-

sponsors of your Bill."

The Church of Scotland church and nation committee stated:

"We are in no doubt that many will see an implementation date of 31 December 2002 as lacking the urgency which the subject demands."

West Dunbartonshire Council voted in September 1999 to ban the use of warrant sales. The leader of the council wrote:

"As at 30 November 2000, our Debt Recovery Group has secured debt repayment arrangements totalling £12.772 million. In parallel with this our Benefits Maximisation Campaign Team has awarded benefits and discounts to the value of £1.8 million. The banning of poindings and warrant sales has not had a detrimental effect upon our collection and performance. It is therefore my contention that the abolition of poindings and warrant sales can be argued from both a moral perspective and on the grounds of effectiveness. On this basis therefore, the earlier implementation date would be desirable as at present the only people profiting from warrant sales are the sheriff officers themselves."

I shall repeat to the chamber that point from the leader of the Labour West Dunbartonshire Council:

"the earlier implementation date would be desirable as at present the only people profiting from warrant sales are the sheriff officers themselves."

The Lothian Anti-Poverty Alliance said:

"We are extremely concerned that the Scottish Executive intends to delay the implementation of the abolition of poindings and warrant sales until December 2002. In that time, by our estimates an additional 90,000 people could be subjected to the shame and humiliation of a sheriff officer entering their home to poke through their family's possessions—needless to say, the vast majority of those 90,000 people will be members of low income families, benefit claimants, lone parents, low paid workers, disabled people, pensioners and carers. As evidence and moving testimony to the Social Inclusion Committee has already demonstrated, many thousands of children will see their parents humbled and reduced to tears, some contemplating suicide or forced into the grasp of loan sharks."

I urge colleagues to take these comments on board: 90,000 Scots, including people from low-income families and their children, will be exposed to the humiliation and distress of poindings and warrant sales because the Scottish Executive wants to impose an extra delay of a year and nine months before implementing the bill. Those figures are based on the reality of the 1998 statistics, which showed that 23,000 poindings were carried out that year in Scotland.

I am afraid to say that the Lothian Anti-Poverty Alliance fears that the Executive has been so lax in introducing any alternative to poindings and warrant sales because

"the replacement being contemplated is simply a reformed poindings and warrant sales system with a new name. This is not acceptable to those living in poverty. To paraphrase Shakespeare: 'Excrement by any other name would smell

as rank.'"

The Scottish Trades Union Congress said:

"The poor cannot wait for the Parliament to ponder."

I defy anyone to deny that, as expressed through these organisations which daily represent those in poverty and those who fight against poverty, the will of the people of Scotland is that April 2001 should be the implementation date for this bill. If the Scottish Executive is genuinely willing to listen to the poor, the pensioners and the low-paid of Scotland, it will support the amendment. Of course, if it wishes instead to listen to the privileged lawyers and sheriff officers, it will give them a 21-month extension of their licence to print money through legalised terror and harassment. The only letter that I have received in support of the Executive's implementation date is from the Law Society of Scotland.

Colleagues, on 27 April, this Parliament voted decisively to abolish the inhumane and degrading practice of poindings and warrant sales. Surely to take a year between deciding and implementing abolition is more than long enough. If members support the Executive's position today, their message to the poor is that it takes two and a half years between deciding to do something and implementing it. The poor, the pensioners and the low-paid cannot wait that long. For the sake of the 90,000 people who will experience a poinding or warrant sale between April 2001 and 31 December 2002, I appeal to members to support the amendment.

I appeal to the conscience of every Labour member in particular not to subject the people of Scotland to an additional 21 months of humiliation and terror from poindings and warrant sales. Vote for this amendment today and stand proudly on the side of the pensioners, the low-paid and the poor, not on the side of the privileged minority.

I move amendment 2.

Mr John McAllion (Dundee East) (Lab):

Amendment 3 has been lodged in my name and, as a co-sponsor of the bill, I indicate my support also for amendment 2. I intend to vote for both amendments.

Six months ago, the Parliament committed itself to the abolition of poindings and warrant sales as a method of debt recovery in Scotland. We did so in the face of opposition from the Executive of the day, from the legal establishment in the form of the Scottish Law Commission and the Law Society of Scotland, and from those who had a vested interest in retaining poindings and warrant sales—members of the Society of Messengers-at-Arms and Sheriff Officers, who profit handsomely from the poor who suffer just as bitterly from poindings and warrant sales.

It is important for us to remember that, as members of the Scottish Parliament, we did not go through that process alone. If the bill had been considered exclusively by parliamentarians, as it would have been at Westminster, it would have failed at stage 1: the opposition of the Executive would have been more than sufficient to ensure that it did not progress beyond that stage. Thank God, the Scottish Parliament is not the Westminster Parliament. We are different. Our open system of committees allows the poor—those who suffer most from poindings and warrant sales—to have their say.

It was the testimony and witness of the poor what done it—to paraphrase one of the most execrable tabloids ever to appear in Scotland or Britain. It was the poor who changed minds in this Parliament, who countered the innate conservatism of the legal establishment and who left the Executive high and dry without back-bench support six months ago. It was their victory—not this Parliament's victory—and we should rejoice in that fact. I rejoice in the fact that the change that is proposed in the bill is not coming from the top of Scottish society downwards, but from the bottom upwards. That is justice. The poor demanded justice of this Parliament and we should listen to the poor.

However, now that the bill has reached stage 3, their victory suddenly does not look so great. It does not seem to be so secure, as an implementation date has been set for 31 December 2002. If that date is agreed, it will guarantee the continued existence of poindings and warrant sales for up to two years and for three Christmases.

I do not understand the logic that says that we are against a legal process in principle—because to use it is to demean, frighten, humiliate and intimidate the poor—but that we should vote to retain that same barbaric legal practice for a further two years, knowing that, in that period, up to 90,000 more poor people in Scotland are likely to be subjected to the fear and humiliation that the Parliament roundly condemns.

During the debate six months ago, no one entertained the possibility of that being allowed by this Parliament. Poindings and warrant sales were roundly condemned: they had to go. Almost all members of the Parliament were united behind that simple principle. Yet we are now talking about a stay of execution for a legal procedure that we describe as barbaric. That is simply wrong, and it is something that I cannot and will not vote for under any circumstances.

If we were only talking about a stay of execution, that would be bad enough. We could argue for minimising that stay of execution to one year instead of two, one Christmas instead of two

Christmases or two Christmases instead of three. However, the situation is worse than that. The Executive openly admits that it intends to use the stay of execution to allow its cross-party working group to produce what has been described as a “workable but humane” diligence against movable property.

Movable property is just a legalistic way of describing the belongings of the poor. It does not matter how much of that property is exempted from the system of diligence: ultimately, this society and this Parliament are saying that we are prepared to take away the possessions of the poor because they find themselves in debt.

15:00

David McLetchie (Lothians) (Con): Does the member accept that a Jaguar XJ6 is also movable property and that there are not many poor people who own them?

Mr McAllion: I give David McLetchie credit for at least knowing that the poor do not drive about in Jags—he will not see many poor people in his life—but his point demeans the argument. The poor have their own meagre possessions, but they will be subject to poindings and warrant sales if the Parliament does not do something about them. That is the reality that members in the chamber must take on board.

If, in pursuit of a debt, creditors seek diligence against the property of the poor, they will require to force entry into the houses of the poor, to poind whatever goods they can in the houses of the poor and, ultimately, to sell the goods of the poor to meet the debt. What is that but poindings and warrant sales, which this Parliament claims to reject in principle, by another name? Given that the delayed implementation is about leaving the Executive the room to propose such a system, I am against the delayed implementation of the bill.

When the Justice and Home Affairs Committee considered implementation at stage 2 it was unhappy with the date of 31 December 2002—a number of members indicated their unhappiness with putting off the implementation of the bill for another two years. I support the implementation date of 1 April 2001. The long list of organisations given by Tommy Sheridan also support that implementation date and should also be listened to by members. However, if there are members who cannot vote for 1 April 2001, there is a compromise—amendment 3, in my name, which proposes an implementation date of 31 December 2001. That is not the date that I want, but it is better than 31 December 2002.

I say to those members who will come after me and argue against what I and Tommy Sheridan have said that if we accept either of the proposed

dates—1 April or 31 December 2001—there is no need to panic about the likelihood of being able to collect debt in Scotland. The improvement debt recovery group, which is not the group set up by the Executive, but the one set up by all the groups to which Tommy Sheridan referred in his contribution, has already come up with a proposal that would allow creditors to be protected once poindings and warrant sales no longer exist. That proposal is for disclosure orders, which should be given serious consideration by the Parliament.

Listen to the list that Tommy Sheridan gave. It would not be an exaggeration to claim that civic Scotland wants poindings and warrant sales to be abolished by 1 April 2001. Political Scotland is the barrier to the rest of Scotland seeing happen what it wants to happen. I plead with all members to look into their conscience and to think about what they are doing this afternoon. Politics is not an easy game. If people want an easy game and an easy salary, they should not come into politics because sometimes they will have to make hard and unpopular decisions that will make them a leper within their own party. Those decisions must be stood by and taken when it matters. I call on fellow members of the Labour party to look into their conscience and to vote to get rid of this barbaric and hideous form of debt recovery, which should have no place in Scotland in the 21st century.

Phil Gallie (South of Scotland) (Con): Mr McAllion's comments revolved around the poor and the underprivileged. Conservative members have looked further than that. We recognise that there are those with possessions who would cheat on society. David McLetchie's intervention about the XJ6 was not frivolous; it addresses a real problem with the bill.

Alex Neil (Central Scotland) (SNP): Will Phil Gallie tell us how many Jaguar XJ6s have been poinded in the past year?

Phil Gallie: I have no idea, nor can I say how many people have had their goods sold by warrant sale. I recognise that some people have, but I also recognise that, under current rules, their number is minimal. I want an end to a situation whereby the poor and the underprivileged are treated in that way. That is the aim of all Conservative members. It does not matter whether we are talking about an XJ6 or about somebody moving capital into goods to avoid debt. I have no doubt that that has happened in the past year but, whether it has or not, if the bill were to be passed as it stands, that would be an option in future.

Mr Lloyd Quinan (West of Scotland) (SNP): One of the things that we discovered when taking evidence on the bill was the enormous number of people from the Scottish establishment who made assertions much like the ones that Phil Gallie is

making. Can he give us one piece of evidence to support the assertion that he is making?

Phil Gallie: Numerous pieces of evidence are recorded in the Justice and Home Affairs Committee records. We are talking about an issue from which possibilities might arise. When we pass legislation, we must ensure that we are prepared for situations in which uncommon issues might arise.

Mr Quinan rose—

Phil Gallie: I will not take another intervention from Mr Quinan.

Tommy Sheridan referred to the 90,000 people who might be affected by the bill and the suffering that they are subjected to by the fact that they have the threat of poindings and warrant sales hanging over them. However, he made no reference to what might happen to those people after the bill is passed, when lenders and creditors refuse to lend them money or allow them to have goods on credit because their longer-term interests are not protected.

Tommy Sheridan: Evidence on the issue that Phil Gallie raises is hard to come by, which is why I quoted West Dunbartonshire Council. That council tells us that, although it has not used poindings and warrant sales for more than a year, it has improved its debt collection rates and improved the income of the low-income citizens in its area. That is proof of the fact that we do not need poindings and warrant sales.

Phil Gallie: I must raise the example of South Ayrshire Council. To improve its debt collection, it has changed the dates for payment and so has made debtors of many people who regularly pay their dues and who, every year, meet their financial commitments and pay their council tax. It has issued summary warrants to people across the board because they had not paid up to a specific calendar date—in some cases, that date is some two or three days out of phase. People have had to deal with a full year's commitment plus extra penalty payments. That is the way in which South Ayrshire Council has increased its revenue. I do not know what the situation is in West Dunbartonshire Council, but if it is the same as it is in South Ayrshire Council, it is an absolute disgrace.

I put it to Tommy Sheridan that there will be a problem for the poor and underprivileged who want to go into debt in specific circumstances to help their families. When small businesses are not willing to risk loaning such people money, I wonder what the feeling about the bill will be.

