

MEETING OF THE PARLIAMENT

Wednesday 13 June 2001

Session 1

£5.00

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Scottish Parliament

Wednesday 13 June 2001

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): We welcome to lead our time for reflection this morning the Rev Kenneth D Macleod, a minister of the Free Presbyterian Church of Scotland from the isle of Harris.

Rev Kenneth D Macleod (Free Presbyterian Church of Scotland, Leverburgh, Isle of Harris): I wish to read to you from the good book. It is, I fully believe, a revelation from God, which is absolutely reliable. It tells us all we need to know about God himself. It shows how we ought to live our lives and it shows us how we may be prepared to die.

Let us read Psalm 96:

"O sing unto the Lord a new song: sing unto the Lord, all the earth.

Sing unto the Lord, bless his name; shew forth his salvation from day to day.

Declare his glory among the heathen, his wonders among all people.

For the Lord is great, and greatly to be praised: he is to be feared above all gods.

For all the gods of the nations are idols: but the Lord made the heavens.

Honour and majesty are before him: strength and beauty are in his sanctuary.

Give unto the Lord, O ye kindreds of the people, give unto the Lord glory and strength.

Give unto the Lord the glory due unto his name: bring an offering, and come into his courts.

O worship the Lord in the beauty of holiness: fear before him, all the earth.

Say among the heathen that the Lord reigneth: the world also shall be established that it shall not be moved: he shall judge the people righteously.

Let the heavens rejoice, and let the earth be glad; let the sea roar, and the fulness thereof.

Let the field be joyful, and all that is therein: then shall all the trees of the wood rejoice before the Lord: for he cometh, for he cometh to judge the earth: he shall judge the world with righteousness, and the people with his truth."

That psalm makes clear our duty to praise God as our creator. We are especially to praise him because of his greatness, because of how glorious he is. Yes, we have sinned. At best, our capacity

to glorify him is limited. But through Jesus Christ the son of God, there is salvation. It is he who died for sinners. Those who believe in him will be made perfect in heaven; there they will glorify God perfectly. But we must begin to do so in this life.

May you all, in the work of the Scottish Parliament, have God's help. May you be enabled to carry out your responsibilities to God's glory, mindful that he sees us in everything we do and that to him we must give account at last.

Oaths

09:35

The Presiding Officer (Sir David Steel): We now invite two new members to take the oath: the new member for Strathkelvin and Bearsden, Mr Brian Fitzpatrick, and the new member for Banff and Buchan, Mr Stewart Stevenson. [*Applause.*]

The following members took the oath:

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab)
Stewart Stevenson (Banff and Buchan) (SNP)

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): Our next item of business is consideration of Parliamentary Bureau motions. I ask Euan Robson to move business motion S1M-2003.

09:36

The Deputy Minister for Parliament (Euan Robson): Before moving the business motion, I draw members' attention to two changes to this week's business. This morning's business will end at 12 noon, rather than at 12.30, to allow for preparations for President Mbeki's address to the Parliament. Business will resume at 2 pm. The other changes are as set out in the business bulletin.

I move,

That the Parliament agrees the following revisions to the Business Motion agreed on 6 June 2001:

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after Stage 3 Debate on the Housing (Scotland) Bill, delete:

2.30 pm Continuation of Stage 3 Debate on the Housing (Scotland) Bill

and insert:

2.00 pm Continuation of Stage 3 Debate on the Housing (Scotland) Bill

Thursday 14 June 2001

delete all for that day and insert:

9.30 am Stage 1 Debate on the International Criminal Court (Scotland) Bill

followed by Financial Resolution in respect of the International Criminal Court (Scotland) Bill

followed by Procedures Committee Debate on its Reports on Written Parliamentary Questions and Changes to Standing Orders

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm European Committee Debate on its Report on the Common Fisheries Policy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1937
Cathy Jamieson: Adult Learners' Week

Motion agreed to.

The Presiding Officer: Business motion S1M-2008 is the timetabling motion for stage 3 of the Housing (Scotland) Bill.

Motion moved,

That the Parliament agrees that the time for consideration of Stage 3 of the Housing (Scotland) Bill be allocated 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 and excluding any periods when the meeting is suspended) –

Group 1 to Group 6 – no later than 1 hour 30 minutes

Group 7 to Group 10 – no later than 2 hours 30 minutes

Group 11 to Group 15 – no later than 4 hours

Group 16 to Group 24 – no later than 6 hours

Group 25 to Group 32 – no later than 7 hours

Motion to pass the Bill – no later than 7 hours 30 minutes.—[*Euan Robson.*]

Motion agreed to.

Housing (Scotland) Bill: Stage 3

09:37

The Presiding Officer (Sir David Steel): We now come to stage 3 consideration of the Housing (Scotland) Bill. I do not think that I need read out the procedure—I hope that everybody is familiar with it.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. With reference to the “Guidance on Public Bills”, on the selection of amendments, I ask you to reflect—over lunch, perhaps—on your refusal to select an amendment. I believe that your decision contravenes the guidance, which states:

“Selection should not ... reduce the range of important issues considered.”

However, you have excluded an important issue from the right-to-buy debate—whether the right to buy should be completely removed from the Housing (Scotland) Bill. I therefore ask you to reconsider your selection of amendments, so as perhaps to bring back on to the agenda the amendment to which I am alluding. It is important for the choice to be available to members who think that the right to buy should be removed from the bill completely, instead of just being watered down or extended.

The Presiding Officer: I assure Mr Sheridan and all members that I spent longer on the selection and grouping of these amendments than I did on those to any other bill in our two-year history. That took most of Monday afternoon, together with all the clerks who have been involved with the bill. Each amendment was considered very carefully and I have to stand by the guidance that I have given the chamber. It is always possible to argue that this or that amendment should or should not have been selected, but I am afraid that the responsibility is mine—I have discharged it to the best of my ability. I am not willing to reopen the issue.

Section 1—Homelessness strategies

The Presiding Officer: Let us proceed with the first grouping. Amendment 14 is grouped with amendments 17 and 20.

The Minister for Social Justice (Jackie Baillie): Section 2 imposes a general duty on local authorities to ensure that advice and information about homelessness is available in their areas. The detail of the advice, information and quality standards is to be set out in the supporting guidance. There is no good reason to elevate any element of that by including it in the bill.

We are absolutely clear about the importance of independent advice. We have already given a commitment that guidance will be clear on the need for local authorities to secure a comprehensive package of advice, including access to independent advice. However, that does not preclude local authorities from providing advice and information.

We informed the Social Justice Committee that the homelessness task force would draw up guidance and that the committee would be consulted during that process. In addition, the regulator will be able to monitor observance of that guidance. Therefore, amendments 17 and 20 are unnecessary and we will oppose them.

Amendment 14 is a technical amendment, which reflects a minor drafting error that crept in at stage 2.

I move amendment 14.

Tommy Sheridan: The minister referred to the need for certain situations to be illustrated in the bill. However, provisions that are included in legislation give not only guidance but instruction. It is important to include in the bill the idea of independent advice, rather than only advice from a local authority, as a local authority may be pursuing a tenant in relation to eviction or another aspect of housing policy. Amendment 17 is simple: it would write into the bill the idea that advice should be independent, rather than being from a potential pursuer, irrespective of whether that is a registered social landlord or a local authority.

Ms Sandra White (Glasgow) (SNP): I take on board the minister's comments, which I welcome, as I did at stage 2. However, the bill does not go far enough, as it should include reference to independent advice.

Amendment 14 is a technical, tidying-up amendment and it is obviously acceptable.

I have some worries about Tommy Sheridan's amendment 17, although I know that it was lodged with the best of intentions. The wording of amendment 17 could prevent councils from giving advice, although sometimes they are best placed to do so.

Amendment 20 is necessary. It proposes that homeless people should have access to all agencies that may be able to offer assistance, not just to councils. Independent advice is available from such agencies and it is important that people can access that advice and that they know where those agencies are located. Amendment 20 is not a slight on local authorities—it is about giving homeless people a choice. They should be able to choose, independently, from a citizens advice bureau, Shelter, a lawyer, a local authority or any other agency. The amendment is important and I

hope that the minister will accept it.

Jackie Baillie: The Executive's position is clear. Amendments 17 and 20 are unnecessary. We debated this issue at stage 2 and we are clear that all advice, independent or otherwise, is captured by the legislation. The detail of where to find the most useful advice in particular situations is best left to guidance.

Amendment 14 agreed to.

The Presiding Officer: Amendment 15 is grouped with amendments 135 and 189.

The Deputy Minister for Social Justice (Ms Margaret Curran): The bill marks another step in the mainstreaming of equality into the work of the Parliament. We introduced into the bill a general equalities provision—section 94A—which requires local authorities and Scottish ministers to exercise their functions under the bill in a manner that encourages equal opportunities. Since introducing that provision, we have been asked by equalities groups, including the Commission for Racial Equality, the Equal Opportunities Commission and the Equality Network, to detail how that general requirement will be pursued in practice. Amendments 15 and 135 require local authorities to set out how they are complying with the duty under section 94A in their homelessness and local housing strategies.

The equalities groups also asked for the duty under section 94A to be extended to RSLs. Amendment 189 extends that duty to RSLs in their provision of housing accommodation and related services.

I move amendment 15.

09:45

Linda Fabiani (Central Scotland) (SNP): The SNP welcomes a stronger emphasis on equal opportunities. I acknowledge that the Equal Opportunities Committee worked hard to ensure that the bill enshrined the need for equal opportunities.

There is a concern that many people in society pay only lip service to equal opportunities. I ask the minister to make some mention of a method of assurance. How will the provisions be implemented and appropriately monitored?

Bill Aitken (Glasgow) (Con): There is an argument that amendment 15 is unnecessary and that there is no requirement for it to be included in the bill. However, the amendment underlines a point and, on that basis, Conservative members find it acceptable and will support it.

Ms Curran: I will respond briefly to those points.

I assure Linda Fabiani that we will make every

effort to ensure that the provisions are implemented—I will take a personal interest in that work. The new executive agency will have a specific remit for monitoring and implementation. I guarantee the chamber that our commitment to equal opportunities is absolute.

We recognise that equality of opportunity is about more than just legislation and we will use whatever levers we can to ensure the implementation of equal opportunities in spirit and in fact.

Amendment 15 agreed to.

Section 2—Advice on homelessness etc

The Presiding Officer: I ask Mr Sheridan whether he wishes to press amendment 17.

Tommy Sheridan: The will of the Parliament is clear.

Amendment 17 not moved.

Amendment 20 moved—[Ms Sandra White].

The Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
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)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 32, Against 70, Abstentions 0.

Amendment 20 disagreed to.

Section 3—Homeless persons and persons threatened with homelessness

The Presiding Officer: Amendment 21 is grouped with amendments 152, 22, 2, 3, 4, 5, 23, 24, 25, 26, 192, 193.

Fiona Hyslop (Lothians) (SNP): A nation should be judged on how it treats the most vulnerable people in society and Parliament should be judged on the steps that it takes to support the most vulnerable groups in society; that is what section 3 is about.

I will deal first with amendment 21, before dealing with the amendments that address priority need, and the remaining amendments in group 3.

Those who seek asylum from persecution and violence are some of the most vulnerable people in the world. Today, the Parliament can decide how to respond to their housing needs. We can also consider whether our councils are the most appropriate bodies to have the power to house asylum seekers—by treating them as homeless—as has been the case in the past, or whether the faceless, distant and bureaucratic national asylum support service in Croydon best serves that purpose.

What would amendment 21 do? It would restore to councils the powers that they had to house asylum seekers prior to the enactment of the Immigration and Asylum Act 1999. It would allow asylum seekers to be designated as homeless under the Housing (Scotland) Act 1987. Councils are in a far better position to respond to needs and to move asylum seekers if more appropriate accommodation is needed—for children, for example.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Fiona Hyslop: No—I want to move on.

Once NASS allocates an address from its pool of addresses, that address cannot be changed—however inappropriate it might be.

When I deputised as convener of the then Social Inclusion, Housing and Voluntary Sector Committee late last year, I was pleased to arrange—with the agreement of the committee—for us to take evidence on a petition on housing needs for asylum seekers. It was interesting that, the very week that the committee went to visit Sighthill in Glasgow, NASS devolved in practice to Glasgow City Council the powers that we seek today to make councils have in law. That was too late, because some arrangements had already

been made.

Why are those matters relevant at stage 3 of the bill? I am pleased that amendment 21 has been accepted for discussion at stage 3. At stage 2, eyebrows were raised over its relevance or appropriateness. However, asylum is most definitely a topical issue—for all the wrong political reasons in some quarters. I want to put it on the agenda for the right reasons—to address the compassion, flexibility and standards with which we treat those who seek asylum.

Cathie Craigie: I fear that the member might be trying to mislead members. Does she agree that asylum seekers and refugees have the same rights to housing accommodation as any British citizen?

Fiona Hyslop: I am trying to discuss who has the power to decide on accommodation issues. I am not going to argue over a constitutional point about who decides British citizenship. The matter is very serious: at stage 2, I was accused by Labour members—as is happening now—of somehow trying to make constitutional mischief. We heard cheap and feeble jokes about Sean Connery, but the situation is desperately serious. It is so serious that, when the cross-party group on refugees wanted to lodge a motion for discussion during members' business, we decided not to lodge it in the name of an SNP member because we might have been accused of making constitutional mischief. Indeed, we asked Cathy Jamieson, who lodged that motion—

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): No one asked me to lodge that motion on behalf of anybody. I lodged that motion because it was something that I wished to be debated. We have just heard some misinformation; the SNP did not ask me to lodge a motion.

Fiona Hyslop: The vast majority of asylum seekers end up having their applications approved, and remain here as refugees. Scotland and, indeed, England have a long tradition of housing those who seek political refuge. We will be addressed in only a few hours' time by a man who sought political refuge from the British Government. Only a few weeks ago, Cardinal Winning wrote in a national newspaper about our responsibilities as a country and as a society to support asylum seekers. Housing is only one aspect of the problems that face asylum seekers. There are many others, but we are not here to address them today. We are here to address the Housing (Scotland) Act 1987 and the Housing (Scotland) Bill and how they treat homeless people.

At stage 2, the Minister for Social Justice rejected the argument that I advanced. She said

that one could not give a statutory right to housing if the individual concerned did not have a statutory right to remain in the country. That response was flawed—Government does have a responsibility to house asylum seekers while they are seeking asylum and before a decision is made on whether they have a right to remain. The issue is not new. I raised it in June 1999 with Donald Dewar. We can make a decision on the matter if we want to.

Amendment 21 might not help to tackle racism and other problems that asylum seekers face. However, agreeing to that amendment would be a signal that this Parliament is prepared to take on its responsibilities and to deal with this issue compassionately and practically.

I will talk briefly about the other amendments in the group. At stage 1, the Local Government Committee report recommended that priority need be given to 16 and 17-year-olds. Often, the Government's answer to suggestions that we should progress in a certain way is to set up a working group or task force. I know that the homelessness task force is considering the need to specify priority needs in future. It might be that we can abolish priority need and similar references. However, such legislation might come too late for many 16 and 17-year-olds. If we have the opportunity—as we do today—why do we not give dignity and respect to 16 and 17-year-olds and give them priority need in the bill?

Amendments 23 and 24 are technical. The minister will speak to them. We welcome the reference to children in amendment 25. At stage 2, Robert Brown lodged many amendments on that issue and I am pleased that we will discuss it again today. We regard amendments 192 and 193 as quite sensible.

This is a test of the Parliament and of how seriously we take our responsibilities. Asylum seekers and their housing needs are very much the responsibility of the Parliament. I would like to restore to our councils the powers that they had prior to the Immigration and Asylum Act 1999. That would be simple and practical, and it would send a very strong signal.

I move amendment 21.

Brian Adam (North-East Scotland) (SNP): Amendment 152 would allow houses that might not currently be in use—tied houses or houses that are associated with particular types of property—to be used as permanent accommodation. Some people are concerned that those who are allocated such housing might not be allowed the security of tenure that others have. When we struggle to find appropriate accommodation, we should at least consider every available vacant property for those who cannot currently find suitable accommodation. I do not

whole-heartedly share the concerns that other members have expressed—which is natural enough, because I lodged amendment 152. The amendment would widen the range of houses that might be available for allocation.

I agree broadly with the technical measures that the minister wishes to introduce, and I whole-heartedly support what my colleague Fiona Hyslop said about amendment 21.

Jackie Baillie: Group 3 is a large group that covers a range of amendments to sections 3 and 3A of the bill. I will do my best to cover all the main points as briefly as possible—but members should please bear with me, because there are some important issues to consider.

I will deal first with the Executive's amendments. Amendment 25 fulfils a commitment that I gave to Robert Brown at stage 2 in relation to children. It is absolutely right that the needs of children should be highlighted and amendment 25 will achieve that purpose. It will require local authorities—in exercising their functions under sections 31 and 32 of the Housing (Scotland) Act 1987—to have regard to the best interests of any dependent children in a case. That is an effective way to emphasise the importance of children in homelessness decisions.

Although amendment 25 is specifically focused, I should make it clear that guidance on local authority homelessness strategies will also set out the need for authorities to consider the needs of children more generally in the preparation of their strategies. The terms of amendment 25 are supported by Children in Scotland.

The other Executive amendments in the group will simply make some necessary tidying-up changes, either by clarifying legislative references or, in the case of amendment 26, by undoing a redundant stage 2 amendment.

I turn now to the non-Executive amendments in the group. Amendment 152 would add to the definition of permanent accommodation certain tenancies which, for good reasons, are exempt from the Scottish secure tenancy. The code of guidance makes it plain that

“local authorities should always seek to secure long-term solutions”

to homelessness,

“including the provision of permanent accommodation with security of tenure.”

Therefore we do not wish to see tenancies in the categories that would be covered by amendment 152 being counted as permanent accommodation by local authorities when deciding whether there is a continuing duty to provide assistance.

Amendments 2, 3, 4 and 5 revisit the stage 2

debate. The existing categories of priority need are set out in the Housing (Scotland) Act 1987 and power exists for Scottish ministers to add to those through subordinate legislation. There is therefore no need to use primary legislation for the purpose of the amendments. However, there is a need for careful consideration to be given to the issue. The homelessness task force is made up of key bodies that are involved in working to tackle homelessness and it is examining priority need categories. It will report later this year and when it has done so we can reflect on what changes might be needed. I am pleased that, at stage 2, the Social Justice Committee rejected an ad hoc approach to adding to priority need and accepted that it would be much better to wait for the task force's considered proposals.

10:00

Robert Brown's amendment 192 would require an independent assessor to be appointed in every case in which the local authority reviews a homelessness decision. We acknowledge that in some cases an independent element might be helpful. Currently, ministers have the power to offer guidance on circumstances in which that might be appropriate—for example, a local authority might wish to seek independent advice on a particularly complex or contentious case to assist it in coming to a decision on review.

However, the approach that is set out in amendment 192 would allow no discretion. An assessor would be needed in every case, however minor or straightforward that case was. In every case, an independent assessor would have to be appointed, study the papers and participate in the review. Discussions would have to take place to resolve any disagreement. Although I have no problem with the principle behind the amendment, that would inevitably take time and it would complicate the review. Principles must be balanced with practical effect. The Executive believes that procedures should be quick and efficient as well as fair. The needs of the applicant are important; lengthy and bureaucratic procedures help no one. I am pleased that the Social Justice Committee supported that view at stage 2.

There is no definition in amendment 192 of who should be regarded as an independent assessor and there is no explanation of what should happen if the assessor and the local authority officer disagree. Robert Brown has consistently put forward the proposal and cares deeply about it. I hope that he can take some reassurance from the position that has been established by the Executive, and which he has helped to shape.

We have gone beyond the recommendations of the homelessness task force and inserted in the

bill a statutory right of a person to request a review of a decision. The code of guidance sets out that an applicant can make representations in writing or in person and that an independent person may accompany them. We already have powers to offer further guidance on when an independent element might be appropriate, and regulation will allow us to monitor the operation of the review system and pick up on any difficulties.

Amendment 192 does not offer a helpful way forward that would enhance the current position. I ask Robert Brown not to move the amendment in light of the substantial reassurances that have been provided.

Amendment 193 seeks to integrate assessments of housing support needs and provision of housing support into the homelessness process. I made it plain at stage 2 that we are enormously sympathetic to some of the principles that underpin the amendment, but the amendment is not the way in which to meet those principles. Amendment 193 would require comprehensive assessment in every case and does not focus on those in most need. The wider issue of support needs for homeless people should be addressed through homelessness strategies, in which local authorities work in partnership with other groups—social work and health services, for example. The homelessness task force is also considering support needs for homeless people and will consider the need for any legislative change in that area. On that basis, I ask Robert Brown not to move amendment 193.

On amendment 21, we have already had the debate at stage 2 and I am disappointed that Fiona Hyslop has attempted to bring it back. Whatever the merits or otherwise of the way in which the needs of asylum seekers are handled, two things are clear: first, legislation on immigration and asylum seekers is outwith the competence of this Parliament; secondly, it is illogical to give a statutory right to housing to an individual who does not have a statutory right to remain in the country. In addition, it is important to remember that once an asylum seeker has been accepted as a refugee, he or she is entitled to the same rights to homelessness assistance and accommodation as anybody else in the country is. Cathie Craigie made that point.

I therefore urge the Parliament to reject amendment 21, which is beyond Parliament's competence. Passing that amendment would bring into question the overall competence of the bill.

The Presiding Officer: Tricia Marwick will speak to amendments 2, 3, 4 and 5 and the others in the group.

Tricia Marwick (Mid Scotland and Fife) (SNP): Amendments 2, 3, 4 and 5 all seek to extend

priority need categories. I will address the amendments individually.

I am aware that the homelessness task force is examining the issue—as the minister said—but that is not an excuse for doing nothing, nor is it enough for the minister to say that ministers can introduce the amendments through secondary legislation. The minister has the opportunity to do something now. The matter has needed to be addressed for many years. It is no great secret that the homelessness task force will seek to recommend amendments that are similar to my amendments and I see no reason for further delay. Indeed, the Social Justice Committee recommended at stage 1 to extend categories of priority need to include single young women who have been abused, people who have institutional or care backgrounds, and all 16 or 17-year-olds. My amendments seek to do those things.

Amendment 2 concerns young people between the ages of 16 and 18. It is astonishing that the Children (Scotland) Act 1995 accepts that all young people under the age of 18 are children and are therefore vulnerable, but that a number of other pieces of legislation—including homelessness legislation—and now the Housing (Scotland) Bill do not accept that young people under the age of 18 are vulnerable by virtue of their age. It seems contradictory that the Children (Scotland) Act 1995 accepts that people under 18 are children, but that proposed homelessness legislation does not. We all recognise how vulnerable young people are. We need to give them support and I urge members to reject the minister's advice and make a commitment to young people—particularly to 16 to 18-year-olds who might end up on the streets with very little support from local authorities.

I will deal with amendment 3 very briefly. Amendment 3 seeks to give priority need to those who have left care institutions, other institutions and the armed services. Currently, those people have no priority under homelessness legislation, despite the fact that research shows that people who leave the armed forces are more than likely to end up on the streets. We have a duty to support them.

Amendments 4 and 5 deal with violence and the fear of violence. They are particularly relevant to this Parliament and to the support that it can give to women who are trying to flee from domestic violence, and to people who are in fear of violence, which is generally external violence that is perpetrated against them. Many people leave their houses because of the fear of violence. Unless we accept that they have priority need, we will not be able to address their problems.

Finally, I acknowledge that local authorities must have regard to the present code of guidance.

However, having regard to a code of guidance is not the same as adhering to statutory rights. The amendments seek to give very vulnerable people statutory rights. At the moment, not only are there postcode waiting lists in Scotland, but there is postcode treatment of homeless people. The code of guidance is merely guidance and has no statutory force. Unless local authorities act in concert throughout Scotland, people in parts of Scotland will be treated differently from those in other parts. That is why we need statutory rights, rather than codes of guidance.

I urge members to support amendments 2, 3, 4 and 5.

The Presiding Officer: Robert Brown will speak to amendments 192 and 193 and the others in the group.

Robert Brown (Glasgow) (LD): I pay tribute to the minister's responses to many points that were raised at the committee stage, which was quite substantial. I will deal with some of the substantive issues in the group.

On amendment 21, Fiona Hyslop has not hit the nail on the head. She has tried to make a political and constitutional point out of a matter that hides behind it a genuine issue. I had cause to visit a Scottish refugee group on Monday and talked to refugees about the problems that they face. One thing that emerged clearly was the hiatus at the point at which people have had their appeal refused, but at which their case was going on to judicial review at the Court of Session. At that point, people have no statutory right to housing and are often left with no recourse, despite the fact that they are still legitimately in the country, awaiting the outcome of legal proceedings.

It should be clear to the Parliament that there has been a change in phraseology from that of the Housing (Scotland) Act 1987. The original section 24 said that a person is homeless if they have no accommodation in

"Scotland, or England, or Wales".

I am not sure why Northern Ireland is missing from that. That section would now read: "in the United Kingdom or elsewhere". I have no difficulty with the phrase "United Kingdom", although some members appear to, but I have some qualms about the phrase "or elsewhere". I imagine that there is no particular problem establishing whether people have housing in the UK, Ireland or Europe, but there may be considerably greater problems—leading to injustice—when dealing with people who have come from the Indian subcontinent or certain parts of Africa. The practical issues that may arise are substantial. I introduced an amendment at stage 2 on the issue and I would appreciate some assurance from the minister that those points will be taken up in the guidance.

I will deal briefly with the issue of priority need. At stage 2, I was among those who thought that there was merit in including in the bill the priority need extensions that Tricia Marwick has referred to. I am satisfied by the minister's assurances on the matter at this stage, but it is something that we should revisit. In due course, I would like to hear about the work of the homelessness task force and the outcome of its deliberations in that regard. That is the right way to proceed against the background of reviewing priority need.

I am pleased about amendment 25, which relates to children. As members have suggested, I took that issue up in several different ways at the Social Justice Committee and it is appropriate that it be included in the bill. However, I have a couple of points relating to the practical effect of the amendment. Amendment 25 refers to section 25 of the Housing (Scotland) Act 1987, which defines those people who have priority need for accommodation, such as pregnant women and a person with whom "dependent children reside", among others. The minister has focused on those who have dependent children. However, if people were housed in terms of priority need—irrespective of whether they had children—under one or other of the headings, that would be a way round that particular aspect of the way in which the minister has rephrased the provision. That can be dealt with in guidance, but again I seek reassurance on how that will be done.

Finally, I will turn to amendments 192 and 193. Amendment 192 relates to the review of decisions under homelessness arrangements made by the local authorities. I began with the view that the proper way to deal with that was by a statutory right of appeal to the sheriff court. That is the usual way in which to deal with rights that are laid out in statute. I was persuaded that, in such a situation, that approach might lead to bureaucratic difficulties beyond the benefits that might be gained from it. We came to an intermediate position where people would have a statutory right to a review by a higher official of the council. However, I remain of the view that there are difficulties in that approach. There is a possibility that it will be a rubber-stamping operation, focused on the institution's desire to defend its own rights and so on. It is important to have an independent element.

I am reassured to some extent by the minister's comments on the discretionary element. However, if the right of review is to be effective and workable, it must not be left to the local authority's discretion. I hope that the guidance that the minister issues will take the maximalist position on the independent element. I suspect that Jackie Baillie will have problems in determining the difference between complex cases and more straightforward ones. If I may explain it to the

chamber, the current wording would mean that the review process would not apply to every homelessness decision. It would apply to issues of principle about whether people have priority need, are homeless and so on. Not every homeless case would have a review in that context. I hope that the minister will go as far as she possibly can.

10:15

There is an important issue behind the debate surrounding amendment 193. The committee heard evidence about the problems that people experience in sustaining their tenancies. The Scottish Churches Housing Agency suggested an amendment, drawing on research done in Edinburgh, which indicated that in 1999, 46 per cent of tenancies resulting from homeless allocations terminated by the end of 2000 and 42 per cent of those terminated within 24 weeks. A considerable number of those cases involved youngsters. There is a resource issue, but support is important. The intolerable figures would suggest the revolving-door syndrome: we house people who have become homeless, they lose their tenancy and we start all over again. It is important that we get this right. I seek reassurance from the minister that support mechanisms will be given top priority in the guidance and the arrangements that are put in place. I accept that it may not be necessary to target every homeless person. However, a considerable number may need to be assessed to find out what requirements they have to enable them to sustain the tenancy and to eradicate the revolving-door syndrome.

I am sorry to have spoken at such length, but the amendments in the group address many important issues.

Bill Aitken: Several issues arise from the group of amendments. It is perhaps unfortunate that Fiona Hyslop should find herself castigated for lodging amendment 21. She was correct to highlight the problem. Having said that, the amendment asks the Parliament to act *ultra vires*—we have absolutely no control over UK legislation and we must adhere to that arrangement.

I was rather puzzled by Brian Adam's intention in amendment 152. I am not convinced by his explanation that that is the best way round the particular difficulty with such tenancies. Were the Parliament to support amendment 152, local authorities and bodies such as police boards and hospital trusts would be placed in an invidious position. We cannot support the amendment.

The Executive amendments are part of a tidying-up process. Perhaps they are needed to deal with failures in the drafting system over the past few months. That highlights the possibility that we

have proceeded at a somewhat hasty rate—of course, I hold the minister personally responsible for that.

Amendments 2, 3, 4 and 5, in the name of Tricia Marwick, have some merit, to greater and lesser extents. As the minister said, those elements are largely covered elsewhere. As such, we are unable to support those amendments.

I am pleased that the minister has recognised the concerns that were raised in the committee at stage 2 and has satisfied us by addressing them in amendment 25. We can all sign up to that amendment cheerfully.

On amendment 192, as I said in committee in relation to a similar amendment previously lodged by Robert Brown, the cost and bureaucracy involved would perhaps undo any benefit that might accrue. Clearly, one would wish to be as fair as possible to people in such circumstances, but Robert Brown's suggestion is not an appropriate way forward.

I was prepared to listen to what Robert Brown had to say in respect of amendment 193. Those who are particularly vulnerable should have a degree of support. We could all narrate from our own experience particular cases where that level of support has not been forthcoming and the revolving-door principle has applied.

That said, on balance, the issue should not be in the bill. If everyone in the Benefits Agency, the social work department and the housing department does their work, the problem should not arise. Like many others on the marshalled list, amendment 193 has a degree of merit, but the argument must be whether we should have such measures in the act, as it will be, or whether we should leave it to guidance and to the principle that the appropriate support agencies should fulfil their roles in a satisfactory manner. On balance, we go along with the latter proposition and we shall not support amendment 193.

Cathy Jamieson: I welcome Executive amendment 25 on local authorities having to have regard to the best interests of children and young people. That is a welcome development. I will address a couple of points that Tricia Marwick raised, because she rightly highlighted the difficulties faced by young people leaving the care system. As members will know, I have made strong representations on that issue over the years. However, it is important to recognise that a number of pieces of legislation are already in force and that greater use could be made of the Children (Scotland) Act 1995 in terms of planning for young people who leave the care system.