It is right that the minister takes time to find alternatives, which I expect will be found. I look to the cross-party parliamentary working group that is

trying to identify the essential elements of an alternative to poindings and warrant sales to ensure that Scotland—like every country—will have a means of debt recovery that will allow people to depend on a system in which people offer goods or cash to others in the knowledge that, somewhere along the line, they will be compensated for that, as is their right.

Christine Grahame: I must advise Mr Gallie that the group is not a cross-party group any more. Neither the SSP nor the SNP are represented on it. *[Interruption.]* It is not our fault. I have made clear the reasons why, after considerable thought, I removed myself from the group. I object to the minister's response to my comment, as I thought that Tommy Sheridan and I conducted ourselves with considerable dignity when leaving the group. We did not storm out; we addressed arguments at that meeting.

Phil Gallie: That matter is between Christine Grahame and her conscience and her party and its conscience. Christine Grahame agreed to be on that group to try to find alternatives. That commitment, which was given by all the parties in the Parliament, was supposedly genuine. By walking out of the group, Tommy Sheridan and Christine Grahame walked out on that commitment. When people incur debts, we must not give them the opportunity to walk out on their commitments. I sympathise; I want to protect those who are poor and underprivileged. At the same time, the Parliament owes it to Scotland to ensure that something practical and realistic is put in place to protect the interests that I have mentioned.

Mr Quinan: I find it astonishing that we are hearing the same old argument, which is based on no information. Mr Gallie tells us again about the terrible number of businesses that will go to the wall because of people running off into the night when they are served a warrant. I say to him and to other people who make that argument: show us the evidence.

There is copious evidence on the other side of the argument, which has been available for Mr Gallie to read, had he the time. He continually comes to the chamber with entirely unsupported arguments. He relies on an urban myth, which is what the Tories are rapidly becoming in this country.

This matter puts the people of Scotland against the establishment of Scotland. It is about the people's Parliament making accountable an establishment that has not been accountable for more than 200 years. That was made clear when we took evidence on the bill. The Law Society, the Law Commission and the Society of Messengers-at-Arms and Sheriff Officers are not happy at having to be accountable. In a way, that reflects

sheriff officers' behaviour on the doorsteps when they serve poindings on people and force warrant sales. There is an overbearing arrogance—because they have a warrant, they believe that they have a right to do what they do, with little or no care towards the people with whom they deal.

We must decide whether we support the Executive supporting the establishment, as we were meant to do at the stage 1 debate on 27 April, or move with what the people of Scotland want—the earliest possible implementation date, which is, I suggest, 1 April 2001. This is simply a matter of political will. It has been made clear that the Executive has no political will to act; only a rebellion of its back benchers forced it to lead us to this stage, in a rearguard action.

The simple fact is that the people of Scotland want the Parliament to implement the bill at the earliest possible stage. The opportunity is before us. We can agree to Tommy Sheridan's amendment to section 3, which will allow for the removal of what is a barbaric practice on 1 April next year, or we can support the Executive's support for the Scottish establishment, which, in effect, gave misinformation during the inquiry into this matter.

Phil Gallie: If Lloyd Quinan was running a small business, would he be prepared to lend or give goods from that business on the basis that he had no guarantee whatever of getting his money or goods back?

Mr Quinan: To answer Mr Gallie's simple question, I have faith in the human race; he clearly does not. *[Interruption.]*

The Deputy Presiding Officer: I remind visitors in the public gallery that they should not applaud or make noise between speeches.

Euan Robson (Roxburgh and Berwickshire) (LD): The chamber overwhelmingly holds the view that poindings and warrant sales must be abolished. I have held that view for some years. The fact that, in the public mind, poindings and warrant sales are inextricably linked to the poll tax would be reason enough for their abolition, but the most important reason for abolition is the way in which the process works.

The concept of abolition was overwhelmingly endorsed in the vote following the stage 1 debate. However, poindings and warrant sales are the tip of an iceberg of problems with debt in society. We have to review completely our attitude to debt and the handling of debt. As I understand it, that is what the Executive's diligence review is doing. There has to be much greater emphasis on instalment plans and managing credit. There has to be a revolution in the type of advice that is given to people when they get into debt difficulties. There has to be a major change in the attitude of

creditors, too. The fact that many creditors ask for full payment immediately exacerbates problems and leads to a downward spiral.

15:15

Lloyd Quinan asked the important question whether there are people who play the system and what evidence there is for that. I have seen the evidence when dealing with debt in the energy industry. Many people experience hardship and difficulty in paying, but only a tiny percentage works the system. They may not all have Jaguar XJ6s but, unfortunately, there are rogues—a tiny criminal element—who have to be dealt with.

Accordingly, there has to be some provision for attachment to movable property as a last resort. The point is that if, after an overall review of diligence, we set up a better system, which we desperately need, the people in hardship will never reach that stage of the process. The only people who will appear before a new, more humane system of attachment to property will be precisely those who ought to be there—those who are stealing from the general public and from those in debt. If we do not have such a provision, we will allow a situation to develop in which certain people will take advantage of the system.

Those who have spoken in favour of the amendments have missed another point. The diligence review may require legislation. I hope that in due course the minister will confirm that the bill could be amended if that review could be completed more quickly. In time, the date that is determined in the amendments could be altered.

Christine Grahame: I am trying to understand the idea of an alternative diligence against movable property. If that is introduced into the system, will it be exercised only against a certain type of debtor—the kind of fraudulent, mischievous, criminal to which Euan Robson refers? I do not know how it can operate. Either it operates against people at large or it does not operate at all.

Euan Robson: Any system of diligence attached to movable property must per se apply to everybody, but the whole point is that, if there is a better debt recovery and management system, which is desperately needed, those people who fall into debt and experience hardship will never reach that stage. In effect, the small minority of people who are criminals and rogues will be siphoned out and will go into that process. As I said, I have seen such people. When, in my previous career, I dealt with cases of disconnection for debt in the energy industry, such people represented a tiny percentage—1 or 2 per cent—but they existed. Some people had four or five aliases, three or four properties and heaven

knows what. Such people have to be dealt with in any system.

Phil Gallie: Will the member give way?

Dorothy-Grace Elder (Glasgow) (SNP): Will the member give way?

Euan Robson: Ladies first.

Dorothy-Grace Elder: Euan Robson has made it amply clear that such people represent a tiny minority. Is he not describing what is basically human nature and incurable? Those people will exist under any system. We are trying to protect the honest majority of the poor.

Euan Robson: Dorothy-Grace Elder says that the people whom I have described will always exist. That is the precisely the reason why we must have a provision to deal with them.

Mr McAllion *rose*—

Euan Robson: The minister might address the question whether the bill, if it is passed with the Executive's proposed amendment, can be further amended. I believe that it can be.

Finally, I do not take kindly to those who say that the working group on diligence is not making progress when they are not even there to make a judgment on that.

Alex Neil: I rise on behalf of the SNP to support amendment 2 and, if it falls, amendment 3. Today should be a proud day for the Scottish Parliament and the Scottish people. The abolition of poindings and warrant sales has been on the agenda of every civilised person in Scotland for many years. We can make a proud day still prouder by refusing to allow any delay in the implementation of the bill. Delay means much more than that—it means worry and expense and it means a delay in lifting the sword of Damocles that hangs over the poor.

I say to Phil Gallie and the Tories that they should listen to small businesses in Scotland. If they had watched "Newsnight Scotland" last night they would have seen John Downie of the Federation of Small Businesses backing Tommy Sheridan's argument for no delay in implementing the bill.

Miss Annabel Goldie (West of Scotland) (Con): As someone who has been part of a small business, I ask Alex Neil to explain to the people whom he seeks to protect which of the following options is preferable. In the absence of an enforceable system of diligence, which is what the amendment he supports would achieve, is it preferable that the people whom he seeks to protect are denied the supply of goods and services on credit and that to procure such supplies by payment of cash they resort to moneylenders, or that if they are given goods and services on credit, the ultimate remedy to the

creditor is sequestration?

Alex Neil: Miss Goldie should have watched "Newsnight Scotland" as well, as it is the victims of poindings and warrant sales who are pushed into the hands of the moneylenders, particularly the most unscrupulous moneylenders. To say that the bill would lead to a situation where there was no diligence is absolute nonsense. If someone is in work and gets into debt, their wages can be arrested; if someone is on benefit and gets into debt, benefit can be deducted; if someone who has a bank account gets into debt, their bank account can be arrested; if someone in business gets into debt, that business can be sequestrated. To say that there is a vacuum is total nonsense.

The so-called official working party was announced by Jim Wallace on 27 April. He said that the Executive would treat the issue as a matter of urgency. Between May and October, that urgency meant exactly two meetings of the working party. The Executive has the audacity to come to the chamber to ask us to agree to a two-year delay in the implementation of the bill when, in the first six months after that announcement, it held only two meetings of the working party.

At the same time, another working party was established, involving many of the same organisations, with cross-party representation—it involved two political parties—and support from across the board in Scotland. Without the resources of the Executive, the improving debt recovery working party produced a 47-page document that maps out—as Annabel Goldie should note—all the alternatives required to achieve the proper objectives of debt recovery in Scotland. I recommend that every member of the Executive and all the Tories read it. I bet my bottom dollar that the official working party will not be able to come up with better alternative proposals than we did. Our report contains a set of recommendations that, if implemented, would allow full implementation of the bill from April 2001 along with the implementation of a comprehensive debt recovery programme to ensure that there is proper, civilised diligence in Scotland.

Phil Gallie: If the document that Alex Neil has in his hand is so good and contains everything that everyone in this Parliament wants, why did Christine Grahame not stay on the working party and present it to its members?

Alex Neil: Because that was a different working party. The remit of the official working party was changed to suit the objectives of the Executive; the remit of the working party on improving debt recovery, which produced this report, was not only to get rid of poindings and warrant sales, but to introduce a civilised programme of reform for debt recovery and debt management.

Phil Gallie: I hear what Alex Neil says. What happened is water under the bridge but, as the ministers have been nodding in approval at the idea that they would at least consider the issues, why does Alex Neil not present the report to the ministers now? If it is so good, he could still get the dates that he wants.

Alex Neil: They can have it; that is not a problem. I will even give Phil Gallie a copy for nothing—provided that he reads it, of course.

The view that there needs to be further delay is only an excuse. There is no justification whatever for the Executive to ask us to delay.

As Tommy Sheridan said, 80 per cent of poindings and warrant sales are initiated by local authorities. Two local authorities, a Labour local authority in West Dunbartonshire and an SNP local authority in Clackmannanshire—there are no Tory local authorities involved in this, obviously—have both, in effect, abolished poindings and warrant sales. If two of the 32 local authorities can do that, and if they can say that there has been no adverse impact on debt collection, why can the other 30 local authorities not be ordered to do the same forthwith?

Angus MacKay: Will Mr Neil explain why the council tax collection levels in the two local authorities that he has mentioned—West Dunbartonshire and Clackmannanshire, which have, as he says, abolished poindings and warrant sales—have gone down? Clackmannanshire Council's figures comparing 30 June 1999 with 30 June 2000 show, I believe, that the collection rate has dropped by 12 per cent. The reason for that is that no alternative for collection is in force. Will Mr Neil explain the figures?

Tommy Sheridan rose—

The Deputy Presiding Officer: Mr Neil, you must begin to wind up now.

Alex Neil: Mr Sheridan?

Tommy Sheridan: When Alex Neil answers—

Angus MacKay: Who is answering this question?

Tommy Sheridan: I am sorry, I had hoped that I was dealing with adults.

When Alex Neil answers Angus MacKay's question, will he explain to the Labour members why local authorities that have retained poindings and warrant sales still have low collection rates? The idea that there is a correlation between the abolition of poindings and warrant sales—

Angus MacKay: What is the answer?

Tommy Sheridan: Poverty—Angus MacKay does not know much about it.

Alex Neil: Andy White, the Labour leader of West Dunbartonshire Council, has pointed out that the council tax collection rate has absolutely nothing to do with the abolition of poindings and warrant sales.

Today is a test for the Parliament. Are we a people's Parliament for the poor, or a Parliament for sheriff officers, bureaucrats, lawyers and the wealthy? If we delay the bill's implementation, the reputation of the Parliament among the populace will suffer further. If we implement the bill from next year, we will send out a clear message that this is indeed a people's Parliament.