One issue that I have always campaigned on, and still do, is that it is an absolute disgrace that any young person leaving the care of a local

authority has to declare themselves homeless in order to get a house. I would be concerned if the message from the bill is that that is an acceptable practice, because it is not.

Tricia Marwick: Will Cathy Jamieson acknowledge that what I was trying to say was that the Children (Scotland) Act 1995 acknowledges that young people under the age of 18 are children? I was not referring to the Children (Scotland) Act 1995 and the duty of care on local authorities. I was suggesting that while we do have a duty of care for young people who leave care, there is no duty of care on homelessness authorities to look after 16 and 17-year-olds who have never been in social work care.

Cathy Jamieson: I appreciate that. I know that Tricia Marwick has taken a particular interest in the issue over the years and I recognise the work that she has done, but my point was about young people in the care system and ensuring that appropriate plans are put in place. I know that many local authorities are examining that. There are issues about the Children (Scotland) Act 1995 and recognising that a young person is vulnerable up to the age of 18, but there is a contradiction in assuming that a 16-year-old could be put into a tenancy without support and be expected to cope.

We must examine the issues in a more rounded manner, by considering all the legislation and resources that are in place. Simply putting something in the bill will not help that process. I hope that the minister will take forward the issues—I am sure that she will in the homelessness task force—and that in future we may see some guidance or changes in legislation that will ensure that young people get appropriate support.

Shona Robison (North-East Scotland) (SNP): I wish to say a few words in support of amendment 21. I am disappointed at and surprised by the tone of some of the comments on amendment 21. Members of other parties should consider whether they are hiding behind the constitutional argument, rather than addressing a practical problem.

I advise Cathie Craigie, or anyone else who is sceptical, to speak to refugee organisations and to refugees and asylum seekers who face difficulties because of the housing policy that is dictated by the Immigration and Asylum Act 1999. We have a commitment to review this year the impact of the Immigration and Asylum Act 1999. The review will examine housing policy and I hope that members will keep open minds. There is no point in having a review unless people are prepared to consider the problems that that legislation has caused.

I will highlight one problem with the Immigration and Asylum Act 1999, which is the removal of the right of local authorities to rehouse asylum

seekers. I am aware of an asylum seeker who suffered extreme racial harassment, including threats of petrol being put through the letterbox and bricks being put through the windows; nevertheless, NASS decided that it was safe for that asylum seeker to remain in that house. Any rational person would have deemed it not to be safe, but NASS deemed it to be safe and the racial harassment of that asylum seeker continued. Local authorities would not have responded in that manner, because they are better placed to decide whether it is safe or otherwise for an asylum seeker to remain where they are.

There are problems with the housing policy for asylum seekers. I am not hiding behind a constitutional argument and I appeal to everyone in the chamber. The issue is not the constitution; it is the practical difficulties that have been caused by the implementation of the Immigration and Asylum Act 1999. I hope that members will keep an open mind when the review of that legislation is carried out.

Jackie Baillie: I will respond briefly. Robert Brown started off wondering why we missed out Northern Ireland and then substituted

“the United Kingdom or elsewhere”.

I have no difficulty with talking about the United Kingdom. The reason we referred to “elsewhere” is that it is not right for people to be considered homeless if they have, for example, a house in America or Spain—which must be reasonable for them to occupy—even if they have no housing in Britain.

I hope that Tricia Marwick will appreciate that we have given an overarching commitment to how we deal with dependent children that goes beyond the narrow focus of amendment 2, in terms of homelessness strategies. That should address the points that she made earlier.

We are clear that the right of review will work. The executive agency will be responsible for monitoring the observance of section 3A and we have given a commitment to the Social Justice Committee that it can help us to resolve some of the issues in guidance. The system will be robust.

Assurance was sought on amendment 193. I understand, as does the homelessness task force, the need to integrate assessments of the support needs of homeless people with provision, but that does not necessarily apply in all cases. We want to consider the issue and ensure that we get it right. If there is a need for legislation, we will come back to the chamber. The homelessness task force is considering the issue.

On amendment 21, let us not confuse the wider issue of sympathy for asylum seekers, because of what is happening to some of them in parts of

Glasgow, with legislation. We are clear that amendment 21 is outwith the competence of this Parliament.

Tommy Sheridan: Will the minister give way?

Jackie Baillie: No, I am just about to finish.

How we take forward what is currently happening elsewhere is a wider matter for the Parliament, not for this legislation.

Fiona Hyslop: It would show more respect for the Parliament if we recognised that the clerks and the Presiding Officers would not accept amendments to the Housing (Scotland) Bill were they not within the competence of the Parliament. Legislation affecting housing is most definitely relevant to this Parliament.

Jackie Baillie *rose*—

The Presiding Officer: I will intervene to say that that is not right. There is no question of legislative competence when it comes to amendments. The chamber itself must decide on amendments. It is not a matter for me.

Fiona Hyslop: Let us be clear. The Presiding Officer made it clear that amendment 21 is competent. To say that it is not is mistaken. Housing services provided by councils or others are within the competence of this Parliament. Asylum seekers use services, such as the national health service, that are provided by public agencies in Scotland. We must recognise that. We can do something useful with the Housing (Scotland) Bill if we allow councils, rather than NASS in Croydon, to decide where people are housed. Councils will know what is practical and what is impractical far better than NASS.

On priority need, Tricia Marwick made the point well that amendment 2 addresses those 16 and 17-year-olds who are not in care. We must decide whether measures on priority need should have the force of law or be dealt with in guidance. A clear choice must be made.

A measure of this Parliament is how it treats vulnerable groups. We can either support those vulnerable groups here and now in the Housing (Scotland) Bill, or we can wait for another task force and another report at another time. I suggest that we do it now.

10:30

The Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
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)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 33, Against 80, Abstentions 0.

Amendment 21 disagreed to.

Amendment 152 not moved.

Amendment 22 moved—[Jackie Baillie]—and agreed to.

Amendment 2 moved—[Tricia Marwick].

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

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)

Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ewing, Mrs Margaret (Moray) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 79, Abstentions 1.

Amendment 2 disagreed to.

Amendment 3 not moved.

Amendment 4 moved—[Tricia Marwick].

The Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 33, Against 80, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Tricia Marwick].

The Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Reid, Mr George (Mid Scotland and Fife) (SNP)

Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Quinan, Mr Lloyd (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 81, Abstentions 1.

Amendment 5 disagreed to.

Amendments 23 to 25 moved—[Jackie Baillie]—and agreed to.

Section 3A—Review of decisions

Amendment 26 moved—[Jackie Baillie]—and agreed to.

Amendment 192 not moved.

Section 4—Duty of registered social landlord to provide accommodation

The Presiding Officer: The timetable guillotine for groups 1 to 6 falls at 11.10 am, so we have just over half an hour in which to complete groups 4 to 6.

Amendment 6 is grouped with amendments 27, 7, 28 to 30, 8, 32 and 33.

Fiona Hyslop: Section 4 sets out the relationships between registered social landlords and local councils in providing housing for homeless people. Amendment 6 would give RSLs a statutory duty to co-operate with the local authority on providing accommodation and on “alleviating and preventing homelessness”, to help councils exercise their duties. At present, a voluntary code of guidance, issued by Scottish Homes, requests RSLs and housing associations to have a duty to co-operate.

Karen Whitefield (Airdrie and Shotts) (Lab): Will the member take an intervention?

Fiona Hyslop: Let me develop my point slightly. That might be helpful.

Karen Whitefield: I have a point of information.

Fiona Hyslop: I will explain my point and then allow an intervention.

The bill will make Scottish Homes' responsibilities part of the responsibilities of the Scottish ministers, so the guidance and the duty will be passed to ministers. It would be extremely useful if the bill placed a duty on RSLs to co-operate with councils.

At stage 2, there was some controversy when the Social Justice Committee agreed to an amendment, which I moved, to ensure that councils had some understanding of housing associations' policies.

Karen Whitefield: Will the member take an intervention?

Fiona Hyslop: Please let me develop my point. The member will have an opportunity to speak later.

My amendment placed a duty on councils to have regard to the allocation policy and other policies of a registered social landlord. I appreciate that the homelessness task force was asked by the Executive to consider what would happen to a council, such as Glasgow City Council, that transferred all its stock to RSLs. How can a council reasonably allocate “appropriate accommodation”—as section 4(2) puts it—if it has not had regard to the allocation policy and other policies of the registered social landlord? A purpose of the bill was to achieve balanced communities. If we want balanced communities in which members of a family can stay together to create sustainable communities, regard must be had to provision for ethnic minorities, people with disabilities and elderly people.

It is not suggested that RSLs would be prevented from taking on their responsibilities. To reinforce that point, amendments 7 and 8 were lodged. The Executive's amendments say that RSLs must comply unless they have a good reason for not doing so. That is rather weak. We should be more specific and say that RSLs can fail to comply only if they abide by strict guidance. It is interesting that the Executive has lodged amendments in that vein.

It is undoubted that members of all parties are committed to ensuring that homeless people are given priority, but if a ballot in Glasgow or other areas goes ahead, a council may have no stock yet have to provide accommodation without understanding or having regard to the policies of RSLs.

Karen Whitefield: Does Fiona Hyslop agree that amendment 6 has been lodged only because she undermined the work of the homelessness task force and the rights of homeless people in

Scotland when she pressed amendment 93 at stage 2?

Fiona Hyslop: If Karen Whitefield had listened at stage 2—

Karen Whitefield: I was listening.

Fiona Hyslop: At that stage, I made the point that we have to look in the round at the balance in the relationship between RSLs and councils. At stage 2, I was inclined to the view that a statutory responsibility on RSLs to house homeless people ought to be included in the bill, but the point was well made that homeless people are housed not only by being provided with a roof: other services are involved and RSLs might not be best placed to provide them.

We propose a statutory duty to co-operate that is similar to the code of guidance that currently exists, but we have given it the force of law. The amendment tightens up homelessness legislation and provides the solution that we are looking for.

I move amendment 6.

Jackie Baillie: Section 4 encompasses the recommendations of the homelessness task force and the new housing partnership steering group and seeks to ensure that the transfer of stock to RSLs does not disadvantage homeless people. It is designed to underpin the day-to-day working relationship between local authorities and RSLs. That relationship has to be based on mutual trust and co-operation: it cannot be rigidly prescribed in primary legislation. Executive amendment 27 would reverse the effect of amendment 93, which was passed by the Social Justice Committee at stage 2. At the time, I made it clear that because amendment 93 inserted wording that is unacceptable, the Executive would seek to reverse it by lodging an amendment at stage 3.

When the homelessness task force made its recommendations, it was clear that when a local authority transfers some or all of its stock into community ownership, the rights of homeless people must be protected. The task force recommended that a statutory duty be placed on RSLs to comply with the request to house a homeless person or family. The bill, as it was originally drafted, reflected that position.

The bill also took account of the homelessness task force's acknowledgement that there may be circumstances in which an RSL had a good reason for not complying with a request. The report suggested examples including where the only accommodation available is specially adapted for people with special needs. In that case, it would not be appropriate to let to a household without special needs.

The SNP's stage 2 amendment undermined the balanced position that was established by the

homelessness task force. It created a loophole that put the RSL's allocation and other policies above the needs of the homeless person. That cannot be right. Indeed, amendment 93 has been described by Shelter as a body blow. I want to make it absolutely plain that I know that RSLs play an increasingly important and vital role in housing homeless people—indeed, they have an impressive record in that regard—but the loophole would allow an RSL to refuse to accept a homeless person on the ground that it was against our policy.

I understand some of the concerns that were expressed at stage 2. Robert Brown rightly emphasised that some housing associations provide specialised accommodation of various kinds or provide for particular housing needs in particular areas. The SNP approach, however, is not the way to address those concerns. The needs of the homeless person must be paramount.

We will cover in guidance the valuable points that were raised by Robert Brown. A working group, with representatives from local authorities, Shelter, the Scottish Federation of Housing Associations and others, is drawing up guidance on the situations in which an RSL may have good reason for not complying with a request to house a homeless person. The Social Justice Committee will be included in the full consultation on the guidance.

Reversal of amendment 93 is supported by Shelter, the Scottish Federation of Housing Associations and other task force members including *The Big Issue* in Scotland, the Scottish Council for Single Homeless, Glasgow Council for Single Homeless, COSLA, Positive Action in Housing, Glasgow City Council, Glasgow Women's Aid, Dumbarton law centre, Dumbarton citizens advice bureau—the list is endless.

I urge the chamber to support Executive amendment 27. The SNP has plainly got it wrong. Its actions are misguided and it has ignored the needs of homeless people.

10:45

Amendment 28 straightforwardly fulfils a commitment that we gave at stage 2. Karen Whitefield and others expressed concerns that there may be occasions when temporary accommodation would be preferable to permanent accommodation and that the key should be to find the right type of accommodation for a homeless person. Amendment 28 therefore disapplies the requirement on an RSL to provide a Scottish secure tenancy or short Scottish secure tenancy if a local authority has expressly requested other forms of accommodation.

Amendments 29 and 30 address the information

that RSLs should provide to a local authority. We do not want to create an inflexible approach—co-operation between local authorities and RSLs is vital—so amendments 29 and 30 would require an RSL to comply with reasonable requests for information that relates to housing and is in connection with the authority's duties and allow ministers to issue guidance on what is reasonable.

The SNP's amendments in this group do not offer any strengthening of the relationship between RSLs and authorities; neither do they remedy the inherent weakness in the system that the SNP's stage 2 amendment 93 introduced. We urge members to reject all the SNP amendments in the group.

Tommy Sheridan's amendments 32 and 33 relate to the arbitration process that is laid out in section 5. Similar amendments were debated and rejected at stage 2. As I said then, it is important that the arbitration process works quickly and effectively. I note that the homelessness task force envisaged a quick, informal arbitration process that would take no more than 48 hours. I see no reason why that should not be achievable in the vast majority of cases. I am therefore reluctant to set a maximum of 21 days, which would unfortunately become the norm. Guidance is the best place to set out the time scale and to retain flexibility to cover complex cases.

Tommy Sheridan: Amendments 32 and 33 have two purposes. The first is to ensure that when there is a dispute between a council and an RSL, the arbitration process does not drag on indefinitely. The minister talked about the hope that such disputes would be sorted out within 48 hours. The problem is that there is nothing in the bill about that time scale. Guidance is guidance; it is not applicable in law to any dispute that goes to court. From that point of view, I hoped that the minister would accept that amendment 33 sets a reasonable time scale: I hoped that she would accept that, once arbitration has begun, specifying that a decision should be made within 21 days is perfectly reasonable, given that the person whose case is being disputed is homeless.

Secondly, amendment 33 tries to ensure that the result of the arbitration, whatever that may be, is given to the homeless applicant. The bill as amended at stage 2 contains no provision for the subject of the arbitration to find out the decisions that have been taken on the dispute that is under arbitration.

Amendments 32 and 33 are intended to provide a clear description in the bill of how any dispute between a council and an RSL will be sorted out. The minister is worried that 21 days will become the norm. That will be up to practice, but it is better to have a maximum of 21 days than to have guidance that has no powerful effect and could

mean that disputes drag on well beyond 21 days. That is the worry of many organisations. I hope that the Parliament will support amendments 32 and 33.

The Deputy Presiding Officer (Mr George Reid): If amendment 30 is agreed to, amendment 8 will be pre-empted. Several members want to speak and we still have two groups to complete by 11.10 am.

Bill Aitken: This group of amendments deals with the relationship between RSLs and local authorities. We all hope that that relationship will be reasonably civilised and that difficulties will be few and far between. With amendment 6, Fiona Hyslop seeks to underline the necessity of co-operation. I have no particular objections to its terms, but I do not feel that it is necessary.

Amendment 27 deals with the legal requirement on RSLs to accept homelessness cases. I must tell the minister that by no interpretation is special needs housing prejudiced in that respect: local authorities are statutorily required to house homeless persons. I can envisage few homelessness cases that an RSL would not agree to accept. Such cases would be extreme and I would think that, in those circumstances, RSLs would have the right, if that particular application would go against their housing policies, to maintain that it should not be granted.

I have little difficulty with amendment 30, but whether amendment 8 should appear in the bill is arguable. Amendments 32 and 33 have some merit, in that the arbitration process must be carried out as speedily as possible if it is to be as fair as possible to the person whose application is being determined, but Tommy Sheridan is being unnecessarily prescriptive. I hope that the vast majority of applications would be concluded well within the 21-day limit that he proposes, but there are occasions when that might not be possible, which is why we cannot accept the amendment.

The Deputy Presiding Officer: We are right against the wall, so I intend to take only one speaker from the floor.

Linda Fabiani: I want to speak in particular to Executive amendment 27. It would delete the successful stage 2 amendment 93 which, although lodged by the SNP, was supported by a further two of the main parties in the chamber.

Johann Lamont (Glasgow Pollok) (Lab): Will the member give way?

Linda Fabiani: Not yet.

Amendment 93 did not give RSLs the right to refuse homelessness nominations: it said that a local authority should have regard to the allocation policies of an RSL—and, indeed, why not? Following that successful stage 2 amendment, a

lot of nonsense has been spoken about RSLs.

Karen Whitefield: Will the member take an intervention?

Linda Fabiani: Not yet.

I stress the uniqueness of community-based housing associations and the voluntary work by committee members that makes those housing associations unique. A lack of partnership and understanding between landlords dealing with homelessness does no good. I emphasise that at no point in all this talk has any evidence been produced—by anyone in the chamber or by any lobby group—that shows that housing associations do down homeless people. There is no evidence that when Scottish Homes guidance says homelessness categories should appear in their allocation policies they do not take their share of homeless allocations. I know from experience that many homeless people are housed directly by housing associations and indirectly through councils. If anyone can give me evidence to the contrary, I am willing to give way.

Cathie Craigie: Will Linda Fabiani comment on the lists of people the minister highlighted who described the SNP's stage 2 amendment as a dangerous loophole that would allow RSLs to exempt themselves from the same good practice policies that she describes?

Linda Fabiani: I can certainly comment on that. The homelessness task force is appointed by the Executive. I have great respect for the people on that task force, but we have to guard against complacency among MSPs who believe that only the representatives who sit on task forces are able to recognise what happens on the ground. There are very committed people throughout the country who work hard for no pay. They are volunteers because they happen to care about homelessness and they do their bit to work on it. They deserve a say as well. The Executive sits on task forces, discussing things and doing little deals, and we come along and upset the apple cart. *[Interruption.]*

The Deputy Presiding Officer: Order.

Linda Fabiani: We upset the apple cart and the Executive turns all its forces against us. Why do some MSPs in the chamber not think for themselves?

Jackie Baillie: On a point of order, Presiding Officer. Linda Fabiani is making accusations without foundation; she should be asked to withdraw them.

Linda Fabiani: I have made no accusations; I have stated an opinion.

The Deputy Presiding Officer: We are rapidly running out of time, but for political balance I will

allow Robert Brown to come in briefly.

Robert Brown: The debate so far has generated more heat than light. This is a difficult issue—it is not as black and white as some people have made out. It is appropriate that we try to get the balance right. I yield to no one in my support for a proper means of dealing with homeless families, but that is not the only objective in housing policy. There are the objectives of community stability and support for the rights and involvement of the housing associations.

I was reassured to a degree by the minister, who said that the matter will be dealt with by guidance. I would like fairly substantial guidance, which gives substance to the idea of good reason for refusal, to be introduced in due course. There are a number of issues. It has to be done properly. The tone of the debate this morning has not been a particular credit to the Parliament.

Jackie Baillie: Central to what we are doing are efforts to protect the rights of homeless people while recognising that the co-operation between RSLs and councils is critical and based on mutual trust and respect. I reject entirely any notion—I am sure that they will do so themselves—that organisations such as Shelter Scotland, COSLA, Scottish Women's Aid and *The Big Issue* in Scotland, who have a wealth of experience to contribute, are in some way not independent of government. I respect their right to be independent. We in the chamber and in the Government do not know it all. It is important that we involve civic Scotland in what we are doing. If the SNP is suggesting that it will reject that, civic Scotland should think carefully about its dealings with the SNP.

Fiona Hyslop: The debate has been about the relationship between RSLs and councils and how they provide their services.

I have two brief points. It is unfortunate that some of Cathie Craigie's proposals on contracts were not lodged at stage 2 or at this stage, as they might have strengthened the bill. That will come later on, in the amendments that the Executive expects to lodge. However, we have the responsibility at stages 2 and 3 to scrutinise amendments—whether they are from the Executive or a task force—in open debate. That is what stages 2 and 3 have been about.

Ms Curran: Will the member give way?

Fiona Hyslop: I want to brief, as I am conscious of the time.

The Parliament will decide the appropriate way to scrutinise the amendments. I appeal to members to include in the bill the statutory duty to co-operate and to recognise Tommy Sheridan's point, which is that we have to deal swiftly with

homelessness so that we ensure that satisfactory provision is provided. The SNP will support his proposals on that.

If the Executive is so concerned about housing associations' ability to house homeless people—if it has doubts—perhaps it should think again about transferring all the stock of seven authorities to housing associations.

The Deputy Presiding Officer: The question is, that amendment 6, in the name of Fiona Hyslop, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

Members: There are no lights on the consoles.

The Deputy Presiding Officer: In that case, I suspend the meeting.

10:59

Meeting suspended.

11:12

On resuming—

The Deputy Presiding Officer: My regrets to all members. It is obvious that the Brähler system merits investigation.

The timetabling motion deals with actual time, with the specific exclusion of periods when the meeting of the Parliament is suspended, so the knife will now fall at 11:25. I will start the voting at 11:23.

We will now have the division on amendment 6. The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
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)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Canavan, Dennis (Falkirk West)
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)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
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)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 30, Against 83, Abstentions 1.

Amendment 6 disagreed to.

Amendment 27 moved—[Jackie Baillie].

11:15

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Deputy Presiding Officer: The result of the division is: For 66, Against 44, Abstentions 1.

Amendment 27 agreed to.

Amendment 7 moved—[Fiona Hyslop].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)

Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)

Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 44, Against 67, Abstentions 2.

Amendment 7 disagreed to.

Amendments 28 to 30 moved—[Jackie Baillie]—and agreed to.

The Deputy Presiding Officer: Amendment 8 has been pre-empted, so we move to amendment 32.

Amendment 32 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 30, Against 81, Abstentions 0.

Amendment 32 disagreed to.

Amendment 33 not moved.

Section 6—Persons living in hostel and other short-term accommodation

The Deputy Presiding Officer: Amendment 35 is grouped with amendments 36, 37, 38, 153 and 39. If amendment 35 is agreed to, amendments 36, 37 and 38 will be pre-empted.

Tommy Sheridan: I will be brief, given the time. Amendments 35 and 39 seek to enshrine in legislation the rights of hostel dwellers much more than is currently the case.

Amendment 35 lays out some of the situations that could arise in relation to evictions of hostel dwellers and provides recognition that hostel dwellers often do not have the same rights as other tenants. I believe that any housing bill for the 21st century should recognise and enshrine the rights of hostel dwellers. The Executive has given a commitment to try to arrive soon at a situation in which there are no hostel dwellers because there is no need for hostels. I look forward to that situation developing, but in the meantime, I ask the Parliament to support amendments 35 and 39 to enshrine in legislation the rights of hostel dwellers, but in a way that does not supersede common law in relation to grounds for eviction and reasonableness.

I move amendment 35.

The Deputy Presiding Officer: I call Jackie Baillie to speak to amendments 36, 37 and 153 and the other amendments in the group. The knife will fall in three minutes.

Jackie Baillie: We had a lengthy discussion about this section at stage 2, which reflected the wide range of views about the rights and responsibilities of people in hostels. Robert Brown's stage 2 amendment that inserted section 6(3A) was accepted as coming closest to getting the balance right. Amendments 36 and 37 are minor technical corrections to his wording to ensure that it achieves what he intended.

Amendment 153 follows on from Robert Brown's new subsection and reflects concerns expressed by the Subordinate Legislation Committee.

Bill Aitken's amendment 38 is unnecessary, because it is quite clear that the existing terms of section 6(3A) allow for what he is trying to achieve, which is the protection of other residents and staff.

Tommy Sheridan's amendments 35 and 39 also have serious disadvantages. Amendment 35 attempts to list the factors that should be covered by the regulations. Given the complex nature of this area of rights and responsibilities, that is dangerously prescriptive. It is particularly difficult to get the balance right. A sub-group of the homelessness task force is considering the issue and because regulations under subsection (3) are subject to the affirmative procedure, Parliament will have the chance to consider and debate them.

Amendment 39 aims to make a point about not using our powers under the bill to introduce regulations that would undermine or be inconsistent with the rule of law. As I said at stage 2, that is unnecessary as the regulations would need to be consistent with other legislation.

The Deputy Presiding Officer: Mr Aitken has one minute if he wants it.

Bill Aitken: I will be brief. Amendment 38 will provide greater protection for other hostel dwellers and people who work in hostels. I do not accept the minister's proposition that that is dealt with elsewhere. Although persons who cause serious difficulty can be removed from the hostel by means of police arrest, sometimes the necessary corroboration is not available for an arrest to take place. As a result, I feel that amendment 38 is required.

The Deputy Presiding Officer: We are now out of time. The procedure for the remaining amendments in groups 5 and 6 will be move then vote, move then vote until they are done. I must start before 11:25.

The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 2, Against 109, Abstentions 0.

Amendment 35 disagreed to.

Amendments 36 and 37 moved—[Jackie Baillie]—and agreed to.

Amendment 38 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

Wallace, Ben (North-East Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)

Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 17, Against 93, Abstentions 0.

Amendment 38 disagreed to.

Amendment 153 moved—[Jackie Baillie]—and agreed to.

Amendment 39 moved—[Tommy Sheridan].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)

Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 2, Against 105, Abstentions 0.

Amendment 39 disagreed to.

Section 6A—Common housing registers

Amendment 154 moved—[Linda Fabiani].

The Deputy Presiding Officer: The question is, that amendment 154 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)

Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 31, Against 80, Abstentions 0.

Amendment 154 disagreed to.

Section 8—Allocation of housing

11:30

The Deputy Presiding Officer: Amendment 40 is grouped with amendments 41, 42, 43 and 44.

Ms Curran: Amendments 40, 42 and 43 seek to expand on section 8, which is concerned with the allocation of housing by local authorities and registered social landlords.

Section 8, which amends section 20 of the Housing (Scotland) Act 1987, places a duty on local authorities and RSLs to give reasonable preference to certain groups, such as homeless persons, in the allocation of housing. It also specifies matters that landlords should not take into account when allocating housing, such as the income of the applicant and his or her family.

The amendments add to the list of matters that local authority and RSLs must not take into account. They are based on amendments lodged by Tommy Sheridan and Kate MacLean at stage 2. We gave a commitment to consider those further with a view to lodging an amendment at stage 3.

Amendments 40 and 43 seek to limit the circumstances in which landlords can refuse to house an applicant because of their previous debts. It is reasonable for landlords to refuse to house an applicant if he or she has significant outstanding rent arrears; the amendments would not prevent landlords from doing that. However, they would prevent landlords from refusing to house an applicant because of non-housing debt or if they have had arrears of rent or service charges that have since been repaid.

Landlords would also be prevented from refusing to house an applicant if the rent or service charge arrears amount to no more than a month's charges—to avoid penalising applicants for purely technical arrears—or if the applicant has come to an arrangement for repaying arrears, has kept to that arrangement for at least three months and is continuing to make the payments. That provision is designed to help applicants who are making a genuine effort to pay off arrears.

We believe that amendments 40 and 43 represent a reasonable balance between the interests of applicants and the interests of landlords.

Amendment 42 seeks to prevent local authorities and RSLs from refusing to house an applicant who is not living in their area if the person concerned is vulnerable to domestic violence where she or he currently lives and wishes to move into the area. We agree that it would be wrong for landlords to discriminate against non-local applicants in those circumstances. I thank Kate MacLean for making the proposal on which amendment 42 is based.

Amendment 41 is exactly the same as an amendment that Mr Sheridan lodged at stage 2. We promised to consider it carefully and we have done so. I am not sure why Mr Sheridan has lodged his original amendment again. I hope that he recognises that our amendments pick up on all the points that he made. The only difference is that we require tenants to have demonstrated a commitment to repaying arrears for at least three months. That is surely not unreasonable. It makes no sense to have duplicating amendments, so I ask Mr Sheridan to consider not pressing amendment 41.

Tommy Sheridan lodged amendment 44 at stage 2 as well. I explained then that we agree on the need for guidance on information. I also clarified that section 70 gives us the power to issue guidance in that area. I am happy to repeat my previous commitment to using that power in due course. Indeed, as I explained at stage 2, we have commissioned work from the Chartered Institute of Housing in Scotland that could form the basis of guidance. In the light of those reassurances, I hope that Mr Sheridan will not press amendment 44.

I move amendment 40.

Tommy Sheridan: I am glad that the Executive has moved on at least one aspect of amendment 41 regarding arrangements for paying rent arrears. It would not be acceptable for individuals to be suspended from housing waiting lists because of arrears on which they have reached an agreement, even though the arrears are not yet paid off. However, the Executive has not moved on council tax arrears. I would like to hear more from the minister on that.

In the debate so far, members have been shouting about which organisations support their amendments, as if that means that everyone else should support them. It is therefore worth making the point—as I did at stage 2—that Shelter asked for amendment 41 to be lodged. I do not know whether that makes some members more likely to support it.

Shelter asked specifically that we remove reference to council tax arrears as a criterion for suspension from housing lists. Shelter feels—as I do—that it is discriminatory that a council tax problem can be used to deny housing to individuals who do not have the option of private house purchase and are restricted to seeking accommodation in the social rented sector. In the private housing sector, there is no such discrimination—council tax arrears do not present a problem as long as the person can afford to buy their own house. It is inherently unfair that council tax arrears can be taken into account when it is being decided whether a person's application should be suspended or whether they should be suspended from housing lists. I appeal to members to recognise that and to support amendment 41. I have lodged the amendment in its original form because it refers specifically to exclusion on the ground of council tax arrears, which the minister failed to address.

I appreciate what the minister said about amendment 44, but I hope that she appreciates that it was important for me to have a statement on the guidance to local authorities and RSLs regarding information that is given to individuals who are suspended from housing lists. It is important that the fullest possible information is provided, because if individuals are suspended from an allocation list without knowing the grounds for that decision, they cannot challenge it. That is why amendment 44 is important.

For the reasons that I have set out, I ask the Parliament to support amendments 41 and 44.

Bill Aitken: The issue is one of balance. We have no difficulty with amendment 42 and will support it fully.

We need to strike a balance between not disadvantaging applicants on the basis of technical arrears—as the minister has already said—and ensuring that applicants commit themselves to making rent payments. On that basis, we will go along with amendment 43—with some hesitation and reluctance. Amendment 40 is closely related to amendment 43, so we will support that, too.

I will not engage in debate with Tommy Sheridan over the extension that he seeks relating to unpaid council tax. That is a quite separate issue that should not concern us under this heading. As ever, I would be keen to debate that issue with him in another place and at another time.

Ms Curran: I would like to clarify a number of points for Mr Sheridan. I know that the amendment that he lodged at stage 2 was proposed by Shelter. With all due respect to Mr Sheridan, Shelter influences my thinking a wee bit more than he does. I am not saying that Shelter always

agrees with me—sometimes it gets things wrong and sometimes it gets things right—but on this occasion I thought that Shelter had a case and we listened to that. I point out to Mr Sheridan that I used the phrase “non-housing debt”, which refers to council tax arrears. I hope that that reassures him.

The provisions are about striking the right balance between the interests of applicants and the interests of landlords. We have refined the legislation governing allocation and we think that we have a substantial package. I commend the Executive’s amendments to the chamber.

Amendment 40 agreed to.

Amendment 41 not moved.

Amendments 42 and 43 moved—[Ms Margaret Curran]—and agreed to.

Amendment 44 moved—[Tommy Sheridan].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 31, Against 81, Abstentions 1.

Amendment 44 disagreed to.

After section 8

Amendment 193 not moved.

Section 9—Scottish secure tenancy

The Deputy Presiding Officer: Amendment 151, in the name of Jackie Baillie, is grouped with amendments 45 to 51, 194, 52 to 56, 73 and 156.

Ms Curran: This group includes several detailed amendments that are linked to the recovery-of-possession provisions in the Scottish secure tenancy part of the bill. I appreciate the pressure on our time, but I shall outline each of our amendments and set out our views on those that have been lodged by other members.

I shall first deal briefly with amendments 151, 45 and 46. These are essentially technical amendments that are designed to tackle a problem that Robert Brown identified at stage 2. The bill as drafted requires a tenant of a Scottish secure tenancy to use the house as his or her only or principal home and for tenants of fully mutual co-operatives to be members of those co-operatives. That is in line with our policy. However, that creates uncertainty over the precise legal status of the tenancy if those conditions were broken. The amendments resolve the issue by making it clear that the tenancy would still be a Scottish secure tenancy, subject to the normal recovery procedures. Our policy objectives are protected by making those conditions a mandatory part of the tenancy agreement.

Amendments 48, 49, 50 and 51—our second set of amendments—are based on proposals that Robert Brown made at stage 2, which we undertook to consider in more detail. Under section 12 of the bill, local authorities or RSLs that are seeking to repossess houses that are let under a Scottish secure tenancy need to notify the tenant or joint tenant and raise proceedings in court. That is based on the procedures that apply at present for secure tenancies.

11:45

Tenants have the right to defend themselves against such actions, and it is our understanding that the courts would normally allow other occupiers to have their say if they so wished. These amendments, however, make it absolutely clear that “qualifying occupiers” can be a party to possession proceedings, which puts their right to appear in court beyond doubt. Qualifying occupiers are members of the tenant’s family, lodgers and other persons who sublet part of the house with the consent of the landlord. The amendments also place a duty on landlords to make inquiries to identify whether there are any such qualifying occupiers and, if any are identified, to serve a notice on them as well as on the tenant.

We believe that those measures will help to clarify the position of other members of the household who are affected by repossession proceedings. First, there will be a specified duty on landlords to notify them and, secondly, they will have the right to attend the proceedings to explain, for example, the consequences of the repossession for them personally, which the courts will be able to take into account in coming to a decision.

I now turn to amendments 47, 52, 56 and 73. At stage 2, Tommy Sheridan lodged a number of amendments relating to court procedures for the recovery of possession. I undertook to consult colleagues in the justice department on the points that he raised and I have since written to Mr Sheridan. He has, however, lodged the amendments again today.

These amendments would require that all recovery-of-possession proceedings would be by way of summary cause procedure. Tenants would be allowed to seek a recall of the court order at any time before the eviction was carried out, if they chose not to defend the action when the original court hearing was scheduled. I am afraid that we cannot accept these amendments. Virtually all recovery actions are by way of summary cause, but ordinary cause procedure is appropriate, in the interests of both the landlords and the tenants, when relatively large debts are at stake.

Mr Sheridan’s amendment 156 requires courts to consider the conduct of the tenant before agreeing to recovery action under a short probationary tenancy. Although that may seem reasonable at first sight, we must understand the full implications of that. Local authority landlords and RSLs can use probationary tenancies only when the tenant has previously been evicted from a tenancy for anti-social behaviour or if the tenant is subject to an anti-social behaviour order. They are intended to encourage landlords to offer applicants in that situation a second chance—an

opportunity to show that they can maintain a tenancy and act responsibly towards their neighbours. The bill provides for an automatic conversion of a probationary tenancy into a full tenancy after 12 months if no action is taken to terminate the tenancy.

Frankly, landlords are not going to use probationary tenancies if they have to go through a complicated court process to recover possession. We have received evidence from landlords that shows that, at present, it takes them an average of nine months to evict tenants for anti-social behaviour using the normal recovery procedures linked to full tenancies. For probationary tenancies, landlords need a simple and quick procedure if the tenant in question does not live up to their trust. Amendment 156 would completely undermine the probationary tenancy concept.

Amendments 53, 54 and 55 are Mr Sheridan's final three amendments in this group. The first two of them require landlords to act reasonably in recovering an abandoned house. However, the bill already contains real safeguards for tenants in that situation: for example, they can go to court if necessary, to challenge the landlord's action. Tommy Sheridan's proposed amendments add nothing of substance to the provisions.

Amendment 55 relates to tenants whose tenancies are repossessed for management reasons, whose right it is to be appropriately rehoused by the landlord. In such cases, the courts can take a view on what constitutes suitable alternative accommodation. At present, the court is directed towards an objective test of that: do the house and its locality meet the tenant's requirements and those of their household in terms of work and schools?

What Mr Sheridan is suggesting is much more subjective—the character of the locality. He was not able to clarify at stage 2 what exactly he has in mind. To our thinking, such a subjective test would be virtually impossible for the courts to apply. Mr Aitken and Mr Sheridan voted together on this amendment at stage 2, if my memory serves me correctly.

Amendment 194 has been lodged by Robert Brown and relates to the way in which courts interpret reasonableness in recovery proceedings. Specifically, it requires them to take account of whether arrangements for the repayment of rent are likely to have a reasonable chance of success. We have much sympathy with what Robert is trying to achieve through this amendment. It is in nobody's interest for evictions to go ahead if they can be prevented, and one way of achieving that is by the tenant and the landlord coming to an arrangement on the repayment of the arrears. Nevertheless, we think that amendment 194 is

unnecessary. Section 13(1) of the bill allows a court to adjourn proceedings linked, if it so wishes, to the payment of outstanding rent. In short, if the tenant comes forward at that late stage with a proposal to repay the arrears, the court can adjourn proceedings to allow that to bear fruit.

In considering whether it is reasonable to grant the order, the amendment that we brought forward at stage 2 would apply to recovery on the ground of rent arrears and, among other things, it requires the court to consider what action the landlord had taken before raising recovery proceedings with a view to resolving the problem. That was intended to ensure that eviction proceedings were taken only as a last resort. I would expect sheriffs to check to make sure that, in rent arrears cases, the landlord had sought to come to some arrangement for the repayment of arrears, for example, by instalments. We believe that there are some difficulties with Robert Brown's amendment.

I commend our amendments to the chamber and ask Tommy Sheridan and Robert Brown to withdraw theirs on the basis of the arguments that I have made.

I move amendment 151.

Tommy Sheridan: I ask members to be particularly sensitive in relation to our discussion of this part of the bill. We are talking about the termination of the Scottish secure tenancy and, inevitably, about eviction. Therefore, it is important that there is a proper balance between the rights of tenants and the rights of landlords.

Amendment 47, as the minister says, seeks to ensure that the pursuit of an eviction proceeding by a landlord is only by way of summary cause procedure. Members with a legal background or those who have been at the wrong end of that sort of action will be able to testify that summary cause procedure is relatively simple, cheap and easy to defend. Ordinary cause procedure can be much more expensive and complex and, although the minister says that it is rarely used, I have evidence from law centres across Scotland that it is often used as it makes it much more difficult for those who are being evicted to defend themselves.

It is important to differentiate between an action to recover a property and an action to recover money. The idea that I am asking members to support is that, in order to recover property and evict someone, only summary cause procedure should be used, although if a landlord or someone else is pursuing outstanding money, they should still be able to use ordinary cause procedure. Many in the legal profession believe that that is a strong argument.

In a letter responding to the points that I made in the stage 2 debate, the minister said that she understood that there would be changes in relation

to summary cause procedures and ordinary actions that would make ordinary actions more difficult to secure in the future. I hope that that is the case. While it is not the case—and the order that the minister referred to in her letter was withdrawn in 1999, although it may be brought back—I would have thought that the Executive would accept that the landlord is not being disadvantaged by having to use summary cause procedure, which would give the person against whom the eviction order is being raised the best possible protection. I therefore hope that the Parliament will accept amendment 47.

Johann Lamont: Tommy Sheridan indicated that he believed that the rights of the tenant against whom the action is being taken and the rights of the landlord must be balanced. Does he appreciate that another group, the other tenants who are suffering because of the problems in their communities, must be involved as well? For their benefit, it is important that the parties involved are able to resolve the matter quickly.

Tommy Sheridan: I agree with that absolutely. I hope that the member has not misinterpreted what I have said. I am suggesting that eviction proceedings should be carried out by summary cause actions, which are perfectly reasonable mechanisms from the landlord's point of view but also allow tenants against whom the action is being taken to defend themselves more easily. If the landlord has a good case—and there should be a good case before an eviction order is raised—there should be no problem in having that eviction granted.

The problem with the ordinary cause procedure is that it is more complex and expensive, which disadvantages the tenant against whom that eviction order has been raised. I hope that the member does not think that my proposal would make it more difficult for evictions to take place. I repeat: if the eviction order is raised on good grounds, the use of a summary cause procedure should make it no more difficult to secure an eviction but would make it easier for the tenant to secure proper defence. I am sure that all members would agree that everyone deserves proper defence in actions of this character, particularly in a situation in which a home may be taken away from a family or an individual.

Amendments 53 and 54 attempt to remove the unconditional discretion that landlords may be able to use. The idea of including "reasonably" in the bill is to ensure that landlords should behave reasonably at all times, but particularly in relation to the securing and repossession of a property. I am surprised that the Executive has advised against supporting those amendments.

Amendment 52 is important as it deals with the ability to recall a decree. The minister will

remember that there was an involved debate on that matter at stage 2. At the moment, the practice in courts is to allow eviction actions to be recalled until 48 hours before the eviction would take place, when the sheriff officer posts the notice of eviction. That is in recognition of the fact that, often, someone who is about to be evicted does not seek legal advice before they get that final notice. Not including in the bill the proposal that is suggested by amendment 52 would mean that, if an individual does not seek legal advice before 14 days have transpired after the granting of the order, they will not be able to challenge or recall the order at any other time. Their failure to act in relation to the initial notice would make it impossible for them to defend themselves against the eviction action. Some might say that that is right, because the person should have sought legal advice earlier. However, I would argue that many people who are facing eviction have multiple debts and often bury their heads in the sand, although that is not what they should do. Because of that fact, people should have the right to recall the eviction up until the eviction takes place.

The Deputy Presiding Officer: Wind up, Mr Sheridan.

Tommy Sheridan: I stress that people have only one chance to recall an eviction. They cannot recall it more than once.

The Deputy Presiding Officer: I am trying to get through group 8 before we adjourn. Given the earlier suspension, we have until 12.10. I call Robert Brown to speak to amendment 194. Please be brief.

Robert Brown: This group of amendments deals with the issue of repossessions. Tommy Sheridan rightly distinguished between eviction proceedings in which people lose their homes and proceedings to recover money. Evidence that has been produced by projects such as Edinburgh sheriff court's in-house project has identified that around 70 per cent of the people who get assistance at the court at the last stage of an eviction process can be put back on the tracks by making arrangements for repayment. There is a big prize to be had if we can identify a mechanism by which that assistance could be delivered.

I have been endeavouring for some time to get a form of words that would be acceptable to the ministers and the chamber and would encapsulate that idea. My amendment is a further attempt to do that. Unfortunately, the amendments that the minister lodged at stage 2 in relation to the issues around anti-social conduct clouded the issue to a degree as the phraseology of conduct is not all that useful when examining the vast majority of evictions, which are to do with rental arrears. Amendment 194 attempts to direct the attention of the court to the arrangements that might be made

by the tenant against whom an eviction order is being sought, before it gives an eviction order of any kind—not only a continuation, as that is simply a power and it is the way that the power is exercised that is important. I want the court to have regard to whether there are mechanisms under which the situation can be put right. I should say in passing that amendment 194 has the support of Shelter Scotland—that did not go too far in Tommy Sheridan's favour earlier, but it is nevertheless helpful to mention that.

12:00

I urge the chamber to support amendment 194. This is not a party issue—I have not sought my party's support on the amendment, but I can inform the minister that I intend to press it. I urge the chamber to consider the amendment on its merits. There is a big prize to be won if we can get this right and stop people being evicted, with all the social and individual costs that go with that—unnecessarily, as the evidence from the in-house court project would suggest. Amendment 194 would give some assistance towards achieving that.

I know that some of these matters can be dealt with by better sheriff training and so on, but there is no substitute, with such matters of right, for implications being included in the bill. That directs the court, solicitors and clients coming before the court to the important aspects to which they must have regard. I commend amendment 194.

Bill Aitken: In view of the time strictures, I will deal only with the matters that are likely to be subject to division. Tommy Sheridan has put forward a cogent and well-argued case on the whole question of eviction. As he says, it is an evocative and sensitive matter. We are seeking to achieve a degree of balance, as was well articulated by Johann Lamont. She pointed out that the good tenants too are entitled to some consideration. I am concerned that a number of Tommy Sheridan's amendments would undo that balance.

I very much hope that the vast majority of evictions would be dealt with by summary clause—indeed that they would almost exclusively be dealt with in that way—as they are clearly more easily defensible in respect of the person who is likely to lose their home. At the end of the day, some cases cannot be dealt with by the summary procedure, and we must have a facility to take account of that in the bill.

The other aspects that Tommy Sheridan addressed are worth while, and it is quite true, as the minister pointed out, that I supported him on one of his amendments at stage 2. Having heard the minister and having researched the matter,

however, I am now satisfied that the court could take the circumstances into account, and that amendment 55 should therefore not be supported.

I am also concerned about the effects of amendment 52 on probationary tenancies. I am not entirely sanguine about the amendment, which would further weaken those tenancies.

Amendment 194, in the name of Robert Brown, is worthy, but I have some doubts as to its practicalities. In my view, he seeks to be unnecessarily prescriptive, and, with improved sheriff training and with a degree of expertise, which should develop, the problem that he is seeking to address could be greatly reduced.

The Deputy Presiding Officer: I ask Margaret Curran to reply. Please be brief, so that we can get a run of votes in before lunch.

Ms Curran: I will be as brief as I possibly can, Presiding Officer.

I will start by dealing with Mr Sheridan's points. We have listened carefully to what he said, and I gave it much consideration after stage 2. I do not think that it is appropriate for us to cut across the rules of court, which specify which procedure should be used. I repeat that summary cause is right and proper in most cases—the bill provides for that.

The current procedure allows tenants to request a recall for at least 14 days after the court hearing, but it would be very unfair to give an explicit right to a recall at any time up to when the eviction takes place. That would impose considerable delay and cost on landlords, which would in turn be at the expense of tenants. I do not think that it would be appropriate.

I return to Robert Brown's points. I gave a lot of consideration to the points that he made. I recognise his substantial commitment to rights within this field—which is what he is driving at. It is not just a question of anti-social behaviour, and I hope that we never give that impression. There are issues of rent arrears. We strongly argue that amendment 194 is unnecessary because of section 13(1), which allows the court to adjourn proceedings. Section 13(2)(a), as I understand it, makes reference to rent arrears cases. We think that we are making the proper moves on those matters.

That theme has run throughout this bill, and we will no doubt hear about it again today. There has been a drive to include certain things in the bill and to indicate individuals' and the Parliament's commitment to certain issues. I genuinely understand that, but sometimes that is legislatively not significant: if we kept doing that, the bill would not be workable. I recognise Robert Brown's commitment, but we do not think that his

amendment is necessary. We still have our commitment to maintain low levels of rent arrears and evictions.

The Deputy Presiding Officer: We have six minutes, during which I will try to clear the divisions on group 8.

Amendment 151 agreed to.

Amendments 45 and 46 moved—[Ms Margaret Curran]—and agreed to.

Section 12—Proceedings for possession

Amendment 47 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
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)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)

Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
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)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (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)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)
Wallace, Ben (North-East Scotland) (Con)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 31, Against 82, Abstentions 0.

Amendment 47 disagreed to.

Amendments 48 to 50 moved—[Ms Margaret Curran]—and agreed to.

After section 12

Amendment 51 moved—[Ms Margaret Curran]—and agreed to.

Section 13—Powers of court in possession proceedings

Amendment 194 moved—[Robert Brown].

The Deputy Presiding Officer: The question is, that amendment 194 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
Canavan, Dennis (Falkirk West)
Harper, Robin (Lothians) (Green)
Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Colin (West of Scotland) (SNP)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
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)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Kenneth (Glasgow) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)

Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (North-East Scotland) (SNP)
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)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McGugan, Irene (North-East Scotland) (SNP)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McLeod, Fiona (West of Scotland) (SNP)
McLetchie, David (Lothians) (Con)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Oldfather, Irene (Cunninghame South) (Lab)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Quinan, Mr Lloyd (West of Scotland) (SNP)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robison, Shona (North-East Scotland) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Thomson, Elaine (Aberdeen North) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)
Ullrich, Kay (West of Scotland) (SNP)
Wallace, Ben (North-East Scotland) (Con)
Watson, Mike (Glasgow Cathcart) (Lab)

Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 4, Against 109, Abstentions 0.

Amendment 194 disagreed to.

The Deputy Presiding Officer: Mr Sheridan, do you wish to move amendment 52?

Tommy Sheridan: Can you lump together my amendments 52 to 56, 73 and 156, Presiding Officer?

The Deputy Presiding Officer: No, I am afraid not. We must take them individually on this occasion.

Amendment 52 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 30, Against 79, Abstentions 0.

Amendment 52 disagreed to.

Section 15—Repossession

The Deputy Presiding Officer: Mr Sheridan, do you wish to move amendment 53?

Tommy Sheridan: Can we take the two amendments in section 15 together?

The Deputy Presiding Officer: No, I am afraid that I have to take them singly.

Amendment 53 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 2, Against 105, Abstentions 1.

Amendment 53 disagreed to.

Amendment 54 not moved.

Schedule 2

SCOTTISH SECURE TENANCY: GROUNDS FOR RECOVERY OF POSSESSION OF HOUSE

Amendment 55 not moved.

The Deputy Presiding Officer: That brings us to the end of that group of amendments. I remind members that, before the knife falls on groups 9 and 10 this afternoon, we have only about 12 minutes. That is a warning.

President Mbeki will address the Parliament at 1 o'clock.

12:11

Meeting suspended until 14:00.

14:02

Resumed debate.

After schedule 2

The Deputy Presiding Officer (Patricia Ferguson): We continue our proceedings on stage 3 of the Housing (Scotland) Bill. Amendment 56 is hanging over from this morning.

Amendment 56 not moved.

Section 18—Tenant's right to written tenancy agreement and information

The Deputy Presiding Officer: Amendment 59 is grouped with amendments 155 and 62.

Ms Curran: I understand that we are pressed for time, so I will keep my comments to a bare minimum.

Amendment 59 combines the amendments lodged—and accepted—at stage 2 by Cathie Craigie and Sandra White and deletes that part of Sandra White's amendment that required landlords to provide information about the consequences of mortgage arrears. Landlords should be obliged to give advice not on owner-occupation generally but only on the right to buy.

Amendment 62 seeks to achieve what Robert Brown intended with his amendment at stage 2. However, amendment 62 links the duty to provide information more explicitly to tenants' rights and obligations on the right to buy.

Although we have some sympathy with amendment 155, we believe that it would promote energy efficiency in the wrong way. Under the Home Energy Conservation Act 1995, local authorities have a duty to devise strategies for the energy efficiency of their housing stock. Any advice that is given to tenants should be part and parcel of the strategy. The fact is that landlords may not always be the right people to give advice and they would certainly have difficulty in estimating future heating costs, which depend on a variety of different factors.

I move amendment 59.

The Deputy Presiding Officer: I indicate to members that we are very short of time on this group of amendments.

Robin Harper (Lothians) (Green): I shall nevertheless speak to amendment 155, because it is important.

The Scottish Executive has made a number of key pledges to tackle fuel poverty as part of the UK fuel poverty strategy. The Executive has a share in commitments to address energy consumption and CO₂ emissions. The flagship central heating initiative, which started in April, and a number of other initiatives add up to a concerted effort to address fuel poverty. To reach its targets, the Executive needs to raise awareness about energy matters.

The new housing improvement task force is considering whether there is a need in the home-ownership market for a seller's pack, which would include an energy survey. Amendment 155 would provide for energy audits for tenants. In the 1996 Scottish house conditions survey, 133,000 council houses and 10,000 housing association houses were rated poor on energy efficiency and scored 2 or less out of 10. The problem exists and there is a big gap to fill.

Karen Whitefield: I understand what Robin Harper is attempting to do with amendment 155; we are all committed to tackling energy efficiency in homes. However, is he aware that the Home Energy Conservation Act 1995 already requires local authorities to provide advice and produce energy conservation strategies? As local authorities already have that duty, I am not sure what amendment 155 would achieve.

Robin Harper: If Karen Whitefield pursues what I am saying to the end, she will see.

Amendment 155 is much the same as the amendment on energy efficiency that I lodged at stage 2. However, instead of providing for an energy audit at the point of sale under the right to buy, amendment 155 would ensure that the tenant was given information about energy costs and what energy-related improvements could be made

to the property. The amendment would ensure that that information was given at the start of any Scottish secure tenancy of a housing association house or council house—it is important to note that the amendment covers both.

Much more could be said about amendment 155 but, in the interests of brevity, I will say only that it would ensure that tenants received the best advice on their rights, on what they could do and on what landlords should be doing for them. That advice would be in the form of an energy audit.

Bill Aitken: The Conservatives will support amendment 59, because we believe that the appropriate information should be forthcoming. Having heard the minister's comments, we will also support amendment 62.

Although amendment 155 is meritorious, the practicalities are such that we do not think that what it proposes would be possible. Bearing in mind the steps that are being taken in other directions, we will not support amendment 155.

Robert Brown: Amendment 59 will

"leave out lines 33 to 35".

I take it that that means not the whole of line 33, but only the phrase beginning "including responsibility for maintenance". I ask for clarification on that.

Amendment 155 raises a more substantial issue. Like other members, I have considerable sympathy with what Robin Harper is saying. However, the issue that the amendment raises should be dealt with in the context of local housing strategies rather than under section 18. The proposals could be considered as a target to move towards or as one of the mechanisms that we might consider when the Administration issues guidance to local authorities about the implementation of the local housing strategies. I support amendments 59 and 62 but, given what I have just said, not amendment 155.

Ms White: I will be as brief as possible. I take on board what Margaret Curran has said, but I ask her, even at this late stage, to withdraw amendment 59. As she pointed out, at stage 2, the relevant amendments received the overwhelming support of the committee. I had hoped that the minister would take on board the committee's views—this is a democracy, after all.

Amendment 62 appears to be an afterthought, because ministers decided to delete part of my stage 2 amendment. I urge the minister not to move amendment 62.

Ms Curran: I will deal with Robin Harper's points first. We will debate fuel poverty when we come to later sections of the bill, but I would like to mention energy audits specifically, because they

are an important issue that we must consider carefully. I have asked the housing improvement task force to consider and report on energy audits in the wider context of the information available to house buyers. We argue that that is the best way forward.

I appreciate Sandra White's point about the decision made by the committee, which we considered carefully—I have great respect for the committee's engagement with the bill and the work that it did on this issue. However, the Executive reserves the right to tighten up the two amendments that were passed in the committee, which otherwise would have led to overlap and confusion. The Parliament has a responsibility to produce tight and effective legislation. Given that the committee passed two amendments but did not merge them properly, we had a duty to clarify the provision as appropriate.

The Deputy Presiding Officer: The question is, that amendment 59 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 68, Against 27, Abstentions 2.

Amendment 59 agreed to.

Amendment 155 moved—[Robin Harper].

The Deputy Presiding Officer: The question is, that amendment 155 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (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)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 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)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 2, Against 93, Abstentions 0.

Amendment 155 disagreed to.

Amendment 62 moved—[Ms Margaret Curran]—and agreed to.

Schedule 4

SCOTTISH SECURE TENANCY: LANDLORD'S REPAIRING OBLIGATIONS

The Deputy Presiding Officer: Amendment 66 is grouped with amendments 67 and 69. Because of the short amount of time that we have remaining to us in this section of the debate, I ask the minister to move the amendment formally.

Amendment 66 moved—[Ms Margaret Curran]—and agreed to.

The Deputy Presiding Officer: Amendment 67 would have been debated with amendment 66.

Amendment 67 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 67 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Crawford, Bruce JP (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 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)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)

McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 2, Against 102, Abstentions 0.

Amendment 67 disagreed to.

Amendment 69 moved—[Ms Margaret Curran]—and agreed to.

Section 25—Right to compensation for improvements

14:15

The Deputy Presiding Officer: Amendment 70 is grouped with amendments 71, 195, 72 and 74.

Ms Curran: The bill provides for a short version of the Scottish secure tenancy to be offered when a prospective tenant has been evicted previously for anti-social behaviour. At stages 1 and 2, we had considerable discussion of anti-social behaviour and listened carefully to representations on that. We believe that we are introducing a package that balances tenants' rights with tenants' responsibilities.

The bill allows tenants to be given a second chance to sustain a successful tenancy. After 12

months on probation, tenants will automatically receive the full tenancy, provided that the landlord has not served a notice on the tenant for recovery of possession of the house. We appreciate that punitive action alone is not the answer.

An amendment that was lodged by Karen Whitefield at stage 2 and agreed to by the Social Justice Committee ensures that landlords provide appropriate support for probationary tenants to enable them to achieve a successful conversion to a full Scottish secure tenancy after 12 months. In addition, section 29A was inserted at stage 2 to provide for the conversion of a Scottish secure tenancy to a short secure tenancy when the tenant or anyone residing with the tenant is subject to an anti-social behaviour order.

Amendment 71 extends the requirement on landlords to provide support to those who are given a short tenancy under the new provision and amendment 74 ensures that the short tenancy can also convert back to a full Scottish secure tenancy after 12 months. The bill suggests that landlords should provide support that is considered appropriate for the task—that is, to achieve, in so far as it is possible, a successful conversion from a probationary to a full tenancy.

Robert Brown's amendment 195 would require landlords to provide the support that would be necessary for the tenant to facilitate conversion, rather than the support that the landlord considered appropriate. The amendment assumes that it would be possible to determine objectively what level and type of support would be necessary to achieve a given end. Housing support cannot be objectively determined. Therefore, it is a matter for judgment. The bill makes it clear that judgment should be exercised on what is reasonably appropriate to help to improve the tenant's behaviour to allow a conversion to a full tenancy to go ahead after 12 months. It is in the landlord's interest to try to get that right and I am not sure whether that difficult task would be helped by changing the word "appropriate" to "necessary".

At stage 2, Robert Brown suggested that tenants should have a right of appeal against conversion. We were sympathetic to the need to protect the rights of tenants in that way and undertook to lodge an amendment at stage 3. Amendment 72 is based on the amendment that Robert Brown proposed, but does not limit the right of appeal to the four-week period that he suggested. That will allow tenants to appeal at any time during the life of a tenancy if, for example, an anti-social behaviour order has been revoked.

Amendments 71, 74 and 72 represent important refinements to the probationary tenancy provisions. Amendment 70 is simply a minor drafting change to clarify that, in relation to compensation for improvements on termination of

a tenancy, a tenancy does not terminate by virtue of conversion to a short Scottish secure tenancy. I commend all those amendments to members.

I move amendment 70.

Robert Brown: I thank the minister for amendment 72, which—in the usual generous fashion in which the minister treats my suggestions—goes beyond my proposal. The amendment is important and provides the degree of right that I have talked about before.

I hear what the minister says about amendment 195. I do not propose to press the amendment to a vote, but I think that the issue goes a bit further than being just a matter of judgment and is capable of being subject to a more objective standard.

There is, of course, provision in section 29(8) for the Scottish ministers to issue guidance on appropriate housing support services. In lodging amendment 195, I was trying to push the ministers a little bit further in that direction so that, when the guidance is being drawn up, they should go beyond saying that the appropriate housing support services are entirely a matter for the landlord. That is a matter on which, to some extent, an objective standard can be set.

During the passage of the bill, an important theme that has emerged is the idea of linking various decision-making points on housing matters to the necessary housing support, with a view to the long-term sustainment of tenancies.

Linda Fabiani: The minister commented on anti-social behaviour orders leading to the conversion of Scottish secure tenancies to short Scottish secure tenancies. At the beginning of May, I asked in a parliamentary question whether the Executive's legal advice was that that complied with the European convention on human rights. I have not yet had a reply to that question and I would be obliged if the minister could give me an answer now.

Bill Aitken: The Conservatives consider amendment 70 to be an anodyne response to a growing problem, but on the basis that half a loaf is better than none, we will support it.

We do not feel able to support amendment 71 because, once again, Robert Brown seems to be bending over backwards in favour of an appeals procedure that is becoming fairly exhaustive.

Amendment 72 has merit and we shall support it.

Ms Curran: I say to Linda Fabiani that the entire bill is ECHR-compliant. We are therefore satisfied that that answers her question.

I return briefly to Robert Brown's point. I do not want to fall out with him over what are and are not

objective standards. I assure him that we will address such issues in the guidance.

I hope that, given those assurances, the Parliament will support amendment 70.

Amendment 70 agreed to.

Section 29—Short Scottish secure tenancies

Amendment 71 moved—[Ms Margaret Curran]—and agreed to.

Amendment 195 not moved.

Section 29A—Conversion to short Scottish secure tenancy

Amendment 72 moved—[Ms Margaret Curran]—and agreed to.

Section 30—Recovery of possession

Amendment 73 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, 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)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 31, Against 80, Abstentions 0.

Amendment 73 disagreed to.

Amendment 156 not moved.

Section 31—Conversion to Scottish secure tenancy

Amendment 74 moved—[Ms Margaret Curran]—and agreed to.

Before section 32

The Deputy Presiding Officer: Amendment 75 is in a group on its own.

Bill Aitken: The issue of anti-social tenants has been much ventilated, but it is worthy of further consideration. I would be grateful if the Executive considered amendment 75 as a positive and constructive contribution to the debate on anti-social tenants.

The Executive seems reluctant to address the problem. Of course, the Executive realises the difficulties that are involved. Both the Minister for Social Justice and her deputy have paid lip service to the issue in previous debates, but the actions that they have taken so far have not been at all robust. For example, anti-social behaviour orders appear to many councils to be an exercise in futility; it takes a long time to obtain an order and when a council eventually gets one, the problem has reached such a point that either the anti-social family has moved out to make life misery for other people or the neighbours have moved out.