15:30

David McLetchie: I must declare an interest as I am a member of the committee that was established by the minister to seek an alternative diligence against removable property. This afternoon, that committee was referred to in disparaging terms as being somewhat sluggish. I do not mind being known as a Conservative or as a lawyer, but I draw the line at being known as a slug. I take my responsibilities as a member of that committee—of which Euan Robson is also a member—seriously.

As far as I am concerned, when Parliament voted in favour of the general principle of Mr Sheridan's bill, it did so in the context of the establishment of the committee to consider and recommend to Parliament an alternative diligence against movable property. I submit that an effective diligence against movable property—which includes Jaguar XJ6s and a whole range of other goods—is an essential feature of the debt recovery system in every society that operates on the free enterprise market principle, to which everyone in the chamber subscribes—with the possible exceptions of Mr Sheridan and Mr McAllion.

We have heard a rerun of the argument about whether there should be any diligence against movable property within the debt recovery system in Scotland. As far as I am concerned, Parliament has said that there should be such a diligence and our responsibility is to find a sensible alternative that will remove some of the features of the present poindings and warrant sales system that many members find objectionable. We can do that by looking at the categories of debtor to which a new remedy might apply, the types of debt that might be pursued or the goods that might be attachable under the system. We can bring forward within an appropriate time scale an alternative to poindings and warrant sales, thus fulfilling the mandate that was given to us by the Parliament.

Christine Grahame: I am curious as to how that

alternative would be implemented. Would one serve a charge on the movables, poind and have a sale? That would be poinding and warrant sale by another name.

David McLetchie: Christine Grahame is absolutely right. The essential features of any diligence against movable property are that the property is attached by the debtor, sold if necessary, and the proceeds of sale applied in repayment—in whole or part—of the debt that is being pursued. That is the essence of a diligence against movable property and of the system of poindings and warrant sales. I accept that any alternative would share those key features. There is no point in kidding ourselves that anything else will be the case.

We should consider the alternative diligence in the context of the whole debt recovery system so that we build in new procedures that might be more acceptable to society as a whole and that might be regarded as being fairer to debtors. That would address some of the concerns that have been fairly put by Mr Sheridan, Mr McAllion and others, without undermining the essential point, which is that we need to have such a weapon in our armoury if we are to have an effective system of debt enforcement and collection. That would be in the interests of the recovery system and of the free enterprise system. As Mr Gallie pointed out, that would also be in the interests of poorer people in Scotland, because without an effective system they will be denied access to credit. That is what it is all about.

Christine Grahame: Having practised law I know—as a practising lawyer so will Mr McLetchie—that poindings rarely go to the warrant sale because the value put on the goods is worthless. In fact, as Alex Neil suggested, poindings and warrant sales are generally used as a sword of Damocles to threaten the poor into paying up. Poindings are rarely pursued to the sale and are used as a form of humiliation. Would Mr McLetchie concede that point?

David McLetchie: I do not accept that in principle, but if a poinding demonstrates that the goods are not suitable for sale because their realisation will not achieve any practical result, the poinding, self-evidently, has failed. Any sensible creditor would take that into account in determining whether it is worth pursuing a debt by that means, or whether other means should be considered. That is the essence of the system.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the member give way?

Ms Margo MacDonald (Lothians) (SNP): Will the member give way?

David McLetchie: Fergus Ewing was first.

Fergus Ewing: Does not Mr McLetchie agree that he is being slightly disingenuous, because he has made no reference to the fact that arrestment covers incorporeal movable property, that is shares, money in bank accounts, building society accounts and holdings of that order, which are much more significant than sticks of furniture? That remedy exists, as does sequestration for debts of more than £1,500, which is probably the most effective diligence that there can be. To suggest that there are no alternatives is downright misleading, and paints a very partial picture of the law of diligence in Scotland.

David McLetchie: I do not think for one moment that I said that there were no alternatives; I simply said that I thought it was desirable that there be a diligence against movable property as part of the armoury of options that are open to a creditor in legitimately pursuing a debt that is owed to him.

The issue is whether that option should be in our legal system. I submit that there should be such an option, and I submit that in the stage 1 debate on Mr Sheridan's bill, the majority of members of the Parliament subscribed to the view that an alternative diligence against movable property should be available to creditors in Scotland for the pursuit of debt. As a member of the committee that was established by the Minister for Justice, I am happy to be faithful to that mandate and to do my level best to produce a system that will fulfil the criteria that were set out for us. I regret very much that members of the SNP will not be making a positive contribution to that debate and to the work of the group.

I will conclude by saying that Conservative members will be voting against both Mr Sheridan's and Mr McAllion's amendments, not because we do not believe that the system needs to be reformed, but because the time scale that is proposed in the amendments is not acceptable, and because we should support the position put forward by the Executive for a deadline of 31 December 2002.

Donald Gorrie (Central Scotland) (LD): My previous vote on the subject—or lack of vote—was one of the most grievous things that I have had to do in Parliament. I felt that my loyalty to my leader—who was being hung out to dry by his colleagues—came above my commitment to the cause for which I would have liked to have voted. My vote today may make up for that.

The way in which we structure our debates must be more carefully examined. Conservative speakers have set out their stall, but other than my colleague Euan Robson—who made an admirable speech, with which I will disagree shortly—the case for the bill as it stands, as opposed to the amended bill, is not being put. I am sure that a minister will put it in the end, but in a situation like

this an establishment speaker should follow the amendment speakers.

Euan Robson said that 2 per cent of people will break any rules and must be dealt with. We can argue about the figure, but undoubtedly there is a percentage of people in any society who will cheat, lie, rob and so on.

Dorothy-Grace Elder: They are all in politics.

Donald Gorrie: They are not all in politics, but politics has its fair share.

The question is, in order to try, however ineffectively, to nail the 2 per cent, will one be grossly unfair to the other 98 per cent? In any calculation, giving a decent show to the 98 per cent is important. Does the present system of warrant sales nail down the 2 per cent of chancers? No, it does not. It fails dismally. The proposals for the future may fail even more dismally, but the present system does not deliver a full grip on the bad people on whom we wish to get a grip.

My next point reveals my prejudices. I do not feel that the establishment will get a grip on the subject until it must. If amendment 2 were agreed to, the minds of the establishment would be concentrated. Jim Wallace would have to get his officials round and say, "Look—by this date, we must have an answer, so earn your pay for once, boys." Otherwise, they will fiddle around, and say, "Oh, we've got until the end of 2002, let's go and have lunch." Setting a date will help people to sort out the issue.

David McLetchie and Phil Gallie said that the poor will never be given any loans. That might benefit them. One of the troubles in our society is the evil, indiscriminate offering of money to poor people—almost forcing it on them—which gets them into debt. If that were got a grip of, there would be far fewer debts to sort out. The immorality of the lending structure and some of the people who operate in it must be dealt with.

Those of us who are not rich, but are comfortably off, must give some thought to what life would be like if we were not comfortably off and we lived like people who tend to get into debt because they cannot balance an inadequate income against their expenditure. On the whole, according to history books, the people who got brownie points—whether they were medieval kings or 19th century statesmen—helped the debtors rather than the lenders. They got good brownie points. We should think about that.

Dennis Canavan (Falkirk West): I will support Tommy Sheridan's amendment 2, and if that is disagreed to, I will support John McAllion's amendment 3. I understand that the Executive's case is that more time is needed to find

alternatives to warrant sales. The Executive proposes that it be given more than two years to find alternatives. Fair enough—the Scottish Executive has been in existence for only 18 months or so. Before that, however, the Scottish Office had decades to study the matter and to come up with viable alternatives to the cruel practice of holding warrant sales.

I remember introducing a bill in the House of Commons to abolish warrant sales more than 20 years ago. It had cross-party support. The late Jimmy Dempsey, who was the member of Parliament for Coatbridge and Airdrie, pioneered the campaign long before I was a member of the House of Commons. Margaret Ewing, who is with us in the Parliament today, was also active in the campaign. Believe it or not, I also had the support of some Scottish Tory MPs, who agreed that the barbaric, medieval practice ought to be abolished as soon as possible. The alternative on which we agreed, which managed to win cross-party support, was a debt arbitration system, whereby the debtor and the creditor got together to reach an out-of-court settlement for repayment of the debt by instalments. The experience at that time—I suspect that the evidence now is similar—was that most small debts are incurred by people who unwittingly get into debt through no fault of their own, because of unemployment, sickness, poverty or other causes. Those people would genuinely like to repay the debt. Most of them do not like being in debt and want to repay the debt as soon as possible.

The proposed debt arbitration service found the support of Scottish Tory MPs at the time and achieved a consensus among MPs from Scottish constituencies. The only reason why the bill did not make more progress was a lack of time in the House of Commons. It was only a 10-minute bill. It had an unopposed first reading, but due to the lack of parliamentary time at Westminster, it made no further progress. I looked forward to the day when a Scottish Parliament would be able to take up this important issue and to place the abolition of warrant sales on the statute book at last.

15:45

The Scottish Law Commission also worked on the issue in the 1980s, although I do not know what happened to its reports. Are they gathering dust somewhere on the shelves of the Scottish Office, which is now the Scottish Executive? The minister ought to have a look at the conclusions that the SLC arrived at then, because even it questioned the desirability of warrant sales. To those people who say that there is no alternative to warrant sales, I say, "That is not true." In certain circumstances, there is provision for arrestment of bank accounts and attachment of earnings.

Although the debt arbitration service that I proposed all those years ago has never come into existence, there are systems of debt counselling run through citizens advice bureaux and other voluntary agencies.

Tommy Sheridan's amendment proposes the implementation of the bill in April next year. Surely the period of time between now and then will concentrate the minds of the people on the working party, so that they come up with other viable alternatives, if such alternatives are essential.

The Scottish Parliament was supposed to herald a new era of radical change and greater standards of social justice for the people of Scotland. Granted, it will take some time to deliver greater standards of social justice in some areas, but we have been waiting for centuries for the abolition of warrant sales. We should get rid of that barbaric, medieval practice as soon as possible.

Angus MacKay: Members will no doubt be aware that amendments 2 and 3 seek to set dates for the commencement of the bill that we believe are, quite simply, unrealistic.

Members will recall that Mr Sheridan lodged an amendment that sought the same commencement date of 1 April 2001 at stage 2 of the bill. The Justice and Home Affairs Committee agreed at the time that that was unrealistic. It is clear that Mr Sheridan believes that he knows better than the committee, so he is attempting to go over that ground again. Amendment 3, which seeks a commencement date of 31 December 2001 is, in our view, equally unrealistic.

For quite some time, there has been a certain rich irony in the way in which Mr Sheridan in particular has conducted the debate. While he is content to issue press releases and appear on news programmes, he is not content to do the work that must be done in the working group in order to establish a humane and workable solution to getting rid of poindings and warrant sales. The rich irony is that, on this subject, Mr Sheridan is all spin and no substance. It reeks of irony for members of the Labour party to have to face his behaviour when we are accused of similar behaviour, day in, day out.

I must restate for members what needs to be done, and why, during the period before abolition takes effect.

When the Justice and Home Affairs Committee considered the aims of the bill, it recognised the need to introduce an alternative diligence to replace poindings and warrant sales before their abolition. I use the term diligence advisedly, as I have seen the letter that Mr Sheridan circulated, which suggested that the committee was not calling for a replacement diligence. That assertion

is wrong in fact and in logic.

Christine Grahame: Will the minister give way?

Angus MacKay: No, not at this stage.

I will go back to first principles. We are talking about the law that applies to the enforcement of civil court orders, including orders for payment of money. When court orders for the recovery of debts are enforced, the law of diligence sets out the procedures that can be used for enforcement. In this case, we want to end the existing approach and find a better, workable and humane alternative. People can call it what they will, but the real question remains as to how else a new procedure for enforcing court orders for payment of debt can be classified in law. The points that Mr Sheridan has made to date on that issue are non-points.

None the less, let me quote what the Justice and Home Affairs Committee's report said. It made it clear that

"overhauling the law of diligence is something that only the Executive can do. We welcome the steps that the Minister for Justice has already taken . . . What is needed now is a clear commitment from the Executive to bring forward legislation within this Parliamentary session to ensure that a system of diligence from which poindings and warrant sales have been removed strikes a satisfactory balance between the interests of creditors and debtors."

I think that that is pretty unambiguous.