Understandably, sheriffs are reluctant to evict problem families, particularly when young children are involved. I understand that reluctance. Under amendment 75, people who were providing a real danger, nuisance or annoyance to their neighbours could be compulsorily removed.

I am sure that the housing schemes of Glasgow are not unique in having difficulties with anti-social tenants, but from her constituency knowledge the deputy minister will be well aware of the problems there. There has to be a much more determined effort to combat the problem of anti-social tenants. I do not suggest that such people should be cast out into the outer darkness—of course not—but they should be removed from areas where they are causing a problem. They should then be closely supervised by housing and social work officials so that they can be given the earliest opportunity to return to mainstream housing. I

strongly suggest that the problem of anti-social tenants cannot be allowed to continue without a much more robust and forceful approach to dealing with those who make the lives of many of our decent citizens in many parts of Scotland unliveable.

I move amendment 75.

Brian Adam: The whole question of anti-social tenants is difficult. We have had differences of view about how to tackle the problem and it is to Bill Aitken's credit that he has at least attempted to do that. However, amendment 75 does not say to where he would move those tenants. I am concerned that amendment 75 would create ghettos where we would dump—for want of a better word—problem tenants. Irrespective of how well social work and housing officials would retrain—that may be the term for which Bill Aitken was grasping earlier—support and supervise those tenants, I am not convinced that amendment 75 provides the right way of addressing the problem.

In light of the fact that the ministers have—cleverly or otherwise—introduced housing improvement and homelessness task forces, and given that there is some disagreement about what should be done, perhaps more brainstorming should be done in this area. Certainly, we should expect some improvement on the bill's current provisions, but perhaps task forces are not the only way of tackling the problem. For those reasons, I am pleased that Bill Aitken has at least raised the issue, but I am afraid that I cannot support the solution that he suggests in amendment 75, because it could lead to ghettos.

14:30

Robert Brown: Bill Aitken has raised an issue, but I am bound to say that he has done it in a simplistic and superficial fashion by lodging amendment 75. I may have been a little bit obsessed about rights and about people's ability to challenge arbitrary acts of authority. However, amendment 75—the wording of which makes no mention of proof or of anything other than allegation—is a charter for arbitrary action.

More to the point, the amendment does not actually achieve anything. As Brian Adam has rightly said, moving the problem does not solve it. The approach that has been taken by the Scottish Executive and by the Social Justice Committee is much more productive. We are trying to get to the heart of the problems and to combine that aim with a series of powers to give a bit more oomph, as it were, to that sort of background. We are trying to solve the problem, not just to shift it, and particularly not to do so in such an arbitrary fashion. I regret to say that I feel that amendment

75 ought not to be agreed to by the Parliament, as it would lead to bad legislation.

Johann Lamont: Anti-social behaviour is a serious problem. Any member who holds surgeries in their constituency will be aware of the depth of the problem and of the difficulties that are faced by far too many of our citizens. We are talking about rights, and citizens clearly have a right not to be bullied, harassed or intimidated in their own homes, nor to be subjected to racist harassment and abuse. We must be rigorous in our approach to the problem and rigorous in our solutions. We must not suggest that the problem can be dealt with in an easy or simplistic way. One of the key points to emerge from the Social Justice Committee's recent deliberations was that, although we all recognised the problem, we had some difficulty in agreeing on the best solution. We have to be honest and confront that problem.

In commenting on amendment 75, I have to say that the real difficulties of anti-social behaviour go far beyond the social rented sector, just as racist behaviour goes far beyond people who live in rented accommodation. It is therefore crucial that the Executive and all the agencies—not just housing and social work—including the police are directed on the problem.

One of my key concerns about Bill Aitken's proposed solution is that it implies that if we can get the tenants sorted out, we can get rid of the problem. We know that some of the problems of anti-social behaviour go far beyond that. I therefore seek a clear and strong commitment from the ministers about the central role of Executive departments working together to ensure that there is also joint working at local level to address the problem of anti-social behaviour wherever it emerges.

Paul Martin (Glasgow Springburn) (Lab): I oppose amendment 75, which leaves us with many difficulties as to where anti-social tenants would be placed. I have raised with ministers the need to monitor anti-social tenants. There are great difficulties in moving them from one part of a local authority area to another and perhaps we should consider that after reflecting on the Housing (Scotland) Bill. Will Margaret Curran provide an update on the amendment that I lodged at stage 2 about interim anti-social behaviour orders? I believe that such orders would provide an effective way of dealing with many of the anti-social behaviour problems that Bill Aitken has raised.

Anti-social behaviour is carried out by a small minority of the community. Those people cannot be given the opportunity to rule the community by behaving in the disruptive manner that we have seen in Sighthill in my constituency. There are good, decent people who live in Sighthill, who

have been stigmatised by the behaviour of a small minority. When we make legislation to deal with anti-social behaviour, it is our job as elected representatives to ensure that we support the officials out there who are doing a good job for us in many respects.

Ms Curran: This afternoon's discussion has reflected the commitment in many parts of the chamber to dealing with a pernicious social problem. I assure Opposition members, who look as if they are likely to remain in opposition for some time—I could not resist saying that, but I have not done badly by managing to wait until half-past 2—that we are determined to deal with the problem.

Bill Aitken was misleading the chamber when he suggested that we have not taken decisive action on anti-social behaviour. It is clear, as has been expressed very well, that the misery that such behaviour causes in all communities is unacceptable. The bill, as amended, proposes a great deal. It suspends right to buy for anti-social tenants; introduces probationary tenancies for those with history of anti-social behaviour; establishes a link between anti-social behaviour orders and probationary tenancies through possible conversion when an ASBO has been granted; and provides for support for probationary tenants to ensure that a successful conversion back to a full Scottish secure tenancy can be achieved.

Paul Martin mentioned interim ASBOs. We had a significant discussion on that issue, which was also raised by Robert Brown, at stage 2. Members of the Social Justice Committee, including, I think, Bill Aitken, were sympathetic to the proposals, which were seen as a way of responding to the frustration that is felt by many local authorities at the delays that can occur in getting courts to grant ASBOs. We promised at that stage that we would discuss the matter with colleagues. Our view is that it makes sense for a measure of this nature to be included in an appropriate justice bill so that it can be used to tackle anti-social behaviour in all situations. I give members a commitment that we will introduce legislation on the topic at the earliest possible opportunity. We were persuaded that the problem does not rest exclusively within the social rented sector and that a wider, justice-oriented approach is required.

I endorse many of the points that members from different parts of the chamber have made about amendment 75. I reassure Johann Lamont that we will make every effort to ensure that there is joint working at a local level to deal with the profound problem of anti-social behaviour and we will support such working strongly.

When we have considered measures along the lines that Bill Aitken proposes, the overwhelming

view of respondents to consultation has been that that approach is not sustainable. None of the key agencies that deliver services and deal with those issues would support that approach.

We must remember that paragraph 8 of schedule 2 allows the landlord to seek to move nuisance tenants to alternative accommodation. That power exists and can be used when it is appropriate. The only difference, and it is a big difference, between that power and what Bill Aitken is proposing is that the court—Robert Brown made this point—has to be satisfied that the landlord is acting appropriately.

The fact is that compulsory relocation of anti-social tenants is not the panacea that Bill Aitken seems to think that it is. Leaving aside the civil liberties issue, it makes no sense to create ghettos of anti-social tenants or to move tenants to the poorest-quality housing available as a purely punitive measure. As I said to Bill Aitken in an earlier debate, the anti-social tenants will not be living next door to him, so I do not think that they should be moved to live next door to anybody else. Such simplistic solutions to a complex problem are self-defeating and I urge members to reject them.

I assure members that we have presented them with a series of decisive measures. There is a sincere and profound commitment across the Executive to tackle anti-social behaviour.

Bill Aitken: I do not need to add very much, but I will sum up by saying that when the matter was first raised in the chamber, at stage 1, the minister challenged me about where these people would be put: she said that they would not be put next door to me. They would not be next door to me, nor would they be next door to her, but they would certainly not be next door to those whose lives they are currently making a misery. Action on this problem is long overdue; it must be taken and it must be much more robust than what is proposed in the bill.

The Deputy Presiding Officer: The question is, that amendment 75 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)

Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 17, Against 98, Abstentions 0.

Amendment 75 disagreed to.

Section 36—The qualifying conditions

The Deputy Presiding Officer: Amendment 77 is grouped with amendments 9 and 13.

Ms White: I do not wish to move amendment 77.

Amendment 77 not moved.

After section 37

Fiona Hyslop: We move to what is perhaps one of the bill's most controversial aspects—the extension to housing associations of the right to buy. From the time of the bill's introduction, the matter has been the source of much contention and discussion; indeed, there has been some movement from the Executive.

However, the SNP still thinks that to preserve for the future the availability of affordable housing, the Parliament should not extend to housing associations the right to buy. I will be quite clear: the SNP recognises that it should support the existing rights of both council and housing

association tenants if they currently have the right to buy. However, we oppose the imposition of the extension of the right to buy on housing association tenants who currently do not have that right.

Amendments 9 and 13 are inextricably linked and should both be agreed to if the argument behind them is to be advanced. It might have been easier if the Executive had put clean copy into the bill and simply transposed the right to buy in the Housing (Scotland) Act 1987. However, we have had to use a rather mechanical means to stop extension to housing associations of the right to buy. Amendment 13 is a clean-cut amendment that would remove from schedule 9 any reference to the right to buy for registered social landlords. Amendment 9 would preserve the right to buy for all RSLs who currently have it to ensure the status quo for housing associations. We are simply asking that there should be no change that dilutes the availability of affordable housing for housing associations.

We must remember that fewer than 100 council houses have been built in Scotland in the past year—not just in Edinburgh, not just in Glasgow, not just in Fife, but in all Scotland. How can we house the record levels of homeless people when that amount of council housing is being built?

I refer members to housing revenue accounts comparisons. Compared with constant prices in 1999-2000, the housing support grant in 1979-80 was £564 million; the grant in 1999-2000 had fallen to £11 million. Rents currently pay for housing in the council areas in Scotland and the Executive's plans for housing associations will reduce the availability of money for investment in housing. We must preserve our communities, so we must ensure that the bill means balanced communities. How on earth will families be able to stay with their relatives if we destroy the availability of social housing throughout the country?

14:45

I have heard arguments that our amendments on the right to buy might affect the modernised right to buy for council tenants, but they would not. They seek merely to keep the status quo for housing associations. The Government has inserted a reference to pressured areas to ameliorate matters and to delay the inevitable. However, the inevitable will happen. Members must look to their consciences and ask themselves what they did on this day to preserve for the future the availability of social rented housing. The only houses that are being built at the moment are housing association houses, which the Executive plans to sell off. That might not happen next year or in five years and it might

not happen for 10 years. However, there will still be no houses available.

At issue is the legacy that we pass on to our children and where they will be housed—not in 10 years' time, but in the more distant future. I know that in parts of this city, in other cities and in rural areas there will be no houses available for future generations. This is a test for the Parliament; it is a test of whether we are committed to public housing for the future, which the SNP is. Other members who have the inclination to put their hand where their conscience is should support amendments 9 and 13. The amendments would preserve the status quo and prevent the extension to housing associations of the right to buy.

The Deputy Presiding Officer: Several members have indicated that they want to speak in this part of the debate. I ask them all to be as brief as possible.

Bill Aitken: It is ironic that the debate should centre on two of the most positive developments in Scottish housing since the war: the Tenants' Rights etc (Scotland) Act 1980, which enabled people to buy their homes; and housing associations, which are a tremendously positive development, because they enable people to contribute towards their housing future.

The SNP does not have a monopoly on concern about how the legislation might operate. However, as in so many areas, the SNP seems to equate original thought with original sin. All that the bill seeks to do is to give people the opportunity to own their homes. There are safeguards that can be put in place. The Executive has moved some distance since the matter was first mooted. It has instituted the pressured areas scheme. Although it has not gone as far as I would like—which is why I have lodged an amendment to be debated later—it has acknowledged that it must not do anything that is likely to disadvantage the housing association movement.

We must reach a compromise that ensures that people's aspirations for home ownership are fulfilled, while protecting public housing. The Executive has not gone quite as far in that regard as it should, but that can be dealt with when amendment 81, which is in my name, is debated. However, the Conservatives have no hesitation in refuting what Fiona Hyslop said. We will support the Executive.

Mr John McAllion (Dundee East) (Lab): Great credit is due to the Social Justice Committee for the concessions that it won at stage 2 on the extension of the right to buy. Equal credit is due to the Executive for listening not only to the committee, but to the many critics of the Executive's original proposals to extend the right to buy. The extension of the qualifying period to

five years, the new 10-year opt-in for housing associations that were previously excluded from the right to buy and the new proposals for pressured areas make the modified right to buy infinitely preferable to the right to buy that will exist until enactment of the bill.

The Executive's concessions have been widely welcomed. Shelter congratulated the Executive on listening on this occasion. The Scottish Federation of Housing Associations accepted that the changes will have a significant impact and that they will limit the effect of the right to buy in the years ahead. At the same time, the same two organisations remain implacably opposed to any extension of the right to buy. So do I. Indeed, I am opposed to the right to buy full stop, not only to an extension of it in a modified form.

Given what Bill Aitken said, it is important to remind ourselves of the parentage of the right to buy. The main arguments surrounding the introduction of the right to buy took place a long time ago—in the late 1970s and early 1980s. Some members were running about in nappies at that time and could not take part in that debate. The right to buy was only one of a raft of right-wing policies—including privatisation, opted-out schools and an NHS market—that were imposed on the people of Scotland by a Government that did not have an electoral mandate in Scotland. I marched in Glasgow with a delegation from Dundee in a great demonstration, and Dundee City Council was cheered to the rafters by thousands of Scots because of its implacable opposition to the implementation of the Tenants' Rights etc (Scotland) Act 1980, which would have forced that council to sell its housing stock. I realise that this is not the 1980s—

David McLetchie (Lothians) (Con): Will the member give way?

Mr McAllion: No, I will not. David McLetchie gets a lot of time to talk in the chamber—I do not. He can sit down. If he does not like what he is hearing, that is good. I must be on the right track.

Lord James Douglas-Hamilton (Lothians) (Con): Will Mr McAllion give way?

Mr McAllion: I will give way to Lord James. He is a much nicer man.

Lord James Douglas-Hamilton: If Mr McAllion is so passionately opposed to the right to buy, can he explain to the Parliament why it has been so popular in Scotland and why a higher percentage of Scottish tenants bought their homes than tenants south of the border?

Mr McAllion: As a former boxer, Lord James has impeccable timing. I was just about to move on to that part of my argument.

It has been said that, because the right to buy

has proved popular—more than 300,000 tenants have exercised the right to buy—no sensible party could be opposed to it. In fact, we are all supposed to be in favour of it in principle now, because so many people have exercised that right. I do not accept that. All the people who exercised that right did so as individuals; they did not exercise it as a collective group.

Any individual who was offered an excellent house at a huge discount worth thousands of pounds would not say no to the offer. If Jackie Baillie took our housing budget in a big sack out into the Royal Mile and stood there asking, "Who wants £15,000 to help to buy their house?" nobody would walk past saying, "No thanks." People would be queueing up. However, that would not be a sensible use of public money—it would not be the right thing to do. The fact that something is popular does not mean that it is right for society as a whole.

I believe that we are not only individuals; we are parts of society. It is no accident that the woman who said "There is no such thing as society" was the woman who introduced the right to buy. It is essentially an individualistic action to exercise the right to buy. It represents hundreds of thousands of mini-privatisations throughout Scottish housing and was a principle that was at the core of Tory thinking.

The Deputy Presiding Officer: Will you wind up, please?

Mr McAllion: For that reason, I remain opposed to any extension of the right to buy and I shall vote in favour of amendments 9 and 13. I know that voting for the amendments will not change the situation and that the preserved right to buy will still exist, but I recognise that the right to buy is damaging the housing aspirations of the most vulnerable people in society—people who are homeless and on the waiting lists. The right to buy inevitably damages the right to rent, which is why I shall vote against it.

The Deputy Presiding Officer: A number of members want to speak on a subject that I know is of great concern to them. I would prefer not to have to ask members to wind up, so I ask them to be brief.

Brian Adam: We just heard a wonderful exposition of why there are problems not only with the right to buy, but with the extension of the right to buy. There is very little in what John McAllion said with which I would disagree.

The extension of the right to buy is totally unnecessary. I have heard no evidence that individual housing associations or members of housing associations are seeking it and no evidence to that effect was submitted to the Social Justice Committee. The fact that the

Administration is proposing many changes to restrict the right to buy after having granted it proves that point. It is sensible for us to try to restrict the right to buy, and I shall support amendments to that effect if amendments 9 and 13 fall.

The ethos behind the extension of the right to buy is that private is good and public is bad, which is nonsense. However, John McAllion got it wrong when he suggested that people were being offered a massive public subsidy to take away their houses. It is not a public subsidy; the people who pay for the discounts are the other tenants. That is why we have disgraceful situations in places such as Glasgow, where council house rents are far too high because rents are paying for subsidies to those who have exercised their right to buy.

I commend amendments 9 and 13 to members and I am delighted that John McAllion will support them. I suspect that there are many other members of his party group who feel as he does. I encourage them to follow their convictions, rather than the line that has been adopted by new Labour, which is driving down the road towards further privatisation of public housing.

Maureen Macmillan (Highlands and Islands) (Lab): I commend the Executive on its efforts to ensure that communities will be preserved in rural areas, contrary to what Fiona Hyslop said. Ministers have been at particular pains to address the concerns of rural housing associations and councils. There are particular problems in the Highlands and Islands, such as the lack of suitable land and the fact that former local authority housing was sold on for holiday homes and was lost to communities. More than a year ago, ministers first met housing providers from Orkney, Shetland, the Western Isles and Highland Council and have been working alongside Highland Council in a pilot scheme to find the best way to tackle the problems of providing housing in pressured rural areas. The Deputy Minister for Social Justice has been to Orkney and Shetland to talk to housing providers.

I am happy with the result that can be seen in the bill. I am sure that it will provide support for communities in rural areas and I am confident that we will find ways of ensuring that houses are not lost in those communities and that more are built.

Tommy Sheridan: In the 20 years since 1981, Glasgow has sold 38,340 public sector council homes, but has managed to construct fewer than 500. That is a stunning argument against the privatisation of public sector housing. We should make no mistake about it: the right to buy represents the privatisation of council housing.

No socialist is opposed to the right to buy, as long as that right is exercised in the private sector.

However, socialists should be opposed to the right to buy publicly constructed houses. That is why it is a grave pity that no amendment has been lodged that not only opposes the right to buy and its extension, but which supports the deletion of the right to buy and its replacement with a right to rent and a right-to-rent discount.

It is about time that, instead of rewarding people who want to buy their houses, we started rewarding tenants who remain tenants for a long period with reductions in their rents. That would give a bonus to long-term tenants while allowing stock to be retained in the public sector. Surely that is what the Parliament should be trying to do.

Bill Aitken talked about how popular the right to buy has been. I point out to him that 23 per cent of the stock in Glasgow has been sold. That means that 77 per cent has not been sold, which means that many tenants who do not have the option of the right to buy must pay for the fact that other people have exercised the right to buy. That is the problem in places such as Castlemilk—where only 6 per cent of the stock has been purchased—and Easterhouse, where only 9.6 per cent of the stock has been purchased.

Bill Aitken: Will Tommy Sheridan remind us what percentage of Glasgow's housing rents are paid by housing benefit?

Tommy Sheridan: Approximately 80 per cent of Glasgow's housing rents are paid by housing benefit, which is a direct consequence of the poverty that has been created by 18 years of Tory Government and four years of new Labour Government.

We are in the 21st century and must move forward with a modern attitude to public sector housing. We should defend the stock that we have by renovating and improving it and we should build new stock. We should not allow our publicly owned houses to be sold off. I will vote against the amendments in the group, because they imply that we should retain a right to buy, although the right to buy is no more than the privatisation of council and housing association stock.

15:00

Johann Lamont: With all respect to Tommy Sheridan and the exception that he may take to this, this is not a debate about the principle of right to buy. I have to say that, as an individual member of the Labour party in the early 1980s, I lost the argument inside my own party when it changed its position on the principle of right to buy. We may not want to be where we are now, with the very contorted position on right to buy that the Tories have introduced, but that is the reality of the situation and we have to deal with it. People have to choose which anomalies they wish to support in

relation to policy.

A lot is said about the damage of right to buy in communities. There has been damage in constituencies such as mine, where good properties have disappeared. There have been some benefits in some difficult and poor communities, where people have bought their houses and have invested in their communities. Those communities have then been sustained and developed, and there are examples of that. The key charge that has been made is that the right to buy is a bribe. With the changes that are being proposed with the modernised right to buy, I would defy anybody to lay that charge again. It now much more reflects the balance of subsidies and incentives across housing policy than it did in the past.

The SNP's principal argument seems to be that not enough money is being spent in the social rented sector, and that the only way to protect that sector is by sustaining the absence of the right to buy within the housing association movement, because only there are houses being built. Does that mean that, if there is a commitment from the Executive—which I believe there is—to supplying good, affordable social rented housing, that the SNP would change its position? If the issue is one of supply, that is to be addressed by the Executive; it does not necessarily have to be dealt with through the question of right to buy itself. The bill's and the Parliament's role is to ensure that we assert the importance of the social rented sector and have a commitment to it. We should not simply try to protect one wee bit of it in the way that has been suggested.

There is an irony in the SNP's position. We know that the SNP opposes wholesale stock transfer in Glasgow, and that it argues that there should be an improvement in the housing stock there within the local authority sector. The irony is that if that position were sustained, the houses in question would still be vulnerable to right to buy, because the SNP is not opposing the right to buy in the local authority sector.

The central question about maintaining and sustaining the social rented sector is one of making it credible for people to rent their houses as well as to buy them; of ensuring that their houses are affordable; of ensuring that their houses are in safe and mixed communities; and of ensuring that their families can move and buy their houses and live in the same communities as them. That is a far bigger picture than the small question that involves, quite rightly, putting an end to what is frankly a class-prejudiced policy that was promoted by the Tories in the past.

I believe that, given what has been proposed through the constructive dialogue between the Executive and the Social Justice Committee, we

now have an option that gives credibility to the social rented sector and that recognises that some people wish to buy their own homes and stay in the communities where they were brought up. *[Applause.]*

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Unlike John McAllion, Brian Adam and Tommy Sheridan, I do not have any ideological hang-up about extending the right to buy and encouraging people to take that opportunity. Many people who have paid rent for many years have aspirations to purchase their properties, and that should be encouraged, with one exception.

I am on my feet today to pay tribute to the ministers who have worked on the bill and who have listened to people such as me, who represent rural areas. I was concerned about the original proposals, and about the lack of social rented housing that might be available to people in royal Deeside, in my constituency, for example. The idea of pressured areas is important, and I thank the ministers for listening and acting upon our concerns. I want to record that in today's debate.

Linda Fabiani: I wish to refer to some of the contradictions of this debate, which is about the extension of the right to buy. The first contradiction is this: in a short while, we will hear about all the wonderful amelioration provisions that are being inserted about the existing right to buy, including pressured area status and fewer discounts. That is fine, and I can go along with that.

The justifications that I am hearing from various people in the chamber who argue that right to buy is suddenly fine because of those provisions are amazing. Surely the bottom line is that if there was real concern about preserving rented housing, not only would we have the amelioration provisions, but we would not have the extension of the right to buy to housing associations. It makes perfect sense to me.

The second contradiction is about balanced communities. They are mentioned in the bill and we have been hearing about them for two years. I ask the Executive to tell me what kind of balanced communities we will have in the west end of Glasgow, in the city centre of Edinburgh and in the rural areas that Maureen Macmillan mentioned. In 10, 15 or 20 years, we will back in the holiday homes scenario in rural areas and we will have no social rented housing in the west end of Glasgow or in the centre of Edinburgh.

Robert Brown: Will the member give way?

Pauline McNeill (Glasgow Kelvin) (Lab): Will the member give way?

Linda Fabiani: Some balanced communities

those will be.

Many members mentioned the opportunity that has been given to people to own their own home. That is fine. I do not have a problem with that.

Mr Duncan McNeil (Greenock and Inverclyde (Lab)): Yes, you do.

Linda Fabiani: No, I do not. However, if we want people to own their own homes, we should be imaginative and preserve the social rented stock that is in place. Why do not we consider giving subsidies to first-time buyers? We could let them leave the social rented sector to buy a home. Why do not we consider further low-cost home ownership and shared ownership?

Yet again, the bill gives housing associations a kicking and the Executive is giving another kicking to the voluntary members who work their butts off and give up their time, week after week, because they care about their communities and about balanced communities. They do not want to become glorified estate agents, which is what the Executive will turn some housing associations in some areas of Scotland into. We owe the voluntary members, the tenants, those who are on the waiting lists and the homeless more than that.

Jackie Baillie: As Fiona Hyslop indicated, the clear purpose of amendments 9 and 13 is the exclusion of RSL tenants from the right to buy, with some minimal protection for those RSL tenants who already have that right. Certainly that is what the purpose seems to be on the face of it, but I am not entirely clear about the SNP's position.

At a time when we are endeavouring to introduce more consistency and fairness into Scottish tenancy arrangements, amendments 9 and 13 would have the opposite effect. Rather than all social rented tenants enjoying similar rights in time, as we propose, those SNP amendments retain the discriminatory and inconsistent treatment that we aim to overcome.

Linda Fabiani: Will the minister give way?

Jackie Baillie: I might have taken an intervention from Linda Fabiani if she had taken interventions.

With the introduction of the Scottish secure tenancy, we hope to provide all social rented tenants in the country with a consistent set of rights and obligations. Amendments 9 and 13 would retain the existing distinctions between council and housing association tenants and would exclude many people from the opportunities that their friends and neighbours enjoy. As is consistent with the SNP, its amendments are backward looking, not forward looking. We made significant changes to the right to buy in the bill to ensure that, in future, it will be fair to all parties,

but the SNP completely fails to recognise those changes.

Our changes include the introduction of quite different terms and conditions for all new tenancies, with reduced discounts and a longer initial qualifying period. Our proposal for a five-year qualifying period has been widely accepted as fair. The 10-year period that was to be proposed by Sandra White would be resented by tenants, as it is five times longer than the present position. That is probably a more likely indication of what the SNP really thinks about the right to buy.

We have also introduced provisions to allow for the designation of pressured areas, where the right to buy can be suspended if there is a shortage of social rented housing that is being exacerbated by the right to buy. We have introduced protection for RSLs through a 10-year exemption, which can be extended if necessary, to the extension of the right to buy. We have introduced other exemptions where justified—for group housing for persons with special needs, for example.

I remind Fiona Hyslop that there is a commitment in the programme for government to build 20,000 new and improved houses throughout Scotland in the space of three years. I do not recollect any such proposal from the SNP. The Executive is providing resources to build new housing. Above all, we are interested in balancing rights between tenants, landlords and the interests of the wider community.

I remind John McAllion that the inheritance from the Tories of the right to buy has been radically changed by our modernisation package. We believe that that framework, together with the further detailed changes that were agreed during stage 2, represents the best available set of conditions and ensures fairness by balancing the interests of landlords. The new, modernised right to buy must also recognise the aspirations and hopes of all tenants.

These amendments expose the SNP's policy on right to buy for what it is—discriminatory, unfair and, I might add, confused. I was slightly disappointed that Sandra White did not open the debate. If she had done, I would have had the opportunity to get clarification of what she said in committee. She said that she was in favour of Tommy Sheridan's amendment, which opposed having the right to buy at all.

Ms White: Will the minister give way?

Jackie Baillie: Is it the SNP's position to deny tenants across Scotland the right to buy? It is about time that people in the SNP came clean. What we have heard is the end result of failing to accept that the right to buy should be part and

parcel of the Scottish secure tenancy.

Tommy Sheridan: Will the minister give way?

Jackie Baillie: Providing protection for RSLs when needed is one thing; refusing to give RSL tenants the right to buy in principle is quite another.

Fiona Hyslop asked where we were. Let me ask this: where were the SNP members when we, on this side of the chamber, were protecting the rights of homeless people? Where were the SNP members when we were promoting the interests of tenants and communities in a balanced way? Let me tell members: they were nowhere, looking backwards.

Fiona Hyslop: It has been an interesting and enlightening debate. I would comment particularly on the Conservatives applauding Johann Lamont's contribution.

Johann Lamont: Will the member give way?

Fiona Hyslop: No, I want to move on.

Where are the political parties when it comes to defending social rented housing? The SNP is four-square behind defending social rented housing. That has been the purpose of the amendments in this group.

The Executive has talked about the strategy for achieving the aim of having 80 per cent home ownership, with the other 20 per cent in social rented housing. Will that be sustainable or adequate? We live in a world in which people's lifestyles have changed. Young families are being forced on to the mortgage ladder because no social rented housing is available under this Government. We have heard promises of 20,000 houses being built over three years. However, they are housing association houses that, five years later—that is, in eight years' time—will be sold off. That will be the result of the Executive's actions today unless Parliament agrees to amendments 9 and 13.

The Executive talks about a duty towards tenants. Let us have a duty towards homeless families; let us have a duty towards those who cannot currently access housing; and let us have a duty towards future generations who will want to access housing.

The Executive talks about balancing rights. That is what this debate is about. Is balancing rights across tenancies more important than defending social rented housing? I am on the side of defending social rented housing; the Executive is on the side of balancing rights. How can we have equality of rights when we already have eight different types of right to buy? When the minister talks about driving towards equality of rights, does that mean that she will take away exemptions on

right to buy for charitable housing? How can people have equality of rights if they are poor? If people are poor, they cannot afford to buy a house. If people are poor, we have a responsibility to ensure that social rented housing is there for them. The bill, as it stands, will not allow that. The amendments in this group will.

Amendment 9 moved—[Fiona Hyslop].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Crawford, Bruce JP (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)
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)
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)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Canavan, Dennis (Falkirk West)
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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 35, Against 84, Abstentions 1.

Amendment 9 disagreed to.

After section 38

15:15

The Deputy Presiding Officer: Amendment 81 is grouped with amendments 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168 and 169. I invite Bill Aitken to move amendment 81 and to speak to all the amendments in the group.

Bill Aitken: Amendment 81 seeks to provide additional protection to RSLs. The Executive has made some movement in that respect, although it has apparently been dragged reluctantly in some directions. There have been helpful changes to time limitations, the discount, pressured areas and, of course, the pre-1989 exemptions.

Amendment 81 seeks to do something different. For example, if a housing association has based its budgeting on a 25-year rental stream and on having houses in its stock during that period, but it suffers serious haemorrhage of stock, there would be a financial consequence. A situation could develop in which the housing association at best was unable to fulfil its obligations to its tenants to the extent to which it would wish. In the final analysis, it could find itself in a financially parlous situation. Amendment 81 seeks not to allow anyone to get off the hook, but to enable housing associations that find themselves under that form of financial pressure to apply to the Scottish Executive, which—on cause shown—could exempt them.

We seek additional protection because a number of housing associations could be particularly vulnerable. Housing associations in the rural and island communities would find themselves in difficulty were they to lose a significant percentage of their housing stock. It should be borne in mind that some of the smaller associations control only two or three houses. If some associations were to lose even 20 or 30 houses, there could be a difficulty.

I commend amendment 81 to the chamber, confident in the knowledge that John McAllion and Tommy Sheridan, on the basis of their previous contributions, will support it.

The amendments in the name of Brian Adam should not be supported. It is clear what he is trying to do and, from his perspective, that is perfectly acceptable—to a greater or lesser extent, he seeks to put a block on the right to buy. However, that argument has been dealt with and

the outcome was not to the SNP's advantage.

I move amendment 81.

Brian Adam: I hope that the tone of the debate on the amendments in this group will be more even than the debate on the previous group.

I am a little disappointed with Bill Aitken's response. Amendments 157 to 169 stand on their own merit; they do not reflect directly on the right to buy. I shall be a little more generous to him than he was to me. The SNP will support amendment 81, which is along the lines that we want.

My string of amendments tries to achieve several objectives. Local authorities will have a key strategic function in determining housing policy, so it seems only logical that they should determine which areas are designated as pressured areas. That ought to be dealt with locally.

As local authorities will continue to be housing providers, there is a potential clash of interests between local authorities and other RSLs. There must be a mechanism to allow aggrieved housing providers to appeal. The bill does not allow for that; it provides that ministers will make the final decision on everything and provides for no appeal. Amendment 164 provides that organisations that are not satisfied with a local authority's decision can appeal. That is a better way of dealing with the matter. Ministers should not be involved in every request for a designated area—that function belongs to the local authorities—but it is important that we get the balance between the different providers right. I give credit to the Executive, which has tried to achieve that balance, but I take a different view on where the balance lies. If we are genuine about the need for local authorities to have a strategic function, getting the balance right should be key.

I am concerned that, despite the evidence that we received from witnesses in the Social Justice Committee and despite the debate at stage 2, the Executive has not conceded any ground on providing for house types to be designated as under pressure. There are a variety of circumstances in which designating certain house types as under pressure might be appropriate. Amendment 158 would deal with that.

Amendment 81 recognises that there may be circumstances in which individual RSLs feel it appropriate to seek relief from the right to buy. Although my series of amendments would accommodate what amendment 81 intends, I am happy to support it. It is also important that we have an appeal mechanism.

On reviewing the length of time for which a designation is in place, I cannot foresee any circumstances under the present Executive

proposals in which an area that has been designated is likely to be undesignated because the balance between private housing and public sector rented provision has shifted sufficiently in favour of public sector rented provision. Again, that should be addressed locally—it is a local, strategic decision. The role of ministers will be to approve local plans, so that local authorities cannot make decisions that go against them—ensuring that the plans take the relevant things into consideration—and to oversee the right to appeal. In cases where other providers, having been consulted about designations, are still aggrieved, there would be a right of appeal to ministers.

I commend my amendments to the Parliament and I am happy to accept amendment 81.

Pauline McNeill: I speak to oppose amendment 81, in the name of Bill Aitken, and amendments 157 to 169, in the name of Brian Adam.

I think of new section 61B of the 1987 act as the Partick section. Members who are familiar with that area of my constituency will know that it has an extraordinarily high level of private housing. I wanted to intervene when Linda Fabiani talked about the west end of Glasgow, because she misunderstands fundamentally what is going on in the area. There is such a high level of private accommodation in the west end that, even if we reversed the right to buy of anyone who had ever had it, there would still not be enough social rented accommodation.

I welcome the Executive's response to the problem by including the new section on pressured areas. It is right that the test is quite strict. The Executive's inclusion of pressured areas under new section 61B is entirely consistent with the view that it is the strategic role of the local authority to examine the social mix of an area and that it is the right of Scottish ministers to take away the right to buy, given that they confer it through the Scottish secure tenancy.

I am particularly interested in this subject because I am concerned that if there is no protection in areas such as Partick, what little social rented accommodation we have will decline even further, because of the high market values of accommodation in places such as the west end of Glasgow. Members will know if they read the pages of *The Herald* that it is not unusual for a two-bedroom flat in Partick to go for more than £100,000.

I would like assurances from the ministers that they will impress on local authorities the need to assess the social mix when considering whether pressured area status is appropriate. I am concerned that in the west end of Glasgow we do not provide enough accommodation of any

description to allow families to move around. That is not just an issue for social rented housing; it is about affordable rented accommodation and the high market value of property in the west end.

I am pleased that section 39 is in the bill. Pressured area status exists to address unique situations. The situation in the west end of Glasgow is unique. It would be useful if we could have assurances from the minister that the Executive will impress upon local authorities the fact that they should use the designation mechanism to create the right social mix.

Mr Kenneth Gibson (Glasgow) (SNP): I speak in support of amendment 158.

At stage 2, the Minister for Social Justice rejected the idea behind amendment 158 because

“the causes of pressure—are essentially area based. We have considered carefully house-type shortages and have found that they are reflected in area pressures, because house types do not necessarily have their own geography ... Critical difficulties exist in identifying house-type based shortages. People have strong preferences in housing, and many prefer houses with gardens, for example.”—[*Official Report, Social Justice Committee*, 9 May 2001; c 2261.]

However, our argument is not about preferences; it is about need. The minister is wrong to talk of critical difficulties. A council can identify supply and demand for given house types at the touch of a button.

As the minister is aware, I outlined the situation in some detail at stage 2. She will be pleased that I am not about to go into the same detail now. Glasgow has such a chronic shortage of five-apartment housing and larger that at present rates of turnover, it will take 87 years and five months to house all the people who are on waiting lists in medium or high-demand areas. Even taking low-demand housing into account—houses that no one wants—it would still take 12 years and nine months, which is four times the average waiting time.

I remember when I was a city councillor that I was able to assist a family who were moving from Nitshill to Mossbank and were surrendering a five-apartment house. The council was so desperate to get a five-apartment house in Nitshill that it offered the family a four-apartment house in Mossbank, even though the family had only 20 points, when usually 300 were needed. That shows how desperate the council was to get its hands on five-apartment properties.

Surely there must be flexibility if that situation is not to be exacerbated. We must be able to fine-tune to ensure that pressured status can be applied to certain types of housing. At present, the bill is too crude in that respect and too inclusive. For example, in areas of Glasgow, there is a huge surplus of four-apartment housing—indeed, 2,000

or 3,000 council houses are demolished every year—but almost everywhere there is a chronic shortage of five-apartment housing.

If we are to preserve five-apartment housing and other high-demand stock, local authorities must be able to give them pressured status, rather than use a geographical definition of pressure. That view is supported by Glasgow City Council, which is of the same political persuasion as the minister, so I hope that she will consider the matter not from a party political viewpoint, but based on the needs of people in Glasgow.

15:30

Jackie Baillie: When we announced our proposals for a modernised right to buy linked to the Scottish secure tenancy, there was concern—as has been expressed in the chamber—that it would create financial problems for some RSLs. Section 38 is our response to that. It seeks to protect RSLs from the retrospective application of the right to buy and provides for a 10-year exemption for relevant tenancies, during which time RSLs should be able to identify and implement any changes that are necessary to take account of the full implementation of the right to buy. In many cases, we expect RSLs to be able to grow and expand during that period, as a result of further development or of the acquisition of houses through our community ownership programme. RSLs will adjust their business plans accordingly. Section 38 also allows RSLs to apply to extend the 10-year period if that proves necessary.

That is a more balanced and considered approach to the problem than the approach that Bill Aitken proposes in amendment 81. I was surprised by his proposals for designating pressured social landlords, as the proposals would require a significant bureaucratic effort by RSLs and the Executive, because they would require consideration of individual applications. Rather than focus on houses that are being brought into the right-to-buy system for the first time, the proposals would suspend the right to buy for all tenants of the RSL involved, including those who already had the right to buy. We do not support that approach.

Our proposals for pressured areas are based on an approach that takes account of the interests of all parties. It is right that local authorities can produce proposals for pressured areas following appropriate consultation, but tenants can be reassured by the fact that the decision will be taken by Scottish ministers, who will check carefully that the statutory criteria have been met and that sufficient information has been provided in support of the proposals. Tenants should also be reassured by the fact that the designation will be limited to five years. If it were extended, the

local authority would again have to show good cause.

I recognise much of what Pauline McNeill said, as she has raised and actively pursued such issues with Margaret Curran and me, particularly the point about social mix. At stage 2, we gave her a commitment that consideration would be given to including a reference to social mix in guidance. I am happy to confirm that.

Similar amendments to those that Brian Adam has lodged were well debated and rejected at stage 2. His amendments would sweep away all the checks and balances that exist and replace them with designations that local authorities could simply impose for an indefinite period. The only bodies that would be allowed to object would be RSLs. What about the tenants? I fear that the SNP has forgotten them once again.

Brian Adam lodged amendment 158 to allow the designation of houses of particular sizes and types. Although we understand the benefits of seeking to protect some types and sizes of houses, it is right that we should seek to deny rights only in areas where there are acute shortages. We need to be careful not to create loopholes. The main difficulty with designating houses of certain types and sizes is in distinguishing need from simple preference. Many tenants and potential tenants would no doubt prefer some types and sizes of houses to others. For example, most tenants would no doubt prefer cottage-type houses to flats. It is more difficult to be clear about needs in that context.

Another concern is the complexity of different rights that such proposals might create locally. It would be quite complex to administer variations in the right to buy from one house to another, particularly in a given area, and that could create resentment among tenants.

Given such difficulties, it would be sensible not to legislate for pressured house types until we have considerably more experience of operating the pressured area designation. I urge members to reach the same conclusion as the Social Justice Committee did and to reject the amendments.

Bill Aitken: I am surprised that the minister should complain that amendment 81 would impose an unacceptable level of bureaucracy on the Executive, bearing in mind the way in which Executive resources are used time and again for blatantly political purposes, but I will put that matter aside for the moment.

Pauline McNeill gave an interesting and factually accurate speech, but it seemed more a basis for supporting than opposing amendment 81. A problem exists in Partick. There is a problem with the overheated housing market in the west end of Glasgow. Amendment 81 would surely provide the

solution.

I did not wish to imply that Brian Adam was making anything other than a constructive contribution to the debate, as he did during stage 2, but I fear that his amendments are too restrictive. Amendment 81 is more targeted and I suggest to members that it is the way forward.

The Deputy Presiding Officer: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (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)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

MacDonald, Ms Margo (Lothians) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 68, Abstentions 1.

Amendment 81 disagreed to.

Section 39—Limitation on right to buy: pressured areas

Amendment 157 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 157 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of

the division is: For 35, Against 82, Abstentions 0.

Amendment 157 disagreed to.

Amendment 158 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 158 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 85, Abstentions 0.

Amendment 158 disagreed to.

Amendment 159 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 159 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 86, Abstentions 0.

Amendment 159 disagreed to.

Amendment 160 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 35, Against 84, Abstentions 0.

Amendment 160 disagreed to.

Amendment 161 not moved.

Amendment 162 moved—[Brian Adam].

The Deputy Presiding Officer: The question is,

that amendment 162 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 35, Against 86, Abstentions 0.

Amendment 162 disagreed to.

Amendment 163 not moved.

Amendment 164 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 164 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 164 disagreed to.

15:45

The Deputy Presiding Officer: Before we come to amendment 165, I remind members that the guillotine has fallen and that the next group of

amendments will have to be taken formally.

Amendment 165 not moved.

Amendment 166 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 166 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 86, Abstentions 0.

Amendment 166 disagreed to.

Amendment 167 not moved.

Amendment 168 moved—[Brian Adam].

The Deputy Presiding Officer: The question is, that amendment 168 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 86, Abstentions 0.

Amendment 168 disagreed to.

Amendment 169 not moved.

Section 40—Limitation on right to buy: arrears of rent, council tax etc

Amendments 83 to 85 moved—[Jackie Baillie]—and agreed to.

Section 42—Discounts

The Deputy Presiding Officer: Amendment 89 is grouped with amendments 90 and 91.

Ms White: We have just had a heated debate on the extension of the right to buy, which I do not want to revisit. However, I echo the comments of other Opposition members who have said that we must deal with reality. Amendments 89, 90 and 91 deal with reality. The reality is that the extension of the right to buy has been agreed to by the Parliament, and the amendments would set out the level of discounts and time scales for purchase of houses under the extended right to buy. I listened carefully to what John McAllion and other members said. If members are serious about the right to buy being a reality, I hope that they will support amendments 89, 90 and 91.

Much has been said about pressured areas. In the constituency that I represent, most housing belongs to housing associations. Many young people cannot afford private houses and they cannot afford to buy houses under the extension of the right to buy. Amendments 89, 90 and 91 protect and extend discount levels and time scales for the housing associations that will benefit from the extension of the right to buy. The amendments give added protection to people who want to remain in their areas, but who cannot afford to buy houses under the extended right to buy. The amendments would provide fairness, sustainability and protection of the very depleted stock of public sector housing that we now have in Scotland.

I ask members to consider amendments 89, 90 and 91. If members are serious about the extension of the right to buy, which has just been passed, and about the protection of public housing in Scotland, they will support the amendments.

I move amendment 89.

Bill Aitken: Amendments 89, 90 and 91 are an attempt to make the right to buy a little bit more difficult. In moving them, Sandra White is acting consistently with her previous stance. We Conservatives shall be consistent in our stance; we shall vote against them.

Karen Whitefield: I am surprised at Sandra White's lodging of amendments 89, 90 and 91, because at stage 2 she indicated that she supported Tommy Sheridan's amendment that

would have abolished the right to buy. The nationalists want to abolish the right to buy, but they do not have the courage to tell people that. This is about being honest.

The issue is about ensuring that the right to buy is a strategic housing tool in housing policy in Scotland. That is why I lodged amendments on discount levels. The amendments were about ensuring that we modernised the right to buy and balanced it with people's rights. I suggest that members should reject the amendments, because they would do little to ensure that we have a well-founded strategic housing policy in Scotland or a modernised right to buy.

Jackie Baillie: One of the key features of the modernised right to buy is the change to the discounts that will be available to tenants who wish to exercise the right to buy. We inherited legislation from the Tories that allowed tenants to get a discount after two years, and that discount could increase to as much as 70 per cent for flats. The bill will ensure that in future in relation to new tenancies, there will be a qualifying period of five years and that the discount will increase by 1 per cent per annum to a maximum of 35 per cent or £15,000, whichever is the lowest.

We believe that the new discount structure is fair to tenants and landlords and to the community as a whole. Moreover, we did not merely pull the figures out of a hat. The 35 per cent maximum is in line with the average difference between social and market rents; that is, the effective subsidy that tenants receive through renting a house from a local authority or an RSL, rather than from a private landlord. The £15,000 cap will also help to ensure that there is no unfair profiteering in expensive areas. All the details of the discount structure were considered carefully at stage 2 and I am grateful to Karen Whitefield for her helpful amendments, which are now incorporated in the bill.

Sandra White's amendments 89, 90 and 91 seek to reduce the discount further. The amendments betray the confusion in the SNP's policy on the right to buy. Some SNP members claim to want to retain it—at least, I think they do—but they clearly want to make it as difficult as possible for any tenant in Scotland to exercise that right. Why does the SNP not come clean and admit that it wants to remove the right to buy from all tenants in Scotland? The specified proposals in the amendments are arbitrary and unhelpful and I ask members to reject them.

Brian Adam: The minister's speech was most unhelpful. The level of discounts and length of qualifying periods are legitimate matters for debate in relation to where we will go with the policy in future. It does not add to the debate to suggest that because the SNP wants to adjust the

qualifying period and the level of discounts, it has no policy—or whatever version of that argument the minister was putting forward today.

The minister and her team have acknowledged that the right to buy can be destructive for communities. They want to restrain that right in order to preserve a proper balance in communities. The difference between us is in relation to where that balance should lie. The minister ought to acknowledge that in the language that she uses, so that we can have a proper civilised debate.

I support Sandra White's amendments. The balance is not yet right and it favours the discount levels that are being offered. We have not changed the fundamentals. Unless the Government comes along with a pot of money to finance the discounts, they will be paid for by the remaining tenants. As a result, the Executive is saying to the remaining tenants that if they want to remain tenants, they can pay for everybody else's discount.

We are not attempting to change the status quo. Our position is absolutely clear. We recognise that the right to buy exists and we do not wish to remove it, but we think that the level of discount is too generous. Indeed, the Government thinks that the level is too generous, and has even accepted an amendment to that effect from one of its own backbenchers. It is perfectly reasonable for the SNP to argue that the levels are still too generous and that it will fall on other tenants to pay for the discount. That is not right, nor is it fair on those tenants. That position will continue to undermine the viability of housing associations. A reduction in the discount level would help to maintain the viability of small housing associations in particular. I commend amendments 89, 90 and 91.

Ms White: I am not surprised by the responses by Karen Whitefield or Jackie Baillie; indeed, they were nothing short of what I expected. However, I remind them that every committee member is an individual and is not party-led, and makes proposals in that spirit. Perhaps they should remember that in future. I congratulate Karen Whitefield on having her amendment accepted at stage 2, even though my stage 2 amendment—which I have lodged again—was not. I am sure that members will make up their own minds on that particular point.

I appeal again to members who might be against the extension of the right to buy—I am being very responsible by admitting that the right to buy exists. I am also responsible enough to lodge amendments 89, 90 and 91, which will help the people who cannot afford houses and who will be left with the dregs of public sector housing. We must protect those people and the public sector houses that we have left, which are few. There will

be even fewer if the housing stock transfer goes ahead in Glasgow. I plead with members who have shown sympathy with the position that the right to buy should not be extended to vote for the amendments. They would not be onerous, but would ensure only that we protect the public sector housing that is left.

The Deputy Presiding Officer: The question is, that amendment 89 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)

Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

16:00

The Deputy Presiding Officer: The result of the division is: For 35, Against 85, Abstentions 0.

Amendment 89 disagreed to.

Amendment 90 moved—[Ms Sandra White].

The Deputy Presiding Officer: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (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)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (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)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 83, Abstentions 0.

Amendment 90 disagreed to.

Amendment 91 moved—[Ms Sandra White].

The Deputy Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
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)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (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)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 91 disagreed to.

After section 44

The Deputy Presiding Officer: The minister will speak to and move amendment 95.

Jackie Baillie: Amendment 95 responds to a concern that was expressed by the Social Justice Committee at stage 2 that there should be a statutory duty on Scottish ministers to monitor the effects of the right to buy.

We have always accepted the need for monitoring. Indeed, I gave a clear commitment to that in the stage 1 debate on the bill. However, it is important that any statutory duty is expressed in general terms. We all know that circumstances can change relatively quickly. It would make little sense for ministers to be under a continuing duty to monitor in ways that were no longer relevant.

Amendment 95 avoids those potential problems. It will require ministers to prepare and publish a report within four years of section 44 coming into force and from time to time thereafter. The amendment will also require the report to include information on the uptake of the right to buy, its effects on the nature and condition of the housing stock, people's need for housing accommodation and the demand for and availability of housing accommodation.

I move amendment 95.

Robert Brown: This is something of an epilogue to the earlier debate on the right to buy. Amendment 95 responds to some of the concerns that were expressed by members of the Social Justice Committee, not least by me. That is why I am pleased that the amendment has come before the Parliament in its current form.

I would like to make a couple of comments on amendment 95, because it is important that we recognise the effect of the parliamentary process on the debate. Members from all parties recognise that the original proposals that were made in the consultation paper did not get the balance quite right on this matter. To their credit, ministers have responded to those concerns—albeit under a fair amount of pressure from the Social Justice Committee, which devoted considerable time and effort to this issue.

I am fairly satisfied that the balance that we now have on the right to buy makes it the strategic tool that Karen Whitefield talked about earlier, which will operate at a lower level, in councils. It is fair to say that ministers have powers under the existing legislation to change the discount and capping levels by statutory instrument. Mechanisms exist to make changes in that regard.

Various points have been made in the debate about the position of the west end of Glasgow and the pressures there, the particular problems of the social rented sector and the housing associations, and pressured housing. To those concerns, I add the issue of the financial effects of both the right to buy and the financial relationship between registered social landlords, local authorities and

the Scottish Government. One thing that ought to be included in the monitoring is an assessment of the effects of the right to buy on the financial health and well-being of registered social landlords.

The matter is complex, because a fair amount of public money has gone into that sector and will go into the sector under the stock transfer arrangements. Nevertheless, it is obvious that, if one takes out of the value of stock the discount levels—even at the modified levels—there must be effects in the longer term either on rental levels or on the ability to fund longer-term capital improvements to the stock. Those are offset by other factors, but we must be able to monitor and consider the effects of those financial changes as well as the issues of social balance, housing stock, the maintenance of the stock and the needs that we have talked about generally. I would welcome an assurance from the minister, in summing up, that the financial issues that I have referred to will be part of the housing stock issue that is being discussed.

It is reasonable that there should be a four-year period for the monitoring exercise, because it will take a while for the new arrangements to work through and for the research to be done. I ask whether the ministers propose to give advice and guidance to the Parliament within a shorter period than that, what their research programme is likely to consist of and what the mechanisms for monitoring will be. That information would be of some assistance to the Parliament and would lend support to the mechanisms that we are trying to put in place.

Jackie Baillie: On timing, my view is that a report once every parliamentary session would be the right frequency, if there were a significant number of sales. Any report that we produce is automatically published and made available to MSPs. However, I would like to engage in discussion with the Social Justice Committee, so that we can consider the implications of the information that the reports will contain.

With regard to content, I appreciate that we will want to consider everything, and Robert Brown has previously raised the issue of finance. Nonetheless, the broad headings in proposed new subsection (2) in amendment 95 correspond to those that are set out in section 79 for the assessments that local authorities are required to undertake as part of their work on local housing strategies. We hope that that will facilitate the bringing together of local information into a national picture. I take on board the comments that Robert Brown made.

Amendment 95 agreed to.

Section 45—Tenant participation

The Deputy Presiding Officer: Amendment 96 is grouped with amendments 97, 102, 124 to 126, 129, 130 and 147.

Ms Curran: I reassure members that that daunting list contains primarily technical amendments that will ensure that tenant organisations are referred to consistently throughout the bill. They will also ensure consistency in the publication of regulatory reports on RSLs and local authorities. The amendments on publication fulfil a commitment that was given to Sandra White at stage 2.

I move amendment 96.

Amendment 96 agreed to.

Section 46—Consultation with tenants and registered tenant organisations

Amendment 97 moved—[Ms Margaret Curran]—and agreed to.

Section 50—Eligibility for registration

The Deputy Presiding Officer: Amendment 170 is in a group on its own.

Mr Gibson: As many colleagues will know, the management of many local authority homes is devolved to tenant management co-operatives. However, we are greatly concerned that, with wholesale voluntary stock transfer on the horizon, the autonomy of those co-operatives could vanish. Amendment 170 would allow tenant management co-operatives to become registered social landlords in their own right, thus protecting their integrity.

As members will know, tenant management co-operatives are a successful and tested model of community input and self-management based on co-operative principles without ownership of the properties. Nothing in the bill states that an organisation must own properties before it can become a registered social landlord. The amendment would ensure that tenant management co-operatives could continue to function independently following stock transfer, where transfer takes place. We must prevent the undermining of existing tenant management co-operative structures at the whim of a post-stock transfer landlord, the minister or lenders providing development funding. I urge members to support the amendment and so protect the concept of true co-operation in housing by securing the rights of tenant management co-operatives.

I move amendment 170.

Ms Curran: We have no difficulty with tenant management co-operatives becoming registered social landlords. I have met representatives of

tenant management co-operatives in Glasgow many times and recognise the successful track record of those organisations. We welcome them and look forward to their playing a critical role.

It is essential that, before tenant management co-operatives register, they have a formal status as an industrial and provident society or a company. That ensures that they have a proper constitution setting out voting rights and a clear legal framework for the preparation of annual accounts. Most important, it ensures that tenants are properly protected by the institution of limited liability for the actions of the co-operative.

Section 47, to which Kenny Gibson's amendment also refers, requires tenant management co-operatives to be "societies, companies or trusts". In practice, in Glasgow, tenant management co-operatives have been unincorporated bodies and, although that may have worked well up to now, it is important that the members of the co-operative are properly protected by the fairly simple task of formal incorporation.

Amendment 170 is unnecessary. Tenant management co-operatives can become registered social landlords under the bill and we hope that many of them will want to take that step in due course, depending on local circumstances.

The Deputy Presiding Officer: I have an indication that an additional member wishes to speak. However, as it is not usual for me to take someone after the minister has spoken, I will not do so.

The question is, that amendment 170 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)

McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 35, Against 84, Abstentions 0.

Amendment 170 disagreed to.

Section 51—Registration

16:15

The Deputy Presiding Officer: Amendment 98 is grouped with amendments 99 to 101 and 103 to 123.

Ms Curran: Presiding Officer, you will be pleased to know that I will not speak to each amendment in turn. Although this is a rather daunting-looking group, the amendments are straightforward and technical. They replace references in the bill to the

“assistant registrar of friendly societies for Scotland”

with references to the “Financial Services Authority”. That reflects a change made through secondary legislation at Westminster that will formally transfer certain of the assistant registrar’s functions to the FSA. It forms part of a wider set of measures to establish a new, single regime for the statutory regulation of financial services in the UK.

The amendments also remove unnecessary references to the registrar of companies and they make two minor drafting amendments to schedule 7, following helpful interventions by Linda Fabiani at stage 2.

I move amendment 98.

Linda Fabiani: I am in a state of shock. When the groupings were published, I thought, "Oh gosh, what's happening to the assistant registrar of friendly societies?" Then, after a wee bit of digging about, I found out that the poor soul is being abolished by Westminster and that his functions are being transferred to the Financial Services Authority. I would be interested to know why it has taken until stage 3 for all these amendments to be lodged. Is it because the minister's colleagues in Westminster forgot to tell her? *[Interruption.]*

The Deputy Presiding Officer: Before calling Bill Aitken, I ask members to keep down the noise in the chamber. It is becoming quite loud again.

Bill Aitken: Without wishing to introduce a querulous note to proceedings, I am somewhat surprised that it has taken so long for the need for the changes provided for in the amendments to become manifest. Perhaps the minister could comment on that.

Ms Curran: Members will be aware that we have given much time and attention to the Housing (Scotland) Bill. I have been advised by officials and by Westminster that stage 3 is the appropriate stage for lodging these amendments.

Amendment 98 agreed to.

Amendment 99 moved—[Ms Margaret Curran]—and agreed to.

Section 52—Removal from the register

Amendments 100 and 101 moved—[Ms Margaret Curran]—and agreed to.

Section 53—Criteria for registration or removal from register

Amendment 102 moved—[Ms Margaret Curran]—and agreed to.

Section 54—Appeal against decision on registration or removal

Amendments 103 and 104 moved—[Ms Margaret Curran]—and agreed to.

Schedule 7

REGULATION OF REGISTERED SOCIAL LANDLORDS

Amendments 105 to 120 moved—[Ms Margaret Curran]—and agreed to.

Schedule 7A

INSOLVENCY ETC OF REGISTERED SOCIAL LANDLORDS

Amendments 121 to 123 moved—[Ms Margaret Curran]—and agreed to.

Section 61—Inspection reports

Amendment 124 moved—[Ms Margaret Curran]—and agreed to.

Section 64—Inspection reports

Amendments 125 and 126 moved—[Ms Margaret Curran]—and agreed to.

Schedule 8

CONSULTATION BEFORE CERTAIN DISPOSALS BY LOCAL AUTHORITY LANDLORD OR REGISTERED SOCIAL LANDLORD

The Deputy Presiding Officer: Amendment 127 is grouped with amendments 128, 196, 197, 137 and 146. They are all in Ms Hyslop's name.

Fiona Hyslop: It has been a long day: we have had the controversial, we have had the constructive, and we have just had the technical. I might refer to this group as the interesting one. We are now starting to address some of the contemporary and topical issues that face local authority areas where the council has taken the decision to consider wholesale stock transfer.

When we have concluded our consideration of the bill, we will perhaps consider the timetable and the speed with which it has been gone through. I suggest that schedule 8 was not, perhaps, given the attention at stage 2 that it merits. I am pleased that we now have the opportunity to pay it more attention at this stage. I say to Johann Lamont that it is true that I did not at stage 2 lodge amendments similar to these, but I am very pleased that these amendments have been accepted for consideration at stage 3.

There is a variety of amendments in the group. They are intended to address community ownership. The minister and deputy minister have frequently referred in numerous housing debates to the community ownership strategy that the Government is to embark on, but never once has community ownership been defined. We are giving the Parliament the opportunity to define community ownership legally. Such a definition would allow us to give out instructions on how to ensure that communities' and tenants' interests are protected in ballots.

Amendment 127 proposes that, when a ballot goes ahead, there must be a statement of whether the relevant body expects to become a "community ownership landlord". Amendment 146 defines "community ownership landlord" and bases that definition on an RSL that has 5,000 or fewer properties. The city of Glasgow is not a community and Dumfries and Galloway is not a community. Smaller-scale stock transfers and communities—

Ms Curran: Will the member give way?

Fiona Hyslop: I ask the minister to allow me to develop my point. She will have an opportunity to come back in.

We should also consider the ballots. I have a challenge for the Executive. If it is confident about the merits of the case for wholesale stock transfer, will it include a question on the local authority, which would allow tenants to make a choice?

The idea behind amendment 196 is one that the SNP has argued for long and hard. If a ballot is to be held across a city or across an authority area, the results should be declared on a ward-by-ward basis. That would allow a community that wished to move ahead on stock transfer to do so, but equally it would ensure that a community that did not wish to proceed would not have to. Separate ballots on small transfers would not be required.

The argument about cherry picking has been made before. The lenders have not been concerned about small-scale stock transfers; rather, they have been concerned about how to manage the scale of the Glasgow stock transfer. That is where the pressure from lenders has come from, although they appear to have come to some kind of arrangement.

Amendment 197 deals with how a ballot should be conducted and gives the Parliament a range of opportunities. For example, it would allow ministers, if they so chose, to ensure that a small stock transfer included in the ballot a question on disposal. In Glasgow, ministers are simply proposing a transfer to Glasgow Housing Association, which is a big monolith. Amendment 197 would ensure an onward transfer ballot and would give people the opportunity to move towards small-scale community ownership. If the Executive has nothing to be frightened of and if it is saying that that is what it wants to do, we should include in the bill the proposals in amendment 197. That would protect tenants and they would know that they will not be stuck with GHA, which is Glasgow City Council mark 2.

In England, concerns have been raised about circumstances in which a ballot is lost, but the authority ballots again and again until it gets the "right" result. Amendment 197 would ensure that if a ballot is lost—if, for example, Glasgow tenants vote no—there is no opportunity for the authority to try again and again until it is successful.

If we are to bandy about terms such as community ownership, which is proposed in the Executive's housing strategy, we must know what they mean. Wholesale stock transfer in the city of Glasgow is not what I consider community ownership to be. My amendments would clarify matters. As I said, I am challenging the Executive—if it is confident about its proposals, it will have no problem with my amendments. I will

listen with interest to the Executive's comments on them.