Tommy Sheridan: Will the minister give way?

Angus MacKay: I do not intend to give way to Mr Sheridan at any stage in the debate, so he can sit down.

Getting back to the substance—

Christine Grahame: Will the minister accept an intervention?

Angus MacKay: Of course.

Christine Grahame: The Justice and Home Affairs Committee also said:

"The first step is for the Executive to acknowledge that poindings and warrant sales must go, and that efforts should be concentrated on finding a workable but humane alternative."

It did not say "alternative diligence against movable property". It said "alternative"—full stop.

Tommy Sheridan: Exactly.

Christine Grahame: Mr McLetchie has disclosed that his understanding is that the same procedures—charge, poinding or warrant sale—will be used with whatever system the Executive comes up with. That was certainly my understanding.

Angus MacKay: If Christine Grahame had remained in the working group, she would know

that it has identified some specific areas about which it is concerned. I do not blame her for not knowing that, as she is no longer participating in the group. Those areas include the role of sheriff officers; the practices and procedures that are used at the moment; whether or not individuals should be able to enter another individual's home; the way in which disclosure takes place; whether there is a requirement for broader debt counselling; whether what we need in future is not occasional debt counselling and advice projects but a systematic approach; the role of local authorities in seeking to pursue council tax debtors; and whether any diligence that is in play will be seen not as a form of threat, as it certainly is at the moment, but as an absolute last resort, before which a whole lot of other stages would have to be gone through to ensure that, as far as possible, people never reach that last resort.

Christine Grahame: Will the minister give way?

Angus MacKay: Not at this stage; later perhaps.

Getting back to the substance, the arguments for the need for an alternative diligence should be well known. Everyone has responsibilities as well as rights and the payment of debts is one such responsibility. There will, as has been said, always be some people who refuse to pay their debts, although able to, until they are forced to do so. There must be no loopholes in the law through which those people can slip. The honest vast majority who pay their debts should not have to subsidise the few who choose not to do so. Because of that, the enforcement system must be comprehensive. If we do not have a diligence against movable property to replace poindings and warrant sales, such a loophole will automatically be created.

We must not forget the matter of the availability of credit. If the loophole is created, then credit becomes harder to get. If credit institutions know that the diligence system in Scotland is incomplete, they will be more reluctant to give credit unless they are convinced that they will recover their equity. Inevitably, it is those most in need who will suffer as a consequence. Those already in poverty will in future be forced to go back to the loan sharks.

There has been a lot of scaremongering about the Executive's lack of commitment to the abolition of poindings and warrant sales. Repeatedly, there have been wrong and deliberately inaccurate allegations that the Executive has deep-laid plans to delay unnecessarily the implementation of the bill. For example, at the stage 2 debate, I clearly stated that it was not the intention of the Executive to use transitional powers to circumvent the purpose of the bill. In addressing the Subordinate Legislation Committee, Mr Sheridan openly said

he did not trust ministers or the Executive on that.

Tommy Sheridan: Absolutely.

Angus MacKay: That is an example of a deliberate attempt to twist the facts. The true position will be made abundantly clear today. We have made our position clear all along. Members need only examine the *Official Report* to see that.

The Deputy First Minister, Jim Wallace, said what the Executive's plans were in a statement to Parliament on 8 June 2000. He said that, as an interim measure, we would introduce a statutory instrument amending the list of goods that could be exempted from pouding. The Executive laid that instrument in June and it came into force on 10 July. He also said that the Executive was carrying out a wide-ranging and comprehensive review of the law of diligence as a whole. That is now under way.

Let me remind members that the review is considering the whole of that area of law. We are looking, as we have already said, at the particularly difficult problems that arise because of multiple debt. We are also examining debt arrangement schemes. We have said that we will consult next year and that we will take on board thoughts and suggestions from any source—including Mr Sheridan, if he so chooses. That is up to him.

Jim Wallace also said that the Executive would set up a cross-party parliamentary working group to identify the essential elements of an alternative diligence against movable property. The Executive has set up that group, which the Parliament knows is in operation.

The Executive has made abundantly clear its commitment to the abolition of poudings and warrant sales and its replacement with a humane and workable alternative. The cross-party parliamentary working group is currently working towards identifying the essential elements of such a replacement. I have already outlined some of those. We have increased the frequency of meetings and have tightened the time scale for the group's report. The group has been meeting fortnightly, rather than monthly, and will continue to do so into next year, so that its report is ready by June rather than December: six months earlier than originally suggested.

I have no doubt that members will agree that it is important for the replacement system to be subject to widespread consultation before being presented to Parliament. Members will also agree that Parliament should consider it in detail. The issue is too important for a botched-up substitute to be rushed through.

The commencement date of not later than 31 December 2002 that appears in the bill gives the

working group the proper amount of time within which to recommend reforms. The working group has already agreed that it will not make a recommendation unless all its members agree and believe the proposal to be both humane and workable. In answer to Euan Robson's earlier question, I say that, if the group completes its work earlier, we will be able to enact the legislation earlier.

I am aware that Mr Sheridan says that a group with which he is involved has devised a substitute that can be in place for 1 April 2001. I wish that that were true, but it is not. It is simply not possible to have a workable solution in place that quickly; it needs to be developed, consulted on, turned into legislative form, scrutinised by Parliament, enacted and then implemented. That cannot be done by April 2001 or December 2001, even if what Tommy Sheridan is proposing is a workable solution—which it is not.

Tommy Sheridan: So the minister has examined it, then?

Angus MacKay: Yes. We have examined the report and invited its authors to present their conclusions to the working party in January, so that they can put forward their argument. Mr Sheridan would have been able to do that if he had bothered to stay on the group to do the hard work—not something with which he is terribly familiar.

There is nothing like the quick fix described in the paper that Mr Sheridan has produced. I have given members a flavour of the difficulties that we face. We are working at the hard task in hand. If Mr Sheridan, or anyone else, has a constructive contribution to make, we will be happy to consider it. However, the offering that he and Alex Neil are touting today is not a miracle cure. Much must be done to achieve the workable and humane replacement that we want. Our working group is doing that.

I want to reflect briefly on a point that John McAllion made earlier in the debate. He talked about politics, politicians and hard decisions. We should not let today's debate pass pretending that the political soft option is to support the Executive's position. It is not. Abolishing the current system without dealing with the consequences of abolition is the easy choice. The hard choice is finding a system that works—for the poor, for those who need to enforce debt payments and for everyone in the chamber concerned with the quality of law and the quality of life of people in this country.

I urge the chamber to reject the amendments.

16:00

Tommy Sheridan: Mr MacKay asked us to examine the record. Let us do that. With the exception of Euan Robson, all the members who have spoken against the implementation amendments that are before the chamber today abstained or voted against the abolition of poindings and warrant sales. Angus MacKay was one of them. That is the record that we should be examining for evidence of the Executive's commitment to this bill.

It is no wonder that Angus MacKay would not take part in the debate on "Newsnight Scotland" last night. He talked about the proposals being all spin and no substance. The original proposal was laid before Parliament in August 1999. Wendy Alexander wrote an article in September 1999 saying that there was no need for the bill because the Executive was going to introduce legislation to abolish poindings and warrant sales. That was more than 12 months ago.

In the course of Angus MacKay's deliberations, I and others like me have been working hard voluntarily. We have produced an alternative. We have produced a 47-page report, which is available to members at the chamber desk. Angus MacKay should not mislead the Parliament by accusing of doing nothing those who oppose his narrow remit. Not only have we been prepared to engage in the debate; we have devised and introduced a worked-out alternative, which is based on the work of groups who work at the coalface day in, day out in dealing with poverty and low-income families.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): In Tommy Sheridan's report, one of the recommendations is that

"The Scottish Parliament introduces legislation to impose a statutory obligation on local authorities"

How long would that take? Parliament can use consultation processes, yet Tommy Sheridan suggests that the whole matter could be cleared up by 1 April. That is nonsense.

Tommy Sheridan: We, as politicians, talk about waiting, taking our time and deliberating. The problem is that, meanwhile, thousands of families suffer the indignity of poindings and warrant sales. We must address that. We discussed the issue in April this year. Is Ian Jenkins saying that it was beyond the ability of Parliament to introduce alternative legislation in the 12 months between April this year and April 2001? Is that Ian Jenkins's argument?

Ian Jenkins: I asked whether we could do it in three months.

The Deputy Presiding Officer: Mr Jenkins, Tommy Sheridan is not taking an intervention.

Tommy Sheridan: It has not happened because the Executive has done nothing in the past 12 months to produce an alternative. Instead of accusing us of being all spin and no substance, perhaps Angus MacKay should look in the mirror.

It has also been suggested that I think that I know better than the Justice and Home Affairs Committee and that that is why I have lodged my amendment today to seek implementation of the bill on 1 April 2001. I do not know whether Angus MacKay or other members were listening, but I will not recite again the list of organisations that I recited earlier. I remind members that every single one of those organisations—such as Citizens Advice Scotland, Money Advice Scotland, the Scottish Association of Law Centres, Lothian Anti-Poverty Alliance, the Salvation Army and the Church of Scotland church and nation committee—appealed to members to vote for implementation in April 2001.

Perhaps, because members are politicians, they know better than all those groups and civic Scotland. Perhaps members know better than all those groups put together. Mr McAveety shouts yes. He is another member who abstained in the vote on the Abolition of Poindings and Warrant Sales Bill. He represents the poorest constituency in Scotland, but he abstained in that vote—he should be ashamed of himself.

Mr McAveety: Can Tommy Sheridan tell me what warrant sales have occurred in the poorest constituency in Scotland? I was an elected member in the City of Glasgow Council for 12 years. Three warrant sales occurred and I have intervened as an elected member to prevent three. Tommy Sheridan should not lecture me. He should not put his badge of poverty on the table or tell any member off in this chamber.

Tommy Sheridan: Frank McAveety should examine the statistics. While he was leader of Glasgow City Council, 6,000 poindings took place in Glasgow.

Mr McAveety rose—

Tommy Sheridan: Sit down, my friend. You have had your say.

Frank McAveety abstained in the vote. He refused to vote for the abolition of poindings and warrant sales. He should sit down.

I move on to Angus MacKay's comment about West Dunbartonshire Council. He tried to have a go at West Dunbartonshire Council for having the courage—which Frank McAveety's council did not have—to abolish poindings and warrant sales, rather than wait for Parliament to abolish them. That council abolished them because it thinks that they are inhumane and degrading.

In July of this year Mr McConnell visited West

Dunbartonshire. I am sure that Mr McConnell will not mind me reminding him that he congratulated that council for improving its council tax collection rate. Brothers and sisters—[*Interruption.*]—I believe in humanity; I am prepared to refer to people as brothers and sisters. Is it not incredible that an authority that abolished poindings and warrant sales should then get a visit from a minister to congratulate it for improving its council tax collection rate?

Above all, we must be honest in this debate. The Executive was opposed to the bill, which is why—to a person—ministers abstained from voting on it. It now wishes to delay the bill and subject 90,000 family members and children to the further indignity and humiliation of poindings and warrant sales. That is the substance, not the spin. I appeal to each and every member to vote for the early implementation date to send a message to the people of Scotland that their Parliament is listening to them—not to the privileged lawyers and the Society of Messengers-at-Arms and Sheriff Officers.

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are members agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division in this grouping, I will allow two minutes for the vote.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)

Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 36, Against 71, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Mr McAllion].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are members agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)

The Deputy Presiding Officer: The result of the division is: For 38, Against 65, Abstentions 2.

Amendment 3 disagreed to.

Abolition of Poindings and Warrant Sales Bill

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is a debate on motion S1M-1401, in the name of Tommy Sheridan, which seeks agreement that the Abolition of Poindings and Warrant Sales Bill be passed. I call Tommy Sheridan to speak to and move the motion.

16:10

Tommy Sheridan (Glasgow) (SSP): I do not imagine that this item will take up much of Parliament's time. The issues have been clearly debated. I am disappointed that what could have been a day of major celebration has been soured, but I am extremely pleased that the Parliament will vote to get rid of one of the most degrading and inhumane systems of debt recovery in Scotland. It has long been a commitment of those who campaign for social justice to ensure that the barbaric practices of poindings and warrant sales be cast into the bin of history.

It is important to address one point that sheriff officers often use in support of the retention of poindings and warrant sales. They tell us that, if poindings and warrant sales were not available, loan sharks would take over. Brothers and sisters, I have here a letter from Rutherford & Macpherson, sheriff officers. The letter is to a woman in Drumchapel whose council tax arrears were £256.17. She received the letter from the sheriff officers, indicating that the warrant against her allowed for the opening of shut and lock-fast places, although at least four days' notice must be given before the date of the intended entry.

She was given notice that the sheriff officers intended to come to her home and force open her door, to enforce repayment of the debt. The poinding was to be arranged for seven days after the date of that notice. In bold type, the letter said that to avoid that happening, the sheriff officers required 50 per cent of the sum that the woman owed. That woman was on benefits, yet she received a letter from Rutherford & Macpherson telling her that she would have to come up with £128 to avoid a poinding. Letters such as this mean that we must get rid of poindings and warrant sales, because of the fear and terror that they induce legally.

I have concerns about the alternatives to poindings and warrant sales and I hope that the minister will address them. I hope that he is honest enough to agree that there was a specific reason why Christine Grahame and I left the cross-party working group that was considering alternatives to

poindings and warrant sales. The remit of that group is to identify a workable and humane replacement diligence against movable property to that of poinding and warrant sales and to make recommendations for implementing legislation to be brought forward during the parliamentary year 2001-02.

At the meeting during which I left that group, I moved an amendment to that remit. I said that the remit was too narrow and that I did not think that the will of Parliament was to introduce an alternative method of attaching movable assets. To attach a movable asset, it must first be known what movable assets somebody owns. To find out what movable assets somebody owns, their house must be entered and to get into their house, sheriff officers must be able to force open shut and lock-fast places. My concern was that the narrow remit would put the group in danger of suggesting an alternative to poindings and warrant sales that would be, in effect, poindings and warrant sales.

The amendment that I moved was reasonable. It suggested that we delete "against movable property"—taking out three words of the remit—so that the remit would be to identify a workable and humane replacement diligence to that of poinding and warrant sale. No mention is needed of movable property. That was my amendment. I challenge the minister to tell me why he refused to allow that amendment to be put to a vote, and why he refused to allow that remit to be widened. He will not be able to tell members that that was not the case, because what I have outlined was the exact sequence of events. I am not prepared to associate myself with a working group that has a restricted remit to come up with alternative diligence against movable property.

I disagree 100 per cent with David McLetchie, because he is a Tory and he supports warrant sales. However, at least he was quite honest about that. In his mind, the working group is about coming up with another form of poindings and warrant sales. Many new Labour members have told me privately that that is not the idea, but that is why Christine Grahame and I walked out of the group. It is incumbent on the back benchers in new Labour to find a solution. Those members must believe me; I am not misquoting the remit of the group, I am reading from it—it is here in black and white. I am telling members the remit and the restriction. I am telling them that I was not allowed to move an amendment to that remit. If any member wants to contradict that explanation of the course of events, they may.

There is cause for celebration today, because Parliament is saying that it will get rid of poindings and warrant sales. However, the delay in implementation of the bill sours that celebration. I hope that Parliament will be more decisive in its

action in defence of the poor in future.

Finally, I want to thank Mike Dailly, the principal solicitor at the Govan Law Centre, without whose assistance the bill would not have been drafted and we would not have got here. I thank also people such as Betty and Davie Currie, Mary McQuade, Betty McEachran and Brian Lewis. Their names might not mean anything to people in the chamber, but they were the backbone of the anti-poll tax campaign to prevent poindings and warrant sales during the dark days of despair under the Tory poll tax.

I thank people in the anti-poll tax unions, who fought long and hard against the sheriff officers and who formed physical walls of human solidarity with people they had never met before, because they were willing to support them against legalised humiliation. Their victory is inherent in the bill. It is they who deserve applause and congratulation—if it was not for the fight outside the chamber, the bill would never have been debated inside it.

I move,

That the Parliament agrees that the Abolition of Poindings and Warrant Sales Bill be passed.

16:18

The Deputy Minister for Justice (Iain Gray): Tommy Sheridan can be rightly proud of proposing the second member's bill to complete its passage through the new Scottish Parliament. I will not use what little time I have in going over old ground about the right time for commencement—we will abolish something that is simply no longer acceptable in this day and age. Parliament can take pride in the fact that it has agreed that poindings and warrant sales should be abolished.

However, we all know that we cannot simply leave things there. Taking pride in a job well done means finishing the job—today's business does not do that. We cannot just leave a gap. Parliament is not in the business of creating loopholes in the law, which would—make no mistake—be exploited. Some members might be willing to turn a blind eye to the situation. They might be content to make it easy for some people who can pay their debts to get away with not paying, but the vast majority of members are not content to do that. We cannot create an opportunity for some people—whether that means a business that does not pay its VAT or an individual who does not pay their council tax—to evade their responsibilities while the majority of people fulfil theirs. That is simply not just. Let us therefore put in place a proper replacement—a humane and effective replacement—and do the whole job.

The Justice and Home Affairs Committee said rightly that there must be a replacement in place

when we abolish poindings and warrant sales. Jim Wallace has told Parliament—I remind members again today—that the Executive has taken up the Justice and Home Affairs Committee's challenge to find a workable and humane alternative. Devising such an alternative is a difficult task. It does not lend itself to Tommy Sheridan's approach, which is high on rhetorical flourish, but low on factual accuracy. Indeed, so far he has shown himself to be unwilling to work with us to find solutions.

The working group that was set up to find a solution has been working hard to achieve its goal within a tight time scale. It is of great regret that Mr Sheridan and Christine Grahame, having accepted the invitation to join us on the basis of the remit for the working group, walked out for their own political reasons. As stunts go—

Christine Grahame: As the minister knows, the first date that was set for a meeting of the working group was cancelled. I was unable to attend on the second date. I attended the next meeting, which was to ratify the remit. That was the first time that I had seen the remit, which has been read out correctly by Tommy Sheridan. I was unhappy with it because it reflected neither what my party nor what the Justice and Home Affairs Committee understood the remit of the group would be. We wanted to discuss a workable alternative—full stop. We did not want to discuss a workable alternative diligence against moveable property.

Iain Gray: I understood that the invitation to join was issued on the basis of the remit. If Christine Grahame and Tommy Sheridan chose to walk out for their own reasons, that is their business. As stunts go, it hardly made headlines at the time and it will not affect the working group's progress. If Mr Sheridan and Mrs Grahame will not play and do not want to find solutions, that is their business, but those who are prepared to do the hard work and find the workable and humane alternative that is sought by the Justice and Home Affairs Committee include the Scottish Consumer Council, Money Advice Scotland and Citizens Advice Scotland. Those organisations have no interest in melodrama, but they have a serious interest in the daily drama of debt because they know and represent the people who are struggling with debt day in, day out.

Tommy Sheridan: The minister could not hold a candle to the people who wrote the report of the improving debt recovery working party and who wanted an early implementation date.

Iain Gray: I will respond to Mr Sheridan, even though he has chosen to make an intervention from a sedentary position. I will not contest what he says—my point is that those organisations are willing to work with us to find a humane and

acceptable workable replacement. That is the difference between those organisations and Mr Sheridan.

The Deputy Presiding Officer (Patricia Ferguson): Mr Gray, you must wind up.

Iain Gray: The working group now meets every second week and is working hard to bring together diverse interests. It is co-operating to find a solution that will work for everybody. The people on the group are giving up their time because they are committed to finding an alternative that will work, that will not leave a loophole and that will be humane.

The working group has been willing and waiting to hear what the group that Tommy Sheridan talks about has to say on its much-vaunted alternative solution. Members can see that from Angus McKay's letter, which Mr Sheridan has copied to them. Mr MacKay has repeated today the statements in that letter but, until today, we had yet to hear anything at all from Tommy Sheridan's group—apparently because the members of the group are not able to agree among themselves. The paper—launched as the group's position—carries a disclaimer to the effect that it does not represent the group's position. I do not know what that makes it, but in Mr Sheridan's mind, its defining characteristic seems to be that it is 47 pages long.

The Deputy Presiding Officer: You must wind up now, Mr Gray.

Iain Gray: The paper is neither a complete solution nor a competent legislative proposal for Parliament to consider. No sudden flurry of activity in the last two days—two months after he flounced out of the working group—can hide Mr Sheridan's failure to progress a solution.

The bill is a good start, but it is half of a reform—the easy half. I urge members to support the motion. Then let us finish the job properly.

The Deputy Presiding Officer: Before proceeding, I must—[*Interruption.*]

I remind all members that they should not speak to each other across the rows of benches, whether to members of their own party or to those of other parties.

Earlier, I said that I would give speaking times and I have indicated what the times will be for opening speakers. Members should keep to those times; otherwise I will not be able to call all the members who wish to speak in the debate. I now call Alex Neil, who has four minutes.

16:19

Alex Neil (Central Scotland) (SNP): On behalf of the Scottish National Party, I congratulate

Tommy Sheridan for having brought the bill before the Scottish Parliament. Although it would not have been possible to achieve that without the list of organisations and individuals that he mentioned, he has put a great deal of energy and compassion into the bill. We unashamedly congratulate Tommy Sheridan for the courage and determination that he has shown.

Let me set the record straight on why Christine Grahame and Tommy Sheridan walked out of the working party: it was a direct result of the Executive's double dealing. The purpose of the working party was to come up with an alternative to poindings and warrant sales, not to come up with a replacement that would be, in effect, all about poindings and warrant sales.

If the Executive's proposals are, de facto, poindings and warrant sales, that will spell the end of the Lib-Lab Executive. Such proposals will be totally unacceptable to the people of Scotland and, I hope, to Parliament. Parliament has voted to get rid of poindings and warrant sales—it would be unacceptable to have poindings and warrant sales presented to us again in two years' time with a new name.

The work that was done by our working party involved not only Tommy Sheridan, John McAllion and me, but the Child Poverty Action Group in Scotland, Citizens Advice Scotland, Communities Against Poverty, Easterhouse citizens advice bureau, Glasgow Anti-poverty Project, the Govan Law Centre, the Scottish Human Rights Centre and so on. I am sure that those organisations will take great offence at some of the remarks about our report that were made by Angus Mackay and Iain Gray.

Donald Gorrie hit the nail on the head—poindings and warrant sales do not achieve the objectives either of social justice or of effective debt recovery. As Donald said, we are penalising 98 per cent of the population to try to catch 2 per cent—those who can pay but will not pay. The current poindings and warrant sales system cannot even nail the 2 per cent who can pay but will not pay.

As Tommy Sheridan said, this should have been a very proud day for the Scottish Parliament. If we pass the bill, we will be able to say that Parliament has done something for the people of Scotland. However, it would be far better then to come forward as quickly as possible with a humane, effective alternative system, with positive action to encourage and help those who are in debt today.

I hope that Iain Gray will read our report in detail. It is not about spin, it is all about substance. It covers the inadequacy of the social security system, the problems with the social fund, the barriers to advice, the need for early intervention

methods and the inadequacy of legal services in dealing with the problem. The report suggests the need for disclosure orders to replace poindings and warrant sales. It discusses the system of local authority debt collection, debt enforcement, multiple debts, reforms of summary warrant procedure and bank arrestments. That is a series—

David McLetchie (Lothians) (Con): Will Alex Neil take an intervention?

Alex Neil: I need to finish. That is a series of substantial recommendations.

Iain Gray rose—

Alex Neil: I urge the minister to take the report's recommendations on board. Let us stop the insults and get some action from the Executive.

16:29

Euan Robson (Roxburgh and Berwickshire) (LD): If we pass this bill, it will be a cause for celebration and the achievement of many people's long-held objective. I must inform the chamber that, not long after the election, I phoned an old friend in the Strathclyde Poverty Alliance. I said, "How about the introduction of a member's bill to abolish poindings and warrant sales?" He replied, "Actually, I think somebody's beaten you to it." I therefore congratulate Tommy Sheridan not only on getting the bill introduced, but on getting ahead in the queue of members who might have wanted to introduce such legislation.

My commitment to this issue goes back a long way. I will explain why I think Tommy Sheridan and Christine Grahame should have remained on the working group. I understand the points that they made then, and later, about the remit of the working group, but it would have been sensible for them to look beyond the mere words on the paper, because it was inevitable that, as night follows day, the remit would be blown apart at the first meeting, as indeed it was.