I move amendment 127.

Bill Aitken: Fiona Hyslop has raised issues that are of undoubted interest and dealt with the fact that Glasgow is not a community. A one-off stock transfer in Glasgow is highly undesirable—she is right about that.

At one stage, my preferred option was for an immediate transfer of the stock to smaller, more manageable and more localised housing associations, but that was neither practical nor possible. It is clear that one could not allow tenants to vote in a ballot without knowing who their landlord was—or who their potential landlord would be. Therefore, my preference was not practical.

If there is a successful outcome to the tenants' ballot, we would like a near-immediate transfer to much smaller, more manageable units, because the success and strength of the housing association movement lies in the fact that it is localised. People will become much more involved and proactive in their area if they have an immediate input to that area. That has to be considered.

I acknowledge the points about cherry picking, which is surely more likely to be a problem if amendment 196 is agreed to. If things are done on a ward-by-ward basis, one can imagine high demand in Mosspark and Knightswood in Glasgow, whereas the Easterhouses and the Possills might be further down people's priorities. That problem has to be addressed.

The Conservatives are quite convinced that stock transfer is the way forward. We should be. After all, it was our policy in the first place—and I will certainly not allow ministers to forget it. It is a clear and far-sighted solution to the problem of lack of investment over many years.

From its perspective, what the SNP is trying to do is perfectly legitimate. It is trying to block this part of the bill because it does not believe in or accept stock transfer. To my mind, the SNP is totally misguided. The future for Glasgow's council house tenants has to be stock transfer. I expect that, over the years, many other local authorities will follow suit. We will not be supporting this group of SNP amendments.

Cathie Craigie: Before I speak about the amendments, I will talk about Fiona Hyslop's point about the timetable and the speed at which this bill has progressed. We have spent many hours on it, but the committee was so pushed to deal with it that it was able to cancel its last meeting. We did not have to use all the time that was set aside for it.

Since the election in 1997, Labour has put housing at the top of the political agenda. I am pleased that the Scottish Executive has strengthened that commitment. We are moving forward by giving tenants and local organisations the opportunity to choose what is right for them. Fiona Hyslop knows that it has never been the Executive's intention that the housing stock in Glasgow should remain with one large housing authority. She knows that the Executive—the Labour party and our partners in Government—plans that tenants will be able to form themselves into small community-based organisations. It will be for the communities and the tenants to decide what size those organisations should be. Communities are not based on electoral ward boundaries or some boundaries that Fiona Hyslop prescribes; they are based on the way that people see them, and this bill will allow for that.

Today, Fiona Hyslop said—and the SNP has been saying it on the news—that the bill is all about stock transfer. It is not. It is about empowering communities and tenants and about improving the housing stock. We believe that the ballot should acknowledge the boundaries that tenants perceive. Tenants should make that decision themselves.

Fiona Hyslop has again tried to send to tenants in Glasgow in particular the message that there will be one huge landlord in Glasgow. She knows that that is wrong. She knows that she is sending out the wrong messages.

Fiona Hyslop: On what grounds can Cathie Craigie guarantee tenants that if they vote yes in a ballot on wholesale stock transfer in Glasgow—we do not know whether they will—transfer will be automatic? If she read the latest edition of the GHA's *The Key* magazine, she might find a different idea being articulated.

Cathie Craigie: I think that I can give the tenants of Glasgow much more of a guarantee than Fiona Hyslop can ever do. I can guarantee the tenants of Glasgow that the Scottish Executive—the people who are in power and have the opportunity to make changes—will improve the quality of housing in Glasgow. The best way to do that is through stock transfer to draw in money and through giving tenants the opportunity and power to make decisions themselves. I ask the Parliament to reject the amendments lodged by Fiona Hyslop and Linda Fabiani.

16:30

Robert Brown: We should be clear about what is happening. Fiona Hyslop set out what she proposes in a reasoned way. I have no difficulty with that. Bill Aitken described the amendments as blocking mechanisms. I would describe them as

wrecking mechanisms.

A keystone policy of the Scottish Executive is supported by the Labour party and the Liberal Democrats. That policy will renovate Glasgow's housing in the area that I and other members in the chamber represent. The policy should be seen against the background of the failures of previous housing policies in that area and the failures in particular of the traditional municipal housing way of dealing with matters. We are offering the people of Glasgow the kind of renovation of housing stock that they have not seen in this generation. I am very confident that there will be a substantial vote in favour of that.

Dorothy-Grace Elder (Glasgow) (SNP): Will the member take an intervention?

Robert Brown: No, I want to carry on.

We are offering a mechanism to secure the long-term maintenance and organisation of housing stock through community ownership. Community ownership has considerable potential because it is based on control of housing by the people who live in local areas. As Bill Aitken rightly said, the mechanism will not have Glasgow Housing Association as the end of the process.

I do not know how many times Scottish ministers have had to say this, but the second stage transfer to smaller community-based organisations is intrinsic to the procedure. That is a key point. A Scottish Executive proposal is on the table. That proposal has gone quite a long way down the line. There will be a ballot. The bill is not about that in particular, but there are a number of implications of it that we have to get in place to complete the framework.

There is on the table a proposal that is good and significantly better than anything offered by any of the other parties in the chamber. It will bring real investment into the housing stock in Glasgow. In schedule 8, the bill provides for a proper ballot of tenants that will be decisive on whether housing stock transfer goes ahead. It is time for the SSP and the SNP to come off the fence and stop pretending to the people of Glasgow that there is some other panacea. It is time for those parties to back proposals for long-overdue renovation of the housing stock, particularly that of City of Glasgow District Council.

Brian Adam: I want to remind the chamber that we are dealing with a housing bill for the whole of Scotland. It is not about just Glasgow. Indeed, I thought that the City of Glasgow District Council had been wound up a considerable time ago and was now Glasgow City Council.

I do not believe that the choice that is being offered is the only one available. The kind of choice with which the Conservatives presented

tenants before was, "How would you like to buy your house now?" Now, the choice is, "How would you like to transfer your house? We will give you a one-stage transfer or a two-stage transfer and if you want anything done to your house you will have to do what we want." I do not believe that that is in any way democratic. It is blackmail. Using the word "privatisation" to describe this kind of process would not be wide of the mark.

Mr Frank McAveety (Glasgow Shettleston) (Lab) *rose*—

Brian Adam: Tenants are not being left with a real choice. In those circumstances, if they happen to vote in favour of the proposal, saying that that is what they wanted all along would be self-deception. The SNP has an honourable position on the issue.

Johann Lamont: Will the member give way?

Brian Adam: I am quite happy to give way to Johann Lamont.

Johann Lamont: Can Brian Adam explain what seems to be a contradiction in the SNP's position? If stock transfer to community ownership is privatisation, why does Fiona Hyslop oppose the extension of the right to buy to housing association tenants, which she does on the basis of defending the social rented sector? Surely to goodness the SNP cannot possibly take the position that community ownership is a private sector way of dealing with housing.

Brian Adam: "Community ownership" is an interesting phrase that was invented by new Labour. It is meant to describe something that in reality it is not. In the circumstances that Johann Lamont has described, I do not see how the community owns the stock.

Mr McAveety: Will the member give way?

Brian Adam: I have already taken an intervention.

Tricia Marwick: Will the member give way?

Brian Adam: I am more than happy to take an intervention from my colleague. [*Interruption.*]

The Deputy Presiding Officer: Order. Mr Adam, from whom are you taking an intervention?

Brian Adam: I will take an intervention from Tricia Marwick.

Tricia Marwick: I thank my colleague for giving way. In 1987 and in 1988, Henry McLeish and I campaigned against the Conservatives' privatisation of the new-town housing stock. If Henry McLeish, who is now the First Minister, thought that that was privatisation, why is wholesale stock transfer not privatisation now?

Brian Adam: The way the Conservatives dealt

with the new-town housing stock is precisely the kind of arrangement that the new Labour-Liberal Democrat administration is seeking for council housing.

Mr McAveety: Will the member give way?

Brian Adam: No, I will not take an intervention from Mr McAveety. [MEMBERS: "Aw."] How many ways would members like me to say no?

The Executive has no desire to leave any real function with local authorities. Stock transfer is another way of emasculating local authorities by ensuring that they no longer provide services but merely enable them. It is a matter of personal regret that the provision of services is being removed from local authorities. I suspect that that will also be a matter of regret to Labour members.

I am delighted to support the amendments that my colleague Fiona Hyslop has lodged. The route that the Executive has chosen is not the route to go down. I urge members to consider the issue. Wholesale stock transfer will affect the whole of Scotland. It will affect not only Glasgow; other local authorities are also going down that route. I suspect that whatever the outcome of Glasgow's ballot is, other ballots may not have the same outcome. I know that some authorities—having spent considerable sums of their tenants' money in exploring stock transfer—have already decided that they will not go down that route.

Ms Curran: Our debate has been interesting—as ever—but I have a number of serious reservations about the amendments in this group. I also have reservations about the comments that were made when amendment 127 was moved. They pointed to some considerable confusion and contradicted various statements that have been made in the past.

The definition of "community ownership landlord" under amendment 146 and the requirement for separate ballots in each electoral ward under amendment 196 are not at all appropriate and are far too prescriptive. They attempt to impose a one-size-fits-all solution. I had thought that the SNP was opposed to such an approach.

Two of the key elements of our definition of community ownership are that there should be a partnership between tenants, councils and the wider community and that there should be flexibility to suit local circumstances. I am not at all surprised that Fiona Hyslop is struggling with the concept of community ownership, but it is certainly not about being prescriptive from the centre—it is about listening to tenants and that involves flexibility. Above all, it is for tenants to take the lead role in determining the model of community ownership and management that is most relevant to their local circumstances. We seek to avoid making assumptions about what tenants want,

since community empowerment is at the heart of our policy.

I have made it absolutely clear on several occasions that the policy is not just about Glasgow and it is not a policy that is appropriate to all local authorities—it is not a one-size-fits-all solution. I have visited all the local authorities that are engaged in the process and they are developing their own models appropriate to their circumstances. That is quite proper.

In some instances, tenants may conclude they want local ownership. There may be other cases where tenants want a less intense involvement at a certain stage. They may be happy with involvement in management and new investment plans, and with a landlord that operates over a wider area.

Setting a maximum number of units for a community ownership landlord—it is not made clear whether the 5,000 limit in amendment 146 applies before or after the acquisition of the transferred houses—could ignore important local preferences and stifle appropriate and innovative local solutions. Many members of the SNP have told me that they regard local authority provision as community ownership. Does that mean that the SNP position is that no local authority should own more than 5,000 units? I cannot imagine that that is SNP policy, but perhaps Fiona Hyslop can clarify that in her summing up.

Neither can I imagine how such a position would fit other areas. For example, a city-wide Glasgow transfer will enable all tenants to vote in a single ballot. What distinguishes us from—I was going to say my friends, but perhaps I should qualify that. What distinguishes us from the Conservatives is that the entire housing debt burden will be lifted from Glasgow City Council. The Conservatives were never prepared to do that, but we are.

Dorothy-Grace Elder *rose*—

Ms Curran: It makes no sense to have separate ballots for electoral divisions or wards, since they are entirely arbitrary areas as far as community ownership is concerned. The fact that the SNP would associate an electoral ward with a community illustrates a profound misunderstanding of communities and community ownership.

Tricia Marwick: Will the minister give way?

Ms Curran: I was asked about this, so I shall continue. Local management arrangements will be in place immediately after transfer and there will be opportunities in Glasgow for tenants to move to local ownership if that is what they want. None of that would be achievable if amendments 146 and 196 were accepted. The overriding principle is that any move to local community ownership should

reflect the wishes of tenants and proceed in a manner and at a pace that allows tenants to take the lead role.

Amendments 127 and 197 also are unnecessary. Paragraph 3(2) of schedule 8 already requires information on the identity of the prospective landlord to be provided to tenants. It will be quite clear to all tenants involved how decisions will be made, how voting rights are allocated and what the precise nature of the body in question is. Tenants will be able to make up their minds on what is being proposed without being told whether the body fits the SNP's arbitrary definition of a community ownership landlord. Tenants can make that decision for themselves.

Amendment 128 also is unnecessary. Schedule 8 is all about ensuring full consultation with tenants on proposals to transfer houses to community ownership. Tenants will also have been fully involved in the development of the proposal. By definition, if tenants vote against that proposal, they are voting to remain with the council.

Finally, on amendment 137, section 80 already contains a wide range of local authority functions in relation to housing and related matters for which ministers may provide grant. Section 82 makes it clear that local authorities, in turn, may provide assistance for the development and formation of RSLs. There is no reason to introduce a specific power to fund the option appraisal work as envisaged by the amendment. New housing partnership funding has already been made available to around three quarters of all Scottish councils to undertake such work, so amendment 137 is unnecessary.

Overall, the amendments in this group do not take us forward one jot. Although they appear to promote the idea of community landlords, they would in practice impose a straitjacket that would serve only to frustrate the development of genuine community ownership. Yet again we see the opportunism of the SNP, which is much more concerned with political objectives. The SNP faces both ways on community ownership. It is time for the SNP to come clean, cut the confusion, and say where it stands on community ownership. The amendments in this group are wrecking amendments, they are not helpful to Glasgow or to Scotland and I suggest that members oppose them.

Fiona Hyslop: I said that this would be the interesting section of the debate. I wish to put it on the record, as I have done on a number of occasions, that the SNP is opposed to wholesale stock transfer, but we support small-scale stock transfer where tenants want it. We should reflect on why it is—

Johann Lamont: Will the member give way?

Mr McAveety: Will the member give way?

Fiona Hyslop: Let me finish my point. We have had an interesting debate, and there are some interesting points to respond to. If the Executive is confident about the position that it is proposing for Glasgow, why is it worried about ballots for onward transfer? Why does the Executive not support those ballots? If it is confident about its position, why does the Executive not put the council on the ballot?

The Deputy Minister for Social Justice said that the Executive is lifting Glasgow's debt, but it is not. The Executive is servicing the debt for a period. No guarantees have been given on the future. Council tax payers in Glasgow could end up footing the bill in future years if the Executive has a mind to let that happen in future. This is an apposite challenge to the Executive. If the Executive does not support ballots on onward transfer, tenants in Glasgow will think, "What have you got to hide?"

We have had some interesting responses from the minister. I will read the *Official Report* with interest, as I am sure will many people in Glasgow. *The Key* said that there would be onward transfer if it was financially viable. If it is not financially viable, is the Executive saying to Glasgow tenants that the process will stick at wholesale stock transfer because community ownership cannot be guaranteed and defined, as Bill Aitken said, as including all of Glasgow?

The amendments in the group have been a vehicle for exposing some of the contradictions at the heart of the Executive's policy for Glasgow and other areas. The Parliament would fail in its duty if it did not address schedule 8 and how you want to go about your ballots, and if it did not expose the problems at the heart of your so-called flagship policy.

16:45

The Presiding Officer (Sir David Steel): I mention in passing that none of these policies is mine.

The question is, that amendment 127 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)

MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 35, Against 86, Abstentions 1.

Amendment 127 disagreed to.

Amendment 128 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 128 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 32, Against 85, Abstentions 2.

Amendment 128 disagreed to.

Amendment 196 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 196 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 33, Against 85, Abstentions 2.

Amendment 196 disagreed to.

Amendment 197 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 197 be agreed to. Are we agreed?

Members: No

The Presiding Officer: There will be a division.

FOR

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
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 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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 Barrie, Scott (Dunfermline West) (Lab)
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 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)
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 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
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 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
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 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
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 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
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 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
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 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
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 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
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 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 33, Against 86, Abstentions 2.

Amendment 197 disagreed to.

Section 70—Issue of guidance by the Scottish Ministers

The Presiding Officer: Amendment 198 is grouped with amendment 131.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): The bill already contains important measures that relate to anti-social behaviour and harassment, including, for example, the welcome provision for specifying harassment—including racial harassment—as a ground for eviction. Amendment 198 seeks to go a little further by adding those issues to the matters on which ministers can issue guidance.

Essentially, amendment 198 sets additional

areas in which Scottish ministers will be able to issue guidance to local authorities and RSLs. Importantly, it would ensure that the regulator would be able to take action against landlords who did not follow the guidance that was issued under section 70. The amendment would enable ministers to issue guidance to social landlords on the prevention and elimination of

“anti-social action and conduct amounting to harassment”.

Amendment 198 is straightforward. I hope that all members will agree on the importance of raising and tackling anti-social behaviour and harassment, which, unhappily, are topical issues.

The Commission for Racial Equality originally suggested a similarly intentioned amendment. The CRE believes that taking the measures in the amendment would go some way to addressing the needs that housing groups and refugee and equality campaigners have identified with respect to tackling harassment. The CRE also supports the Scotland-wide framework for tackling harassment that the Protection from Harassment Act 1997 provides.

I believe that amendment 198 is a valuable and constructive addition to the bill's aims. I hope, therefore, that the Executive and the Parliament will support it.

I move amendment 198.

Ms Curran: Amendment 131 fulfils a commitment that the Executive gave in response to an amendment in Brian Adam's name at stage 2. As I said then, we believe that the provision of advice to tenants on disputes with their landlord should come within the remit of the new regulatory framework. Amendment 131 makes that clear.

I will also comment on amendment 198. I pay tribute to Michael McMahon for his work on behalf of the Equal Opportunities Committee on anti-social behaviour, harassment and related matters. He has made a significant contribution to the work of the Parliament and has sought to influence legislation where he can. We agree with what Michael McMahon has said about the importance of tackling harassment. We are happy to support amendment 198. We recognise that it is an important step forward.

Bill Aitken: The Conservatives recognise that amendment 198 is worthy of support and will vote for it if there is a division. I merely point out that, in view of the current impotence of eviction procedures, we are largely talking in a vacuum. The measures that amendment 198 proposes are not likely to make anyone feel any safer.

Brian Adam: I thank the minister for taking on board the point that I made at stage 2. We are a long way through the bill. I accept that amendment 131 is an appropriate way of dealing with dispute

resolution. I am glad that the minister will send out the guidance and I look forward with interest to examining the detail of that guidance when it comes before the Social Justice Committee along with the many other documents that will have to come before the committee.

I am delighted that the minister has also accepted amendment 198 in Michael McMahon's name on anti-social behaviour. I support that amendment.

Amendment 198 agreed to.

Amendments 129 to 131 moved—[Ms Margaret Curran]—and agreed to.

Section 78A—Statements on fuel poverty

The Presiding Officer: Amendment 199 is grouped with amendments 200, 172, 173, 201 and 202.

Fiona Hyslop: Section 78A provides for a statement on fuel poverty. The whole chamber welcomed the fact that the Executive agreed to introduce a statement on fuel poverty at stage 2. At stage 2, Robert Brown moved an amendment on warm homes, which, unfortunately, was not incorporated in the bill, although I understand that parts of it have been included and the Executive has given commitments on the matter.

An issue that remains is the time scale: when will the provision come into force? Section 78A says:

"The Scottish Ministers must, within 12 months of the coming into force of this section"

publish a statement, but leaves it at the ministers' discretion when they introduce the section. If amendment 199 were agreed to, ministers would have to produce a statement

"within 12 months of the date of Royal Assent of this Act".

I will be interested to hear what the minister has to say about the time scale.

Amendment 200 tries to reinstate some of the original warm homes amendment so that there is direction as to the content of the fuel poverty statement. The statement should talk about the efficiency of appliances, thermal efficiency and regular energy audits of homes. Indeed, the original warm homes amendment said that that had to be done at time of movement of occupation, but it might be better if the provision were a bit looser to allow some flexibility.

Amendments 201 and 202 talk about the time scales for review of the statement and the performance of the Executive. As it stands, the bill states that there should be a review every four years. Amendments 201 and 202 request that we recognise, as I think the Parliament does, that fuel

poverty is such an important issue that the statement and the Executive's performance should be reviewed annually. The amendments are fairly straightforward.

I move amendment 199.

Linda Fabiani: The effect of amendment 172 would be to make the target for the achievement of the Executive's proposals 10 years rather than 15 years, as published. I ask Labour members to think back to their manifesto for the Scottish Parliament elections in 1999, which said that they would eradicate fuel poverty within two terms of a Labour Administration at Holyrood. They are now giving themselves an extra seven years. I am being very generous in giving the Executive an extra two years. I know that Robin Harper will say that the eradication of fuel poverty should be carried out in eight years. I urge the Parliament to be ambitious.

Robin Harper: I will be brief because the arguments have already been adumbrated. At the 1999 Scottish Parliament elections, Scottish Labour pledged to eradicate fuel poverty by 2007, but the Housing (Scotland) Bill makes the target in effect 2017. That difference will result in more pensioners dying and more children suffering asthma than would otherwise have been the case. If the Executive cannot fulfil its pledge, it should explain precisely why the change has been made and what logistical and financial constraints have been imposed on it to force it to reduce its ambitions.

Bill Aitken: The arguments about section 78A were well canvassed at the committee. The amendments that have been lodged by Linda Fabiani, Fiona Hyslop and Robin Harper are infinitely well meaning, but I have some difficulty with the practicalities.

I shall deal first of all with the target period. One would obviously wish that significant progress could be made towards the final situation that we all want—more fuel-efficient and warmer homes—well within the 15-year period. However, that is a target; it is not set in tablets of stone. We accepted the Executive proposal on that at stage 2.

As I said, other aspects of this issue were also well canvassed at stage 2. We fully support the thought process behind Fiona Hyslop's amendments, but the practicalities cause us some difficulty, and we shall therefore vote against them.

17:00

Robert Brown: I welcome the fact that the bill deals with fuel poverty. That issue was introduced at stage 2 following representations to ministers from all sides of the chamber; it is not an issue on which there is a party political divide. There is

unanimous support for the objective of eradicating fuel poverty, but we should bear in mind the fact that not all the levers to do that are in the control of the Parliament.

I will comment on two or three issues. It is easy to say that the time scale should be 10 years or eight years, rather than 15 years. However, we are talking about the application of resources to the problem and whether those resources can be put in place, organised and brought into effect within a certain time scale. The Scottish Executive has made it clear that the 15-year target is a maximum, which will be improved upon if possible as we go along and as experience dictates.

I have two concerns to raise with ministers, the first of which relates to the need for a starting definition. There was concern that the definition of fuel poverty was a moving target that would change as circumstances dictated. However, the guidance that accompanies the bill should at least include a starting definition, so that we know what we are talking about at this stage, what local authorities and the Scottish Government are trying to deal with, and where we are trying to go in broad terms.

My other concern relates to amendment 200, which, if I am not very much mistaken, encapsulates—at least in part—the terms of my original stage 2 amendment. Obviously, I think that all those points are reasonable, but I would like an assurance from ministers that the essence of those matters will be reproduced in guidance to go along with the fuel poverty strategy in due course. This is not an argument about substance; it is an argument about the detail of the matters in the bill.

Jackie Baillie: As witnesses from the Scottish warm homes campaign said at stage 2, the inclusion in the bill of the commitment to tackle fuel poverty means that we are on the eve of one of the most historic commitments ever made in Scotland. Members should be absolutely clear that the partnership Administration is committed to helping those in fuel poverty. The Scottish part of the UK fuel poverty strategy and the amendments that were introduced at stage 2 by the Executive and by Karen Whitefield show that beyond doubt.

For the benefit of members, I shall recap on what the Executive has already done. We published for consultation a fuel poverty strategy, which commits us to ending the blight of fuel poverty for vulnerable households by 2010. Within that target, we will ensure that all pensioner households and tenants in the social rented sector live in a centrally heated and well-insulated home by 2006. We introduced the warm deal in July 1999, and more than 80,000 vulnerable households have benefited from home insulation to date.

We introduced the central heating programme, which will ensure that all tenants of social landlords and all pensioners have central heating and insulation within five years. We are working with local authorities to improve home energy efficiency under the Home Energy Conservation Act 1995. The new housing partnership programme will transform and improve Scotland's rented housing stock. We are also taking action to address poor housing through the index of housing quality, and we have established a housing improvement task force.

Having set the background, I turn to amendment 199, which concerns the date of commencement of the fuel poverty provisions in the bill. Our clear intention is to commence at the earliest possible opportunity, which will be around September this year. The provision is carefully worded to set a maximum period of 12 months for the publication of the statement. My intention is that the statement will be published before the summer recess next year, which will be within 12 months of the bill receiving royal assent. That timetable should satisfy any concerns that members may have about the commencement date, therefore the amendment is unnecessary.

Linda Fabiani and Robin Harper, in amendments 172 and 173, both propose dates for ending fuel poverty that are shorter than the 15-year maximum that we have set. Section 78A sets a maximum for the target date that may be included in the fuel poverty statement; the statement can include a much shorter period of time if that is appropriate. The time scale will be subject to consultation, but it would not be prudent to pick a shorter period and hope that it can be met.

Robin Harper *rose*—

Linda Fabiani *rose*—

Jackie Baillie: I will finish the point.

We must set a target that is testing but achievable. Nothing will be gained if we set a target that is impossible to meet.

The Presiding Officer: To which of the angels is Jackie Baillie giving way?

Jackie Baillie: Robin Harper.

Robin Harper: Does the minister agree that it was unwise of the Labour party to put the target date of 2007 in its manifesto?

Jackie Baillie: Robin Harper would not expect me to agree that anything in a Labour party manifesto is unwise; there are many gems in the Labour party manifesto. We must be clear when we set a target that we know how to achieve it. Nothing will be gained if we set a target that is impossible to achieve. There is a maximum limit of 15 years.

On Fiona Hyslop's amendment to section 78A, amendment 200, we do not think that there is any need to prescribe the measures to be covered in tackling fuel poverty. Those measures will emerge following consultation. They will probably include some of the methods that are set out in amendment 200, but they may include other measures. The way in which the bill is drafted gives us maximum flexibility to tackle fuel poverty in ways that are most effective and will most help fuel-poor households.

We need to consider home energy audits very carefully. I have asked the housing improvement task force to examine the issue in the wider context of the information that is available to house buyers and to report back.

In amendments 201 and 202, Fiona Hyslop wants to see a report on the progress that has been made in tackling fuel poverty every year, as opposed to

"at least once every 4 years",

as the bill provides. I respond to that proposal very simply: the Executive believes that resources are best spent on tackling fuel poverty, rather than on permanently writing reports about it. Reports every four years will enable us to measure progress and to determine trends over a reasonable period of time.

We have set out an ambitious vision to tackle the scourge of fuel poverty. It mirrors the provisions in the Warm Homes and Energy Conservation Act 2000, which was passed in England and Wales. Our commitments have been widely welcomed. I ask the chamber to reject the amendments.

Fiona Hyslop: As someone who has called for 18 months for an amendment on fuel poverty, and who knew that the first version of the Housing (Scotland) Bill would not include anything on fuel poverty, I am delighted that the bill now includes a commitment that a statement on fuel poverty will be produced. I will not press amendment 199, as the minister has given a commitment to a September commencement, but I will press amendment 200.

On reporting annually on the progress that is made on fuel poverty, I remind the minister that a concession that we got in relation to the social justice annual report was that an indicator on fuel poverty would be included. It would be difficult for the minister to publish an annual social justice report that included an indicator on fuel poverty, if there had not been an opportunity to measure and report on progress. I will press amendments 201 and 202.

Amendment 199, by agreement, withdrawn.

Amendment 200 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
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Quinan, Mr Lloyd (West of Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
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Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 84, Abstentions 0.

Amendment 200 disagreed to.

Amendment 172 moved—[Linda Fabiani].

The Presiding Officer: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 36, Against 83, Abstentions 1.

Amendment 172 disagreed to.

Amendment 173 moved—[Robin Harper].

The Presiding Officer: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)

Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 37, Against 83, Abstentions 0.

Amendment 173 disagreed to.

Amendment 201 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 201 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 83, Abstentions 0.

Amendment 201 disagreed to.

Amendment 202 moved—[Fiona Hyslop].

17:15

The Presiding Officer: The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East 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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 82, Abstentions 0.

Amendment 202 disagreed to.

After section 78A

The Presiding Officer: I call Linda Fabiani to move amendment 174.

Linda Fabiani: Along with the whole SNP group, I am pleased that a statement on fuel poverty has now been incorporated into the Housing (Scotland) Bill. There is no reason why the bill should not also include a statement on affordability of rents.

Many studies have been carried out into this

question in the past, but they have never been properly formalised or endorsed. Over the years, there has been much debate on affordability of rents. It is ironic that we talk about affordable rents all the time without having a clear definition of the term. I feel strongly that it is time we clarified that once and for all.

We all know the financial constraints under which landlords are operating and the obligations and responsibilities that they have relating to stock condition and services to tenants. We know that we are moving towards stock transfers away from councils to many new registered social landlords, some of which, under the bill, will be private housing companies. Those registered social landlords will be dependent on the private sector for development funding, the costs of which will have to be met from rents. Rents are therefore likely to rise. We would be foolish to suppose otherwise.

Because of the capital funding system for housing that has been with us since 1989, there are already huge differences in rents across the country. The average weekly local authority rent in Midlothian is £25.50, whereas in the City of Edinburgh it is £45.35. The average weekly rent for a Govanhill Housing Association property is £29.07, whereas that of a Melville Housing Association property is £47.66. During the debate on the bill, we have talked a great deal about fuel poverty. There is also such a thing as rent poverty.

In England and Wales, such a situation arose much earlier than it has in Scotland. Over the past couple of decades, social rents in both nations have risen alarmingly as public sector funding for housing has been reduced, with private sector funding supplying the bulk of resources for new housing development and rehabilitation of existing stock. Reliance on housing benefit has reached crisis proportions in some areas of Greater London.

In Scotland, two thirds of housing subsidy is housing benefit, over which the Scottish Parliament has no control. That subsidy comes directly from Her Majesty's Treasury and it is clear from the Scotland Act 1998 that the Scottish block grant could be cut if the Treasury took the view that Scotland's councils were claiming too much subsidy.

All those issues should be investigated. If the Parliament accepts my amendment, it will go some way towards ensuring that that happens. It will also send a clear message that we recognise the issue of affordability in relation to the costs of one of our society's basic commodities: housing and the roof over people's heads. I ask Parliament to support my amendment.

I move amendment 174.

The Presiding Officer: Before I call the minister, I appeal to members for a little less background noise. I know that this is a long afternoon, but the coffee lounge is open for those members who want to have conversations.

Ms Curran: At the outset, I make it clear that our general policy is that rents in the social rented sector should be affordable. Variations in rent between different houses owned by the same landlord should fairly reflect the differences in amenity, size and quality of those houses.

Although affordability is a concept that attracts a great deal of support in principle, there are a number of different views about how it can best be put into practice. Judgments must be made and we believe that those judgments are best made by landlords, taking account of general guidance from the regulator and following consultation with tenants.

The bill seeks to create that framework. It does not give Scottish ministers the power to set individual rents, and that is quite right. However, section 70 gives Scottish ministers a power to give guidance on the principles on which levels of rent should be set. In practice, that means that the rent policies of RSLs and local authorities will be subject to regulation. The regulatory arm of the new executive agency will be able to set performance standards and monitor the extent to which they are achieved. If necessary, it will also have recourse to the regulatory sanctions that are set out in part 3, although those will not be used lightly.

The bill requires landlords not only to give due notice of any rent or service charge increases, but to consult tenants in advance on any proposals for increasing rents and to have regard to the views that are expressed. That practical approach contrasts with the bureaucratic measures that amendment 174 would impose. A large number of officials would be required to spend their time preparing and consulting on statements of affordability, and to what end? The proposals in amendment 174 seem to be regarded as some form of magic wand that will resolve the difficulties of deciding what affordability means and ensure that rents are modified accordingly. That is far too simplistic and it is simply not helpful.

The fact is that affordability is closely related to the circumstances of individual households—their income, their non-housing commitments and the size, quality and location of the property. To believe that affordability can be reduced to a simple formula or set of definitions that can be applied across the varied circumstances of Scotland is just naive. Affordability is a helpful general objective for rent policies but it cannot be the only criterion, as individual circumstances vary considerably from household to household.

Amendment 174 also focuses on the interaction between rents and housing benefit. Our view is that rent policies should aim to achieve affordability for those who are on modest incomes. Housing benefit is already a form of income support; it seeks to ensure that tenants who are not in employment or who are on low incomes receive help to pay the going rent in the social rented sector. We continue to liaise closely with the UK Government on the links between housing policy and the operation of housing benefit in Scotland, but the fact is that housing benefit is a reserved matter—as Linda Fabiani said—and we need to recognise that. There is little point in getting into an unproductive debate on the devolution settlement.

In short, we need to recognise that rents should be set locally by landlords in consultation with their tenants and following general guidance from the regulator. They cannot and should not be set by diktat from the centre on the back of some cobbled-together statement on affordability, however superficially attractive that might seem to some Opposition members. Our policies are beginning to result in rent guarantees, which have never been part of the debate in Scotland. We are beginning to move forward. I urge members not to accept amendment 174 to satisfy an aspiration, but to support the bill, which will lead to proper rent stability for the first time in the social rented sector.

Linda Fabiani: Amendment 174 asks the Executive to define affordable rents. The Executive has already defined fuel poverty and I do not think that defining affordable rents would be much more difficult.

Rent is already subject to a regulatory framework, yet there is still a massive variation in rents between landlords. Rents reflect the cost of housing these days and, although we are relying increasingly on the private sector to fund that housing, the fact that rents will rise and rise affects housing benefit. Housing benefit is a reserved matter and it is right that the parties in government recognise that. However, they should understand it and be able to look ahead and see what kind of impact the increase in housing benefit to meet rising rent levels in Scotland could have on the future viability of the money that comes into Scotland through the Scottish block. I believe that we should all understand that and that we should investigate the matter. The amendment would give us a way to do that.

Johann Lamont: If defining affordability is not such a complex matter, why have you not given us a definition that we could have voted for or against?

Linda Fabiani: I suggest to you that your party makes up the Government of Scotland and you

are supposed to bring legislation forward.

The Presiding Officer: Order. I am not supposed to bring legislation forward.

Linda Fabiani: You have the opportunity to do something sensible. If you wish the SNP to go away and create policy to give to you—which we have done before and I point out that you have been glad to accept some of our policies in this bill—we will do so, if you want to admit that we are the more capable party.

The Presiding Officer: Order. I remind the member that she must address the chair at all times. As I have said before, “you” is me. That is all that you have to remember.

The question is, that amendment 174 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 34, Against 85, Abstentions 1.

Amendment 174 disagreed to.

Section 79—Local housing strategies

The Presiding Officer: Amendment 134 is grouped with amendment 175.

Ms Curran: Amendment 134 is a straightforward drafting amendment to bring the definition of special needs housing in section 79 into line with definitions used elsewhere in the bill. I hope that Robert Brown is not too offended by the suggestion that his drafting can be improved on. We have remained true to the spirit of what was discussed at stage 2.

Mike Watson's amendment 175 highlights the link between housing and employment opportunities. Many of the issues are non-legislative and we have made clear our commitment to maximising the employment and training benefit from housing investment through community ownership proposals and in other, more general, ways. However, we recognise Mike Watson's commitment and the work that he has done in this area. We accept the arguments that he has put forward, especially given his familiarity with the issues. We are happy to accept amendment 175. In practice, we expect local authorities to address the issues across the piece—for example, through wider community planning frameworks and local economic forums.

I move amendment 134.

17:30

Mike Watson (Glasgow Cathcart) (Lab): Amendment 175 will ensure that local economies benefit as much as possible from the substantial amount of funding that will be devoted to housing over the next few years. To make that possible, it requires that, as part of their local housing strategies, local authorities ensure that sufficient craft apprenticeships are available to provide a long-term supply of local labour for construction and maintenance work. I welcome the minister's comments and the fact that she has recognised the benefits of the amendment, following a discussion on an amendment at stage 2.

There is a need to tackle the serious issues that stem from the fact that a considerable amount of building and construction work takes place in Scotland. I highlight Glasgow in that. That work is carried out by building workers not just from outside the area, but often from outside Scotland and sometimes from outside the UK. I do not play down the need for employment in other parts of the country, or indeed in other parts of Europe, but I think that the main consideration must be for Scotland—and I unashamedly argue the case for Glasgow. If the money that is generated from building work is not recirculated in the local economy, the benefits from that work are seriously reduced.

In the private sector, apprenticeships in the construction industry are almost a thing of the past. There have been numerous examples of companies dispensing with apprenticeship schemes apparently in order to make an economy. Of course, that is a false economy. Luckily, local authorities, often direct labour organisations, have maintained a tradition of skilled apprenticeships—Glasgow provides a particularly good example of that.

The amendment is also about the trade union input to that form of training. I have discussed that issue with the minister. The housing and employment working group was set up in Glasgow last year to identify collective problems and to remove barriers to people getting training in the construction and maintenance trades. The organisations involved in the group include the Scottish Executive, Scottish Homes, Scottish Enterprise, the Employment Service, the Construction Industry Training Board (Scotland), the Convention of Scottish Local Authorities and the Scottish Housebuilders Association. No trade unions are included, however. I said to the minister—as I had previously said to her privately—that that was not good enough.

There must be trade union involvement in bodies such as that working group. Immediately after the Parliament was established, the First Minister, in his previous role as Minister for Enterprise and Lifelong Learning, set up the manufacturing industry task force, which had trade union involvement. However, similar groups that have been established since have not had such an involvement. I want trade union involvement to be reinstated.

This is not just about what we think of trade unionism—I obviously believe it to be, fundamentally and thoroughly, a force for good. It is a question of the standards that trade unions demand and establish in the industries in which they have influence. That includes safety standards, particularly in the construction industry, which has horrendous problems—its death rate is

the worst of any industry. It is also about decent pay and conditions and about ending the involvement of the bogus self-employed, whom many construction employers utilise.

Those factors contributed to my lodging amendment 175. As the minister said, there are difficulties with employment regulations, in relation not just to the Parliament's ability to discuss them, but to the European Commission restrictions on tendering, for example. It is not clear whether those apply to registered social landlords. After the current inquiry is carried out, I would frankly be surprised if they did not. We need to find an alternative route, which is what amendment 175 is designed to offer.

Bill Aitken: Amendment 134 speaks for itself and amendment 175 has much to commend it. I only point out to Mike Watson that his efforts to maximise the impact of investment in places such as Glasgow through stock transfer will come to nowt, unless we take account of the education process. One of the main failings in the current education system in Glasgow is that there seem to be no opportunities—or at least only very limited ones—for youngsters to learn the crafts and trades that would be of tremendous benefit once the investment comes along.

Despite Mike Watson's rather old-Labour attitude to trade unions, amendment 175 is worthy of support—with the caveat that it will be for the Executive to ensure that the education departments of local authorities are brought firmly on board, as well as further education establishments.

Ms Curran: The work that Bill Aitken suggests is already under way in Glasgow schools. For example, in their final year of school, a number of young people may opt into the first year of a trade. Substantial work is being done in Glasgow and that model is an interesting one.

Mike Watson's point on trade union involvement is significant and I give him complete assurance that we wish to involve trade unions at every possible opportunity. We have received interesting submissions about the work from the GMB, the Transport and General Workers Union and the Amalgamated Engineering and Electrical Union. We look forward to developing a constructive working relationship with the trade unions and I will be pleased to follow up the points that Mike Watson has made.

Amendment 134 agreed to.

Amendment 175 moved—[Mike Watson]—and agreed to.

Amendment 135 moved—[Ms Margaret Curran]—and agreed to.

Section 80—Grants for housing purposes

Amendment 137 moved—[Fiona Hyslop].

The Presiding Officer: The question is, that amendment 137 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

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)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Quinan, Mr Lloyd (West of Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
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)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer (Mr George Reid): The result of the division is: For 34, Against 84, Abstentions 1.

Amendment 137 disagreed to.

The Deputy Presiding Officer: Amendment 176 is in a group of its own.

Fiona Hyslop: Amendment 176 would amend section 80, which deals with grants for housing purposes.

As drafted, the bill would give ministers the power to grant moneys to local authorities to provide support for improving, adapting and repairing properties that are not on the authority's housing revenue account—for example, properties that are owned by housing associations.

It has been argued that housing associations must be given some protection. If local authorities have the power to make development grants available not only for their own stock, but for housing association stock, they might give preference to their own stock at the expense of housing association stock.

Amendment 176 carries through some of the arguments that have been heard during previous debates on the powers that should be granted to local authorities to make development funding available for cross-tenure stock, even when that stock is not transferred. My view is that there is a strong argument in support of that proposal. I am not saying that such a power should be exercised by all councils. Amendment 176 would give ministers discretion in deciding which councils should have that power. It would also give ministers flexibility in allowing councils, on certain occasions, to have that power without necessarily transferring all their stock.

We have spoken to a number of councils and we believe that amendment 176 would be a useful provision, although we do not necessarily believe that all councils should receive that power. However, I suggest that well-run councils such as Clackmannanshire Council and Angus Council—which are run by the SNP—would be prime candidates. I would allow the minister discretion on which councils should be allowed development funding. That would be fair.

Amendment 176 is constructive, and I look forward to the minister's comments on it.

I move amendment 176.

Ms Curran: I think that Angus Council has had the fastest rent increases in the past four years, although I do not know.

Fiona Hyslop: Lowest.

Ms Curran: Fiona Hyslop raised the same point at stage 2 and we diligently sought to clarify the position. Nevertheless, here we go again.

Sections 80, 82 and 83 provide the statutory basis for a transfer of responsibility for development funding from Scottish Homes—or from Scottish ministers in future—to local

authorities. Section 80 therefore gives powers to Scottish ministers to provide grant aid to local authorities for specified purposes and sections 82 and 83 give local authorities wide-ranging powers to fund other housing providers—powers that parallel those that are currently enjoyed by Scottish Homes. Those powers are the cornerstone of what we have described as local authorities' strategic budget—that is, the resources that will be used to fund other housing providers in their areas.

Scottish Homes development funding is not used at present to fund local authority expenditure on its own stock, and quite rightly so. Scottish ministers give local authorities the power to borrow to undertake capital expenditure on their own stock under other legislation.

Changing section 80 in the way that Fiona Hyslop suggests would be confusing and unhelpful. It would give the wrong messages to RSLs and councils by implying that Scottish ministers are prepared to contemplate Scottish Homes' development funding being siphoned off into expenditure on local authority stock. Amendment 176 would remove the reassurance that section 80 currently gives to RSLs and it would make it more difficult to contemplate a transfer of development funding to local authorities in the absence of whole stock transfer. I have received representations on that point.

Amendment 176 is completely unnecessary and I ask members to reject it.

Fiona Hyslop: A part of the bill that I support gives strategic powers to local authorities. Development funding should follow that—especially in councils that ministers are confident could execute such powers fairly with the support of RSLs in their area.

I point out to Margaret Curran again that on 1999 figures, Angus Council has the lowest rents in Scotland. Tenants there have double-glazing and central heating. When the SNP inherited Angus Council, it had the second highest rents in Scotland. It now has the lowest.

There are good councils—I include some Labour councils—that are capable of responsibly managing development funding for their stock and other RSL stock. They might choose not to exercise that power; all amendment 176 would do is provide councils with the opportunity to exercise the power should they so wish.

The Deputy Presiding Officer: The question is, that amendment 176 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
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)
Eadie, Helen (Dunfermline East) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 31, Against 81, Abstentions 2.

Amendment 176 disagreed to.

Section 88—Applicant's contribution to expense of works

17:45

The Deputy Presiding Officer: Amendment 179, in the name of Kenneth Gibson, is grouped with amendments 180, 181, 182, 183, 184, 185, 186, 187 and 188.

Mr Gibson: The minister will recall that I went into considerable detail during stage 2 in respect of means testing. I will not repeat the specific

concerns of the Convention of Scottish Local Authorities, North Lanarkshire Council and Glasgow City Council that I quoted at some length in the committee, but I will quote further concerns that Glasgow City Council has raised. In a submission to the Local Government Committee, David Comely, the council's director of housing, stated:

"The proposed means testing regime is likely to be difficult and costly to operate and its cost effectiveness is seriously open to question. There does not appear to have been any systematic appraisal by the Scottish Executive of whether the savings from means testing will outweigh its costs. Most fundamentally, there is no indication that adequate resources will be made available."

He told the committee that

"in the Glasgow context, means testing is likely to make it harder to achieve comprehensive renewal".—[*Official Report, Local Government Committee*, 23 January 2001; c 1454.]

The Local Government Committee concluded:

"The Committee remains unconvinced by the proposals for means-testing, and calls on the Executive to consider further, together with the housing improvement task force, whether more suitable arrangements can be brought forward."

That was echoed by the Social Justice Committee, which said:

"The committee is not yet persuaded by the proposals regarding means testing".

At stage 2, it became clear that none of the analysis that was mentioned by Glasgow City Council had taken place. We do not know therefore whether means testing will ensure more resources for those on low incomes who are seeking grant or whether it will simply be swallowed up by the bureaucratic cost of the test itself—the minister appeared concerned about that in respect of amendment 174. I therefore ask members to support amendment 179 and reject means testing.

Amendment 180 recognises the serious level of disrepair in many private homes and the struggle that householders have to meet the necessary costs of improvement and conversion, particularly in older, post-war housing. The amendment thus seeks to increase the percentage grant of the total cost available to a more realistic level.

Amendment 181 is simple and straightforward in that it simply locks the level of maximum expense at £20,000 in real terms. Even with inflation at 2.3 per cent, the value of the maximum expense will fall to £19,540 after the first year as the bill stands and it will decline year on year thereafter. That obviously discriminates against those who apply for a grant each year after the first and, while ministers can alter the amount, it is simpler and more straightforward to make it inflation-proof. Such inflation-proofing had the unanimous support

of the Local Government Committee.

At stage 2, the minister made it clear that modifications would take place from time to time. Surely ministerial work loads—about which I am greatly concerned—would be reduced and the interests of applicants secured if grants were inflation-proofed. It is 14 years since the last review was undertaken and it would be grossly unfair to expect owners to suffer grant erosion over time: £20,000 should be the same in real terms in the future as it is now.

On amendment 182, each of the paragraphs of which it is comprised would inflation-proof the bill and simply update for each type of grant the amounts that were laid down in the Housing (Scotland) Act 1987. Just as the Executive has doubled the maximum grant that is available, the cash amounts that are detailed in amendment 182 simply double the maximum amounts of grant for each standard amenity for which an improvement grant can be sought. To be frank, it is a little sneaky of the Executive to increase the maximum grant from £10,200 to £20,000 without uplifting the amounts for standard amenities, which is what amendment 182 seeks to do. Without that uplift, the value of grant would simply decline year on year. Of course, that may be what the Executive really wants. Amendment 182 also seeks to set grant percentages at a more realistic and up-to-date level.

Amendment 185 seeks to do the same for repair grants as amendment 180 does for improvement grants.

I will not move amendment 186.

Amendment 187 seeks to inflation-proof the grant limits for fire escapes in houses in multiple occupation. The issue concerns public safety, so I hope that the Executive will look more fondly on the amendment than it did on my stage 2 amendment.

Amendment 188 would increase the grants that are available in housing action areas to ensure that, in terms of percentage, grants are at a level that will encourage the upgrade of homes that are in a state of severe disrepair.

I urge members to support all the amendments in this group.

I move amendment 179.

Bill Aitken: Kenneth Gibson's arguments have considerable merit. We will support the amendments that would index-link the level of grant. That is consistent with the attitude that we adopted in the Social Justice Committee. What Kenneth Gibson said is eminently sensible, because the grant levels have not been looked at for many years. The amendments are unlikely to bring about any massive increase in public

expenditure and I ask members to bear it in mind that the minister has control over the total amounts that are payable. The amendments would ensure that a reasonable level of grant assistance was available. When the level of grant falls below what is reasonable, jobs are done that are not worth while. Basically, grant money is wasted because proper repair projects cannot be completed.

We part company with Kenneth Gibson on amendment 179. To do away with the system whereby the total income of the household is considered would be extremely unfair on owner-occupiers who live on their own. Many of the problems that have arisen in the private sector have concerned widowed persons. We will not support amendment 179, but we will support the other amendments, which have merit.

Jackie Baillie: Kenny Gibson has again lodged the raft of amendments that he lodged at stage 2. We rejected them then; we reject them now for the same reasons. However, I am grateful for his concern about ministerial work loads.

The effect of amendment 179 would be to remove the test of resources that the bill introduces into the improvement and repairs grant system.

Amendments 180, 181, 182, 183, 184, 185 and 188 would modify the existing grant system by increasing the various rates of the grants that are payable. The rate for repairs grants would be increased to 75 per cent and the rate for grants in housing action areas to 90 per cent. The maximum approved expense limits would also be increased by the amendments. For example, amendment 185 would increase the maximum for repairs grants to £9,600.

Under our proposals, grants would no longer be restricted to prescribed percentages—currently 50 per cent for most repairs. The new test of resources would provide grants at rates of up to 100 per cent for low-income households. Therefore, Kenny Gibson's amendments would disadvantage householders who are on the lowest incomes by restricting them to a maximum of 75 per cent for repairs grants and 90 per cent in housing action areas. The amendments would confine people to "approved expense limits" of, for example, £9,600 for repairs grants. We are proposing a new single limit of £20,000.

Another effect of Kenny Gibson's amendments would be to give high-income families a state subsidy. Under his non-means-tested system, everybody who qualified for a grant would benefit from the high rates that he proposes. Households that can afford the cost of works would not have to pay because the state would pick up the bill.

Amendment 187 proposes that the new unified "maximum approved expense limit" of £20,000 be

uprated in line with inflation. I am not attracted to upratings on that basis. There is a danger that the upratings would cause inflation in the price of works. If we were to enshrine index-linking in legislation, we would surely be sending a signal that contractors can increase their prices by a few per cent every year in the knowledge that the approved expense limit would be increased anyway. How could best value be achieved in such circumstances?

In any case, the £20,000 is not an absolute limit. Local authorities can ask ministers for approval to pay grant on greater amounts in particular cases, if authorities think that there is good reason for the increased costs. That facility will remain. Of course, the £20,000 limit must be reviewed from time to time—we are not saying that it is to be unchanging. At stage 2, I gave an undertaking that the limit would be reviewed from time to time and I indicated that it might be sensible to consider that

“at least once every parliamentary session.”—[*Official Report, Social Justice Committee*, 15 May 2001; c 2428.]

On Kenny Gibson's point about bureaucracy, we have undertaken to consult local authorities on the implementation of the provisions and, as I understand it, COSLA is happy with that.

We believe that the reform of the grant system as proposed in the bill will simplify the system and provide help where it is most needed. It will also extend the scope of the system, so that local authorities will be encouraged to give grant for home insulation, heating systems and home security measures. We believe that the new system will be a considerable improvement on the current one, and that it will be widely welcomed by low-income households. For those reasons, I ask the chamber to reject Kenny Gibson's amendments 179 to 188.

Mr Gibson: On the rate of inflation, it is pretty desperate stuff. The reality is that when people apply for grants, the lowest quotation is the one that is accepted. If builders were to do what the minister suggested, they would soon find themselves out of business. We are talking about the retail prices index generally, not just building works, so the argument is clutching at straws.

The minister's concern that only high-income families, or the “extremely well-heeled” as they were called at stage 2, would benefit is nonsense, because as was pointed out at stage 2, only those who are in council tax band E and below would qualify. Given that that limit is £80,000, which would not buy more than a one-bedroom flat in Edinburgh, I would hardly call such people extremely well heeled.

The big issue that has not been addressed is resources. One of the reasons why so few people can get grants is that in Glasgow, for example, the

amount of owner-occupied grants has been reduced from £18.95 million to £3.5 million over the past four years, which is a fall of more than 80 per cent. If the jam is spread thinly, it is the fault of the Executive. I hope that the Executive will address that issue.

Glasgow City Council, which is not in COSLA, still opposes means testing, and we still oppose means testing, because as Glasgow City Council and others have said in committee ad nauseam, the Executive has not provided any detail over the past five months to suggest that the bureaucratic cost would not outweigh the perceived advantages of means testing. I urge everyone to support my amendments 179 to 188.

Lastly, as for the point that Bill Aitken made about amendment 179, I have no idea what he was talking about. I am perplexed. Perhaps he can tell me later.

The Deputy Presiding Officer: The question is, that amendment 179 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
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)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 82, Abstentions 0.

Amendment 179 disagreed to.

The Deputy Presiding Officer: Amendment 139 is grouped with amendment 148.

18:00

Jackie Baillie: At stage 2, I expressed my sympathy with the broad intention behind amendment 476, which was lodged by Cathie Craigie. As members may recall, I gave Cathie and the other members of the Social Justice Committee a commitment to lodge an Executive amendment at stage 3.

Amendment 139 introduces a review mechanism for cases in which the grant applicant considers that their contribution has been incorrectly assessed by the local authority. The review will be conducted by a senior person in the local authority.

Cathie Craigie said at stage 2 that a review would be more appropriate than an appeal, and we agree with her. Local authorities feel that a review would be faster and less cumbersome, which is why an amendment along those lines was suggested.

Amendment 148 will make a minor amendment to a consequential provision. Members are probably aware that under the Housing (Scotland) Act 1987, the powers and functions of local authorities to make grants are applied to Scottish Homes. The bill already contains provision to change that so that the new executive agency can carry out those functions and use those powers if required, after Scottish Homes' functions are transferred. Amendment 148 simply replaces the word "power" with the word "function", which is more appropriate in the context.

I move amendment 139.

Amendment 139 agreed to.

Section 90—Amount of grant

Amendment 180 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 180 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 48, Against 67, Abstentions 0.

Amendment 180 disagreed to.

Amendment 181 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 181 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 46, Against 66, Abstentions 0.

Amendment 181 disagreed to.

Amendment 182 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 182 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 48, Against 67, Abstentions 0.

Amendment 182 disagreed to.

Amendment 183 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 183 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)

MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 49, Against 68, Abstentions 0.

Amendment 183 disagreed to.

After section 90

Amendment 184 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 184 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 49, Against 67, Abstentions 0.

Amendment 184 disagreed to.

Section 91—Improvement grants: the tolerable standard and standard amenities

The Deputy Presiding Officer: Group 29 deals with improvement grants and the meaning of “tolerable standard”. Amendment 10, in the name of Tricia Marwick, is grouped with amendments 140, 141, 11, 142, 143 and 144.

Tricia Marwick: Amendments 10 and 11 are exactly the same as amendments that I lodged and that were disagreed to at stage 2. I look forward to the minister addressing the amendments this time, which she failed to do at stage 2.

The tolerable standard for Scottish housing was set over 30 years ago. In England, housing has to meet a fitness standard, which, in terms of quality, is set far higher than the standard that we have in Scotland. In October 1997, Malcolm Chisholm, when he was the Scottish Office minister with responsibility for housing, said:

“it is clear that too many people in Scotland still live in poor housing conditions. ... A further cause for concern is that so many houses fall ‘Below Tolerable Standard’, even though that Standard was set almost 30 years ago and is now out of date.”

If it was out of date in 1997, it is even more out of date now. A Scottish Office consultation was concluded in 1998. Since then, there has been barely a cheep from the Executive about what it intends to do with the responses that it received to the consultation document. Indeed, it was clear at stage 2 that the Executive still does not intend to act on the tolerable standard in Scotland. It prefers to kick the whole matter into touch with the housing improvement task force and an index of housing quality.

The tolerable standard is, and should remain, a minimum standard below which no house should fall. It is not an aspirational standard that sets the optimum housing standards, nor should it be. The minimum standard has three purposes, as the Scottish Office outlined in its 1997 consultation paper: to identify defects that unless remedied could result in the loss of the house to the housing stock; to identify issues of health and safety of the occupants; and to target resources. I agree with those three purposes. In its report, the committee recommended that a wider definition of tolerable standard be introduced.

Amendments 10 and 11 are very modest and do no more than adopt the English fitness standard, which is under review. The wording of my amendments was chosen with great care. Amendment 10 inserts the phrase:

"and is free from serious disrepair".

At stage 2, the minister said:

"Considerable subjectivity is involved in measuring serious disrepair."—[*Official Report, Social Justice Committee*, 15 May 2001; c 2438.]

What a lot of mince. The wording in amendment 10 is exactly the wording of the English fitness standard. If serious disrepair can be understood by our friends and colleagues in England, it can also be understood in Scotland.

Cathie Craigie: If the member is as experienced in housing as she claims to be, does she agree that the term "serious disrepair" has allowed housing officers up and down the country to delay repairs and not reach agreement with applicants on repair and improvement grants? Does she further agree that that term needs to be defined or changed?

Tricia Marwick: In England, there appears to be no great difficulty with the term "serious disrepair". If the Scottish ministers cannot even accept that wording as a measure, they are suggesting that they can do nothing about the tolerable standard. I do not accept that.

Amendment 11 specifies that housing should be

"free from dampness prejudicial to the health of the occupants".

Again, that is the wording of the English fitness standard. No doubt Cathie Craigie will tell me that people up and down the country do not understand what it means.

The Scottish Executive is still dragging its feet on the tolerable standard in Scotland. The Labour Government has been consulting since 1998 and is still consulting. In evidence, Glasgow City Council said that

"the tolerable standard is not adequate for today's housing."—[*Official Report, Local Government Committee*, 23 January 2001; c 1447.]

The Royal Incorporation of Architects in Scotland called for early action to raise the tolerable standard. In its briefing, Shelter Scotland—I agree with it sometimes—said that it was ironic that an amendment had been adopted to eradicate fuel poverty in 15 years, yet condensation, dampness and disrepair were not addressed.

I find it hard to believe that we are debating a housing bill—the Executive's flagship policy—that will do nothing to target for improvement the worst housing. The bill will not give to tenants the statutory right to live in a house of decent quality. That is a disgrace and a wasted opportunity. It is intolerable that in the 21st century we have a standard for Scottish housing that has its roots in the 19th century. Even at this late stage, I urge the ministers to accept the minimal amendments that I have lodged.

I move amendment 10.

18:15

Tommy Sheridan: I will be more optimistic than Tricia Marwick. I agree with all the points that she has made, but I think, in the words of Shelter, that this process should be an opportunity to take a radical look at the minimum standards of the homes in which people have to live.

In a letter to me in support of amendments 140, 141 and 142, Shelter Scotland said:

"I am writing in support of the above amendments to the Housing (Scotland) Bill that you have tabled.

At least 362,000 children and 119,000 pensioners live in homes that are affected by dampness and condensation. Much of Scotland's housing is in an appalling condition; the Housing (Scotland) Bill should be an opportunity to begin to tackle this. The effects of dampness and condensation can cause or exacerbate respiratory illnesses like asthma, bronchitis and pneumonia. 1 in 3 children who experience breathing problems live in houses that suffer from dampness or condensation.

We have argued since 1998 (when the Scottish Office held a review of the Tolerable Standard) for condensation dampness to be included in the tolerable standard. Our briefing paper 'Beyond the Tolerable Standard' sets out Shelter's position.

The briefing paper also supports the case for a measure of energy efficiency in the Tolerable Standard. In the briefing paper we argue for different temperature levels than your amendment but we do nevertheless support the principle of your amendment.

I hope your amendments get a fair hearing”.

Quite frankly, I hope that my amendments get a fair hearing as well. Surely we have an opportunity to set a minimum standard for the housing conditions that we expect our citizens to live in. The amendments in this group do not have the same resource implication that earlier amendments for which I tried to get support would have. We are setting a standard and sending out the message that homes that do not meet that standard are not acceptable—they are below tolerable standard.

Surely we should have a 21st century below tolerable standard instead of a 19th century below tolerable standard. That is the vision that we should be setting up. The Housing (Scotland) Bill gives us an opportunity to say that homes should be free of condensation and dampness, and should be capable of being heated with less than 10 per cent of a family's household expenditure—the accepted definition of fuel poverty. We have the opportunity to say that houses should have a form of central heating and should have safe and operable double-glazed window units, to ensure that all citizens have the type of environment that many of us take for granted in our own homes.

All that I am asking is that we set the highest possible minimum measure for the citizens of Scotland in relation to housing. We have the opportunity to do that by including in the below tolerable standard the measures that are set out in amendments 140, 141 and 142. Those amendments have no immediate resource implication; they merely set a measure that I hope local authorities will be properly financed and resourced to meet within a reasonable period. I appeal to the ministers to recognise that those amendments are meant to raise our sights in Scotland and to give us the type of tolerable standard for our housing that we can be proud of.

Karen Whitefield: I listened with interest to Tommy Sheridan and Tricia Marwick. I do not doubt for a minute their aspirations for the citizens of Scotland—they are shared by every member on the Executive benches—but they have not said what their amendments would do to ensure that people live in warm and secure homes. In reality, the amendments do not do anything. The tolerable standard is about condemning homes for demolition, not about improving houses that are not necessarily obsolete.

Linda Fabiani: I point out that the tolerable standard is often used to define the levels at which grants and development funding can be given,

particularly in housing action areas, so it is not merely about earmarking properties for demolition.

Karen Whitefield: The reality is that the amendments in this group add nothing. Classing properties as below the tolerable standard is about defining houses that are morally and physically due for demolition. We need an index of quality and comfort that captures the aims and aspirations of the people of Scotland and housing need in Scotland and to allow the tolerable standard to pick up housing failures. That is why the amendments are unworkable.

I accept that the SNP may have some sympathy for improving the tolerable standard, because it improved matters in the 1970s and 1980s, but now is the time for raising our aspirations. That is exactly what the housing improvement task force will do.

Ms Margo MacDonald (Lothians) (SNP): Will Karen Whitefield give way?

Karen Whitefield: I am sorry; I am about to conclude.

That is also exactly what the index of housing quality will do. This morning, Shona Robison told us that we should wait for the review on asylum seekers. We should wait for the work of the housing improvement task force. The SNP should not pre-empt it. Allow us to engage in the process and I am sure that we will produce something more satisfactory than what Tommy Sheridan and Tricia Marwick's amendments would achieve.

Bill Aitken: The point about the definition of the tolerable standard is well made. What was regarded as acceptable in 1850 would not have been acceptable in 1950 and what was regarded as the norm then would not be taken as the norm in 2001. That is accepted and understood, but there are definitional problems and resource implications in what the amendments propose.