Tommy Sheridan: Is the member's evidence today that he voted for the remit and then decided to ignore it?

Euan Robson: I cannot recall whether there was a vote, but I was quite content with the remit because I knew that it could not possibly last more than a couple of minutes. It was disappointing that Tommy Sheridan could not see beyond the mere words and could not take the opportunity that was presented to him.

Christine Grahame: Euan Robson heard what David McLetchie, who is on that group, said in the chamber. He made it clear that we will end up with something that has the same processes of enforcement as have poindings and warrant sales.

Is he wrong?

Euan Robson: No, he did not say that. The processes are part of the main issue. I heard Tommy Sheridan say earlier that it is impossible to make an attachment to property without entry to property. That is simply not the case. There are ways of making attachments without entry. Mr McLetchie referred to the need to make an attachment to property and obtain a sale thereafter. It will emerge in due course that there are ways of doing that that do not necessarily involve all the iniquities of the present system. It is extremely disappointing that the members who left the group could not see beyond the narrow remit and could not make a contribution.

I will not detain the chamber for too long. What we are doing today is a cause for celebration and I offer my congratulations on the bill to Tommy Sheridan. In discussing this subject, we should hold in our minds the sort of point that he drew forcibly from the experience of the lady in Glasgow who received a letter from the sheriff officer.

A key thing that must happen in years to come is a revolution in the attitude of creditors. There are far too many creditors who regard the payment of a massive lump sum as the only way forward. That is not the case. We must adopt a culture of payment by instalment, of advice and of management. I am convinced that if we had a far more effective and humane system of diligence, 98 per cent of people would never reach the stage that has to remain for the 2 per cent who would defraud the general public and remove services from the poor. Such people exist—I have seen them personally.

The Deputy Presiding Officer: I call Phil Gallie. I apologise to him, as I should have called him earlier.

16:33

Phil Gallie (South of Scotland) (Con): Thank you, Presiding Officer—there is no need for an apology.

We congratulate Tommy Sheridan on sticking to his principles and driving through a bill that he thinks is important to him, to the people he represents and to Scotland. By its nature, politics means reaching agreements. I believe that we drive toward the same objectives; we want to help people, protect those who are worst off in society and recognise the practicalities of society. Today and throughout the debate on the bill, the Tories have stuck to our principles and objectives.

When the Justice and Home Affairs Committee scrutinised the bill, it was clear that the Tories would not stand against the principle of getting rid of poindings and warrant sales. We did not object

to that. We identified with the Justice and Home Affairs Committee reports. We made no mistake then and our arguments have been consistent with those that we made then.

We have to look at the reality, which is that people can convert their capital wealth into movable goods. As Euan Robson suggested, it may be the sharks in our society who do that, but they are a minority that the Executive must guard against in legislation. We go along with that.

I noted Dennis Canavan's remarks about Scottish Tories in the past and his 10-minute bill. He knows as well as I do that, apart from that moment of glory, there are not many 10-minute bills at Westminster that see the light of day. He will take some comfort today because the bill will be passed. It will not be opposed by us.

Given the examples I brought up earlier, I have some sympathy with Tommy Sheridan's example of the individual faced with a massive council tax debt that had to be paid there and then. However, councils are obliged to find, and should follow up, easier methods of payment over a period of time. I wonder why that debt reached such a level. Local authorities probably use warrant sales more than anyone, other than customs perhaps.

My party applauds the fact that Tommy Sheridan's bill is going through. We note Alex Neil's comments about the need for haste. The bill states that it can come into force on an earlier date than that quoted in the bill. I say to the Deputy Minister for Justice—I am sure his good faith will stand behind my appeal—that if the date can be bettered, everybody in this chamber would applaud that.

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

16:37

Gordon Jackson (Glasgow Govan) (Lab): I am delighted to see that consensus has at long last broken out, because this is undoubtedly a good bill.

"It shall no longer be competent to enforce payment of a debt by poinding or warrant sale".

Those are good words and they are to be applauded. I have no hesitation in joining in the general congratulations to Tommy Sheridan on introducing the bill.

I do not wish to introduce a churlish or sour note, but listening to Tommy Sheridan this afternoon I sometimes felt a slight sense of irritation. He sometimes tries to give the misleading impression, no doubt for political purposes, that he alone, or possibly with a few colleagues, has fought for and wanted the bill. Sometimes he tries to give the impression that he alone is the voice of the poor

and the disadvantaged. That is simply not true. It is on the record.

Many of the members of my party made it absolutely clear that if there was ever any suggestion by anyone that the bill should not be passed, even for a good motive, we would not stand for that. I say to John McAllion that when the chips were down we did not need lectures on the use of our consciences. We were clear on what should be done. Many of us made it clear that if there was ever any suggestion, even for good motives, that there should not be a fixed date for implementation, we would not accept it. Ministers knew that and it was, I think, the position of the Justice and Home Affairs Committee.

I am the first to concede that the legal profession can be conservative and slow. I have no doubt that we are doing the right thing today, to ensure a fixed date and to focus our minds on that. In fixing the date, we are not making some accommodation for the privileged or for the maintenance of the status quo, we are simply taking a proper and responsible approach. I am not rehearsing the arguments because the minister has done so already. The right thing, and the really good thing, that we have done today is to abolish poindings and warrant sales and to say, "Focus your minds. On that date it will disappear."

I repeat that today is a very good day for us. This is a good piece of legislation. I do not accept that any sour note should sound on what we have done. We have done a good thing and we should be proud of it. I commend it to the chamber.

16:41

Dorothy-Grace Elder (Glasgow) (SNP): I too am quite disturbed about the tone of the debate at certain points this afternoon. From the Labour benches, the tone has been catty. Ministers have not taken interventions from Mr Sheridan, despite their having repeatedly insulted him and his compatriots in their gallant move. Ministers acted rather like kids playing ring and run in the street; they could not face his interventions.

I am sure that no one on this side of the chamber approves of this preposterous delay. We do not need to wait so long. The legal machine grinds, but it can be speeded up. I would like to pay tribute to the three men who have powered this bill through and got it this far, despite coming under heavy sniper fire. They are Tommy Sheridan, Alex Neil and John McAllion. This Parliament should be extremely proud of them. They all worked exceedingly hard.

In particular, I hated the catty references to Mr Sheridan's not attending this or that. Nonsense. He worked very hard. I also hated the ludicrous reference to my colleague Christine Grahame and

Mr Sheridan flouncing out of a meeting. Mr Sheridan and Ms Grahame have never flounced in their lives.

Christine Grahame: Certainly not together.

Dorothy-Grace Elder: We will perhaps hear about that later, Christine.

My colleagues have, quite rightly, shown indignation about this issue. This is not a Parliament of the posh. Most of us originate from the ranks of the sans culottes; some of us had fewer culottes than others. Nowadays, we may be able to afford the occasional decent jacket, but we must not forget where we came from.

During the previous debate, I met a member in the corridor outside who was almost in tears. I will not name her and embarrass her, but I asked her why she was not speaking in the debate against warrant sales. She said, "Because I can't. My mother underwent a warrant sale." To this day, the stain of humiliation has stayed with the daughter. She did not contribute to the debate.

We will do a good thing by passing the bill, but the delay is too great. I have become very tired of dainty doily words such as diligence, which covers up for the brutal breaking down of people's doors, the entry of their homes, and the selling off of their bits and pieces of furniture. As Mr Sheridan has pointed out, 90,000 more families will suffer that because of this delay. The delay should never have occurred. Those members who vote for it will take themselves down. We have achieved a greater whole, but we must speed up. There is no reason for not putting these proposals into practice much earlier than is planned at present.

16:44

Mr John McAllion (Dundee East) (Lab): I am delighted that the next vote in this Parliament will be in support of the—unopposed, I hope—motion in Tommy Sheridan's name:

"That the Parliament agrees that the Abolition of Poindings and Warrant Sales Bill be passed."

As somebody once said, I like that. Tommy Sheridan deserves a great deal of credit for getting the bill to this stage.

I am sorry, depressed even, that poindings and warrant sales will not be abolished until 31 December 2002—if indeed that is what happens on 31 December 2002. Dennis Canavan was right to try to put the debate into its political context. For decades, the political and legal establishment of Scotland and the UK has been talking and failing to do anything about abolishing warrant sales. Down at Westminster, they always had the excuse of the lack of parliamentary time. Once we came to Holyrood, that excuse disappeared and they had to come up with another pretext. It was never

a question of time; in reality, it was a question of political will.

Do the political and legal classes of Scotland have the political will to abolish poindings and warrant sales? That is the real test and it will reach a conclusion on 31 December 2002 when the Executive finally comes forward with whatever it has decided will replace poindings and warrant sales. We will be watching. Any alternative cannot be workable and humane if it involves seizing the movable property of poor people to address debt.

The purpose of the process is not to recover debt, because the poor cannot afford to pay the debts that they owe and their possessions cannot meet them; the purpose of the process is to humiliate and intimidate poor people. That process cannot be workable and be humane. That is the test that the Executive's proposal must pass.

I do not believe that abolishing poindings and warrant sales without a replacement would create loopholes that would be—as the minister said—exploited. That leads us to the argument about the phantom figure that Mr McLetchie conjured up: the rich chancer who drives about in his Jaguar XJ6, refusing to pay his debts because there is no system of poindings and warrant sales. Euan Robson claimed to know those people well from his activities before he came to the Parliament. What escapes both Euan Robson and David McLetchie is that such people have been refusing to pay their debts all the while we have had poindings and warrant sales. Poindings and warrant sales are no deterrent to such people because they have been refusing to pay and getting away with it, regardless of the existence of such measures. Getting rid of poindings and warrant sales would not affect that small group in any way. The real chancers who drive about in Jaguar XJ6s are likely to be Tory politicians, rich lawyers or people who own firms of sheriff officers across Scotland.

I agree with David McLetchie on one point, which is that the system of poindings and warrant sales is central to the operation of the free market system. I readily accept that that is the case. The free market system depends on putting the interests of profit before the interests of people. I have always accepted that, under a free market system, property will come before people. It was to turn those values on their head that the Labour party came into existence and that I joined the Labour party. I remain true to that principle—we should turn those values on their head. Property does not come before people—people come before property. Poindings and warrant sales are wrong and should be abolished. I welcome the fact that they will be abolished in the future.

To Angus MacKay I say that I know that there are tough choices to be made on both sides of the

argument. Since the new Labour revolution overtook my party some years ago, its consequences have sometimes come close to breaking my heart. It always seems to be that the tough choices are about coming down on the people who are in trouble, who live in poverty and who deal with debt. Why do we have to be tough on them rather than on the people who get them into debt without having to face the consequences? I am looking forward to the day when we legislate against the credit companies who create the debt—people such as the representatives of the Provident who go around at Christmas time, knocking on the doors of the poor and telling them to take the credit so that they can do things for their kids.

If the Executive's proposal—when it is eventually produced—is the abolition of seizing the assets of poor people, it will be a cause for rejoicing. If that is not what the Executive proposes, it will not be a cause for rejoicing and the Parliament will have to return to the issue.

The Deputy Presiding Officer: I call Tommy Sheridan to respond to the points raised in the debate.

16:50

Tommy Sheridan: I hope that Euan Robson does not mind if I take his comments as an example of what is wrong with politics in this country. They provide an example of why so many people are turned off by politics and why they think politicians are all the same, feathering their own nests and ignoring the wishes of ordinary people. The problem is, as Euan said, "We accepted the remit, but it was only words on a piece of paper, so we then got on with ignoring it." Politics is supposed to be about transparency, honesty and agreeing a set of aims and objectives and setting about achieving them. If it is the case that the remit of the group that Euan talked about was not worth the paper it was written on, why the hell was the paper wasted by writing on it?

The amendment that I submitted to the group remit was simply to delete the three words "against movable property". If those words had been deleted, we could have sat down honestly, openly and transparently and tried to work towards an alternative but, frankly, saying "We accepted the remit but we did not really mean it" is what is wrong with politics. I am afraid that that response is not a good answer.