Our colleagues down south may well have produced a definition of “serious disrepair”, but many of the terms in this series of amendments are not clear. What is “substantially free”? How do we define that? There is a problem with putting the proposals in these amendments in an act of Parliament.

We would all like every public sector house to have windows of double-glazed construction that operate safely. Nobody could argue with that, but consider how much it could cost in the short term.

The Conservatives are content to wait and see what the housing improvement task force produces. We assure the minister that, if progress is not made, we will take measures to persuade her that urgent action must be taken.

Robert Brown: The Social Justice Committee

had a good debate on section 91 at stage 2. The section had perhaps not been given as full consideration as it might have been in the committee's lead-up investigations.

I said at the time that the committee's general mood was to move forward on the issue of the tolerable standard. I am indebted to the committee for its comments and also to the ministers for the subsequent discussions that I have had with them on the matter.

There is a definitional difficulty. People are talking about several different issues. Tommy Sheridan managed, in one sentence, to say that the proposal on the tolerable standard had no resource implications and that he was looking forward to local authorities being resourced to implement it. We must be reasonably rigorous. The proposal has resource implications and it is a tool of housing policy.

There is agreement throughout the chamber that we want to move forward on the tolerable standard, not least on damp houses. It is common sense that a damp house is not a house that it is tolerable to live in, but that is not quite the point for the purpose of this debate. Ministers already have powers under section 86 of the Housing (Scotland) Act 1987 to extend or amplify the criteria for the tolerable standard. That could be done by statutory instrument.

I am not interested, to use Tommy Sheridan's words, in sending out a message. The point is to have a programme that ensures that substantial improvements are made to the state of Scotland's housing. The measures that the Administration set out mentioned using the index of housing quality as the main aspirational standard. There is, of course, a difference between an aspirational standard and a minimum standard. Linda Fabiani is right to say that it is not just a matter of the tolerable standard leading to demolition; it also has implications for access to mandatory grants. That makes the point: how do we decide on the best use of limited resources in this context? Is the tolerable standard the best way of moving forward or are there better ways to achieve results?

I would like to see some progress. The housing improvement task force is examining the issue. It is important that it considers it in some depth and takes whatever time is necessary. At the same time, there is a mood in the chamber that the housing improvement task force should produce a reasonably speedy report. I am interested to hear what time scales the ministers have in mind for the production of the report. As we are considering the usefulness of the tolerable standard as a weapon, I am also interested in knowing whether, after the report has been produced, the ministers will be prepared—if necessary—to use their existing powers to extend the definition of the tolerable

standard or to legislate further to move the issue on.

My final point on this difficult area is this: we are debating the Housing (Scotland) Bill, but we cannot improve housing just with a flash of legislative change. A programme of measures must accompany any such legislation; the important link is between the provisions in the bill and the administrative and financial resource implications of those provisions as determined by ministers. I want some progress and some response from the ministers on that.

Jackie Baillie: There is obviously strong feeling across the chamber about the tolerable standard and many members care deeply about housing quality. No one can say that the Executive, or my colleagues on the Labour and Liberal Democrat benches, have neglected the issue or failed to give it full attention. In a moment or two, I will talk about the wider picture, but I will first respond to the amendments.

The tolerable standard is not a list that details the items and appliances that houses should have. Rather, it is a standard that condemns; it seeks to identify houses with defects that seriously threaten the integrity of the building and, as a result, the health and safety of the occupants and possibly others. It can be the trigger for drastic action such as demolition or for mandatory action by the owner.

All the amendments in the group propose additions to the tolerable standard, but we cannot simply add items to the tolerable standard without first thinking through whether they are appropriate and what the effect of adding them will be. As my deputy Margaret Curran said in the lively stage 2 debate, the Executive believes that the tolerable standard must meet four tests.

First, if the tolerable standard is to be meaningful in determining priorities for housing investment, it must identify elements of house condition that, if not identified, would seriously threaten the building's integrity. It must focus on housing in the very worst condition to ensure that such housing receives investment first. Secondly, the tolerable standard must be easily measured. Thirdly, the condition of the property must be sufficiently serious to warrant the use of the quite draconian statutory powers that legislation gives local authorities, such as powers of compulsion over owners, and the award of mandatory improvement grants. Fourthly, the tolerable standard cannot be dependent on household type or income.

I do not believe that any of the amendments in the group meets those tests in full. Tricia Marwick's amendment 10 proposes that "serious disrepair" be added to the tolerable standard.

Although I have much sympathy with the intention, the fact is that serious disrepair need not threaten the fabric of a building. The elements of disrepair that are fundamental to the integrity of the building are already included in the standard.

Tommy Sheridan's amendments 140 and 141 and Tricia Marwick's amendment 11 all concern dampness or condensation damp. The tolerable standard already requires that a house should be substantially free from rising and penetrating damp.

Mr Andrew Welsh (Angus) (SNP): On a point of clarification, does the minister intend to alter the minimum tolerable standard in any way?

Jackie Baillie: If the member allows me to develop my speech, he will find out what we intend to do. This is a complex area and I am prepared to give a very fulsome answer.

I understand the concerns about condensation damp. Indeed, many of our biggest programmes are aimed at tackling that problem. As I have said, I will talk about the wider picture.

Tommy Sheridan's amendment 142 covers the temperature of the house and expenditure on heating. As those factors are dependent on the income of the occupants, they go beyond the condition of the building, which is what the standard is about.

Tommy Sheridan: Does the minister recognise that amendment 142 contains the recognised definition of fuel poverty?

18:30

Jackie Baillie: The tolerable standard deals with a building's condition. I can accept definitions of fuel poverty, but we are not discussing those. For that reason, Tommy Sheridan's amendment is wrong in this context.

Amendment 143, which would require a house to have double-glazing that can be operated safely, is evidently desirable. We would all agree on that, but it is not the first priority for housing investment. The same applies to the provisions in amendment 144.

The Executive's opposition to extending the tolerable standard is the result not of a lack of commitment or of a failure to understand the problems, but of our belief that changes to the tolerable standard are not the most effective method of achieving the improvement that we all want.

We already have in place strategies that are designed to promote housing quality and to improve the living conditions of households in Scotland. When we came into office we said that we would insulate 100,000 houses over a four-

year term. Under the warm deal, we have already insulated 80,000 houses and we will exceed our target. Through the central heating programme we are committed to ensuring that within five years all tenants of social landlords and all elderly people have free central heating, home insulation, safety alarms, energy advice and a benefits health check. We are working in partnership with local authorities to improve home energy efficiency under the Home Energy Conservation Act 1995.

We are building on our commitments. The Housing (Scotland) Bill will make major changes to the improvement and repairs grants system. Local authorities will be encouraged to give grants for home insulation, heating systems and home security measures. For the first time, the grants system will be an effective means of tackling condensation damp and fuel poverty.

Finally, the new housing partnership programme will transform Scotland's housing by extending community ownership. Community ownership will provide new resources to address poor housing.

I say to the SNP that we are not happy to rest on those achievements. We believe that we need to take further radical steps to address housing quality. Critically, a more strategic approach is required that takes account of changes. I am referring not just to the higher expectations of housing quality that we all share, but to the wider changes that have taken place since the tolerable standard and the improvement and repairs grant schemes were introduced.

Fiona Hyslop: The minister has talked about her achievements. She mentioned the central heating initiative. She knows fine well that barely 8,000 properties in the whole of Scotland—not the 100,000 that she mentioned—are likely to benefit from that scheme. She spoke about achievements under the new housing partnership programme. Perhaps she could tell us exactly how much investment there has been in housing—in bricks and mortar—over the past four years, since the new housing partnerships came into being. The problem is that the Executive has underspent and that there has been no investment in housing under new Labour.

Jackie Baillie: Fiona Hyslop has her facts wrong. There has been significant new investment in housing under the Labour-Liberal Democrat partnership Executive.

I want to take up the point that Fiona Hyslop made about central heating. She is correct to say that central heating is required in fewer council houses, because Labour local authorities have acted in the interests of tenants by installing central heating. I have some good news for Fiona Hyslop. That means that our pensioners and council tenants get central heating more quickly.

As Tricia Marwick said, the English tolerable standard is being reviewed, because it represents an outdated approach. The Scottish Executive has proposed and consulted on an index of housing quality, which is intended to set a much higher standard for housing quality in Scotland than the tolerable standard sets. That index will form a key part of local housing strategies and local authorities will be required to set targets for improvements in their housing covering all aspects of the index. The key elements that are proposed are that a property should be energy efficient, free from serious disrepair, safe and secure and fit for the needs of the occupant. In the light of the discussion that took place in the Social Justice Committee and subsequent helpful discussions that I have had with Robert Brown, Cathie Craigie and others, I have already decided that the index should explicitly recognise the problem of condensation dampness.

We see the index of housing quality as the prime method for driving up standards in housing in Scotland in all tenures. Local authorities will have to set objectives and report on their progress in meeting them. Beyond that, we have started a fundamental review—through the housing improvement task force—of the legislative, financial and other arrangements for promoting and maintaining homes in good condition. The task force was set up because of the complexity of the issues that are involved and we will ensure that it reports on whether the tolerable standard remains appropriate in content and approach. A series of well thought out and connected actions to achieve real change and improvement is the right approach to creating a robust framework that will have a lasting effect.

Robert Brown: Can the minister give us any indication of the time scale for that review?

Jackie Baillie: Yes, I can. The proposed time scale is for a two-stage process. The first stage is to identify the problem and should be completed by the end of this year. A report will then come back on possible solutions. However, I am happy to consider whether we can accelerate that process.

I have set out the measures that are already in place, the changes that we have made through the bill and the further work that is taking place to reform the housing improvement framework. The Parliament should not doubt the Executive's commitment to improving housing conditions in Scotland—not just in a piecemeal way or on a short-term basis, but in the creation of homes that are fit for the 21st century.

The Deputy Presiding Officer: I remind members that the knife falls at 18:43—seven minutes from now—after which I shall group all remaining amendments.

Tricia Marwick: I shall be brief, as the minister's response deserves only a brief reply. I find it difficult to debate a housing bill that goes nowhere near ensuring the minimum standards of housing in which people should be living in the 21st century.

The minister said that she does not want to be rushed, and that the bill is not the opportunity to address the tolerable standard. I wonder whether four years is rushing consultation. The consultation concluded in October 1998. What about the responses? The Executive has been considering them for almost three years, yet it has done nothing. It has wasted this opportunity to put into statute that which should be a basic right in housing.

The minister says that there is to be an index of housing quality. I said in my opening speech—and I wish that Karen Whitefield would pay attention, instead of talking to her colleague—that an index of housing quality will not give tenants a statutory right to have their houses dealt with. That is the difference between an index and a tolerable standard in legislation.

The Executive talks about minimum standards and aspirations. The SNP wants the Executive to aspire to a minimum standard for housing. The minister responded to Robert Brown's question about the time scale for the present review, but by the time the Executive deals with housing that is below the tolerable standard, the pyramids could have been built.

There has been considerable concern among members about housing that is below tolerable standard and the lack of a response from the minister. I therefore urge members to support amendments 10 and 11, which would give tenants statutory rights that the Executive is prepared to deny them.

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West) (SNP)
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)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 82, Abstentions 0.

Amendment 10 disagreed to.

Mr Gibson: On a point of order, can you wake up Ben Wallace?

The Deputy Presiding Officer: That is not a point of order.

Phil Gallie (South of Scotland) (Con): On a point of order. *[Applause.]*

Mr John Home Robertson (East Lothian) (Lab): I spy strangers!

Phil Gallie: On a point of order, can you stop Kenny Gibson speaking so we can all stay awake?

The Deputy Presiding Officer: In response to that, I can say that we are through the final substantive debate. I propose simply to run through votes until the end, if that is agreed. Are we all agreed?

Members indicated agreement.

Amendment 140 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 140 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 140 disagreed to.

Amendment 141 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 141 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 141 disagreed to.

Amendment 11 moved—[Tricia Marwick].

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 11 disagreed to.

Amendment 142 moved—[Tommy Sheridan].

18:45

The Deputy Presiding Officer: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 2, Against 114, Abstentions 0.

Amendment 142 disagreed to.

Amendment 143 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 143 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 3, Against 110, Abstentions 0.

Amendment 143 disagreed to.

Amendment 144 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 144 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)

MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 0.

Amendment 144 disagreed to.

Section 92—Amount of repairs grant

Amendment 185 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 185 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 67, Abstentions 1.

Amendment 185 disagreed to.

Section 93—Grants for means of escape from fire

Amendment 186 not moved.

Amendment 187 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 187 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 51, Against 67, Abstentions 0.

Amendment 187 disagreed to.

After section 93

Amendment 188 moved—[Mr Kenneth Gibson].

The Deputy Presiding Officer: The question is, that amendment 188 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 51, Against 66, Abstentions 0.

Amendment 188 disagreed to.

Section 94A—Equal Opportunities

Amendment 189 moved—[Ms Margaret Curran]—and agreed to.

After section 94A

The Deputy Presiding Officer: Amendment 12 is in a group of its own. Mr Gibson, do you wish to move amendment 12?

Mr Gibson: I am disappointed that we cannot debate amendment 12.

I move amendment 12.

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Theoretically, this should be a two-minute division, but as everyone is here, we will keep to 30 seconds. Are we agreed?

Members indicated agreement.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 51, Against 67, Abstentions 0.

Amendment 12 disagreed to.

After section 95

Amendment 146 moved—[Fiona Hyslop].

The Deputy Presiding Officer: The question is, that amendment 146 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (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)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 34, Against 83, Abstentions 1.

Amendment 146 disagreed to.

Section 99—Interpretation

Amendment 147 moved—[Jackie Baillie]—and agreed to.

Schedule 9**MODIFICATION OF ENACTMENTS**

Amendment 13 not moved.

Amendment 148 moved—[Jackie Baillie]—and agreed to.

The Deputy Presiding Officer: Does Linda Fabiani wish to move amendment 190?

Linda Fabiani: I am extremely disappointed that amendment 190 cannot be debated.

I move amendment 190.

The Deputy Presiding Officer: The question is, that amendment 190 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (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)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
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)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)

Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
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)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (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)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (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, Ben (North-East Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 35, Against 82, Abstentions 0.

Amendment 190 disagreed to.

Section 101—Commencement and short title

The Deputy Presiding Officer: I point out to members that if amendment 149 is agreed to, amendment 150 is pre-empted.

Amendment 149 moved—[Jackie Baillie]—and agreed to.

The Deputy Presiding Officer: We have come to the end of a very long road.

Housing (Scotland) Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-2000, in the name of Jackie Baillie, which seeks agreement that the Housing (Scotland) Bill be passed.

18:56

The Minister for Social Justice (Jackie Baillie): This Parliament came into being facing Scotland's great housing challenges of the post-Tory era. The imperative is to remake an effective, affordable, high-quality, community-driven housing sector out of the devastated councils and marginalised not-for-profits that the Tories left behind. We are rebuilding homes, yes; rebuilding trust, yes; but also rebuilding organisational and legal frameworks for better housing. In the stage 1 debate, I said that the bill sought to provide a framework that would allow individuals, communities and organisations to work together to that end. We stand on the threshold of changing our legislation and—more important—changing Scotland's housing for the better by delivering the promised framework for action.

By passing the bill we will deliver the best ever package of rights for homeless people and for all tenants in the social rented sector, the first radical rethink of the right to buy since it was introduced two decades ago and modernisation, based on principles of fairness, that balances community and individual aspirations and that respects local strategic concerns. The bill will also deliver further measures to deal with anti-social behaviour, a new regulatory framework to guarantee and to raise standards, a new emphasis on the governance of Scottish housing with a directly accountable executive agency to replace a quango, new strategic and funding roles for local authorities, a new and historic commitment to tackling fuel poverty and new roles for communities in shaping housing provision. We are placing tenants at the heart of the process.

Much of value was added during the stage 2 consideration of the bill by the Social Justice Committee. It is to the committee's credit that I can say that the theme of working together ran throughout much of the committee's work. Committee members made important changes to the bill throughout stage 2 and I am very grateful to the convener Johann Lamont, to committee members and to parliamentary officials for their efforts in helping us to shape this legislation. I would also like to express my thanks to the bill team and the officials from the housing division who are sitting at the back of the chamber. Not only did they burn the midnight oil, but, on some

occasions, they worked right through the night to ensure that the bill was robust. I would also like to thank my deputy Margaret Curran, who worked tirelessly throughout in a very good-humoured way.

Throughout the development of the bill, one of the key benefits of having a Scottish Parliament has been evident—the access that the full range of interested individuals and organisations have had to their MSPs and, through them, to ministers and the legislative process. I am grateful to the many organisations and individuals who have given time, effort and expertise to help us ensure that we got the legislation right.

We have spent much of today discussing the detail of the legislation but, as I have said already, the bill, coupled with the substantial expansion of the resources that we are making available over the next three years, is the beginning and not the end of our commitment to improve Scotland's housing. Scotland remains stricken by the blights of homelessness and poor housing stock. We are conscious that, having bound the fractures of the social rented sector with the support of new legislation and significant new resources, we still face the challenge of improving private housing. The chamber will be familiar with the homelessness task force, the rough sleepers initiative, the warm deal, the central heating initiative and the housing improvement task force. We will take those issues forward in the housing improvement task force and publish a report on solutions by the end of 2002.

The bill is another important step in the progress that we are making towards better housing and stronger communities throughout Scotland. The bill is for all Scotland. It focuses on delivery and will make a real, tangible difference to the homeless, tenants and communities. As I said, the bill is a new beginning, not an end.

As a Labour member, I am proud to move,

That the Parliament agrees that the Housing (Scotland) Bill be passed.

The Deputy Presiding Officer: Under the timetabling motion, the debate can last until 19.25 and not a minute longer. I will therefore keep members tightly to their times.

19:00

Fiona Hyslop (Lothians) (SNP): The SNP will support the motion, but with some reluctance. As members will have gathered from the stage 2 debate, the bill is flawed in many respects. I hope that there will be urgent action in the areas that we have pointed out.

I would like to thank the clerks and our own staff who have worked on the bill under duress and

extreme pressure. It is meant to be a flagship bill, but it was put forward under cover of a general election with amendments at stage 3 to be lodged only on Friday. One of the concerns that we should have about the bill is the tight timetabling between the amendment schedules. I also want to record in the *Official Report* my support for and thanks to Johann Lamont for her convening of the sessions. She was very fair.

The SNP has concerns about the bill—we have articulated them in the previous hours—but a number of the bill's sections are SNP policy. We came to the Parliament on that policy, as outlined in our manifesto. Valuable homelessness legislation, a single social tenancy, increasing tenant participation, a single regulatory framework, the abolition of Scottish Homes, strategic powers for local authorities, cross tenure and improvement grants for pensioners are all in the SNP manifesto. I am very pleased that the Executive has taken up those issues.

My concern is that the bill could have been a very good, historic bill—one that we could celebrate. Unfortunately, we cannot. The bill does not provide the mechanism to deliver stock transfer. That comes from the 1987 Conservative legislation. The bill has been corrupted by considering aspects that facilitate stock transfer—in particular, I refer to the extension of the right to buy and to schedule 8.

We want improvements to Scottish housing. Robert Brown made the important point that housing is not improved just by legislation. The Executive should bear that in mind and consider housing policy and investment—the policy of wholesale stock transfer and the investment that is not reaching tenants. The Executive is failing on those issues.

I support the bill because much of it will take housing forward. We have needed such a bill for decades. However, I will add a note of caution. If we expect Scottish people to look to this Parliament to deliver on housing, policy and investment are needed, as well as legislation. The Opposition will certainly pursue the Executive on those matters in the months and years to come.

19:03

Bill Aitken (Glasgow) (Con): The Conservative party does not intend to divide the chamber over the motion. We should congratulate the minister on some parts of the bill and condemn her in respect of other sections. I was very impressed by the commitment that she made to take action to clear up the debris of the Labour councils that have presided over Glasgow's and Scotland's housing decline for many years.

She has sought to take action that will

undoubtedly improve the situation. Never in my wildest dreams did I think that housing stock transfer, which was resisted so vehemently in the late 1990s, would be enacted in legislation before a Scottish Parliament. That demonstrates just how political thinking has changed over the past 10 years.

Naturally, we are disappointed that the Executive did not see fit to incorporate some of our amendments—in particular, our proposals for dealing with anti-social tenants and for providing safeguards for housing associations. Nevertheless, we recognise that there is much in the bill that is good. We welcome the increase in tenant participation and the moves to give so many more people the ability to purchase their own house. That is indeed progress.

I thank the clerk to the committee, who was particularly helpful during what has been a fairly hard process. Lee Bridges performed his tasks with indefatigable good humour—which is more than can be said for the bulk of the committee members, myself included. The Social Justice Committee can claim to have done a good job on the bill. I congratulate my colleagues on that committee for the positive contributions that they made—in particular, over the latter part of the stage 2 process.

The Housing (Scotland) Bill has been the most complex piece of legislation that the Parliament has dealt with to date. Most of us have found it an exhaustive and exhausting process. However, we can rest content that we have done a reasonable job. Although we have some caveats and disappointments, the bill will benefit the people of Scotland.

19:06

Robert Brown (Glasgow) (LD): I will take up Bill Aitken's point about the size and complexity of the bill. It will be the biggest and most complex bill that we will pass in this parliamentary session. The bill will have significant effects on the housing position in Scotland. It is a tribute to the committee system of the Parliament that the bill went through its stages in the way that it did. It is right that I add my personal thanks to Lee Bridges and his colleagues for the support that they have given us. Quite often we asked for their support at inopportune times, with deadlines and late on in the day. The good humour, knowledge and expertise that Lee Bridges and his colleagues brought to the matter have assisted the committee greatly.

I also pay tribute to the ministers. There has been a creative tension—perhaps that is the right way to put it—between me and them as the bill has gone through Parliament. The tension comes

from this new situation in which, as the bill goes through committee, ministers are not entirely sure exactly how the votes will fall. I have had contact with colleagues in the House of Commons—where amendments are usually not passed—who find that an unusual and different experience. The process has been a learning experience for the Social Justice Committee and for the Parliament and has been beneficial. I hope that, now that they have seen what has happened to the Housing (Scotland) Bill, ministers will in future be a little more relaxed about the process.

The bill has been closely scrutinised by the Social Justice Committee. That scrutiny has been well worth while, effective and significant. If I may blow my own trumpet, I point out that I have identified 15 fairly significant changes resulting from that scrutiny, in terms of proposals introduced by the committee and questions responded to by ministers. That is the key point. We have been engaged in a deliberative process during which we have seen changes made.

It is fair to say that we were knocked off course slightly by the emphasis that had to be given to the right to buy and the implications of that. One of the sad things about that is that it meant that we had to devote a little less time to some of the later sections of the bill than would be desirable in an ideal world.

As I said before, legislation does not change the world. However, it sets in place the structure that will allow us to make progress. This is a good bill. It deals primarily with the social rented sector and lays a framework that will stay in place for some years to come and that will enable us to deal dramatically with the housing aspirations of Scotland, which many members, not least those on the Social Justice Committee, came into politics and stood for election to the Scottish Parliament to do something about.

That is the tone on which I would like to leave the debate today. On behalf of the Liberal Democrat group, I add our support for the Labour minister's motion to pass the bill, which is a product of the whole chamber.

The Presiding Officer (Sir David Steel): Four members would like to speak in the open debate. I urge them to stick to their time limits.

19:09

Tommy Sheridan (Glasgow) (SSP): I cannot support the bill, and in the two and a half minutes that I have I will attempt to explain why.

First, I thank the Social Justice Committee for making me and other members who are not members of the committee as welcome as possible during its deliberations on the bill. Like

other members, I thank the clerks, who were of excellent assistance during a sometimes complicated process. I also thank the campaigning, housing and voluntary sector organisations that involved themselves in the bill and tried to point out at crucial times where they thought the Executive was going wrong and suggested a number of amendments to various members. That was vital, so that the bill process was not just part of this Parliament, but was part of Scottish civic society.

I cannot support the bill because although there are laudable elements in it, it lacks ambition, displays poverty of aspiration and is guilty of missing a golden opportunity to tackle substandard, unacceptable housing while eradicating fuel poverty and homelessness and some of the major problems from the overhang of a Thatcherite Government that hated public sector housing with a vengeance and used public sector housing as the first guinea pig in its privatisation programme across society.

I cannot vote for the bill because any bill that extends the Thatcherite principle of the privatisation of public housing does not deserve support. Any bill that paves the way to forcing local authorities to consider not stock transfer driven by local communities, but wholesale stock transfer driven by underinvestment and blackmail from the Scottish Executive, simply does not deserve support. It is from that point of view that, with regret, I will not be able to support the motion.

19:12

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I believe that this is a good bill and I will celebrate its passage not because we will have more time on our hands but because it provides a good package of measures for those who live in Scotland.

I think Fiona Hyslop had a go at the term flagship legislation and said that the bill should not be described as such, but it is an entirely appropriate description—it is flagship legislation and it will make a huge difference. Once the smoke of the political battle has cleared, I am sure that homeless people in Scotland will thank us for the bill, tenants in Scotland will thank us for the bill and less-well-off people who want to make their homes warmer and better will thank us for the bill.

I will focus on two main issues that received rather less coverage amid the stramash of the right to buy and stock transfer. The first is tenant participation. It is no exaggeration to say that the bill represents, as the minister said earlier, the best ever package of tenants' rights in terms of the right to participation.

Today, neither secure nor assured tenants have

any statutory rights to consultation, but when the bill becomes law every social landlord will be required to prepare a participation strategy for Scottish secure tenants. It will not be enough for the strategy to say how tenants' views will be obtained; it will have to say how tenants' views will be acted upon. Tenants and their representative organisations will have to be notified of proposed changes to policies, services, budgets and rents. They will also have the right to be told about any suggested change of landlord. That is real participation and real influence, delivered by Labour and our partners.

Once again we are giving legislative form to our values and goals, by extending the scope of the repair scheme and focusing help on those who need it most. For the first time, repairs and improvement grants will be available for safe electrical wiring, adequate heating and insulation, smoke detectors and fire-retardant doors. The maximum grant will be significantly increased, with more money going to those who are least well off.

This is one of those days when the time and trouble that go into political life and the busy lives that we all lead are worth while. It is one of those days when we can say that what we have done will improve the lives of the people who elected us. There will be homeless people with strengthened rights to a home; tenants with more rights and a right to a say; and more warmer and better-appointed homes. Those are real improvements to real lives. I support the motion.

19:15

Karen Whitefield (Airdrie and Shotts) (Lab): On behalf of the Labour members of the Social Justice Committee, I thank all those who assisted us with the passage of the bill. I pay tribute to Lee Bridges, Mary Dinsdale and Rodger Evans, the committee's clerks, who somehow managed to ensure that each of the more than 500 amendments that were lodged at stage 2 were presented to the committee in an ordered and timeous way. At times, that task must have seemed impossible; it also stands as testimony to the fact that the bill was not bulldozed through the Parliament, as the SNP suggested.

I thank other parliamentary staff, including those from catering, the official report and not least those from security, who had to intervene at times. I also thank all the organisations that participated in the bill's creation, including Shelter Scotland, the Chartered Institute of Housing in Scotland, COSLA, Energy Action Scotland and the Scottish Federation of Housing Associations. Their detailed understanding of each section of the bill ensured that proper scrutiny took place.

The bill will address many of the key problems

that face social housing in Scotland. Its measures to combat homelessness were developed after extensive consultation. I am especially pleased that Fiona Hyslop's misguided and ill-informed amendment 93, which was agreed to at stage 2, has today been wiped from the bill. That amendment failed to gain support from any significant housing organisation. Perhaps Tricia Marwick, with her connections to Shelter, should make Linda Fabiani and Fiona Hyslop sit up and listen to what Shelter had to say on the subject.

The bill is significant not because it is the largest or most detailed that the Parliament has considered but because it will have a positive impact on the lives of many people. Ultimately, the bill will be judged not on the ideological arguments that Tommy Sheridan made, but on whether, in 10 years' time, Scottish tenants live in warm comfortable homes that actively contribute to the enhancement of our communities.

The bill will be judged on whether tenants feel able to influence and shape the service that they receive from their landlords. It will be judged on whether those who are made homeless feel that they have a system that works for them and not against them. For all those reasons, I believe that the bill will deliver for the people of Scotland.

The Presiding Officer: The fourth member who had asked to speak has withdrawn her name, so I call the deputy minister to wind up.

19:17

The Deputy Minister for Social Justice (Ms Margaret Curran): Today has been very important and tiring for the Parliament, so I do not intend to take too long with my speech. *[Applause.]* It is nice to have applause from the SNP from time to time. I repeat the thanks that everyone else gave to Lee Bridges and his team, and many others. I thank others from outside the Parliament for their interest, submissions, dialogue and contributions. I also thank Jackie Baillie. I will try not to create a mutual admiration society, but she has been the most impressive minister to work with and most generous in her support. I am grateful for that.

I will move on to discuss some of the politics of the bill. The bill is substantial. The housing brief demands much attention. It is proper that our first focus has been on the social rented sector. I re-emphasise that we are committed to a vibrant social rented sector and are taking the means to create it. Housing is one of our most fundamental requirements and speaks loudly about the character of our society. As Jackie Baillie said, the bill is an important chapter in the work of the Parliament and we can rightly be proud of its being passed.

I can announce that, in addition to the £27 million that has been earmarked for homelessness provision and the £4.5 million that has been provided for tenant participation, we have earmarked £10 million for local authorities and RSLs, to be spent over three years. That will help them to implement the bill and will particularly help to cover the costs of implementing the new Scottish secure tenancy.

However, the real testament to our effort will be delivered by the work that will follow the passing of the bill. The value of our actions today will be in the benefits that we bring to the most vulnerable members of our society, particularly the homeless people who will no longer have to sleep rough.

The bill will be measured by the benefits that we achieve across the social rented sector, in the enhanced rights that are afforded by the new Scottish secure tenancy and by our new regulatory framework and regulator, which will act to drive up standards throughout the sector.

The bill will be measured by the collective benefits such measures will bring to everybody in Scotland—safer and stronger communities.

I commend the bill to the Parliament.

The Presiding Officer: There are no Parliamentary Bureau motions to be put to the Parliament today.

Before we come to decision time, I would like to echo what has been said in the chamber: I thank the Parliament staff for a major piece of work in pushing through the bill and on behalf of my two colleagues I thank all the members who have taken part today in a long and solid day's work.

The good news is that because we have overrun, the Scottish Parliament and business exchange annual general meeting has been proceeding without us. Those who care to join us in committee room 1 will be going straight to the reception. Members might feel like it.

Decision Time

19:20

The Presiding Officer (Sir David Steel): We come to decision time. There is only one question as a result of today's business.

The question is, that motion S1M-2000, in the name of Jackie Baillie, which seeks agreement that the Housing (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 114, Against 1, Abstentions 0.

Motion agreed to,

Meeting closed at 19:22.

That the Parliament agrees that the Housing (Scotland)
Bill be passed.

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