I do not know whether the Minister for Justice was listening to the debate, but I find incredible the accusations that others and I do nothing, that we are not willing to take part in the group, that we are negative and that we just talk a good game. By the way, there is a 47-page report in front of Iain Gray,

yet he has the audacity to say, "The only thing that recommends it is its 47 pages." The people who contributed to "Improving Debt Recovery in Scotland" are head and shoulders above people like me and the majority of other MSPs in this room—head and shoulders above.

David McLetchie: I point out to Mr Sheridan that the views expressed in the report to which he refers are not the collective view of all the contributors or organisations. The disclaimer expressly states:

"The views expressed in this report are those held by particular individuals contributing to report chapters."

Chapter 9 was written by Mike Dailly, in which he says:

"A progressive and humane solution to this problem will never be found in a diligence against household goods."

That is repeated in the recommendations, but the report does not rule out an alternative diligence against movable property. That is what Tommy Sheridan was charged with coming up with in the working group, but by his behaviour he failed to participate in it. He is not faithful to the terms of the remit, or even to the recommendations of the report that he calls in aid.

Tommy Sheridan: I thank David McLetchie for that short intervention. I was about to say that the individuals—the individuals—who contributed to the report "Improving Debt Recovery in Scotland" are head and shoulders above the politicians in this room. In some instances, those individuals represent organisations, but in others the organisations have not endorsed their views—they write as individual contributors.

If David McLetchie reads the disclaimer to which he referred, he will see that it reads:

"The author(s) of individual chapters are footnoted. Authors include community activists with direct experience of debt, welfare rights and money advice professionals, solicitors and advisers working in the field of social welfare law, representatives of the small business community, representatives of churches, and politicians. Views expressed are not necessarily endorsed by the contributor's organisation."

Does he know what that is called? It is called honesty. It is called transparency. It is called writing down on the wee piece of paper—*[Interruption.]* David McLetchie would prefer to write something down and then ignore it, which is what Euan Robson said.

Euan Robson: The point is that there was no duplicity in the remit, but the remit was inevitably going to be extended because of the nature of the subject. There was no intent to deceive. Tommy Sheridan was unable to see beyond the words of the remit on the piece of paper. That is the problem, and it is his problem.

Tommy Sheridan: It is Orwellian stuff to say that I was not able to see beyond the words on the paper. When we say that the words in the disclaimer represent honesty, everybody laughs and scoffs. I say to Euan Robson that perhaps that is the problem with politics in general.

I did not understand when I proposed an amendment to the remit of the working group and the minister refused even to take it and allow it to be voted on that he was saying that he refused to accept an amendment to the remit. Come on. Let us get real, for goodness' sake. The problem is that the Executive has dilly-dallied for more than 16 months while the people named in the report of the improving debt recovery working party have worked damned hard to produce a relevant report that addresses all the issues to which Alex Neil referred.

Gordon Jackson said that he was irritated quite badly during my speech. I think that he doth protest a bit too much. Gordon, I would be irritated too, if I were a member of Glasgow Braendam Link—which meets in Govan town hall—the Govan Unemployed and Community Resource Centre, the Govan Community Organisations Council or the Govan Law Centre. If I were a member of those groups, which represent the people of Govan, I would be irritated. They all wanted an April 2001 implementation date, but their elected member voted against that. Maybe Gordon doth protest too much because the community organisations in the area that he represents disagree with him on implementation.

I repeat that there is cause for celebration here today. I hope that we will pass a bill that gets rid of poindings and warrant sales from Scotland once and for all. However, the celebration is soured by the matter of the 90,000 families who will continue to face poindings and warrant sales until 31 December 2002.

16:57

Meeting suspended.

17:00

On resuming—

Decision Time

The Deputy Presiding Officer (Patricia Ferguson): There is only one question to be put as a result of today's business. The question is, that motion S1M-1401, in the name of Tommy Sheridan, which seeks agreement that the Abolition of Poindings and Warrant Sales Bill be passed, be agreed to.

Motion agreed to.

That the Parliament agrees that the Abolition of Poindings and Warrant Sales Bill be passed.

Glasgow Light Rail Scheme

The Deputy Presiding Officer (Patricia Ferguson): The final item of business is a members' business debate on motion S1M-1286, in the name of Tommy Sheridan, on a Glasgow light rail scheme. The debate will be concluded without any question being put after 30 minutes.

Motion debated,

That the Parliament believes that the construction of a light rail scheme in Glasgow would provide enormous benefits to the city in relation to jobs, improving the environment, tackling congestion and related pollution and regenerating the city as a tourist attraction; resolves therefore to reappraise urgently the Strathclyde Passenger Transport Executive's private legislation proposal for a light rail scheme promoted in 1994 but rejected by four Parliamentary Commissioners, appointed under the Private Legislation Procedure (Scotland) Act 1936, in 1996, and agrees that this matter deserves to be investigated by the Minister for Transport and the Environment immediately.

17:01

Tommy Sheridan (Glasgow) (SSP): I apologise to those members who listened to the previous debate and are staying for this debate—it was not my choice to debate two motions in my name in one day. I apologise if my dulcet tones are not kind to the ears of those members who remain.

In July 1996, the Earl of Mar and Kellie reported to the then Secretary of State for Scotland on behalf of the four parliamentary commissioners who were appointed to conduct an inquiry into Strathclyde Passenger Transport Executive's light rail transit proposal. He said:

"The commissioners were unanimously of the view that the need for the order has not been established and that the preamble of the order had not been proved. There are no other circumstances as to which it is desirable in the opinion of the commissioners that information should be given."

Under the Private Legislation Procedure (Scotland) Act 1936, the Earl of Mar and Kellie, on behalf of the four unelected and unaccountable parliamentary commissioners appointed by Michael Forsyth, was able in the space of seconds to refuse a proposal that was developed over two years at a combined cost of £2 million.

The aim of this debate is to seek a commitment from the Scottish Executive that it will re-examine the Glasgow light rail proposal in a positive light, given the massive benefits that such a light rail scheme would bring to what is, in effect, the poverty capital of Europe.

It is worth bearing in mind the fact that the original proposal by the Strathclyde Passenger Transport Executive secured huge public support

throughout Glasgow and beyond, with only the incredibly small number of 22 objections being submitted. Those 22 objections were reduced to six by the time of the inquiry, and the one principal objector was FirstBus, which represented the newly privatised bus company. That begs the question—had bus deregulation and privatisation had not been on the agenda, the scheme would probably have been supported.

Perhaps more important, had the scheme been subjected to a more democratic and accountable analysis, it would surely have been accepted, given the potential improvement in public transport, job creation and reductions in congestion and pollution.

The Private Legislation Procedure (Scotland) Act 1936 was and still is archaic and unacceptable in a modern democracy. It is a terrible educational example to set when a group of individuals can decide to reject a scheme that was developed over several years at a cost of £2 million of public money, especially given that the group is not obliged to present any reason whatever for its refusal.

I hope that the minister will confirm tonight that that arcane order is no longer in place now that we have a Scottish Parliament with responsibility for transport issues. If the order is still in place—

Mr Murray Tosh (South of Scotland) (Con): Will Mr Sheridan give way?

Tommy Sheridan: Of course.

Mr Tosh: I draw Mr Sheridan's attention to the fact that last week Parliament approved a report from the Procedures Committee that came into effect on 24 November and that provided for a parliamentary procedure for future private legislation.

Tommy Sheridan: I am grateful to Murray Tosh for raising that point. If the procedure were still in place, members from all parties would be genuinely shocked to learn that this democratically elected Parliament with devolved responsibility for transport could not lay even a single line of track without first securing the permission of Westminster. If we have got rid of that procedure, bodies such as the SPTE need to know that, because only last week they were still complaining about its continued existence. I ask the minister to address that question.

The initial phase of the Glasgow light rail proposal considered by the commissioners in 1996 connected Maryhill to Easterhouse, passing through the centre of the city. That was planned as the first line of a wider network; other lines to Drumchapel, Balarnock and Tollcross were envisaged, with a view to connecting the whole of the south side of Glasgow, including Pollok. The

capital cost, at 1995 prices, included £146 million for infrastructure, £36.4 million for 26 new trams and £1.3 million for land purchase, coming to a total of £183 million. The operating costs were envisaged at £7.4 million, with a revenue income of £8.6 million, thereby delivering an operating surplus.

The fares were to be set at a level between existing bus and rail fares. The construction period was to be two years to open the first phase, with a further two years to completion. The scheme would have created 738 full-time construction jobs, 178 operating jobs and a further 800 jobs through regeneration effects. Although it was envisaged that jobs would be lost on bus operations, there would be a net gain of 53 jobs, with many existing bus drivers operating the trams. The scheme proposed a tram frequency of one every five minutes between 7 am and 6.30 pm and one every 10 minutes thereafter.

In the UK, there are light rail schemes in Manchester, Sheffield, Birmingham and Croydon, most of which have proposed extensions. There are nine street rail systems running in the London docklands and Newcastle. There are plans to construct light rail schemes in Leeds, Nottingham, Bristol, Hampshire, Medway, Bath and Cardiff. *Local Transport Today* magazine reported on 3 August this year that the Department of the Environment, Transport and the Regions envisaged 25 new light rail schemes across England and Wales within the next 10 years. It said that the DETR intends to use £CAPut! billion of public investment to support those schemes, at an average cost of £150 million per scheme. There is £CAPut! billion of public money to support light rail schemes in England and Wales. The question for us tonight is: where is our £1.9 billion as a proportion of that?

In a DETR press notice of 13 December 1999, the Deputy Prime Minister, John Prescott, said:

"In our towns and cities we will see more light rail systems, giving people a modern, attractive alternative to the car."

Glasgow is a city on its knees in terms of public investment. We feel completely neglected in relation to public housing, arts, culture and transport investment. A recent council analysis of the respective share of the Government's transport challenge fund for 1997-98 and 1998-99, together with the public transport fund for 1999, 2000, 2001 and 2002, illustrates clearly that Glasgow is losing out to Edinburgh in public investment in transport schemes.

The reservations for the previously proposed light rail transport network are currently protected through the 1995 Strathclyde structure plan. The proposed 2000 Glasgow and Clyde valley structure plan has a policy of protecting former rail

solums, including those required for the light rail transport network. In other words, there is absolutely no technical or engineering reason why the existing Glasgow light rail scheme should not be reinvestigated, updated and rapidly implemented.

The scheme would provide a major regeneration opportunity to the city of Glasgow in terms of jobs and accessible, efficient and environmentally friendly quality transport linking every part of Glasgow and providing a full-frontal double assault on congestion and pollution. All that is lacking is the political will. A major public investment of between £150 million and £170 million could bring Glasgow public transport into the 21st century, which would regenerate our tourist industry.

The Strathclyde Passenger Transport Executive is 100 per cent behind tonight's motion but, before committing another penny to updating and developing its existing proposal, it requires a positive indication from the minister that the scheme will be looked on favourably. I appeal to her tonight to give a public commitment that she is willing to support the construction of a Glasgow light rail network that will bring us into the 21st century, with modern efficient trams connecting every corner of Glasgow and—hopefully—supplementing the crossrail scheme and the urgently required direct rail link to Glasgow airport. Glasgow cannot afford to be neglected any longer.

17:10

Ms Sandra White (Glasgow) (SNP): Tommy Sheridan talked about our having to listen to his dulcet tones. I never mind doing that, because he usually has something sensible to say.

This proposal has been on the line—if members will excuse the pun—since the early 1990s. In my speech in the debate on crossrail and the direct line to Glasgow airport, I said that that proposal had been on the cards for 30 years. Tommy Sheridan is asking not for a light rail scheme to be implemented right away, but for an investigation that should have taken place in 1995-96. That is not too much to ask.

If we had a light rail system around the George Square area of Glasgow, it would be absolutely fantastic. Not only would it help people travelling in and out of Glasgow and to peripheral schemes, but it would bring tourism into the area. If members have ever tried driving around George Square and been caught up in the traffic, they will know that it is absolutely unbelievable. A light rail system, coupled with crossrail and a direct rail link to Glasgow airport, would make Glasgow one of the best cities—if not the best city—of the 21st century. That is what we are looking for from today's debate.

I see that Glasgow MSPs from the Conservative party and the Liberal Democrats, along with Tommy Sheridan and I, are intending to speak in today's debate. Unfortunately, I do not see any Glasgow Labour MSPs present. Given that I sent a letter to every Glasgow constituency and regional MSP asking them to support an integral transport system in Glasgow, I would have thought that they would have come along for this debate. If we support this proposal, along with the other two schemes that I have mentioned, we can put Glasgow on the map.

Tommy Sheridan referred to the money that John Prescott has made available. Where is our share of the £CAPut! billion—£1.9 billion, as Tommy rightly said? Does the minister intend to ask John Prescott for that money to fund a light rail system? Previously I asked the minister about the £1.88 billion that John Prescott had allocated for transport. What representations have been made to him for money to fund crossrail and the airport link?

People in Glasgow and Scotland are crying out for this proposal. It would regenerate not only the heart of Glasgow, but areas such as Maryhill and Easterhouse, connecting them to the heart of the city. As we know, not everyone lives in the heart of the city. Glasgow is made up not only of Glaswegians who live in the city centre, but of thousands of people who live further out. They need affordable access to the city, which they are not getting at present. If members go to George Square, they will see that it is chock-a-block with bus lanes. I do not dislike buses, but there are so many of them on the streets of Glasgow that they have started to take precedence over all other forms of transport.

I ask the minister seriously to consider investigating this proposal. I hope that she will come up with a workable solution—not just a light rail system, but an integrated transport system for the Glasgow area.

17:13

Bill Aitken (Glasgow) (Con): It is appropriate that this issue should be debated this afternoon, although to some extent the debate is a rerun of the one that Sandra White initiated several weeks ago.

I prefer not to address the question of the commissioners and private legislation, as Murray Tosh dealt with that issue in his intervention. I would like to focus on how transport may be improved.

The experience of other cities, both in the United Kingdom and abroad, has been that there are a number of benefits to having a light rail system. As Tommy Sheridan said, Manchester and Sheffield

are prime examples of that in the UK. Classic examples of cities in which a light rail system has been established, bedded down and expanded on are Amsterdam and Düsseldorf, where this form of transport works very effectively.

I suspect that the reason why so few people objected to the 1996 proposal was partly out of nostalgia for the old Glasgow trams, which form an important part of Glasgow's folklore and history.

There is some merit in an investigation being carried out. It might find that a number of factors have to be considered. Tommy Sheridan has articulated the advantages of the scheme very well, such as that it would bring much-needed investment to Glasgow. I am sure that if Robin Harper speaks, he will also say that there are sound environmental reasons for implementing such a scheme.

There are also several negative aspects. Tommy Sheridan dealt fairly with the fact that there could be job losses on the buses, which could more or less offset the job gains in the new system. The investigation could discover that road congestion might increase. The implementation of the appropriate work would initially cause disruption in Glasgow. Everything is worth considering.

Glasgow's transport is, as Sandra White correctly said, deficient in many respects. Any scheme that could be implemented to improve it would certainly make better the lot of the average Glaswegian. Let us examine the matter. I am dubious about whether such a project could be implemented, but it is worth considering. I would have no difficulty if the minister were to state that that was her position, too.

The Deputy Presiding Officer: In order to accommodate all the members who want to speak, I ask the remaining members to limit their speeches to three minutes.

17:17

Robert Brown (Glasgow) (LD): A salient point is that, if the parliamentary commissioners had not rejected the scheme in 1996, we would have been looking forward to the opening of the system that was proposed in about a year or 18 months' time. I do not think that anyone who travels around Glasgow by any form of public transport would dispute the necessity of an improvement in the system.

As Tommy Sheridan mentioned, there is a profusion of metro systems, tramways and light railway systems in Britain. Scotland is behind other countries in that respect. Los Angeles, the Mecca of cars, is moving to a system of trams. In Turkey, five new tram systems have been

introduced since 1989. In the United Kingdom, a system was introduced in Manchester some time ago. Studies have shown that that metro system has cut the number of car journeys by 2.5 million a year, reduced road traffic by 10 per cent in the corridor areas that are served and created 5,000 jobs at a cost of £169 million. Those seem to be worthwhile targets.

I will make the parallel with the Glasgow underground. Who, under the present financial restrictions—private finance initiatives and all the rest of it—would have thought of building a Glasgow underground? But, who can deny the value of the underground? It is full to capacity, even on the one link that currently exists. It takes many people off the roads and is a major part of Glasgow's traffic infrastructure. However, it barely pays it way; it requires a revenue subsidy of about £1 million a year. The revenue costs are broadly met, subject to that subsidy; capital is the problem. There has to be a capital input from public sector sources to make such a system work.

The benefits of the proposal must be taken on board. It could utilise unused rail track and tunnels—there are plenty of those in Glasgow. It would free up space that is congested by motor vehicles, especially in the city centre. It would allow a proper approach to transport, which would attract tourism.

Tommy Sheridan's motion has one omission. It does not make explicit the transport benefits that the scheme would bring, which are a major reason for seeking to have such a facility. In June, I asked parliamentary questions about whether the SPTE had contacted the Scottish Executive on its desire for such a scheme. The answer was that it had not. There was no project and no proposal. The scheme was not mentioned in the 1998 local transport plan for Glasgow or in the integrated transport plan.

For a long time, I have felt that such a scheme in Glasgow would be an essential component of a modern European transport system that will do its proper job of making the economy work and of transporting people around the city in an environmentally friendly fashion. The project has got to happen and I hope that the minister will give due urgency to the proposals.

17:20

Mr Andy Kerr (East Kilbride) (Lab): I will be brief. I have dim and distant memories of some of the debates and news coverage of the project before it was so cruelly cut. After a constituent recently asked me what had happened to the scheme, I took time to write to SPT on the matter, which sent back a reply containing information similar to what Robert Brown has reported. The

scheme has not been formally resurrected with the Executive or the authorities, which means that there is time to discuss the issue. In Glasgow, land that was set aside for the network has become a blight, as it is lying dormant, wasted and underdeveloped. That issue must be considered.

Glasgow is a great city that deserves great projects, as many members have said. While other parts of the economy are overheating, Glasgow is not; it needs a dramatic increase in the number of public and private sector projects to deliver in many ways. Both the environmental case and the business case for the network are sound and the scheme would bring beneficial changes to commerce and the city centre. It would also bring benefits for tourism and highlight Glaswegians' natural instinct to get into something new and use it. Like the clockwork orange—the underground rail system in Glasgow—this network could prove an exciting and popular mode of transport.

The Parliament will soon be passing an integrated transport bill and such a scheme will sit very well within that integrated strategy. The strategy acknowledges that there is a hierarchy of transport needs and of delivering those needs. This project sits near the top of that hierarchy.

17:22

Robin Harper (Lothians) (Green): I will be brief, but I am keen to indicate my support for Tommy Sheridan's motion.

Bill Aitken was not terribly serious in raising the spectre of disruption. For the past three months, members will have heard the curses of the people from North Queensferry, Falkirk and Glasgow who have been queueing at the Barnton roundabout. That situation has been sorted out and, now that proper traffic controls are in place, people will be raining down blessings on the heads of the Edinburgh councillors who in their wisdom have made decisions on the route. There will be a similar outcome in Glasgow if a light rail system is introduced into the city.

I want to follow up comments made by Andy Kerr and Robert Brown. Tommy Sheridan suggested the possibility of competition between Edinburgh and Glasgow for funds. Every transport scheme in Scotland should be judged on its own merits; this light rail scheme should be considered on its own considerable merits and not in relation to a possible pool of funding that does not exist.

I have pursued the minister politely but relentlessly over the past year and a half on the prospect of the Executive committing itself to actual targets for traffic reduction. The introduction of a light rail system in Glasgow would produce such a reduction. For no other reason than that, I support the proposal to the hilt.

17:24

The Minister for Transport (Sarah Boyack): I commend Tommy Sheridan for securing tonight's debate, which allows us to look beyond the current crisis on the railways to think to the future about new investment and opportunities for development.

As there have been summaries of the project's history, I will not go into that in detail. However, it is true that in 1994 SPT promoted at Westminster a draft Strathclyde tram provisional order, which sought permission to construct and operate a tramway from Maryhill through the city centre to Easterhouse. At the time, the cost was estimated at between £150 million and £170 million. After a two-month inquiry, the parliamentary commissioners refused to grant the necessary powers and declined approval of the order.

We could spend our time debating whether the commissioners were right. However, that was then and this is now. The Scottish integrated transport policy has moved on since the mid-1990s. The Scottish transport white paper of 1998 set a new framework for public transport. The Transport (Scotland) Bill, which will be discussed in the Parliament in a couple of weeks' time, puts much of the vision of that white paper into practical effect.

In the past two years, Glasgow has received major investment from the public transport fund. Awards have been made totalling £90 million to 52 projects throughout Scotland, and Glasgow has so far benefited to the tune of £20 million from that £90 million pot. Of that £20 million, £15 million has been allocated for four quality bus corridors, £3.5 million has been used to develop Partick station as a transport interchange and £1.8 million has helped SPT to improve trains across the network. Over the next three years, £150 million will be made available by the Scottish Executive for public transport projects throughout Scotland.

The Executive is keen to consider the contribution that light rail and trams could make to an integrated approach to transport. We need to understand how those forms of transport could link into heavy rail, bus services and park-and-ride schemes, to make the most of those opportunities. We are seeking practical proposals and are keen for people to promote those ideas and to come to us. Almost every member has mentioned that our congestion problems are increasing and will not get any easier. We need high-quality options to give car drivers a real and better alternative to clogging up our streets.

I agree with the members who say that we must learn lessons from England and from European cities. They are right to say that 25 light rail and tram projects are now being promoted by local

authorities and passenger transport executives throughout England. We can learn from that experience. The development of local transport initiatives rests with the relevant local authority, and in the Strathclyde area it rests with the SPTE. I look to the SPTE to identify opportunities and to promote relevant options. A range of funding opportunities is available.

Robert Brown: Will the minister give way?

Sarah Boyack: No. Members have raised a lot of points and I want to address them all.

I understand that the SPTE supports a joint venture whereby light rail services would run on existing heavy rail infrastructure. That sounds eminently sensible, as it would make the maximum use of existing infrastructure. Bill Aitken asked for further research. The SPTE has deferred that issue until it has examined other major public transport proposals. The SPTE has commissioned a wide-ranging study on cross-city demand, which will consider the subjects that Sandra White referred to and other rail options in Glasgow. It will also evaluate the broader impact on the existing network. The SPTE expects to receive that report by the end of this year.

The fact that the tram project failed in 1996 should not put the SPTE off reconsidering the project in the context of the wider transport opportunities in Glasgow. As Robin Harper said, we must ensure that we get the right public transport schemes. Those schemes should be on the agenda. The experience of 1996 should not deter other local authorities, in other areas of Scotland, from exploring the potential of tram and light rail projects. I know that such projects are under discussion in areas outside Glasgow.

Tommy Sheridan asked about the Parliament's powers. That issue is critical. Murray Tosh was right to suggest that the Scottish Parliament assumes responsibility for granting the permissions that are required for the construction of railways and tramways. I expect that that power will be effective by spring next year. Decisions on proposals in Scotland will be made in Scotland, as is appropriate.

A tramway would have the potential to deliver a commercial return and I expect the private sector to play a full part in developing the project. Other potential funding options are coming through the Transport (Scotland) Bill. I agree that we must consider new transport projects on their merits, as Robin Harper said. One of the new opportunities that will come through the bill is congestion charging. We need to consider seriously the potential of trams and light rail in Scotland's major cities and the Scottish Executive is prepared to consider any serious approach for developing a scheme that would bring improved services to the

public.

It could be argued that we are behind the game in comparison with England. However, we can learn from the experiences there. A number of light rail projects already exist in England and we must learn from their experiences. A proper evaluation must be carried out by the SPTE, as the relevant transport authority. There are funding opportunities and a range of choices, which the Executive will consider when proposals are put to us. To date, that has not happened, but that does not mean that it will not happen.

I am glad that Tommy Sheridan lodged this motion, which puts the issue firmly back on the agenda as a matter in which MSPs and the public are interested. That will ensure that light railway is considered as part of the range of new public transport opportunities in Glasgow and that local authorities in the area and the SPT give it proper consideration. They can then come to the Scottish Executive for support and advice to take those opportunities forward.

Meeting closed at 17:30.

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